

By: Zaffirini

S.B. No. 1626

A BILL TO BE ENTITLED

1 AN ACT
2 relating to abolishing the licensing and regulation of mold
3 assessors and remediators.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 544.303, Insurance Code, is amended to
6 read as follows:

7 Sec. 544.303. PROHIBITION OF CERTAIN UNDERWRITING
8 DECISIONS BASED ON PREVIOUS MOLD CLAIM OR DAMAGE. An insurer may
9 not make an underwriting decision regarding a residential property
10 insurance policy based on previous mold damage or a claim for mold
11 damage if:

12 (1) the applicant for insurance coverage has property
13 eligible for coverage under a residential property policy;

14 (2) the property has had mold damage;

15 (3) mold remediation has been performed on the
16 property; and

17 (4) the property was [+

18 [~~(A) remediated, as evidenced by a certificate of~~
19 ~~mold remediation issued to the property owner under Section~~
20 ~~1958.154, Occupations Code, that establishes with reasonable~~
21 ~~certainty that the underlying cause of the mold at the property has~~
22 ~~been remediated, or~~

23 [~~(B)~~] inspected and certified by an independent
24 assessor, adjuster, or person or entity experienced in the

1 remediation of mold damage, as prescribed by the department, [~~or~~
2 adjuster] who determined, based on the inspection, that the
3 property does not contain evidence of mold damage.

4 SECTION 2. Chapter 1958, Occupations Code, is repealed.

5 SECTION 3. (a) On the effective date of this Act:

6 (1) a license or registration issued under former
7 Chapter 1958, Occupations Code, expires; and

8 (2) an action, including a complaint investigation,
9 disciplinary action, or administrative penalty proceeding pending
10 before the Texas Department of Licensing and Regulation relating to
11 an alleged violation of former Chapter 1958, Occupations Code, is
12 dismissed.

13 (b) As soon as practicable after the effective date of this
14 Act, the Texas Commission of Licensing and Regulation shall repeal
15 all rules regarding the regulation of mold assessors and
16 remediators adopted under former Chapter 1958, Occupations Code.

17 (c) An administrative penalty assessed by the Texas
18 Commission of Licensing and Regulation or the executive director of
19 the Texas Department of Licensing and Regulation related to a
20 violation of former Chapter 1958, Occupations Code, before the
21 effective date of this Act, may be collected as provided by Chapter
22 51, Occupations Code.

23 (d) A mold remediation initiated before the effective date
24 of this Act is governed by former Section 1958.154, Occupations
25 Code, as that section existed immediately before the effective date
26 of this Act, and the former law is continued in effect for that
27 purpose. A person who held on the effective date of this Act a mold

1 assessment or mold remediation license under former Chapter 1958,
2 Occupations Code, may sign and provide a certificate of mold
3 remediation after the effective date of this Act for a mold
4 remediation initiated before the effective date of this Act.

5 (e) The change in law made by this Act applies only to a
6 contract entered into or renewed on or after the effective date of
7 this Act. A contract entered into or renewed before the effective
8 date of this Act is governed by the law in effect immediately before
9 the effective date of this Act, and that law is continued in effect
10 for that purpose.

11 (f) As soon as practicable after the effective date of this
12 Act, the commissioner of insurance shall adopt rules required by
13 Section 544.303, Insurance Code, as amended by this Act.

14 SECTION 4. This Act takes effect September 1, 2019.