

AN ACT

relating to the services that require a structural pest control license; changing the applicability of an occupational license.

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

SECTION 1. Section 1951.003, Occupations Code, is amended to read as follows:

Sec. 1951.003. BUSINESS OF STRUCTURAL PEST CONTROL. (a) Subsection (b) applies to [~~In this chapter, a person is engaged in the "business of structural pest control" if the person performs, offers to perform, or advertises for or solicits the person's performance of any of~~] the following services [~~for compensation, including services performed as a part of the person's employment~~]:

(1) identifying infestations or making inspections for the purpose of identifying or attempting to identify infestations of:

(A) arthropods, including insects, spiders, mites, ticks, and related pests, wood-infesting organisms, rodents, weeds, nuisance birds, and any other obnoxious or undesirable animals that may infest households, railroad cars, ships, docks, trucks, airplanes, or other structures or their contents; or

(B) pests or diseases of trees, shrubs, or other plantings in a park or adjacent to a residence, business establishment, industrial plant, institutional building, or

1 street;

2 (2) making oral or written inspection reports,
3 recommendations, estimates, or bids with respect to an infestation
4 described by Subdivision (1); or

5 (3) making contracts, or submitting bids [~~based on an~~
6 ~~inspection~~] for services or performing services designed to
7 prevent, control, or eliminate an infestation described by
8 Subdivision (1) by the use of insecticides, pesticides,
9 rodenticides, fumigants, allied chemicals or substances, or
10 mechanical devices.

11 (b) A person is engaged in the "business of structural pest
12 control" and required to hold a license under this chapter if the
13 person:

14 (1) advertises or solicits to perform any service
15 described by Subsection (a); or

16 (2) performs or offers to perform for compensation any
17 service described by Subsection (a), including a service performed
18 as part of the person's employment.

19 (c) A person is not engaged in the business of structural
20 pest control if the person is a clerical employee or a manual
21 laborer and the person does not:

22 (1) identify pests;

23 (2) make inspections, recommendations, estimates,
24 bids, or contracts;

25 (3) provide estimates, bids, or contracts based on an
26 inspection; [~~or~~]

27 (4) apply insecticides, pesticides, rodenticides,

1 fumigants, allied chemicals, or other related substances regulated
2 by the department; or

3 (5) advertise or solicit to perform any service
4 described by Subsection (a).

5 SECTION 2. The changes in law made by this Act apply only to
6 conduct that occurs on or after the effective date of this Act.
7 Conduct that occurs before the effective date of this Act is
8 governed by the law in effect when the conduct occurs, and the
9 former law is continued in effect for that purpose.

10 SECTION 3. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 1586 was passed by the House on May 4, 2017, by the following vote: Yeas 126, Nays 19, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1586 was passed by the Senate on May 17, 2017, by the following vote: Yeas 23, Nays 7.

Secretary of the Senate

APPROVED: _____

Date

Governor