

BILL ANALYSIS

Senate Research Center

S.B. 761
By: Gallegos
State Affairs
4-7-97
As Filed

DIGEST

Currently, some contractors cost the state revenues for non-payment of appropriate taxes, not providing adequate protection for their workers, and protecting the property owners for whom they have worked. A significant number of contractors have also not been in compliance with National and Municipal Building Codes regarding life fire safety requirements. S.B. 761 outlines provisions and provides penalties regarding the regulation of wall & ceiling contractors.

PURPOSE

As proposed, S.B. 761 outlines provisions and provides penalties regarding the regulation of wall & ceiling contractors.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas State Wall & Ceiling Contractors Advisory Board under SECTION 2(e), the commissioner of licensing and registration under SECTION 3(b) and the Texas Commission of Licensing and Registration under SECTION 5 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. DEFINITIONS. Defines "board," "commission," "commissioner," "department," "exterior cold-formed metal framing system," "interior light-gage framing system," "drywalling," "acoustical ceilings," and "wall & ceiling contractor."

SECTION 2. WALL & CEILING CONTRACTORS ADVISORY BOARD. Provides that the Wall & Ceiling Contractors Advisory Board (board) is established as an advisory board to the Texas Department of Licensing and Registration (department). Sets forth the composition of the board. Sets forth requirements and outlines provisions regarding removal of a board member and board meetings. Requires the board to advise the commissioner of licensing and regulation in adopting rules, setting fees or establishing registration renewal requirements, and enforcing and administering this Act. Provides that a member is not entitled to compensation and reimbursement of members for expenses incurred for service on the board is subject to Section 4, Article 5252-33, V.T.C.S.

SECTION 3. ISSUANCE OF CERTIFICATE OF REGISTRATION; RULES. Sets forth requirements regarding the issuance of a certificate of registration to an applicant for registration as a wall & ceiling contractor. Provides that a certificate of registration issued under this Act is valid for one year from the date of issuance.

SECTION 4. REGISTRATION REQUIREMENTS. Sets forth registration requirements.

SECTION 5. FEES. Requires the Texas Commission of Licensing and Regulation (commission), by rule, to set eight application and registration fees under this Act.

SECTION 6. REGISTRATION RENEWAL; CONTINUING EDUCATION. Sets forth requirements and outlines provisions regarding registration renewal.

SECTION 7. COMMISSIONER AND DEPARTMENT DUTIES; INSPECTIONS. Requires the commissioner to enforce this Act. Requires the department to investigate allegations of violations

of this Act. Authorizes the department to enter any place of business or other establishment at which alleged illegal activity occurs during reasonable hours and without advance notice.

SECTION 8. SUSPENSION, REVOCATION, AND RENEWAL OF REGISTRATION; REISSUANCE. Sets forth requirements and outlines provisions regarding the suspension, revocation, renewal, and reissuance of registration.

SECTION 9. PROHIBITED ACTS. Prohibits a person from engaging in certain installations, unless the person is registered as a wall & ceiling contractor.

SECTION 10. OFFENSE; ADMINISTRATIVE PENALTY. Provides that a person commits a Class A misdemeanor if the person knowingly or intentionally acts as a wall & ceiling contractor without a certificate of registration under this Act.

SECTION 11. TRANSITION. Requires the commissioner to designate three members for terms expiring on February 1, 1998, and three members for terms expiring on February 1, 1999, in making the initial appointments to the board.

SECTION 12. Effective date: September 1, 1997.
Effective date for Sections 9 and 10: March 1, 1998.

SECTION 13. Emergency clause.