

BILL ANALYSIS

Senate Research Center

C.S.S.B. 761
By: Gallegos
State Affairs
4-9-97
Committee Report (Substituted)

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

PURPOSE

As proposed, C.S.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. Amends Chapter 20, Title 132, V.T.C.S., by adding Article 9025, as follows

Art. 9025. WALL AND CEILING CONTRACTORS

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

Sec. 2. WALL & CEILING CONTRACTORS ADVISORY BOARD. Provides that the Texas State 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 (commissioner) in adopting rules, setting fees or establishing registration renewal requirements, and enforcing and administering this article. 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 6252-33, V.T.C.S.

Sec. 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.

Sec. 4. REGISTRATION REQUIREMENTS. Sets forth registration requirements.

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

Sec. 6. REGISTRATION RENEWAL. Sets forth requirements and outlines provisions regarding registration renewal.

Sec. 7. COMMISSIONER AND DEPARTMENT DUTIES; INSPECTIONS. Requires the commissioner to enforce this article. Requires the department to investigate allegations of violations of this article. Authorizes the department to enter any place of business or other establishment in which alleged illegal activity occurs during reasonable hours and without advance notice.

Sec. 8. SUSPENSION, REVOCATION, AND REISSUANCE. Sets forth requirements and outlines provisions regarding the suspension, revocation, and reissuance of a certificate of registration.

Sec. 9. PROHIBITED ACTS. Prohibits a person from engaging in wall and ceiling contracting unless the person is registered as a wall & ceiling contractor.

Sec. 10. OFFENSE; ADMINISTRATIVE PENALTY. Provides that a person commits a Class C misdemeanor if the person knowingly or intentionally violates Section 9 of this article. Provides that a person who violates this article or a rule adopted under this article is subject to an administrative penalty to be assessed by the commission as provided by Section 17, Article 9100, V.T.C.S.

SECTION 2. (a) Effective date: September 1, 1997.

(b) Effective date for Sections 9 and 10, Article 9025, V.T.C.S., as added by this Act: March 1, 1998.

(c) Requires the commissioner to designate three members for terms expiring February 1, 1999, and three members for terms expiring February 1, 2000, in making the initial appointments to the board.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Chapter 20, Title 132, V.T.C.S., by adding Article 9025. Amends Section 1, to define "acoustical ceiling construction," "wall and ceiling contracting," and "wall and ceiling company." Amends Section 2, regarding the wall and ceiling contractors advisory board. Amends Section 3, regarding the issuance of and rules pertaining to a certificate of registration. Amends Section 4, regarding registration requirements. Amends Section 5, regarding fees. Amends Section 6, to redefine the heading and amend text regarding registration renewal. Amends Section 7, regarding the duties of the commissioner of licensing and registration and the Texas Department of Licensing and Regulation. Amends Section 8, to redefine the heading and amend text regarding the suspension, revocation, and reissuance of a certificate of registration. Amends Section 9, regarding prohibited acts. Amends Section 10, regarding an offense and the administrative penalty for a certain offense.

SECTION 2.

Deletes existing text regarding the applicability of this Act. Amends text regarding the effective date.