

AN ACT

relating to the regulation of certain consumer transactions involving plumbing, air conditioning, and electrical services.

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

SECTION 1. Subchapter A, Chapter 1301, Occupations Code, is amended by adding Section 1301.004 to read as follows:

Sec. 1301.004. NONAPPLICABILITY OF LAW GOVERNING CANCELLATION OF CERTAIN TRANSACTIONS. Except as otherwise provided by this section, Chapter 601, Business & Commerce Code, does not apply to a good or service provided by a license holder under this chapter if the transaction involving the good or service is initiated by the consumer. Chapter 601, Business & Commerce Code, does apply to a transaction that involves a breach of express warranty or a negligent installation in violation of a building code applicable to the good or service sold to the consumer.

SECTION 2. Subchapter A, Chapter 1302, Occupations Code, is amended by adding Section 1302.003 to read as follows:

Sec. 1302.003. NONAPPLICABILITY OF LAW GOVERNING CANCELLATION OF CERTAIN TRANSACTIONS. Except as otherwise provided by this section, Chapter 601, Business & Commerce Code, does not apply to a good or service provided by a license holder under this chapter if the transaction involving the good or service is initiated by the consumer. Chapter 601, Business & Commerce Code, does apply to a transaction that involves a breach of express

1 warranty or a negligent installation in violation of a building
2 code applicable to the good or service sold to the consumer.

3 SECTION 3. Subchapter A, Chapter 1305, Occupations Code, is
4 amended by adding Section 1305.004 to read as follows:

5 Sec. 1305.004. NONAPPLICABILITY OF LAW GOVERNING
6 CANCELLATION OF CERTAIN TRANSACTIONS. Except as otherwise provided
7 by this section, Chapter 601, Business & Commerce Code, does not
8 apply to a good or service provided by a license holder under this
9 chapter if the transaction involving the good or service is
10 initiated by the consumer. Chapter 601, Business & Commerce Code,
11 does apply to a transaction that involves a breach of express
12 warranty or a negligent installation in violation of a building
13 code applicable to the good or service sold to the consumer.

14 SECTION 4. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 3129 was passed by the House on April 22, 2009, by the following vote: Yeas 149, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3129 on May 25, 2009, by the following vote: Yeas 145, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3129 was passed by the Senate, with amendments, on May 21, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor