

## Legal Review of Insurance and Electronic Posting

Sec. 1951.312. LIABILITY INSURANCE; EXCEPTIONS. (a) The department may not issue or renew a structural pest control business license until the license applicant:

(1) files with the department a policy or contract of insurance, approved as sufficient by the department, in an amount not less than \$200,000 for bodily injury and property damage coverage, with a minimum total aggregate of \$300,000 for all occurrences, insuring the applicant against liability for damage to persons or property occurring as a result of operations performed in the course of the business of structural pest control on premises or any other property under the applicant's care, custody, or control;

- 1) You can raise the minimum liability insurance amounts by rule because Texas Occupations Code Section 1951.312 does not set the required amount of minimum liability insurance. It only specifies the minimum requirement for liability insurance.

Sec. 1951.453. PEST CONTROL INFORMATION FOR INDOOR TREATMENTS: RESIDENTIAL PROPERTY. (a) For an indoor treatment at a private residence that is not rental property, a certified applicator or technician shall make available a pest control information sheet developed under Section [1951.254](#) to the owner of the residence before each treatment begins.

(b) For an indoor treatment at a residential rental property with fewer than five rental units, a certified applicator or technician shall make available a pest control information sheet developed under Section [1951.254](#) to the tenant of each unit.

(c) For an indoor treatment at a residential rental property with five or more rental units, a certified applicator or technician shall make available a pest control information sheet developed under Section [1951.254](#) and a pest control sign developed under that section to the owner or manager of the property. The owner or manager or an employee or agent of the

owner or manager, other than the certified applicator or technician, shall notify residents who live in the direct area of the treatment or in an adjacent area by:

(1) posting the sign in an area of common access at least 48 hours before each planned treatment; or

(2) leaving the information sheet on the front door of each unit or in a conspicuous place inside each unit at least 48 hours before each planned treatment.

Sec. 1951.254. PUBLIC INFORMATION PROGRAM.

(g) The department shall develop a sign to be posted in the area of an indoor treatment that contains:

(1) the date of the planned treatment; and

(2) any other information required by the department.

- 2) You cannot allow for electronic notification/posting of pest control/posting of pest control treatment 48 hours prior to indoor treatments. The language in Texas Occupations Code Sections 1951.453-1951.456 is very specific and it does not authorize electronic posting. I also think that electronic posting would also be problematic since many elderly and lower income persons may not have access to the internet. Electronic posting would require a statutory change to these sections of the Texas Occupations Code.

Sec. 1951.456. PEST CONTROL INFORMATION FOR INDOOR TREATMENTS; RULES; EXCEPTION. (a) The department shall develop a policy to implement and enforce Sections 1951.453-1951.455.

(b) Under rules adopted by the department, a requirement under Sections 1951.453-1951.455 that notice of a treatment be given at least 48 hours before the treatment may be waived for emergency treatments.

(c) A person is not considered in violation of Section [1951.453](#), [1951.454](#), or [1951.455](#) or a rule adopted under this section for not posting a pest control sign developed under Section [1951.254](#) if the sign is posted as required by Section [1951.453](#), [1951.454](#), or [1951.455](#) or a rule adopted under this section but is removed by an unauthorized person.