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AUG 22 2000

OPINION COMMITTEE

August 18, 2000

CERTIFIED MAIL Z 413 156 005

The Honorable John Cornyn
 Attorney General of the State of Texas
 Office of the Attorney General
 P.O. Box 12548
 Austin, Texas 78711-2548

RE: Request for Interpretation of the Texas Structural Pest Control Act
 Article 135b-6.

Dear Attorney General Cornyn:

Pursuant to Government Code §402.042, the Structural Pest Control Board (SPCB) requests an Opinion as to the interpretation of one of the Sections of V.A.T.S., Article 135b-6.

Consumers are increasingly turning to the Board for assistance in resolving contractual issues between licensee and the consumer. This increasing consumer concern has led the Structural Pest Control Board members to seek an Opinion from your office after the Board's last meeting held on July 20, 2000. The motion to seek the opinion of your office passed unanimously.

1. May the Board regulate contract language? V.A.T.S. Article 135b-6 §2(a)(3) defines persons engaged in structural pest control entering into contracts. V.A.T.S., Article 135b-6 §4(h) talks about a statement of jurisdiction being printed on every contract. V.A.T.S., Article 135b-6 §4F(b)(1) talks about printing a method to contact the Board on every contract. These sections talk about contracts. However, the Act itself is silent as to whether the Board may require regulatory language to be a part of every contract.
2. Does the Act give the Board authority to enter into contract enforcement? As previously mentioned, nothing in the Act addresses contract enforcement. Consumers increasingly are asking the Board for assistance in this area.

Thank you for your assistance in this matter.

Sincerely,

Benny M. Mathis
 Executive Director

BMM:sr

Structural Pest Control Board

1106 Clayton Lane, Suite 100, L.W. BERRY GENERAL

Austin, Texas 78723-1066

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