

By: Harrison

H.B. No. 3353

A BILL TO BE ENTITLED

AN ACT

relating to the recognition of occupational licenses and government certifications issued in other states; imposing a fee.

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

SECTION 1. Title 2, Occupations Code, is amended by adding Chapter 60 to read as follows:

CHAPTER 60. RECOGNITION OF OCCUPATIONAL LICENSES AND GOVERNMENT

CERTIFICATIONS

Sec. 60.001. DEFINITIONS. In this chapter:

(1) "Board" means a department, commission, board, office, or other agency of this state or a political subdivision of this state that issues an occupational license or government certification to an individual.

(2) "Government certification" means a voluntary, government-granted, and nontransferable recognition to an individual who meets personal qualifications related to a lawful occupation and may be used as part of a professional title in addition to any professional title associated with an occupational license. The term does not include an occupational license, certificate, or other credential, including a license or certification issued by a state licensing authority as a prerequisite to working lawfully in an occupation.

(3) "Lawful occupation" means a course of conduct, pursuit, or profession that includes the sale or provision of goods

1 or services that are not illegal to sell or provide irrespective of
2 whether the individual selling or providing the goods or services
3 is subject to an occupational license.

4 (4) "Military" means the armed forces of the United
5 States, including the air force, army, coast guard, marine corps,
6 navy, space force, national guard, and all reserve components and
7 auxiliaries. The term includes the militia of any United States
8 territory or state.

9 (5) "Occupational license" means a nontransferable
10 authorization for an individual to perform a lawful occupation
11 based on meeting personal qualifications, including a military
12 occupational specialty. In an occupation for which an occupational
13 license is required, it is illegal for an individual who does not
14 possess a valid occupational license to perform the occupation.

15 (6) "Other state" or "another state" means any
16 territory or state in the United States other than this state and
17 includes a branch or unit of the military.

18 (7) "Scope of practice" means the procedures, actions,
19 processes, and work that an individual is authorized to perform
20 under an occupational license or government certification issued in
21 this state.

22 Sec. 60.002. RECOGNITION OF OCCUPATIONAL LICENSE OR
23 GOVERNMENT CERTIFICATION. (a) Notwithstanding any other law, a
24 board shall issue an occupational license or government
25 certification to an individual who applies in a manner prescribed
26 by the board if the individual:

27 (1) holds a current and valid occupational license or

1 government certification in another state in a lawful occupation
2 with a similar scope of practice, as determined by the board;

3 (2) has held the occupational license or government
4 certification in another state for at least one year;

5 (3) was required by a board in another state to pass an
6 examination or to meet education, training, or experience
7 standards;

8 (4) is in good standing with the board in the other
9 state;

10 (5) does not have a disqualifying criminal record as
11 determined by the board in this state;

12 (6) has not had an occupational license or government
13 certification revoked by the board of another state due to
14 negligence or intentional misconduct related to the individual's
15 work in the occupation;

16 (7) did not surrender an occupational license or
17 government certification in another state due to negligence or
18 intentional misconduct related to the individual's work in the
19 occupation;

20 (8) does not have a complaint, allegation, or
21 investigation pending before a board in another state that relates
22 to unprofessional conduct or an alleged crime; and

23 (9) pays all applicable fees in this state.

24 (b) If another state issued the individual a government
25 certification without requiring an occupational license but an
26 occupational license is required in this state, a board shall issue
27 an occupational license to the individual if the individual

1 otherwise satisfies Subsection (a).

2 (c) A board may not make a final determination on an
3 individual's application for an occupational license or government
4 certification if the individual is the subject of a complaint,
5 allegation, or pending investigation until the complaint,
6 allegation, or investigation is resolved or the individual
7 otherwise meets the criteria for an occupational license or
8 government certification in this state to the satisfaction of the
9 board.

10 Sec. 60.003. RECOGNITION OF WORK EXPERIENCE.

11 Notwithstanding any other law, a board shall issue an occupational
12 license or government certification to an individual who applies
13 for an occupational license or government certification based on
14 work experience in another state, if the individual:

15 (1) worked in a state that does not require an
16 occupational license or government certification to engage in a
17 lawful occupation but an occupational license or government
18 certification is required in this state to engage in a lawful
19 occupation with a similar scope of practice, as determined by the
20 board;

21 (2) worked for at least three years in the lawful
22 occupation; and

23 (3) satisfies Section 60.002(a).

24 Sec. 60.004. STATE LAW EXAMINATION. A board may require an
25 individual to pass a jurisprudential examination specific to
26 relevant state laws that regulate the occupation if an occupational
27 license or government certification in this state requires an

1 individual to pass a jurisprudential examination as a prerequisite
2 to receiving an occupational license or government certification.

3 Sec. 60.005. DECISION. Except as provided by Section
4 60.002(c), a board shall provide a written decision to an
5 individual regarding the individual's application for an
6 occupational license or government certification not later than the
7 30th day after the date of receiving a complete application.

8 Sec. 60.006. APPEAL. (a) An individual may appeal a
9 board's decision to the appropriate court.

10 (b) An individual may appeal:

11 (1) a denial of an occupational license or government
12 certification;

13 (2) a determination of the occupation;

14 (3) a determination of the similarity of the scope of
15 practice of the occupational license or government certification
16 issued; or

17 (4) any other decision made by a board under this
18 chapter.

19 Sec. 60.007. STATE LAWS AND JURISDICTION. An individual
20 who obtains an occupational license or government certification
21 under this chapter is subject to:

22 (1) the laws regulating the occupation in this state;
23 and

24 (2) the jurisdiction of the board that regulates the
25 occupation in this state.

26 Sec. 60.008. EXCEPTION. This chapter does not apply to an
27 occupation regulated by the supreme court.

1 Sec. 60.009. LIMITATIONS. This chapter may not be
2 construed to:

3 (1) prohibit an individual from applying for or being
4 issued an occupational license or government certification under
5 another state law or rule;

6 (2) prevent this state from:

7 (A) entering into a licensing compact or
8 reciprocity agreement with another state, foreign province, or
9 foreign country; or

10 (B) recognizing occupational credentials issued
11 by a private certification organization, foreign province, foreign
12 country, international organization, or other entity; or

13 (3) require a private certification organization to
14 grant or deny private certification to an individual.

15 Sec. 60.010. FEE. The board may charge a fee to an
16 individual not to exceed \$100 for each application to cover the
17 costs of administering this chapter.

18 Sec. 60.011. PREEMPTION. This chapter preempts the law of a
19 municipality, county, or other political subdivision in this state
20 that regulates occupational licenses and government certification.

21 Sec. 60.012. EMERGENCY POWERS. (a) During a declared state
22 of disaster, the governor may order the recognition of an
23 occupational license from another state or foreign country as if
24 the license is issued in this state without an individual meeting
25 the requirements of this chapter.

26 (b) The governor may expand the scope of practice for an
27 occupational license and may authorize any license holder to

1 provide services in this state in person, by telephone, or by other
2 means for the duration of the disaster.

3 SECTION 2. As soon as practicable after the effective date
4 of this Act, a licensing authority that regulates an occupational
5 license or government certification in this state shall adopt rules
6 to implement Chapter 60, Occupations Code, as added by this Act.

7 SECTION 3. This Act takes effect September 1, 2023.