

By: Flores

H.B. No. 1408

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the practice of construction/program management.

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

SECTION 1. Title 8, Occupations Code, is amended by adding Chapter 1305 to read as follows:

CHAPTER 1305. CONSTRUCTION/PROGRAM MANAGERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1305.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Commission of Licensing and Regulation.

(2) "Construction/program management" means the management of the planning, design, and construction of a capital improvement project or program of capital improvement projects, including project scope development, land acquisition, permitting, cash-flow management, design acquisition and management, cost estimation, the writing of bid packages, cost and schedule control, contract administration, document control, construction inspection, quality control value engineering, risk management, constructibility review, contracting and project delivery systems, dispute avoidance and resolution, activation, and status reports.

(3) "Construction/program manager" means a person registered to engage in the practice of construction/program management in this state.

1           (4) "Department" means the Texas Department of  
2 Licensing and Regulation.

3           (5) "Executive director" means the executive director  
4 of the department.

5           [Sections 1305.002-1305.050 reserved for expansion]

6           SUBCHAPTER B. REGISTRATION REQUIREMENTS

7           Sec. 1305.051. REGISTRATION REQUIRED. A person may not  
8 engage in the practice of construction/program management on behalf  
9 of this state or a political subdivision of this state unless the  
10 person:

11           (1) holds a certificate of registration issued under  
12 this chapter; or

13           (2) is an officer or employee of this state or a  
14 political subdivision of this state and engages in the practice of  
15 construction/program management for the person's employer.

16           Sec. 1305.052. REGISTRATION APPLICATION; FEE. An  
17 applicant for registration under this chapter must:

18           (1) submit an application on a form prescribed by the  
19 executive director; and

20           (2) pay the application fee set by the commission.

21           Sec. 1305.053. ELIGIBILITY FOR REGISTRATION. To be  
22 eligible for registration, an applicant must:

23           (1) be certified by the Construction Management  
24 Association of America if the executive director determines that  
25 the requirements for certification by that organization are  
26 sufficient to protect the public; or

27           (2) meet the following requirements:

1           (A) submit to the department the names and  
2 addresses of five clients who will verify that the applicant has at  
3 least four years' experience in the field of construction/program  
4 management; and

5           (B) meet one of the following requirements:

6                   (i) hold a bachelor's or graduate degree in  
7 construction management, architecture, engineering, or  
8 construction science;

9                   (ii) hold an associate's degree or  
10 certificate in construction management, architecture, engineering,  
11 or construction science and have at least four years' experience in  
12 general design or construction in addition to the experience  
13 required by Paragraph (A); or

14                   (iii) have at least eight years' experience  
15 in general design or construction in addition to the experience  
16 required by Paragraph (A).

17           Sec. 1305.054. ISSUANCE OF CERTIFICATE OF  
18 REGISTRATION. The executive director shall issue a certificate of  
19 registration to an applicant who qualifies for registration.

20           Sec. 1305.055. REQUIRED INSURANCE. A holder of a  
21 certificate of registration must maintain at least \$1 million in  
22 professional liability insurance.

23           Sec. 1305.056. TERM OF CERTIFICATE OF REGISTRATION. A  
24 certificate of registration is valid for a term established by the  
25 executive director.

26           [Sections 1305.057-1305.100 reserved for expansion]

27           SUBCHAPTER C. RENEWAL OF CERTIFICATE OF REGISTRATION

1       Sec. 1305.101. PROCEDURE FOR RENEWAL. (a) A person who is  
2 otherwise eligible to renew a certificate of registration may renew  
3 an unexpired certificate by paying the required renewal fee to the  
4 department before the expiration date of the certificate. A person  
5 whose certificate has expired may not engage in activities that  
6 require a certificate until the certificate has been renewed.

7       (b) A person whose certificate has been expired for 90 days  
8 or less may renew the certificate by paying to the department a  
9 renewal fee that is equal to 1-1/2 times the normally required  
10 renewal fee.

11       (c) A person whose certificate has been expired for more  
12 than 90 days but less than one year may renew the certificate by  
13 paying to the department a renewal fee that is equal to two times  
14 the normally required renewal fee.

15       (d) A person whose certificate has been expired for one year  
16 or more may not renew the certificate. The person may obtain a new  
17 certificate by complying with the requirements and procedures for  
18 an original certificate.

19       Sec. 1305.102. CONTINUING EDUCATION. (a) The department  
20 may recognize, prepare, or offer continuing education for holders  
21 of certificates of registration.

22       (b) Participation in continuing education programs is  
23 voluntary unless the executive director by rule determines that the  
24 department should require participation.

25       SECTION 2. (a) This Act takes effect September 1, 2003.

26       (b) A person is not required to obtain a certificate of  
27 registration under Chapter 1305, Occupations Code, as added by this

1 Act, until January 1, 2004.

2 (c) Notwithstanding Subsection (b) of this section, a  
3 person who is engaged in the practice of construction/program  
4 management before January 1, 2004, and who applies for a  
5 certificate of registration under Chapter 1305, Occupations Code,  
6 as added by this Act, before that date may continue to engage in  
7 that practice until the executive director of the Texas Department  
8 of Licensing and Regulation acts on the person's application.