

## **BILL ANALYSIS**

C.S.H.B. 1817  
By: Driver  
Licensing & Administrative Procedures  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under the Texas Engineering Practice Act, the Board of Professional Engineers can only charge a late renewal fee of 1 ½ times the regular renewal fee. This does not provide much of a penalty or deterrent against further transgressions. Furthermore, the Attorney General has ruled that a licensed professional engineer must seal engineering documents even if the project will not be constructed in Texas. This is not consistent with other states and provides for difficulties when Texas engineering documents are used for outside projects and must likewise be sealed by the other state.

C.S.H.B. 1817 permits the board to charge a late penalty fee determined by the board as well as the regular renewal fee. It provides that a Texas seal is required only for projects to be constructed or utilized in Texas.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1001.204(a), Occupations Code, (2) by requiring the board to establish annual and late renewal fees in amounts reasonable and necessary to cover the costs of administering this chapter.

SECTION 2. Amends Section 1001.252 (1) and (m), Occupations Code, as follows:

(1) Provides that for any complaint determined to be frivolous or without merit, the complaint and other enforcement case information related to that complaint are confidential. Authorizes the information to be used only by the board or by its employees or agents directly involved in the enforcement process for that complaint. Provides that the information is not subject to discovery, subpoena, or other disclosure. Makes conforming changes.

(m) Provides that whether a complaint is frivolous or without merit is determined by the executive director and investigator, with board approval. Strikes language providing certain determinations to be made by the executive director.

SECTION 3. Amends Sections 1001.353(a), (b), and (c), Occupations Code, as follows:

(a) Authorizes a person to renew an unexpired license by paying the required annual renewal fee before the expiration date of the license. Prohibits a person whose license has expired from engaging in activities that require a license until the license has been renewed.

(b) Authorizes a person whose license has been expired for 90 days or less to renew the license by paying the required annual renewal fee, a late renewal fee, rather than 1 1/2 times the renewal fee, and any applicable increase in fees as required by Section 1001.206.

(c) Authorizes a person whose license has been expired for more than 90 days but less than two years to renew the license by paying the required annual renewal fee, a late renewal fee, rather than two times the renewal fee, and any applicable increase in fees as required by Section 1001.206 for each delinquent year or part of a year.

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SECTION 4. Amends Section 1001.401(b), Occupations Code, by requiring a plan, specification, plat, or report issued by a license holder for a project to be constructed or used in this state to include the license holder's seal placed on the document. Provides that a license holder is not required to use a seal required by this section if the project is to be constructed or used in another state or country.

SECTION 5. Application of Act: Provides that this Act applies only to a license that expires on or after the effective date. Provides that a license that expires before the effective date is not subject to this Act.

SECTION 6. Effective date: September 1, 2005.

#### **EFFECTIVE DATE**

September 1, 2005.

#### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute modifies the original by providing that information on a frivolous complaint is confidential with the exception of certain individuals involved in the enforcement process. Provides that the determination of what is meant by a frivolous complaint is determined by the executive director and is not limited by certain circumstances.

C.S.H.B. 1817 removes the provision in the original which requires the design of equipment or a product in an environmental air conditioning system, a commercial refrigeration system, or a process cooling or heating system be performed in compliance with Chapter 1001.

C.S.H.B. 1817 removes the provision in the original which requires the design of electrical wire or conductors to be used for light, heat, power, or signaling purposes to be performed in compliance with Chapter 1001.