

AN ACT

relating to the regulation of the practice of engineering.

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

SECTION 1. Section 1001.003(c), Occupations Code, is amended to read as follows:

(c) The practice of engineering includes:

(1) consultation, investigation, evaluation, analysis, planning, engineering for program management, providing an expert engineering opinion or testimony, engineering for testing or evaluating materials for construction or other engineering use, and mapping;

(2) design, conceptual design, or conceptual design coordination of engineering works or systems;

(3) development or optimization of plans and specifications for engineering works or systems;

(4) planning the use or alteration of land or water or the design or analysis of works or systems for the use or alteration of land or water;

(5) responsible charge of engineering teaching or the teaching of engineering;

(6) performing an engineering survey or study;

(7) engineering for construction, alteration, or repair of real property;

(8) engineering for preparation of an operating or

1 maintenance manual;

2 (9) engineering for review of the construction or
3 installation of engineered works to monitor compliance with
4 drawings or specifications;

5 (10) a service, design, analysis, or other work
6 performed for a public or private entity in connection with a
7 utility, structure, building, machine, equipment, process, system,
8 work, project, or industrial or consumer product or equipment of a
9 mechanical, electrical, electronic, chemical, hydraulic,
10 pneumatic, geotechnical, or thermal nature;

11 (11) providing an engineering opinion or analysis
12 related to a certificate of merit under Chapter 150, Civil Practice
13 and Remedies Code; or

14 (12) [~~(11)~~] any other professional service necessary
15 for the planning, progress, or completion of an engineering
16 service.

17 SECTION 2. Section 1001.204(a), Occupations Code, is
18 amended to read as follows:

19 (a) The board shall establish the following fees in amounts
20 reasonable and necessary to cover the costs of administering this
21 chapter:

- 22 (1) license fee;
- 23 (2) annual and late renewal fees [~~fee~~];
- 24 (3) reciprocal license fee;
- 25 (4) duplicate license fee;
- 26 (5) engineer-in-training certificate fee;
- 27 (6) roster of engineers fee;

- (7) examination fee;
- (8) registration fee for engineering firm; and
- (9) inactive status fee.

SECTION 3. Section 1001.252(1), Occupations Code, is amended to read as follows:

(1) For any ~~[frivolous]~~ complaint determined to be frivolous or without merit, the complaint and other enforcement case information related to that complaint are confidential. The information may be used only by the board or by its employees or agents directly involved in the enforcement process for that complaint. The information is not subject to discovery, subpoena, or other disclosure~~[, the license holder's name and other personal information on the complaint is not public information and must be redacted]~~.

SECTION 4. Sections 1001.353(a), (b), and (c), Occupations Code, are amended to read as follows:

(a) A person who is otherwise eligible to renew a license may renew an unexpired license by paying the required annual renewal fee to the board before the expiration date of the license. A person whose license has expired may not engage in activities that require a license until the license has been renewed.

(b) A person whose license has been expired for 90 days or less may renew the license by paying to the board the required annual ~~[a]~~ renewal fee, a late ~~[that is equal to 1-1/2 times the normally required]~~ renewal fee, and any applicable increase in fees as required by Section 1001.206.

(c) A person whose license has been expired for more than 90

1 days but less than two years may renew the license by paying to the
2 board the required annual [a] renewal fee, a late [~~that is equal to~~
3 ~~two times the normally required~~] renewal fee, and any applicable
4 increase in fees as required by Section 1001.206 for each
5 delinquent year or part of a year.

6 SECTION 5. Section 1001.401(b), Occupations Code, is
7 amended to read as follows:

8 (b) A plan, specification, plat, or report issued by a
9 license holder for a project to be constructed or used in this state
10 must include the license holder's seal placed on the document. A
11 license holder is not required to use a seal required by this
12 section if the project is to be constructed or used in another state
13 or country.

14 SECTION 6. Section 1001.601, Occupations Code, is amended
15 to read as follows:

16 Sec. 1001.601. BOARD ADVISORY OPINIONS. (a) On its own
17 initiative or at the request of any interested person, the board
18 shall prepare a written advisory opinion about:

19 (1) an interpretation of this chapter; or
20 (2) the application of this chapter to a person in
21 regard to a specified existing or hypothetical factual situation.

22 (b) The board shall respond to requests for opinions within
23 180 days unless the board [~~or~~] affirmatively states the board's
24 [~~state its~~] reason:

25 (1) for not responding to the request within 180 days;
26 or

27 (2) for not responding to the request at all.

1 SECTION 7. The change in law made by this Act to Section
2 1001.601, Occupations Code, applies only to a request for an
3 opinion under that section that is made on or after the effective
4 date of this Act. A request for an opinion that is made before the
5 effective date of this Act is governed by the law that existed at
6 the time the request was made, and the former law is continued in
7 effect for that purpose.

8 SECTION 8. The changes in law made by this Act relating to
9 the renewal of a license under Chapter 1001, Occupations Code,
10 apply only to a license that expires on or after the effective date
11 of this Act. A license that expires before the effective date of
12 this Act is governed by the law in effect on the date the license
13 expired, and the former law is continued in effect for that purpose.

14 SECTION 9. This Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 1817 was passed by the House on April 14, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1817 on May 16, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1817 was passed by the Senate, with amendments, on May 10, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor