

By: Driver

H.B. No. 1817

Substitute the following for H.B. No. 1817:

By: Hamilton

C.S.H.B. No. 1817

A BILL TO BE ENTITLED

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 1001.204(a), Occupations Code, is amended to read as follows:

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

- (1) license fee;
- (2) annual and late renewal fees [~~fee~~];
- (3) reciprocal license fee;
- (4) duplicate license fee;
- (5) engineer-in-training certificate fee;
- (6) roster of engineers fee;
- (7) examination fee;
- (8) registration fee for engineering firm; and
- (9) inactive status fee.

SECTION 2. Sections 1001.252(1) and (m), Occupations Code, are 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

1 complaint. The information is not subject to discovery, subpoena,
2 or other disclosure~~[, the license holder's name and other personal~~
3 ~~information on the complaint is not public information and must be~~
4 ~~redacted].~~

5 (m) Whether ~~[In this section, "frivolous complaint" means]~~
6 a complaint is frivolous or without merit for purposes of
7 Subsection (1) is determined by ~~[that]~~ the executive director and
8 investigator, with board approval~~[, determined:~~

9 ~~[(1) was made for the purpose of harassment; and~~
10 ~~[(2) does not demonstrate harm to any person].~~

11 SECTION 3. Sections 1001.353(a), (b), and (c), Occupations
12 Code, are amended to read as follows:

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

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

23 (c) A person whose license has been expired for more than 90
24 days but less than two years may renew the license by paying to the
25 board the required annual ~~[a]~~ renewal fee, a late ~~[that is equal to~~
26 ~~two times the normally required]~~ renewal fee, and any applicable
27 increase in fees as required by Section 1001.206 for each

1 delinquent year or part of a year.

2 SECTION 4. Section 1001.401(b), Occupations Code, is
3 amended to read as follows:

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

10 SECTION 5. The changes in law made by this Act relating to
11 the renewal of a license under Chapter 1001, Occupations Code,
12 apply only to a license that expires on or after the effective date
13 of this Act. A license that expires before the effective date of
14 this Act is governed by the law in effect on the date the license
15 expired, and the former law is continued in effect for that purpose.

16 SECTION 6. This Act takes effect September 1, 2005.