

1-1 By: Driver (Senate Sponsor - Brimer) H.B. No. 1817
1-2 (In the Senate - Received from the House April 18, 2005;
1-3 April 19, 2005, read first time and referred to Committee on
1-4 Business and Commerce; May 2, 2005, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 9,
1-6 Nays 0; May 2, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1817 By: Brimer

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the regulation of the practice of engineering.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 1001.003(c), Occupations Code, is
1-13 amended to read as follows:

1-14 (c) The practice of engineering includes:

1-15 (1) consultation, investigation, evaluation,
1-16 analysis, planning, engineering for program management, providing
1-17 an expert engineering opinion or testimony, engineering for testing
1-18 or evaluating materials for construction or other engineering use,
1-19 and mapping;

1-20 (2) design, conceptual design, or conceptual design
1-21 coordination of engineering works or systems;

1-22 (3) development or optimization of plans and
1-23 specifications for engineering works or systems;

1-24 (4) planning the use or alteration of land or water or
1-25 the design or analysis of works or systems for the use or alteration
1-26 of land or water;

1-27 (5) responsible charge of engineering teaching or the
1-28 teaching of engineering;

1-29 (6) performing an engineering survey or study;

1-30 (7) engineering for construction, alteration, or
1-31 repair of real property;

1-32 (8) engineering for preparation of an operating or
1-33 maintenance manual;

1-34 (9) engineering for review of the construction or
1-35 installation of engineered works to monitor compliance with
1-36 drawings or specifications;

1-37 (10) a service, design, analysis, or other work
1-38 performed for a public or private entity in connection with a
1-39 utility, structure, building, machine, equipment, process, system,
1-40 work, project, or industrial or consumer product or equipment of a
1-41 mechanical, electrical, electronic, chemical, hydraulic,
1-42 pneumatic, geotechnical, or thermal nature;

1-43 (11) providing an engineering opinion or analysis
1-44 related to a certificate of merit under Chapter 150, Civil Practice
1-45 and Remedies Code; or

1-46 (12) [~~(11)~~] any other professional service necessary
1-47 for the planning, progress, or completion of an engineering
1-48 service.

1-49 SECTION 2. Section 1001.204(a), Occupations Code, is
1-50 amended to read as follows:

1-51 (a) The board shall establish the following fees in amounts
1-52 reasonable and necessary to cover the costs of administering this
1-53 chapter:

1-54 (1) license fee;

1-55 (2) annual and late renewal fees [~~fee~~];

1-56 (3) reciprocal license fee;

1-57 (4) duplicate license fee;

1-58 (5) engineer-in-training certificate fee;

1-59 (6) roster of engineers fee;

1-60 (7) examination fee;

1-61 (8) registration fee for engineering firm; and

1-62 (9) inactive status fee.

1-63 SECTION 3. Section 1001.252(1), Occupations Code, is

2-1 amended to read as follows:

2-2 (1) For any [~~frivolous~~] complaint determined to be
 2-3 frivolous or without merit, the complaint and other enforcement
 2-4 case information related to that complaint are confidential. The
 2-5 information may be used only by the board or by its employees or
 2-6 agents directly involved in the enforcement process for that
 2-7 complaint. The information is not subject to discovery, subpoena,
 2-8 or other disclosure[~~, the license holder's name and other personal~~
 2-9 ~~information on the complaint is not public information and must be~~
 2-10 ~~redacted~~].

2-11 SECTION 4. Sections 1001.353(a), (b), and (c), Occupations
 2-12 Code, are amended to read as follows:

2-13 (a) A person who is otherwise eligible to renew a license
 2-14 may renew an unexpired license by paying the required annual
 2-15 renewal fee to the board before the expiration date of the license.
 2-16 A person whose license has expired may not engage in activities that
 2-17 require a license until the license has been renewed.

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

2-23 (c) A person whose license has been expired for more than 90
 2-24 days but less than two years may renew the license by paying to the
 2-25 board the required annual [a] renewal fee, a late [that is equal to
 2-26 two times the normally required] renewal fee, and any applicable
 2-27 increase in fees as required by Section 1001.206 for each
 2-28 delinquent year or part of a year.

2-29 SECTION 5. Section 1001.401(b), Occupations Code, is
 2-30 amended to read as follows:

2-31 (b) A plan, specification, plat, or report issued by a
 2-32 license holder for a project to be constructed or used in this state
 2-33 must include the license holder's seal placed on the document. A
 2-34 license holder is not required to use a seal required by this
 2-35 section if the project is to be constructed or used in another state
 2-36 or country.

2-37 SECTION 6. Section 1001.601, Occupations Code, is amended
 2-38 to read as follows:

2-39 Sec. 1001.601. BOARD ADVISORY OPINIONS. (a) On its own
 2-40 initiative or at the request of any interested person, the board
 2-41 shall prepare a written advisory opinion about:

2-42 (1) an interpretation of this chapter; or
 2-43 (2) the application of this chapter to a person in
 2-44 regard to a specified existing or hypothetical factual situation.

2-45 (b) The board shall respond to requests for opinions within
 2-46 180 days unless the board [or] affirmatively states the board's
 2-47 [state its] reason:

2-48 (1) for not responding to the request within 180 days;

2-49 or

2-50 (2) for not responding to the request at all.

2-51 SECTION 7. The change in law made by this Act to Section
 2-52 1001.601, Occupations Code, applies only to a request for an
 2-53 opinion under that section that is made on or after the effective
 2-54 date of this Act. A request for an opinion that is made before the
 2-55 effective date of this Act is governed by the law that existed at
 2-56 the time the request was made, and the former law is continued in
 2-57 effect for that purpose.

2-58 SECTION 8. The changes in law made by this Act relating to
 2-59 the renewal of a license under Chapter 1001, Occupations Code,
 2-60 apply only to a license that expires on or after the effective date
 2-61 of this Act. A license that expires before the effective date of
 2-62 this Act is governed by the law in effect on the date the license
 2-63 expired, and the former law is continued in effect for that purpose.

2-64 SECTION 9. This Act takes effect September 1, 2005.

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