

BILL ANALYSIS

C.S.H.B. 3601
By: Swinford
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, contested cases related to the regulation of vehicles and transportation are heard in front of a hearings examiner.

C.S.H.B. 3601 changes the authority that oversees the hearings from a hearings examiner to an administrative law judge.

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.

ANALYSIS

SECTION 1. Amends Section 2301.607 (c), Occupations Code, by removing the term hearing examiner and replacing it with the term administrative law judge.

SECTION 2. Amends Section 2301.704, Occupations Code, by renaming the section header to read: ADMINISTRATIVE LAW JUDGE. Replaces references to the director or a hearings examiner in subsection (a) with an administrative law judge of the State Office of Administrative Hearings; replaces references to a hearings examiner in subsection (c) with an administrative law judge. Deletes subsection (b) in its entirety to make a conforming change.

SECTION 3. Amends Section 2301.709(a), Occupations Code, to make conforming changes.

SECTION 4. Provides that this Act does not affect the validity of any interagency cooperation contract entered into between the Motor Vehicle Board of the Texas Department of Transportation and the State Office of Administrative Hearings before the effective date of this Act.

SECTION 5. Specifies that the changes in law made under this Act will apply only to contested cases filed on or after September 1, 2007. Clarifies that those cases filed before September 1, 2007 will be governed by the law effective immediately before September 1, 2007, or by an interagency cooperation contract entered into between the Motor Vehicle Board and the State Office of Administrative Hearings in effect on that date, and the former law is continued in effect for that purpose.

SECTION 6. Effective date: September 1, 2007.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute differs from the original by adding a new Section 1 in the bill which amends Section 2301.607 (c), Occupations Code, by removing the term hearings examiner and replacing it with the term administrative law judge. The substitute then renumbers Section 1 in the original bill to Section 2 and renumbers the existing sections accordingly.

C.S.H.B. 3601 80(R)