

By: Quintanilla

H.B. No. 735

A BILL TO BE ENTITLED

AN ACT

relating to inclusion by individuals regulated by this state of the individual's license or certificate of registration number on certain documents; providing a civil penalty.

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

SECTION 1. Title 2, Occupations Code, is amended by adding Chapter 60 to read as follows:

CHAPTER 60. GENERAL LICENSING AND REGISTRATION REQUIREMENTS

Sec. 60.001. INCLUSION OF NUMBER REQUIRED. An individual who is required under the laws of this state to obtain a license or certificate of registration issued by a state regulatory agency to practice the individual's occupation shall prominently display the individual's license or certificate number on any document, advertisement, business card, or logo provided to the public.

Sec. 60.002. RULES. A state agency that regulates an individual subject to Section 60.001 may adopt the rules necessary to implement that section.

Sec. 60.003. CIVIL PENALTY. (a) An individual is liable to this state for a civil penalty of not more than \$1,000 for each violation if the individual:

(1) violates Section 60.001 or a rule adopted by a state regulatory agency to enforce that section;

(2) represents that an expired license or certificate of registration is valid; or

1 (3) displays a counterfeit license or certificate of
2 registration or uses a counterfeit license or certificate number in
3 any document provided to the public.

4 (b) The amount of the penalty shall be based on:

5 (1) the seriousness of the violation;

6 (2) the history of previous violations;

7 (3) the amount necessary to deter a future violation;

8 and

9 (4) any other matter that justice may require.

10 (c) The attorney general may sue to collect a civil penalty
11 under this section. In the suit the attorney general may recover,
12 on behalf of the state, the reasonable expenses incurred in
13 obtaining the penalty, including investigation and court costs,
14 reasonable attorney's fees, witness fees, and other expenses.

15 SECTION 2. Not later than December 1, 2009, a state
16 regulatory agency or the governing body of a state regulatory
17 agency, as appropriate, shall adopt the rules necessary to
18 implement Chapter 60, Occupations Code, as added by this Act.

19 SECTION 3. Notwithstanding Chapter 60, Occupations Code, as
20 added by this Act, an individual is not required to include the
21 individual's license or certificate number on documents provided to
22 the public before January 1, 2010.

23 SECTION 4. This Act takes effect September 1, 2009.