

By: Solomons, et al.

H.B. No. 197

A BILL TO BE ENTITLED

AN ACT

relating to the provision of certain documentation before a person may engage in a licensed occupation; providing a criminal 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. PROOF OF CITIZENSHIP OR AUTHORIZATION TO WORK REQUIRED

Sec. 60.001. DEFINITIONS. In this chapter:

(1) "License" means a license, certificate, registration, permit, or other authorization that:

(A) is issued by a licensing authority; and

(B) an individual must obtain to practice or engage in a particular business, occupation, or profession.

(2) "Licensing authority" means a department, commission, board, office, or other agency of the state that issues a license.

Sec. 60.002. EXCEPTIONS. This chapter does not apply to:

(1) a license issued under Section 2052.107(1); or

(2) a registration issued or notice filing submitted under The Securities Act (Article 581-1 et seq., Vernon's Texas Civil Statutes), if the registration or filing is made through a national electronic registration or filing system.

Sec. 60.003. PROOF OF CITIZENSHIP OR AUTHORIZATION TO WORK REQUIRED. An individual who is licensed to practice or engage in a

1 particular business, occupation, or profession may engage in that  
2 work under the license only after the license holder provides to the  
3 licensing authority documentation that the license holder is:

4 (1) a citizen of the United States; or

5 (2) lawfully present in the United States and  
6 authorized to engage in the work authorized under the license.

7 Sec. 60.004. SUBMISSION OF DOCUMENTATION. (a) Except as  
8 provided by Subsections (b) and (d), a license holder shall submit  
9 the documentation required by Section 60.003 to the appropriate  
10 licensing authority at the time of an application for the issuance  
11 or renewal of the license.

12 (b) An applicant who submits an application through the  
13 TexasOnline system or another electronic means shall submit the  
14 documentation required by Section 60.003 not later than the 30th  
15 day after the date the application is submitted electronically.

16 (c) Each licensing authority by rule shall prescribe forms  
17 and procedures by which a license holder may submit the  
18 documentation required by Section 60.003.

19 (d) A licensing authority may accept as documentation in  
20 satisfaction of Section 60.003 a certification from another  
21 licensing authority stating that the individual has submitted  
22 documentation required by that section if the individual is  
23 licensed by or applying for a license from both licensing  
24 authorities.

25 (e) A licensing authority may deny or revoke an individual's  
26 license if the individual fails to submit the documentation  
27 required by Section 60.003 in the manner required by this section.

1       Sec. 60.005. CRIMINAL PENALTY. (a) An individual commits  
2 an offense if the individual:

3               (1) provides false information under this chapter; or

4               (2) violates Section 60.003.

5       (b) An offense under this section is a Class A misdemeanor.

6       SECTION 2. (a) In this section:

7               (1) "License" means a license, certificate,  
8 registration, permit, or other authorization that:

9                       (A) is issued by a licensing authority; and

10                      (B) an individual must obtain to practice or  
11 engage in a particular business, occupation, or profession.

12               (2) "Licensing authority" means a department,  
13 commission, board, office, or other agency of this state that  
14 issues a license.

15               (b) Each licensing authority shall adopt rules under  
16 Chapter 60, Occupations Code, as added by this Act, not later than  
17 January 1, 2012.

18               (c) The change in law made by this Act applies only to an  
19 application for the issuance or renewal of a license that is filed  
20 with a licensing authority on or after March 1, 2012. An  
21 application for the issuance or renewal of a license that is filed  
22 before March 1, 2012, is governed by the law in effect on the date  
23 the application was filed, and the former law is continued in effect  
24 for that purpose.

25       SECTION 3. This Act takes effect September 1, 2011.