

By: Keffer

H.B. No. 1164

A BILL TO BE ENTITLED

1 AN ACT
2 relating to enforcement actions by the Texas Board of Professional
3 Engineers against political subdivisions and certain public
4 officials.

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

6 SECTION 1. Section 1001.501, Occupations Code, is amended
7 to read as follows:

8 Sec. 1001.501. IMPOSITION OF ADMINISTRATIVE PENALTY. (a)
9 Except as provided by Subsection (b), the [The] board may impose an
10 administrative penalty on a person who violates this chapter or a
11 rule adopted or order issued under this chapter.

12 (b) The board may not impose an administrative penalty for a
13 violation of this chapter on:

14 (1) a political subdivision of the state; or

15 (2) a public official or employee of the state or of a
16 political subdivision of the state who is not licensed under this
17 chapter.

18 SECTION 2. Subchapter L, Chapter 1001, Occupations Code, is
19 amended by adding Section 1001.5531 to read as follows:

20 Sec. 1001.5531. ENFORCEMENT ACTION PROHIBITED AGAINST
21 POLITICAL SUBDIVISIONS AND CERTAIN PUBLIC OFFICIALS.
22 Notwithstanding any other provision, the board may not take any
23 enforcement action for a violation of this chapter against:

24 (1) a political subdivision of the state; or

1 (2) a public official or employee of the state or of a
2 political subdivision of the state who is not licensed under this
3 chapter.

4 SECTION 3. (a) The change in law made by this Act applies
5 only to an administrative penalty assessed on or after the
6 effective date of this Act. An administrative penalty assessed
7 before the effective date of this Act is subject to the law in
8 effect immediately before that date, and that law is continued in
9 effect for that purpose.

10 (b) Section 1001.5531, Occupations Code, as added by this
11 Act, applies only to a violation for which an enforcement action is
12 commenced on or after the effective date of this Act, regardless of
13 when the violation occurred. An action commenced before the
14 effective date of this Act is governed by the law in effect
15 immediately before that date, and that law is continued in effect
16 for that purpose.

17 SECTION 4. This Act takes effect September 1, 2011.