

By: Callegari

H.B. No. 3167

A BILL TO BE ENTITLED

AN ACT

relating to the abolishment of the state regulation of talent agencies and personnel services.

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

ARTICLE 1. TALENT AGENCIES

SECTION 1.01. Chapter 2105, Occupations Code, is repealed.

SECTION 1.02. (a) An action, including a disciplinary or administrative proceeding, pending under Chapter 51 or 2105, Occupations Code, on the effective date of this Act related to a violation of Chapter 2105, Occupations Code, as that chapter existed immediately before the effective date of this Act, is dismissed.

(b) An administrative penalty assessed by the Texas Commission of Licensing and Regulation related to a violation of Chapter 2105, Occupations Code, as that chapter existed immediately before the effective date of this Act, may be collected as provided by Chapter 51, Occupations Code.

(c) The changes in law made by this Act do not affect the pending prosecution of an offense under Chapter 2105, Occupations Code, as that chapter existed immediately before the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect at the time the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed

1 before the effective date of this Act if any element of the offense  
2 was committed before that date.

3 (d) The Texas Department of Licensing and Regulation shall  
4 return to a person who holds a valid registration under Chapter  
5 2105, Occupations Code, as that chapter existed immediately before  
6 the effective date of this Act, a prorated portion of the fee paid  
7 to the department for the issuance or renewal of the registration.

8 ARTICLE 2. PERSONNEL SERVICES

9 SECTION 2.01. Section 2501.202, Occupations Code, is  
10 amended to read as follows:

11 Sec. 2501.202. INJUNCTION AND OTHER REMEDIES. A plaintiff  
12 in an action filed under Section 2501.201 may obtain:

13 (1) an order enjoining the defendant from violating  
14 this chapter;

15 (2) any order necessary to restore to the plaintiff  
16 any property acquired by the defendant in violation of this  
17 chapter; or

18 (3) other relief the court considers proper,  
19 including:

20 (A) the appointment of a receiver if the judgment  
21 against the defendant is not satisfied within three months after  
22 the date of the final judgment; or

23 (B) ~~[the revocation of a certificate authorizing~~  
24 ~~the defendant to engage in business in this state, or~~

25 ~~[(C)]~~ an order enjoining the defendant from  
26 acting as a personnel service.

27 SECTION 2.02. The following provisions of the Occupations

1 Code are repealed:

2 (1) Sections 2501.001(2), (3-a), and (4-a);

3 (2) Section 2501.201(c);

4 (3) Section 2501.253; and

5 (4) Subchapters B and D, Chapter 2501.

6 SECTION 2.03. (a) An action pending on the effective date of  
7 this Act related to a violation of Section 2501.102, Occupations  
8 Code, is dismissed.

9 (b) An administrative penalty assessed by the Texas  
10 Department of Licensing and Regulation related to a violation of  
11 Chapter 2501, Occupations Code, as that chapter existed immediately  
12 before the effective date of this Act, may be collected as provided  
13 by Chapter 51, Occupations Code.

14 (c) The Texas Department of Licensing and Regulation shall  
15 return to a person who holds a valid certificate of authority under  
16 Chapter 2501, Occupations Code, as that chapter existed immediately  
17 before the effective date of this Act, a prorated portion of the fee  
18 paid to the department for the issuance or renewal of the  
19 certificate of authority.

20 ARTICLE 3. EFFECTIVE DATE

21 SECTION 3.01. This Act takes effect September 1, 2011.