

1-1 By: Callegari (Senate Sponsor - Carona) H.B. No. 3167  
1-2 (In the Senate - Received from the House May 16, 2011;  
1-3 May 16, 2011, read first time and referred to Committee on Business  
1-4 and Commerce; May 18, 2011, reported favorably by the following  
1-5 vote: Yeas 8, Nays 0; May 18, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the abolishment of the state regulation of talent  
1-9 agencies and personnel services.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 ARTICLE 1. TALENT AGENCIES

1-12 SECTION 1.01. Chapter 2105, Occupations Code, is repealed.

1-13 SECTION 1.02. (a) An action, including a disciplinary or  
1-14 administrative proceeding, pending under Chapter 51 or 2105,  
1-15 Occupations Code, on the effective date of this Act related to a  
1-16 violation of Chapter 2105, Occupations Code, as that chapter  
1-17 existed immediately before the effective date of this Act, is  
1-18 dismissed.

1-19 (b) An administrative penalty assessed by the Texas  
1-20 Commission of Licensing and Regulation related to a violation of  
1-21 Chapter 2105, Occupations Code, as that chapter existed immediately  
1-22 before the effective date of this Act, may be collected as provided  
1-23 by Chapter 51, Occupations Code.

1-24 (c) The changes in law made by this Act do not affect the  
1-25 pending prosecution of an offense under Chapter 2105, Occupations  
1-26 Code, as that chapter existed immediately before the effective date  
1-27 of this Act. An offense committed before the effective date of this  
1-28 Act is governed by the law in effect at the time the offense was  
1-29 committed, and the former law is continued in effect for that  
1-30 purpose. For purposes of this section, an offense was committed  
1-31 before the effective date of this Act if any element of the offense  
1-32 was committed before that date.

1-33 (d) The Texas Department of Licensing and Regulation shall  
1-34 return to a person who holds a valid registration under Chapter  
1-35 2105, Occupations Code, as that chapter existed immediately before  
1-36 the effective date of this Act, a prorated portion of the fee paid  
1-37 to the department for the issuance or renewal of the registration.

1-38 ARTICLE 2. PERSONNEL SERVICES

1-39 SECTION 2.01. Section 2501.202, Occupations Code, is  
1-40 amended to read as follows:

1-41 Sec. 2501.202. INJUNCTION AND OTHER REMEDIES. A plaintiff  
1-42 in an action filed under Section 2501.201 may obtain:

1-43 (1) an order enjoining the defendant from violating  
1-44 this chapter;

1-45 (2) any order necessary to restore to the plaintiff  
1-46 any property acquired by the defendant in violation of this  
1-47 chapter; or

1-48 (3) other relief the court considers proper,  
1-49 including:

1-50 (A) the appointment of a receiver if the judgment  
1-51 against the defendant is not satisfied within three months after  
1-52 the date of the final judgment; or

1-53 (B) ~~[the revocation of a certificate authorizing~~  
1-54 ~~the defendant to engage in business in this state, or~~

1-55 ~~[(C)]~~ an order enjoining the defendant from  
1-56 acting as a personnel service.

1-57 SECTION 2.02. The following provisions of the Occupations  
1-58 Code are repealed:

1-59 (1) Sections 2501.001(2), (3-a), and (4-a);

1-60 (2) Section 2501.201(c);

1-61 (3) Section 2501.253; and

1-62 (4) Subchapters B and D, Chapter 2501.

1-63 SECTION 2.03. (a) An action pending on the effective date of  
1-64 this Act related to a violation of Section 2501.102, Occupations

2-1 Code, is dismissed.

2-2 (b) An administrative penalty assessed by the Texas  
2-3 Department of Licensing and Regulation related to a violation of  
2-4 Chapter 2501, Occupations Code, as that chapter existed immediately  
2-5 before the effective date of this Act, may be collected as provided  
2-6 by Chapter 51, Occupations Code.

2-7 (c) The Texas Department of Licensing and Regulation shall  
2-8 return to a person who holds a valid certificate of authority under  
2-9 Chapter 2501, Occupations Code, as that chapter existed immediately  
2-10 before the effective date of this Act, a prorated portion of the fee  
2-11 paid to the department for the issuance or renewal of the  
2-12 certificate of authority.

2-13 ARTICLE 3. EFFECTIVE DATE

2-14 SECTION 3.01. This Act takes effect September 1, 2011.

2-15 \* \* \* \* \*