

## **BILL ANALYSIS**

H.B. 1950  
By: Thompson, Senfronia  
Licensing & Administrative Procedures  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Texas Department of Licensing and Regulation (TDLR) is the state's primary occupational licensing agency responsible for administering statutory requirements relating to a variety of occupations. According to interested parties, violations for a majority of those occupational regulations are currently enforced using only administrative penalties, not criminal penalties. TDLR, in an attempt to decriminalize the governing statutes for its regulatory duties, has reviewed the remaining occupational regulations and identified some for which the criminal penalties are unnecessary. H.B. 1950 seeks to further TDLR's decriminalization effort by repealing certain offenses relating to certain occupations regulated by TDLR.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1950 amends the Health and Safety Code, Labor Code, and Occupations Code to repeal certain provisions relating to offenses for certain occupations regulated by the Texas Department of Licensing and Regulation (TDLR) and to make conforming changes in the Health and Safety Code, Labor Code, and Occupations Code.

H.B. 1950 repeals the following provisions:

- Section 754.024, Health and Safety Code, relating to a Class C misdemeanor offense for noncompliance with the inspection, certification, and registration requirements of elevators, escalators, and related equipment
- Section 91.063, Labor Code, relating to a Class A misdemeanor offense for certain prohibited acts regarding staff leasing services
- Subchapter D, Chapter 92, Labor Code, relating to a Class A misdemeanor offense for knowingly or intentionally violating statutory provisions governing temporary common worker employers or a rule or an administrative order adopted under such provisions
- the heading to Subchapter F, Chapter 1151, Occupations Code
- Sections 1151.251, 1151.252, and 1152.252, Occupations Code, relating to certain misdemeanor offenses relating to property tax professionals and property tax consultants
- Section 2052.309, Occupations Code, relating to the violation of statutory provisions governing combative sports or a rule adopted under those provisions
- Subchapter H, Chapter 1202, Occupations Code, relating to a Class A misdemeanor offense for violating statutory provisions governing industrialized housing and buildings or a published rule of the Texas Commission of Licensing and Regulation or order of the commission or the executive director of TDLR

- Subchapter N, Chapter 1601, Occupations Code, relating to a misdemeanor offense for the sale of supplies or engaging in other business by a barber inspector or other TDLR employee
- Subchapter L, Chapter 1602, Occupations Code, relating to a misdemeanor offense for violating statutory provisions governing cosmetologists

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.