

By: Smith

H.B. No. 661

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the regulation of the practice of professional
3 surveying; providing penalties.

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

5 SECTION 1. Section 1071.256(a), Occupations Code, is
6 amended to read as follows:

7 (a) The board shall prescribe the scope of the written
8 examination and examination procedures with special reference to
9 the applicant's ability in order to protect the public safety,
10 welfare, and property rights. The written examination may be
11 administered electronically.

12 SECTION 2. Subchapter I, Chapter 1071, Occupations Code, is
13 amended by adding Section 1071.406 to read as follows:

14 Sec. 1071.406. TEMPORARY SUSPENSION. (a) The presiding
15 officer of the board shall appoint a disciplinary panel consisting
16 of three board members to determine whether a person's license or
17 certificate of registration to practice under this chapter should
18 be temporarily suspended.

19 (b) If the disciplinary panel determines from the
20 information presented to the panel that a person licensed or
21 registered to practice under this chapter would, by the person's
22 continued practice, constitute a continuing threat to the public
23 welfare, the panel shall temporarily suspend the license or
24 certificate of registration of that person.

1 (c) A license or certificate of registration may be
2 suspended under this section without notice or hearing on the
3 complaint if:

4 (1) institution of proceedings for a contested case
5 hearing is initiated simultaneously with the temporary suspension;
6 and

7 (2) a hearing is held under Chapter 2001, Government
8 Code, and this chapter as soon as possible.

9 (d) A temporary suspension under this section expires on the
10 46th day after the date the temporary suspension is imposed if the
11 board has not scheduled a hearing to take place before that date or
12 if, at the board's request, the hearing is continued beyond the 45th
13 day after the date the suspension is imposed.

14 (e) Notwithstanding Chapter 551, Government Code, the
15 disciplinary panel may hold a meeting by telephone conference call
16 if immediate action is required and convening the panel at one
17 location is inconvenient for any member of the panel.

18 SECTION 3. Section 1071.452(a), Occupations Code, is
19 amended to read as follows:

20 (a) The amount of an administrative penalty may not exceed:
21 (1) \$1,500 for each violation; or
22 (2) \$25,000 for multiple violations in a single case
23 of a single provision of this chapter or of a rule or order adopted
24 under this chapter.

25 SECTION 4. Subchapter K, Chapter 1071, Occupations Code, is
26 amended by adding Section 1071.5035 to read as follows:

27 Sec. 1071.5035. CIVIL PENALTY: ENGAGING IN ACTIVITY WITHOUT

1 LICENSE OR REGISTRATION. (a) A person who does not hold a license
2 or certificate of registration to practice and receives
3 consideration for engaging in activity for which a person is
4 required to hold a license or certificate of registration under
5 this chapter is liable for a civil penalty.

6 (b) The amount of a civil penalty under this section may not
7 be less than an amount equal to the value of the consideration
8 received by the person or more than three times that amount.

9 (c) At the request of the board, the attorney general or a
10 district or county attorney may bring an action in district court to
11 recover a civil penalty under this section.

12 (d) A civil penalty collected under this section shall be
13 sent to the comptroller for deposit in the general revenue fund.

14 SECTION 5. Section 1071.452(a), Occupations Code, as
15 amended by this Act, applies only to a violation that occurs on or
16 after the effective date of this Act. A violation that occurs
17 before that date is governed by the law in effect on the date the
18 violation occurred, and the former law is continued in effect for
19 that purpose.

20 SECTION 6. This Act takes effect September 1, 2013.