

By: Price

H.B. No. 1717

A BILL TO BE ENTITLED

AN ACT

relating to the continuation and functions of the Texas Board of Architectural Examiners; changing certain fees.

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

SECTION 1. Section 1051.003, Occupations Code, is amended to read as follows:

Sec. 1051.003. APPLICATION OF SUNSET ACT. The Texas Board of Architectural Examiners is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this subtitle expires September 1, 2025 [~~2013~~].

SECTION 2. Subchapter F, Chapter 1051, Occupations Code, is amended by adding Section 1051.3041 to read as follows:

Sec. 1051.3041. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR REGISTRATION. (a) The board shall require that an applicant for a certificate of registration submit a complete and legible set of fingerprints, on a form prescribed by the board, to the board or to the Department of Public Safety for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

(b) The board may not issue a certificate of registration to a person who does not comply with the requirement of Subsection (a).

(c) The board shall conduct a criminal history check of each applicant for a certificate of registration using information:

1 (1) provided by the individual under this section; and
2 (2) made available to the board by the Department of
3 Public Safety, the Federal Bureau of Investigation, and any other
4 criminal justice agency under Chapter 411, Government Code.

5 (d) The board may:

6 (1) enter into an agreement with the Department of
7 Public Safety to administer a criminal history check required under
8 this section; and

9 (2) authorize the Department of Public Safety to
10 collect from each applicant the costs incurred by the Department of
11 Public Safety in conducting the criminal history check.

12 SECTION 3. Section 1051.351, Occupations Code, is amended
13 by adding Subsection (c-1) to read as follows:

14 (c-1) Notwithstanding Subsection (a), a person who holds a
15 certificate of registration issued under Chapter 1053 without
16 examination may not renew the certificate on or after September 1,
17 2016, unless, before September 1, 2016, the person has passed the
18 registration examination adopted by the board under Section
19 1053.154 and in effect on September 1, 2013. This subsection
20 expires January 1, 2018.

21 SECTION 4. Sections 1051.353(b), (c), and (e), Occupations
22 Code, are amended to read as follows:

23 (b) A person whose certificate of registration has been
24 expired for 90 days or less may renew the certificate by paying to
25 the board a renewal fee that is equal to 1-1/2 times the [~~normally~~]
26 required renewal fee set by the board under Section 1051.651(b).

27 (c) A person whose certificate of registration has been

1 expired for more than 90 days but less than two years may renew the
2 certificate by paying to the board a renewal fee equal to two times
3 the [~~normally~~] required renewal fee set by the board under Section
4 1051.651(b).

5 (e) A person who was registered in this state, moved to
6 another state, and is currently licensed or registered and has been
7 in practice in the other state for the two years preceding the date
8 of the application may obtain a new certificate of registration
9 without reexamination. The person must pay to the board a fee that
10 is equal to two times the [~~normally~~] required renewal fee set by the
11 board under Section 1051.651(b) for the certificate of
12 registration.

13 SECTION 5. Subchapter G, Chapter 1051, Occupations Code, is
14 amended by adding Section 1051.3531 to read as follows:

15 Sec. 1051.3531. CRIMINAL HISTORY RECORD INFORMATION
16 REQUIREMENT FOR RENEWAL. (a) An applicant renewing a certificate
17 of registration shall submit a complete and legible set of
18 fingerprints for purposes of performing a criminal history check of
19 the applicant as provided by Section 1051.3041.

20 (b) The board may not renew the certificate of registration
21 of a person who does not comply with the requirement of Subsection
22 (a).

23 (c) A holder of a certificate of registration is not
24 required to submit fingerprints under this section for the renewal
25 of the certificate of registration if the holder has previously
26 submitted fingerprints under:

27 (1) Section 1051.3041 for the initial issuance of the

1 certificate of registration; or

2 (2) this section as part of a prior renewal of a
3 certificate of registration.

4 SECTION 6. Section 1051.452(a), Occupations Code, is
5 amended to read as follows:

6 (a) The amount of an administrative penalty may not exceed
7 \$5,000 for each violation. Each day a violation continues or occurs
8 is a separate violation for purposes of imposing a penalty.

9 SECTION 7. Section 1051.652(a), Occupations Code, is
10 amended to read as follows:

11 (a) The fee for the issuance of a certificate of
12 registration under this chapter [~~to an applicant possessing a~~
13 ~~license or certificate to practice architecture in another state]~~
14 and the fee for the renewal of a certificate of registration under
15 this chapter are increased by \$200.

16 SECTION 8. Section 1053.158, Occupations Code, is repealed.

17 SECTION 9. (a) Not later than December 1, 2013, the Texas
18 Board of Architectural Examiners shall adopt rules necessary to
19 implement the changes in law made by this Act to Chapter 1051,
20 Occupations Code.

21 (b) Sections 1051.3041 and 1051.3531, Occupations Code, as
22 added by this Act, and Sections 1051.353 and 1051.652, Occupations
23 Code, as amended by this Act, apply only to an application for a
24 certificate of registration or renewal of a certificate of
25 registration filed with the Texas Board of Architectural Examiners
26 on or after January 1, 2014. An application filed before that date
27 is governed by the law in effect at the time the application was

1 filed, and the former law is continued in effect for that purpose.

2 (c) Section 1051.452(a), Occupations Code, as amended by
3 this Act, applies only to a violation of Subtitle B, Title 6,
4 Occupations Code, committed on or after the effective date of this
5 Act. A violation committed before that date is governed by the law
6 in effect at the time the violation was committed, and the former
7 law is continued in effect for that purpose.

8 SECTION 10. This Act takes effect September 1, 2013.