

1-1 By: Price (Senate Sponsor - Nichols) H.B. No. 1717
1-2 (In the Senate - Received from the House April 24, 2013;
1-3 April 25, 2013, read first time and referred to Committee on
1-4 Business and Commerce; May 7, 2013, reported favorably by the
1-5 following vote: Yeas 8, Nays 0; May 7, 2013, sent to printer.)

1-6 COMMITTEE VOTE

1-7	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the continuation and functions of the Texas Board of
1-20 Architectural Examiners; changing certain fees.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 1051.003, Occupations Code, is amended
1-23 to read as follows:

1-24 Sec. 1051.003. APPLICATION OF SUNSET ACT. The Texas Board
1-25 of Architectural Examiners is subject to Chapter 325, Government
1-26 Code (Texas Sunset Act). Unless continued in existence as provided
1-27 by that chapter, the board is abolished and this subtitle expires
1-28 September 1, 2025 [2013].

1-29 SECTION 2. Subchapter F, Chapter 1051, Occupations Code, is
1-30 amended by adding Section 1051.3041 to read as follows:

1-31 Sec. 1051.3041. CRIMINAL HISTORY RECORD INFORMATION
1-32 REQUIREMENT FOR REGISTRATION. (a) The board shall require that an
1-33 applicant for a certificate of registration submit a complete and
1-34 legible set of fingerprints, on a form prescribed by the board, to
1-35 the board or to the Department of Public Safety for the purpose of
1-36 obtaining criminal history record information from the Department
1-37 of Public Safety and the Federal Bureau of Investigation.

1-38 (b) The board may not issue a certificate of registration to
1-39 a person who does not comply with the requirement of Subsection (a).

1-40 (c) The board shall conduct a criminal history check of each
1-41 applicant for a certificate of registration using information:

1-42 (1) provided by the individual under this section; and

1-43 (2) made available to the board by the Department of
1-44 Public Safety, the Federal Bureau of Investigation, and any other
1-45 criminal justice agency under Chapter 411, Government Code.

1-46 (d) The board may:

1-47 (1) enter into an agreement with the Department of
1-48 Public Safety to administer a criminal history check required under
1-49 this section; and

1-50 (2) authorize the Department of Public Safety to
1-51 collect from each applicant the costs incurred by the Department of
1-52 Public Safety in conducting the criminal history check.

1-53 SECTION 3. Section 1051.351, Occupations Code, is amended
1-54 by adding Subsection (c-1) to read as follows:

1-55 (c-1) Notwithstanding Subsection (a), a person who holds a
1-56 certificate of registration issued under Chapter 1053 without
1-57 examination may not renew the certificate on or after September 1,
1-58 2016, unless, before September 1, 2016, the person has passed the
1-59 registration examination adopted by the board under Section
1-60 1053.154 and in effect on September 1, 2013. This subsection
1-61 expires January 1, 2018.

1-62 SECTION 4. Sections 1051.353(b), (c), and (e), Occupations
1-63 Code, are amended to read as follows:

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

(c) A person whose certificate of registration has been expired for more than 90 days but less than two years may renew the certificate by paying to the board a renewal fee equal to two times the ~~[normally]~~ required renewal fee set by the board under Section 1051.651(b).

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

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

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

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

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

(1) Section 1051.3041 for the initial issuance of the certificate of registration; or

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

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

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

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

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

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

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

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

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

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

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