

By: Harper-Brown

H.B. No. 2494

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain occupations.

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

ARTICLE 1. REGULATION OF CERTAIN INTERIOR DESIGNERS

SECTION 1.01. Section 1051.001, Occupations Code, is amended by adding Subdivision (2-a) to read as follows:

(2-a) "Hospital" means a public or private institution licensed under Chapter 241 or 577, Health and Safety Code, including a general hospital or a special hospital, as those terms are defined by Section 241.003, Health and Safety Code.

SECTION 1.02. Section 1053.151, Occupations Code, is amended to read as follows:

Sec. 1053.151. REGISTRATION [~~REQUIRED~~]. (a) The board shall issue a certificate of registration under this chapter to a person who:

(1) practices interior design as it relates to the interior environment or space of a hospital; and

(2) meets the requirements of this chapter and board rules.

(b) Except as provided by Subsection (a), the board may not issue or renew a certificate of registration to a person engaged in the practice of interior design.

(c) A person other than an interior designer may not represent that the person is a "registered interior designer"

1 by using that title or by using words that imply that the person is a
2 registered interior designer.

3 SECTION 1.03. Section 1053.152(a), Occupations Code, is
4 amended to read as follows:

5 (a) The board shall establish the qualifications for the
6 issuance or renewal of a certificate of registration under this
7 chapter to a person who practices interior design as it relates to
8 the interior environment or space of a hospital.

9 SECTION 1.04. Section 1053.351(a), Occupations Code, is
10 amended to read as follows:

11 (a) A person commits an offense if the person knowingly
12 violates Section 1053.151(c) [~~1053.151~~] or a standard of conduct
13 adopted under this chapter.

14 SECTION 1.05. The change in law made by this article applies
15 only to an offense committed on or after the effective date of this
16 article. An offense committed before the effective date of this
17 article is governed by the law in effect at the time the offense was
18 committed, and the former law is continued in effect for that
19 purpose. For purposes of this section, an offense was committed
20 before the effective date of this article if any element of the
21 offense occurred before that date.

22 SECTION 1.06. Not later than October 1, 2013, the Texas
23 Board of Architectural Examiners shall adopt rules necessary to
24 implement Section 1053.151, Occupations Code, as amended by this
25 article.

1 ARTICLE 2. ELIMINATING CONTINUING EDUCATION REQUIREMENTS FOR
2 PERSONS HOLDING CERTAIN LICENSES RELATING TO MANUFACTURED HOUSING

3 SECTION 2.01. Section 1201.113, Occupations Code, as
4 amended by Chapter 863 (H.B. 1460), Acts of the 80th Legislature,
5 Regular Session, 2007, is amended to read as follows:

6 Sec. 1201.113. OPTIONAL [~~CERTIFICATION AND~~] CONTINUING
7 EDUCATION PROGRAMS FOR LICENSEES. (a) The board shall approve or
8 administer optional continuing education programs for licensees
9 under this chapter. A continuing education program may [~~must be at~~
10 ~~least eight hours long and must~~] include the current rules of the
11 department and such other matters as the board considers [~~may deem~~]
12 relevant.

13 (b) The department may not require a licensee to complete
14 [~~Completion of~~] an approved or administered continuing education
15 course as [~~described by Subsection (a) is~~] a prerequisite to
16 renewal of a license.

17 [~~(c) No test shall be given in relation to any continuing~~
18 ~~education program.~~]

19 ARTICLE 3. REGULATION OF CERTAIN PRACTICES IN BARBERING AND
20 COSMETOLOGY

21 SECTION 3.01. Section 1601.251, Occupations Code, is
22 amended by amending Subsection (a) and adding Subsection (a-1) to
23 read as follows:

24 (a) Except as provided by Subsection (a-1), a [~~A~~] person may
25 not perform or offer or attempt to perform any act of barbering
26 unless the person holds an appropriate certificate, license, or
27 permit.

1 (a-1) A person is not required to hold a license,
2 certificate, or permit if the person's only act of barbering
3 consists of shampooing or conditioning a person's hair.

4 SECTION 3.02. Section 1601.257(b), Occupations Code, is
5 amended to read as follows:

6 (b) An applicant for a manicurist license must:

7 (1) be at least 17 years of age;

8 (2) have completed the seventh grade or the equivalent
9 of the seventh grade;

10 (3) have completed a commission-approved training
11 program consisting of 300 [~~600~~] hours of instruction in manicuring;
12 and

13 (4) submit the required fee with the application.

14 SECTION 3.03. Section 1601.262, Occupations Code, is
15 amended by amending Subsection (c) and adding Subsection (d) to
16 read as follows:

17 (c) An applicant who qualifies under Subsection (b)(3)(B)
18 must:

19 (1) be at least 17 years of age and have completed the
20 seventh grade or its equivalent; and

21 (2) have completed:

22 (A) 600 [~~900~~] hours of instruction in a barber
23 technician/manicurist curriculum in a commission-approved training
24 program; or

25 (B) 300 [~~600~~] hours of instruction in a manicure
26 curriculum and 300 hours of instruction in a barber technician
27 curriculum in a commission-approved training program.

1 (d) Of the 600 hours of instruction required by Subsection
2 (c)(2)(A), not more than 300 hours may be in the manicurist portion
3 of the curriculum.

4 SECTION 3.04. Section 1602.251, Occupations Code, is
5 amended by amending Subsection (a) and adding Subsection (a-1) to
6 read as follows:

7 (a) Except as provided by Subsection (a-1), a [A] person may
8 not perform or attempt to perform a practice of cosmetology unless
9 the person holds a license or certificate to perform that practice.

10 (a-1) A person is not required to hold a license,
11 certificate, or permit if the person's only act of cosmetology
12 consists of shampooing or conditioning a person's hair.

13 SECTION 3.05. Section 1602.256(b), Occupations Code, is
14 amended to read as follows:

15 (b) To be eligible for a manicurist specialty license, an
16 applicant must:

17 (1) be at least 17 years of age;

18 (2) have obtained a high school diploma or the
19 equivalent of a high school diploma or have passed a valid
20 examination administered by a certified testing agency that
21 measures the person's ability to benefit from training; and

22 (3) have completed 300 [~~600~~] hours of instruction in
23 manicuring through a commission-approved training program.

24 SECTION 3.06. Section 1602.258(a), Occupations Code, is
25 amended to read as follows:

26 (a) A person holding a specialty certificate may perform
27 only the practice of cosmetology defined in Section [~~Sections~~]

1 1602.002(a)(2) or [~~through~~] (4).

2 SECTION 3.07. Section 1602.261, Occupations Code, is
3 amended by amending Subsection (c) and adding Subsection (d) to
4 read as follows:

5 (c) An applicant who qualifies under Subsection (b)(3)(B)
6 must:

7 (1) either:

8 (A) have obtained a high school diploma or a high
9 school equivalency certificate; or

10 (B) have passed a valid examination administered
11 by a certified testing agency that measures the person's ability to
12 benefit from training; and

13 (2) have completed:

14 (A) 900 [~~1,200~~] hours of instruction in a
15 manicure/esthetics specialty curriculum in a commission-approved
16 training program; or

17 (B) 300 [~~600~~] hours of instruction in a manicure
18 curriculum and 750 hours of instruction in an esthetics curriculum
19 in commission-approved training programs.

20 (d) Of the 900 hours of instruction required by Subsection
21 (c)(2)(A), not more than 300 hours may be from the manicurist
22 portion of the curriculum.

23 SECTION 3.08. The following sections of the Occupations
24 Code are repealed:

25 (1) Section 1601.261; and

26 (2) Section 1602.267.

27 SECTION 3.09. (a) A permit issued under Section 1601.261 or

1 1602.267, Occupations Code, in effect on the effective date of this
2 article expires on that date.

3 (b) A proceeding under Title 9, Occupations Code, including
4 a complaint investigation, disciplinary action, and administrative
5 penalty proceeding, relating to the holder of a permit under
6 Section 1601.261 or 1602.267, Occupations Code, pending on the
7 effective date of this article is terminated on that date.

8 (c) The Texas Department of Licensing and Regulation shall
9 return to a person who holds a valid permit under Section 1601.261
10 or 1602.267, Occupations Code, as those sections existed
11 immediately before the effective date of this article, a prorated
12 portion of the fee paid to the department for the issuance or
13 renewal of the permit.

14 (d) Sections 1601.257, 1601.262, 1602.256, and 1602.261,
15 Occupations Code, as amended by this article, apply only to an
16 application for a license filed on or after the effective date of
17 this article. An application for a license filed before the
18 effective date of this article is governed by the law in effect on
19 the date the application was filed, and that law is continued in
20 effect for that purpose.

21 ARTICLE 4. EFFECTIVE DATES

22 SECTION 4.01. (a) Articles 1 and 2 of this Act take effect
23 immediately if this Act receives a vote of two-thirds of all the
24 members elected to each house, as provided by Section 39, Article
25 III, Texas Constitution. If this Act does not receive the votes
26 necessary for immediate effect, Articles 1 and 2 take effect
27 September 1, 2013.

1 (b) Article 3 of this Act takes effect September 1, 2013.