

By: Guillen

H.B. No. 2953

Substitute the following for H.B. No. 2953:

By: Smith

C.S.H.B. No. 2953

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the authority of a municipality to regulate a business
3 or occupational license holder.

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

5 SECTION 1. Subchapter A, Chapter 215, Local Government
6 Code, is amended by adding Section 215.005 to read as follows:

7 Sec. 215.005. STATE LICENSE HOLDERS. (a) In this section:

8 (1) "State license holder" means a person who:

9 (A) is required by state law to obtain a license,
10 permit, registration, certificate, or other evidence of authority
11 from a state licensing authority to practice an occupation, conduct
12 a business, or exercise certain other rights; and

13 (B) is subject to regulation by the licensing
14 authority.

15 (2) "State licensing authority" means a state agency,
16 department, board, or commission.

17 (b) Notwithstanding any other law, the governing body of a
18 municipality may not adopt or enforce an ordinance, rule, or
19 regulation that establishes requirements for, imposes restrictions
20 on, or otherwise regulates the activity of a state license holder
21 within the municipality or the municipality's extraterritorial
22 jurisdiction, except as provided by Subsection (c).

23 (c) A municipality may adopt or enforce:

24 (1) a zoning ordinance under Chapter 211;

- 1 (2) a commercial building regulation under Chapter
2 214;
3 (3) a sexually oriented business regulation;
4 (4) a fire code;
5 (5) an electrical code;
6 (6) a plumbing code; or
7 (7) an ordinance or regulation concerning wages,
8 benefits, workplace safety, or working conditions.

9 (d) A municipal ordinance, rule, or regulation that
10 violates this section is void and unenforceable.

11 SECTION 2. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2013.