

By: Nichols

S.B. No. 204

A BILL TO BE ENTITLED

AN ACT

relating to the continuation and functions of the Texas Board of Professional Engineers; changing a fee.

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

SECTION 1. Section 1001.005, Occupations Code, is amended to read as follows:

Sec. 1001.005. APPLICATION OF SUNSET ACT. The Texas Board of Professional Engineers 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 chapter expires September 1, 2025 [~~2013~~].

SECTION 2. Subsection (a), Section 1001.206, Occupations Code, is amended to read as follows:

(a) The fee for a license under this chapter, for the annual renewal of that license, and for a reciprocal license under this chapter is increased by \$200. The fee increase shall be collected at the time of the issuance or renewal of the license.

SECTION 3. Section 1001.304, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) The board shall:

(1) adopt policies and guidelines detailing the procedures for the examination process, including examination admission, examination administration, and national examination requirements; and

1 (2) post on the board's Internet website the policies
2 that reference the examination procedures of the board or, if
3 applicable, the national organization selected by the board to
4 administer an examination.

5 SECTION 4. Subsection (b), Section 1001.309, Occupations
6 Code, is amended to read as follows:

7 (b) The board shall consider as minimum evidence that an
8 applicant is qualified for certification or enrollment as an
9 engineer-in-training if the applicant:

10 (1) complies with the education and character
11 requirements of Section 1001.302; and

12 (2) has passed the board's [~~eight-hour written~~]
13 examination in the fundamentals of engineering.

14 SECTION 5. Subchapter G, Chapter 1001, Occupations Code, is
15 amended by adding Section 1001.3035 to read as follows:

16 Sec. 1001.3035. CRIMINAL HISTORY RECORD INFORMATION
17 REQUIREMENT FOR LICENSE ISSUANCE. (a) The board shall require
18 that an applicant for a license submit a complete and legible set of
19 fingerprints, on a form prescribed by the board, to the board or to
20 the Department of Public Safety for the purpose of obtaining
21 criminal history record information from the Department of Public
22 Safety and the Federal Bureau of Investigation.

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

25 (c) The board shall conduct a criminal history check of each
26 applicant for a license using information:

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

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

4 (d) The board may:

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

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

11 SECTION 6. Subchapter H, Chapter 1001, Occupations Code, is
12 amended by adding Section 1001.3535 to read as follows:

13 Sec. 1001.3535. CRIMINAL HISTORY RECORD INFORMATION
14 REQUIREMENT FOR LICENSE RENEWAL. (a) An applicant renewing a
15 license issued under this chapter shall submit a complete and
16 legible set of fingerprints for purposes of performing a criminal
17 history check of the applicant as provided by Section 1001.3035.

18 (b) The board may not renew the license of a person who does
19 not comply with the requirement of Subsection (a).

20 (c) A license holder is not required to submit fingerprints
21 under this section for the renewal of the license if the license
22 holder has previously submitted fingerprints under:

23 (1) Section 1001.3035 for the initial issuance of the
24 license; or

25 (2) this section as part of a prior license renewal.

26 SECTION 7. Subchapter J, Chapter 1001, Occupations Code, is
27 amended by adding Section 1001.4528 to read as follows:

1 Sec. 1001.4528. EMERGENCY SUSPENSION. (a) The board or a
2 three-member panel of board members designated by the board shall
3 temporarily suspend the license, certificate, or registration of a
4 person if the board or panel determines from the evidence or
5 information presented to it that continued practice by the person
6 would constitute a continuing and imminent threat to the public
7 welfare.

8 (b) A license, certificate, or registration may be
9 suspended under this section without notice or hearing on the
10 complaint if:

11 (1) action is taken to initiate proceedings for a
12 hearing before the State Office of Administrative Hearings
13 simultaneously with the temporary suspension; and

14 (2) a hearing is held as soon as practicable under this
15 chapter and Chapter 2001, Government Code.

16 (c) The State Office of Administrative Hearings shall hold a
17 preliminary hearing not later than the 14th day after the date of
18 the temporary suspension to determine if there is probable cause to
19 believe that a continuing and imminent threat to the public welfare
20 still exists. A final hearing on the matter shall be held not later
21 than the 61st day after the date of the temporary suspension.

22 SECTION 8. Subsection (a), Section 1001.502, Occupations
23 Code, is amended to read as follows:

24 (a) The amount of an administrative penalty may not exceed
25 \$5,000 [~~\$3,000~~] for each violation. Each day a violation continues
26 or occurs is a separate violation for purposes of imposing a
27 penalty.

1 SECTION 9. Subchapter L, Chapter 1001, Occupations Code, is
2 amended by adding Section 1001.5511 to read as follows:

3 Sec. 1001.5511. CEASE AND DESIST ORDER. If it appears to
4 the board that a person who is not licensed, certified, or
5 registered under this chapter is violating this chapter, a rule
6 adopted under this chapter, or another state statute or rule
7 relating to the practice of engineering, the board, after notice
8 and opportunity for a hearing, may issue a cease and desist order
9 prohibiting the person from engaging in the activity.

10 SECTION 10. (a) Not later than December 1, 2013, the Texas
11 Board of Professional Engineers shall adopt rules necessary to
12 implement the changes in law made by this Act to Chapter 1001,
13 Occupations Code.

14 (b) Sections 1001.3035 and 1001.3535, Occupations Code, as
15 added by this Act, apply only to an application for a license or
16 renewal of a license filed with the Texas Board of Professional
17 Engineers on or after January 1, 2014. An application filed before
18 that date is governed by the law in effect immediately before the
19 effective date of this Act, and the former law is continued in
20 effect for that purpose.

21 (c) Subsection (a), Section 1001.502, Occupations Code, as
22 amended by this Act, applies only to a violation that occurs on or
23 after the effective date of this Act. A violation that occurs
24 before that date is governed by the law in effect when the violation
25 occurred, and the former law is continued in effect for that
26 purpose.

27 SECTION 11. This Act takes effect September 1, 2013.