

1-1 By: Nichols S.B. No. 204  
 1-2 (In the Senate - Filed February 20, 2013; February 25, 2013,  
 1-3 read first time and referred to Committee on Business and Commerce;  
 1-4 March 20, 2013, reported favorably by the following vote:  
 1-5 Yeas 9, Nays 0; March 20, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
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 Professional Engineers; changing a fee.

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

1-22 SECTION 1. Section 1001.005, Occupations Code, is amended  
 1-23 to read as follows:

1-24 Sec. 1001.005. APPLICATION OF SUNSET ACT. The Texas Board  
 1-25 of Professional Engineers 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 chapter expires  
 1-28 September 1, 2025 [~~2013~~].

1-29 SECTION 2. Subsection (a), Section 1001.206, Occupations  
 1-30 Code, is amended to read as follows:

1-31 (a) The fee for a license under this chapter, for the annual  
 1-32 renewal of that license, and for a reciprocal license under this  
 1-33 chapter is increased by \$200. The fee increase shall be collected  
 1-34 at the time of the issuance or renewal of the license.

1-35 SECTION 3. Section 1001.304, Occupations Code, is amended  
 1-36 by adding Subsection (e) to read as follows:

1-37 (e) The board shall:

1-38 (1) adopt policies and guidelines detailing the  
 1-39 procedures for the examination process, including examination  
 1-40 admission, examination administration, and national examination  
 1-41 requirements; and

1-42 (2) post on the board's Internet website the policies  
 1-43 that reference the examination procedures of the board or, if  
 1-44 applicable, the national organization selected by the board to  
 1-45 administer an examination.

1-46 SECTION 4. Subsection (b), Section 1001.309, Occupations  
 1-47 Code, is amended to read as follows:

1-48 (b) The board shall consider as minimum evidence that an  
 1-49 applicant is qualified for certification or enrollment as an  
 1-50 engineer-in-training if the applicant:

1-51 (1) complies with the education and character  
 1-52 requirements of Section 1001.302; and

1-53 (2) has passed the board's [~~eight-hour written~~]  
 1-54 examination in the fundamentals of engineering.

1-55 SECTION 5. Subchapter G, Chapter 1001, Occupations Code, is  
 1-56 amended by adding Section 1001.3035 to read as follows:

1-57 Sec. 1001.3035. CRIMINAL HISTORY RECORD INFORMATION  
 1-58 REQUIREMENT FOR LICENSE ISSUANCE. (a) The board shall require  
 1-59 that an applicant for a license submit a complete and legible set of  
 1-60 fingerprints, on a form prescribed by the board, to the board or to  
 1-61 the Department of Public Safety for the purpose of obtaining

2-1 criminal history record information from the Department of Public  
 2-2 Safety and the Federal Bureau of Investigation.

2-3 (b) The board may not issue a license to a person who does  
 2-4 not comply with the requirement of Subsection (a).

2-5 (c) The board shall conduct a criminal history check of each  
 2-6 applicant for a license using information:

2-7 (1) provided by the individual under this section; and

2-8 (2) made available to the board by the Department of  
 2-9 Public Safety, the Federal Bureau of Investigation, and any other  
 2-10 criminal justice agency under Chapter 411, Government Code.

2-11 (d) The board may:

2-12 (1) enter into an agreement with the Department of  
 2-13 Public Safety to administer a criminal history check required under  
 2-14 this section; and

2-15 (2) authorize the Department of Public Safety to  
 2-16 collect from each applicant the costs incurred by the Department of  
 2-17 Public Safety in conducting the criminal history check.

2-18 SECTION 6. Subchapter H, Chapter 1001, Occupations Code, is  
 2-19 amended by adding Section 1001.3535 to read as follows:

2-20 Sec. 1001.3535. CRIMINAL HISTORY RECORD INFORMATION  
 2-21 REQUIREMENT FOR LICENSE RENEWAL. (a) An applicant renewing a  
 2-22 license issued under this chapter shall submit a complete and  
 2-23 legible set of fingerprints for purposes of performing a criminal  
 2-24 history check of the applicant as provided by Section 1001.3035.

2-25 (b) The board may not renew the license of a person who does  
 2-26 not comply with the requirement of Subsection (a).

2-27 (c) A license holder is not required to submit fingerprints  
 2-28 under this section for the renewal of the license if the license  
 2-29 holder has previously submitted fingerprints under:

2-30 (1) Section 1001.3035 for the initial issuance of the  
 2-31 license; or

2-32 (2) this section as part of a prior license renewal.

2-33 SECTION 7. Subchapter J, Chapter 1001, Occupations Code, is  
 2-34 amended by adding Section 1001.4528 to read as follows:

2-35 Sec. 1001.4528. EMERGENCY SUSPENSION. (a) The board or a  
 2-36 three-member panel of board members designated by the board shall  
 2-37 temporarily suspend the license, certificate, or registration of a  
 2-38 person if the board or panel determines from the evidence or  
 2-39 information presented to it that continued practice by the person  
 2-40 would constitute a continuing and imminent threat to the public  
 2-41 welfare.

2-42 (b) A license, certificate, or registration may be  
 2-43 suspended under this section without notice or hearing on the  
 2-44 complaint if:

2-45 (1) action is taken to initiate proceedings for a  
 2-46 hearing before the State Office of Administrative Hearings  
 2-47 simultaneously with the temporary suspension; and

2-48 (2) a hearing is held as soon as practicable under this  
 2-49 chapter and Chapter 2001, Government Code.

2-50 (c) The State Office of Administrative Hearings shall hold a  
 2-51 preliminary hearing not later than the 14th day after the date of  
 2-52 the temporary suspension to determine if there is probable cause to  
 2-53 believe that a continuing and imminent threat to the public welfare  
 2-54 still exists. A final hearing on the matter shall be held not later  
 2-55 than the 61st day after the date of the temporary suspension.

2-56 SECTION 8. Subsection (a), Section 1001.502, Occupations  
 2-57 Code, is amended to read as follows:

2-58 (a) The amount of an administrative penalty may not exceed  
 2-59 \$5,000 [~~\$3,000~~] for each violation. Each day a violation continues  
 2-60 or occurs is a separate violation for purposes of imposing a  
 2-61 penalty.

2-62 SECTION 9. Subchapter L, Chapter 1001, Occupations Code, is  
 2-63 amended by adding Section 1001.5511 to read as follows:

2-64 Sec. 1001.5511. CEASE AND DESIST ORDER. If it appears to  
 2-65 the board that a person who is not licensed, certified, or  
 2-66 registered under this chapter is violating this chapter, a rule  
 2-67 adopted under this chapter, or another state statute or rule  
 2-68 relating to the practice of engineering, the board, after notice  
 2-69 and opportunity for a hearing, may issue a cease and desist order

3-1 prohibiting the person from engaging in the activity.

3-2 SECTION 10. (a) Not later than December 1, 2013, the Texas  
3-3 Board of Professional Engineers shall adopt rules necessary to  
3-4 implement the changes in law made by this Act to Chapter 1001,  
3-5 Occupations Code.

3-6 (b) Sections 1001.3035 and 1001.3535, Occupations Code, as  
3-7 added by this Act, apply only to an application for a license or  
3-8 renewal of a license filed with the Texas Board of Professional  
3-9 Engineers on or after January 1, 2014. An application filed before  
3-10 that date is governed by the law in effect immediately before the  
3-11 effective date of this Act, and the former law is continued in  
3-12 effect for that purpose.

3-13 (c) Subsection (a), Section 1001.502, Occupations Code, as  
3-14 amended by this Act, applies only to a violation that occurs on or  
3-15 after the effective date of this Act. A violation that occurs  
3-16 before that date is governed by the law in effect when the violation  
3-17 occurred, and the former law is continued in effect for that  
3-18 purpose.

3-19 SECTION 11. This Act takes effect September 1, 2013.

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