

By: King of Taylor

H.B. No. 1849

A BILL TO BE ENTITLED

1 AN ACT
2 relating to occupational licenses for military service members,
3 military veterans, and military spouses.

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

5 SECTION 1. The heading to Chapter 55, Occupations Code, as
6 amended by Chapters 66 (S.B. 162) and 348 (H.B. 2254), Acts of the
7 83rd Legislature, Regular Session, 2013, is reenacted to read as
8 follows:

9 CHAPTER 55. LICENSING OF MILITARY SERVICE MEMBERS, MILITARY
10 VETERANS, AND MILITARY SPOUSES

11 SECTION 2. Section 55.001, Occupations Code, is amended to
12 read as follows:

13 Sec. 55.001. DEFINITIONS. In this chapter:

14 (1) "Active duty" means current full-time military
15 service in the armed forces of the United States or the Texas
16 military forces, as defined by Section 437.001, Government Code, or
17 similar military service of another state.

18 (2) "Armed forces of the United States" means the
19 army, navy, air force, coast guard, or marine corps of the United
20 States or an auxiliary service or reserve unit of one of those
21 branches of the armed forces.

22 (3) "License" means a license, certificate,
23 registration, permit, or other form of authorization required by
24 law or a state agency rule that must be obtained by an individual to

1 engage in a particular business.

2 (4) [~~(1-a)~~] "Military service member" means a person
3 who is on active duty [~~currently serving in the armed forces of the~~
4 ~~United States, in a reserve component of the armed forces of the~~
5 ~~United States, including the National Guard, or in the state~~
6 ~~military service of any state~~].

7 (5) [~~(1-b)~~] "Military spouse" means a person who is
8 married to a military service member [~~who is currently on active~~
9 ~~duty~~].

10 (6) [~~(1-c)~~] "Military veteran" means a person who has
11 served on active duty and who was discharged or released from active
12 duty [~~in the army, navy, air force, marine corps, or coast guard of~~
13 ~~the United States, or in an auxiliary service of one of those~~
14 ~~branches of the armed forces~~].

15 (7) [~~(2)~~] "State agency" means a department, board,
16 bureau, commission, committee, division, office, council, or
17 agency of the state.

18 SECTION 3. Section 55.002, Occupations Code, is amended to
19 read as follows:

20 Sec. 55.002. EXEMPTION FROM PENALTY FOR FAILURE TO RENEW
21 LICENSE. A state agency that issues a license shall adopt rules to
22 exempt an individual who holds a license issued by the agency from
23 any increased fee or other penalty imposed by the agency for failing
24 to renew the license in a timely manner if the individual
25 establishes to the satisfaction of the agency that the individual
26 failed to renew the license in a timely manner because the
27 individual was serving as a military service member [~~on active duty~~

1 ~~in the United States armed forces serving outside this state].~~

2 SECTION 4. Section 55.003, Occupations Code, is amended to
3 read as follows:

4 Sec. 55.003. EXTENSION OF LICENSE RENEWAL [~~CERTAIN~~]
5 DEADLINES FOR [~~ACTIVE DUTY~~] MILITARY SERVICE MEMBERS [~~PERSONNEL~~].

6 A military service member [~~person who holds a license, is a member~~
7 ~~of the state military forces or a reserve component of the armed~~
8 ~~forces of the United States, and is ordered to active duty by proper~~
9 ~~authority]~~ is entitled to one year of [~~an~~] additional [~~amount of~~]
10 time [~~, equal to the total number of years or parts of years that the~~
11 ~~person serves on active duty,~~] to complete [~~+~~

12 [~~(1) any continuing education requirements, and~~

13 [~~(2)~~] any [~~other~~] requirement related to the renewal
14 of the military service member's [~~person's~~] license.

15 SECTION 5. Section 55.004, Occupations Code, is amended to
16 read as follows:

17 Sec. 55.004. ALTERNATIVE LICENSING [~~LICENSE PROCEDURE~~] FOR
18 MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND MILITARY SPOUSES

19 [~~SPOUSE~~]. (a) A state agency that issues a license shall adopt
20 rules for the issuance of the license to an applicant who is a
21 military service member, military veteran, or military spouse [~~the~~
22 ~~spouse of a person serving on active duty as a member of the armed~~
23 ~~forces of the United States]~~ and:

24 (1) holds a current license issued by another
25 jurisdiction [~~state~~] that has licensing requirements that are
26 substantially equivalent to the requirements for the license in
27 this state; or

1 (2) within the five years preceding the application
2 date held the license in this state [~~that expired while the~~
3 ~~applicant lived in another state for at least six months~~].

4 (b) [~~Rules adopted under this section must include~~
5 ~~provisions to allow alternative demonstrations of competency to~~
6 ~~meet the requirements for obtaining the license.~~

7 [~~(c)~~] The executive director of a state agency may waive any
8 prerequisite to obtaining a license for an applicant described by
9 Subsection (a) after reviewing the applicant's credentials [~~issue a~~
10 ~~license by endorsement in the same manner as the Texas Commission of~~
11 ~~Licensing and Regulation under Section 51.404 to an applicant~~
12 ~~described by Subsection (a)~~].

13 (c) In addition to the rules adopted under Subsection (a), a
14 state agency that issues a license may adopt rules that would
15 establish alternate methods for a military service member, military
16 veteran, or military spouse to demonstrate competency to meet the
17 requirements for obtaining the license.

18 SECTION 6. The heading to Section 55.005, Occupations Code,
19 as added by Chapter 66 (S.B. 162), Acts of the 83rd Legislature,
20 Regular Session, 2013, is amended to read as follows:

21 Sec. 55.005. EXPEDITED LICENSE PROCEDURE FOR MILITARY
22 SERVICE MEMBERS, MILITARY VETERANS, AND MILITARY SPOUSES.

23 SECTION 7. Section 55.005(a), Occupations Code, as added by
24 Chapter 66 (S.B. 162), Acts of the 83rd Legislature, Regular
25 Session, 2013, is amended to read as follows:

26 (a) A state agency that issues a license shall, as soon as
27 practicable after a military service member, military veteran, or

1 military spouse files an application for a license:

2 (1) process the application; and

3 (2) issue the [~~a~~] license to an [~~a qualified military~~
4 ~~spouse~~] applicant who qualifies for the license under Section
5 55.004 [~~holds a current license issued by another jurisdiction that~~
6 ~~has licensing requirements that are substantially equivalent to the~~
7 ~~licensing requirements in this state~~].

8 SECTION 8. Section 55.005, Occupations Code, as added by
9 Chapter 348 (H.B. 2254), Acts of the 83rd Legislature, Regular
10 Session, 2013, is redesignated as Section 55.008, Occupations Code,
11 and amended to read as follows:

12 Sec. 55.008 [~~55.005~~]. APPRENTICESHIP REQUIREMENTS FOR
13 APPLICANT WITH MILITARY EXPERIENCE. (a) Notwithstanding any other
14 law, if an apprenticeship is required for a [~~an occupational~~]
15 license issued by a state agency, the state agency shall credit
16 verified military service, training, or education that is relevant
17 to the occupation toward the apprenticeship requirements for the
18 license.

19 (b) The state agency shall adopt rules necessary to
20 implement this section.

21 SECTION 9. The heading to Section 55.006, Occupations Code,
22 is amended to read as follows:

23 Sec. 55.006. RENEWAL OF EXPEDITED LICENSE ISSUED TO
24 MILITARY SERVICE MEMBER, MILITARY VETERAN, OR MILITARY SPOUSE.

25 SECTION 10. The changes in law made by this Act apply only
26 to an application for an occupational license or renewal of an
27 occupational license filed on or after January 1, 2016. An

1 application for a license or for license renewal filed before
2 January 1, 2016, is governed by the law in effect immediately before
3 the effective date of this Act, and that law is continued in effect
4 for that purpose.

5 SECTION 11. To the extent of any conflict, this Act prevails
6 over another Act of the 84th Legislature, Regular Session, 2015,
7 relating to nonsubstantive additions to and corrections in enacted
8 codes.

9 SECTION 12. This Act takes effect September 1, 2015.