

By: Darby, Harless, Gonzales, Flynn,
Thompson of Harris

H.B. No. 2089

Substitute the following for H.B. No. 2089:

By: Smith

C.S.H.B. No. 2089

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the repeal of certain occupational license fees and
3 taxes.

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

5 SECTION 1. Sections 201.354(d) and (g), Occupations Code,
6 are amended to read as follows:

7 (d) A person whose license has been expired for 90 days or
8 less may renew the license by paying to the board a renewal fee that
9 is equal to ~~[the sum of]~~ 1-1/2 times the annual renewal fee set by
10 the board under Section 201.153(a) ~~[and the increase in that fee~~
11 ~~required by Section 201.153(b)]~~. If a person's license has been
12 expired for more than 90 days but less than one year, the person may
13 renew the license by paying to the board a renewal fee that is equal
14 to ~~[the sum of]~~ two times the annual renewal fee set by the board
15 under Section 201.153(a) ~~[and the increase in that fee required by~~
16 ~~Section 201.153(b)]~~.

17 (g) A person may renew a license that has been expired for at
18 least one year but not more than three years if:

19 (1) the board determines according to criteria adopted
20 by board rule that the person has shown good cause for the failure
21 to renew the license; and

22 (2) the person pays to the board:

23 (A) the annual renewal fee set by the board under
24 Section 201.153(a) for each year in which the license was expired;

1 and

2 (B) an additional fee in an amount equal to the
3 sum of:

4 (i) the annual renewal fee set by the board
5 under Section 201.153(a), multiplied by the number of years the
6 license was expired, prorated for fractional years; and

7 (ii) two times the annual renewal fee set by
8 the board under Section 201.153(a) [~~and~~

9 [~~(C) the increase in the annual renewal fee~~
10 ~~required by Section 201.153(b)]].~~

11 SECTION 2. Section 351.304(b), Occupations Code, is amended
12 to read as follows:

13 (b) A person whose license has been expired for 90 days or
14 less may renew the license by paying to the board a renewal fee that
15 is equal to [~~the sum of~~] one and one-half times the annual renewal
16 fee set by the board under Section 351.152 [~~and the additional fee~~
17 ~~required by Section 351.153)]. If a person's license has been
18 expired for more than 90 days but less than one year, the person may
19 renew the license by paying to the board a renewal fee that is equal
20 to [~~the sum of~~] two times the annual renewal fee set by the board
21 under Section 351.152 [~~and the additional fee required by Section~~
22 ~~351.153)].~~~~

23 SECTION 3. Section 351.306(b), Occupations Code, is amended
24 to read as follows:

25 (b) The person must pay to the board a fee that is equal to
26 the amount of the renewal fee set by the board under Section 351.152
27 [~~351.153(a)]].~~

1 SECTION 4. Sections 801.303(b) and (c), Occupations Code,
2 are amended to read as follows:

3 (b) A person whose license has been expired for 90 days or
4 less may renew the license by paying to the board a renewal fee that
5 is equal to [~~the sum of~~] 1-1/2 times the renewal fee set by the board
6 under Section 801.154(a) [~~and the additional fee required by~~
7 ~~Section 801.154(b), if applicable~~].

8 (c) A person whose license has been expired for more than 90
9 days but less than one year may renew the license by paying to the
10 board a renewal fee that is equal to [~~the sum of~~] two times the
11 renewal fee set by the board under Section 801.154(a) [~~and the~~
12 ~~additional fee required by Section 801.154(b), if applicable~~].

13 SECTION 5. Section 801.305(b), Occupations Code, is amended
14 to read as follows:

15 (b) The person must pay to the board a fee that is equal to
16 the amount of the renewal fee set by the board under Section
17 801.154(a) [~~and the additional fee required by Section 801.154(b)~~].

18 SECTION 6. Sections 901.155(a) and (c), Occupations Code,
19 are amended to read as follows:

20 (a) The fee for the issuance or renewal of a license under
21 this chapter consists of:

22 (1) the amount of the fee set by the board under
23 Section 901.154; and

24 (2) [~~the fee increase imposed under Section 901.406,~~
25 ~~and~~

26 [~~3~~] an additional \$10 annual fee to be deposited to
27 the credit of the scholarship trust fund for fifth-year accounting

1 students.

2 (c) The administrative costs incurred to collect the fee
3 imposed under Subsection (a)(2) [~~(a)(3)~~] and to disburse the money
4 may not exceed 10 percent of the total money collected.

5 SECTION 7. Section 901.405(f), Occupations Code, is amended
6 to read as follows:

7 (f) A person who was licensed in this state, moved to
8 another state, and is currently licensed and has been in practice in
9 the other state for the two years preceding the date of application
10 may obtain a new license without reexamination. A person described
11 by this subsection whose license has been revoked under Section
12 901.502(3) or (4) may obtain a new license under this subsection. A
13 person described by this subsection must pay to the board a fee that
14 is equal to two times the normally required renewal fee for the
15 license [~~and is not subject to additional fees under Section~~
16 901.408].

17 SECTION 8. Section 901.408(a), Occupations Code, is amended
18 to read as follows:

19 (a) A person, other than a person described by Section
20 901.405(f), who fails to pay the license renewal fee [~~or the~~
21 ~~additional fee imposed under Section 901.407, as applicable,~~] and
22 any late fee before the first anniversary of the due date of the
23 renewal fee [~~or additional fee~~] may renew the person's license only
24 by submitting to the board an application for renewal accompanied
25 by payment of:

- 26 (1) all accrued fees, including late fees; and
27 (2) the direct administrative costs incurred by the

1 board in renewing the person's license.

2 SECTION 9. Sections 1001.353(b) and (c), Occupations Code,
3 are amended to read as follows:

4 (b) A person whose license has been expired for 90 days or
5 less may renew the license by paying to the board the required
6 annual renewal fee and [7] a late renewal fee [~~7 and any applicable~~
7 ~~increase in fees as required by Section 1001.206~~].

8 (c) A person whose license has been expired for more than 90
9 days but less than two years may renew the license by paying to the
10 board the required annual renewal fee and [7] a late renewal fee [~~7~~
11 ~~and any applicable increase in fees as required by Section~~
12 ~~1001.206~~] for each delinquent year or part of a year.

13 SECTION 10. Section 1001.355(d), Occupations Code, is
14 amended to read as follows:

15 (d) To return to active status, a license holder on inactive
16 status must:

17 (1) file with the board a written notice requesting
18 reinstatement to active status;

19 (2) pay the fee for the annual renewal of the license
20 [~~and the fee increase required by Section 1001.206~~]; and

21 (3) provide evidence satisfactory to the board that
22 the person has complied with the continuing education requirements
23 adopted by the board.

24 SECTION 11. Section 1101.154(a), Occupations Code, is
25 amended to read as follows:

26 (a) The fee for the issuance or renewal of a:

27 (1) broker license is the amount of the fee set under

1 Section [~~Sections~~] 1101.152 [~~and 1101.153~~] and an additional \$20
2 fee;

3 (2) salesperson license is the amount of the fee set
4 under Section 1101.152 and an additional \$20 fee; and

5 (3) certificate of registration is the amount of the
6 fee set under Section 1101.152 and an additional \$20 fee.

7 SECTION 12. The following provisions are repealed:

8 (1) Section 153.053, Occupations Code;

9 (2) Sections 201.153(b) and (c), Occupations Code;

10 (3) Section 254.004(b), Occupations Code;

11 (4) Section 351.153, Occupations Code;

12 (5) Section 501.153, Occupations Code;

13 (6) Sections 801.154(b), (c), and (d), Occupations
14 Code;

15 (7) Section 901.406, Occupations Code;

16 (8) Section 901.407, Occupations Code;

17 (9) Section 901.410, Occupations Code;

18 (10) Section 1001.206, Occupations Code;

19 (11) Section 1051.652, Occupations Code;

20 (12) Section 1052.0541, Occupations Code;

21 (13) Section 1053.0521, Occupations Code;

22 (14) Section 1071.1521, Occupations Code;

23 (15) Section 1101.153, Occupations Code;

24 (16) Section 1105.003(e), Occupations Code;

25 (17) Section 1152.053, Occupations Code;

26 (18) Subchapter H, Chapter 191, Tax Code; and

27 (19) Section 41, The Securities Act (Article 581-41,

1 Vernon's Texas Civil Statutes).

2 SECTION 13. The changes in law made by this Act do not
3 affect a surcharge, additional fee, additional charge, fee
4 increase, tax, or late fee imposed before the effective date of this
5 Act, and the law in effect before the effective date of this Act is
6 continued in effect for purposes of the liability for and
7 collection of those surcharges, additional fees, additional
8 charges, fee increases, taxes, and late fees.

9 SECTION 14. This Act takes effect September 1, 2015.