

By: Eltife

S.B. No. 1080

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the authority of the Texas Department of Licensing and
3 Regulation to determine applicant eligibility for a license and to
4 discipline license holders.

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

6 SECTION 1. Subchapter G, Chapter 51, Occupations Code, is
7 amended by adding Section 51.3514 to read as follows:

8 Sec. 51.3514. ORDER FOR REFUND OR SERVICE. (a) The
9 commission or the executive director, instead of or in addition to
10 imposing an administrative penalty or other sanction, may order a
11 license holder to pay a refund to a consumer or to perform for the
12 consumer a service consistent with the regulatory program for which
13 the license was issued.

14 (b) The amount of a refund ordered under this section must
15 be calculated based on the amount the consumer originally agreed to
16 pay and may not exceed the amount the consumer paid to the license
17 holder for the service.

18 (c) A license holder performing a service ordered under this
19 section must perform the service in accordance with any applicable
20 codes and standards of conduct.

21 (d) The department shall establish criteria for calculating
22 the amount of a refund due and for determining the scope of any
23 service ordered to be performed.

24 SECTION 2. Subchapter H, Chapter 51, Occupations Code, is

1 amended by adding Section 51.4041 to read as follows:

2 Sec. 51.4041. ALTERNATIVE QUALIFICATIONS FOR LICENSE. (a)
3 The commission, department, or executive director may adopt
4 alternative means of determining or verifying a person's
5 eligibility for a license issued by the department, including
6 evaluating the person's education, training, experience, and
7 military service.

8 (b) Notwithstanding any other law, the commission or the
9 executive director may waive any prerequisite for obtaining a
10 license if the applicant currently holds a similar license issued
11 by another jurisdiction that:

12 (1) has requirements for the license that are
13 substantially equivalent to those of this state; or

14 (2) has a reciprocity agreement with this state for
15 the license.

16 (c) The department, with approval of the governor, may enter
17 into an agreement with another state to allow for licensing by
18 reciprocity.

19 SECTION 3. Section 469.004, Government Code, is amended to
20 read as follows:

21 Sec. 469.004. APPLICABILITY OF OTHER LAW. Section 51.4041
22 [~~51.404~~], Occupations Code, does not apply to this chapter.

23 SECTION 4. Section 754.025, Health and Safety Code, is
24 amended to read as follows:

25 Sec. 754.025. APPLICATION OF CERTAIN LAW. Sections 51.401
26 and 51.4041 [~~51.404~~], Occupations Code, do not apply to this
27 chapter, except those sections do apply to Sections 754.017 and

1 754.0171.

2 SECTION 5. Section 55.004(c), Occupations Code, is amended
3 to read as follows:

4 (c) The executive director of a state agency may issue a
5 license by endorsement in the same manner as the Texas Commission of
6 Licensing and Regulation under Section 51.4041(b) [~~51.404~~] to an
7 applicant described by Subsection (a).

8 SECTION 6. Section 1202.106, Occupations Code, is amended
9 to read as follows:

10 Sec. 1202.106. APPLICABILITY OF OTHER LAW. Sections 51.401
11 and 51.4041 [~~51.404~~] do not apply to this chapter.

12 SECTION 7. Section 51.404, Occupations Code, is repealed.

13 SECTION 8. (a) Section 51.3514, Occupations Code, as added
14 by this Act, applies only to the investigation of a complaint or a
15 disciplinary action based on a complaint filed on or after the
16 effective date of this Act. The investigation of a complaint or a
17 disciplinary action based on a complaint filed before the effective
18 date of this Act is governed by the law in effect on the date the
19 complaint was filed, and the former law is continued in effect for
20 that purpose.

21 (b) Section 51.4041, Occupations Code, as added by this Act,
22 applies only to an application for a license submitted to the Texas
23 Department of Licensing and Regulation on or after the effective
24 date of this Act. An application for a license submitted before the
25 effective date of this Act is governed by the law in effect on the
26 date the application was submitted, and the former law is continued
27 in effect for that purpose.

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