

By: Huffines

S.B. No. 1179

A BILL TO BE ENTITLED

AN ACT

1
2 relating to abolishing certain occupational licensing requirements
3 and associated regulations.

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

5 SECTION 1. The heading to Section 16.008, Civil Practice
6 and Remedies Code, is amended to read as follows:

7 Sec. 16.008. ARCHITECTS, ENGINEERS, [~~INTERIOR DESIGNERS,~~]
8 AND LANDSCAPE ARCHITECTS FURNISHING DESIGN, PLANNING, OR
9 INSPECTION OF CONSTRUCTION OF IMPROVEMENTS.

10 SECTION 2. Sections 16.008(a) and (c), Civil Practice and
11 Remedies Code, are amended to read as follows:

12 (a) A person must bring suit for damages for a claim listed
13 in Subsection (b) against a registered or licensed architect,
14 engineer, [~~interior designer,~~] or landscape architect in this
15 state, who designs, plans, or inspects the construction of an
16 improvement to real property or equipment attached to real
17 property, not later than 10 years after the substantial completion
18 of the improvement or the beginning of operation of the equipment in
19 an action arising out of a defective or unsafe condition of the real
20 property, the improvement, or the equipment.

21 (c) If the claimant presents a written claim for damages,
22 contribution, or indemnity to the architect, engineer, [~~interior~~
23 ~~designer,~~] or landscape architect within the 10-year limitations
24 period, the period is extended for two years from the day the claim

1 is presented.

2 SECTION 3. Articles 18.19(c), (d), and (e), Code of
3 Criminal Procedure, are amended to read as follows:

4 (c) If there is no prosecution or conviction for an offense
5 involving the weapon seized, the magistrate to whom the seizure was
6 reported shall, before the 61st day after the date the magistrate
7 determines that there will be no prosecution or conviction, notify
8 in writing the person found in possession of the weapon that the
9 person is entitled to the weapon upon written request to the
10 magistrate. The magistrate shall order the weapon returned to the
11 person found in possession before the 61st day after the date the
12 magistrate receives a request from the person. If the weapon is not
13 requested before the 61st day after the date of notification, the
14 magistrate shall, before the 121st day after the date of
15 notification, order the weapon destroyed, sold at public sale by
16 the law enforcement agency holding the weapon or by an auctioneer
17 [~~licensed under Chapter 1802, Occupations Code~~], or forfeited to
18 the state for use by the law enforcement agency holding the weapon
19 or by a county forensic laboratory designated by the magistrate. If
20 the magistrate does not order the return, destruction, sale, or
21 forfeiture of the weapon within the applicable period prescribed by
22 this subsection, the law enforcement agency holding the weapon may
23 request an order of destruction, sale, or forfeiture of the weapon
24 from the magistrate. Only a firearms dealer licensed under 18
25 U.S.C. Section 923 may purchase a weapon at public sale under this
26 subsection. Proceeds from the sale of a seized weapon under this
27 subsection shall be transferred, after the deduction of court costs

1 to which a district court clerk is entitled under Article 59.05(f),
2 followed by the deduction of auction costs, to the law enforcement
3 agency holding the weapon.

4 (d) A person either convicted or receiving deferred
5 adjudication under Chapter 46, Penal Code, is entitled to the
6 weapon seized upon request to the court in which the person was
7 convicted or placed on deferred adjudication. However, the court
8 entering the judgment shall order the weapon destroyed, sold at
9 public sale by the law enforcement agency holding the weapon or by
10 an auctioneer [~~licensed under Chapter 1802, Occupations Code~~], or
11 forfeited to the state for use by the law enforcement agency holding
12 the weapon or by a county forensic laboratory designated by the
13 court if:

14 (1) the person does not request the weapon before the
15 61st day after the date of the judgment of conviction or the order
16 placing the person on deferred adjudication;

17 (2) the person has been previously convicted under
18 Chapter 46, Penal Code;

19 (3) the weapon is one defined as a prohibited weapon
20 under Chapter 46, Penal Code;

21 (4) the offense for which the person is convicted or
22 receives deferred adjudication was committed in or on the premises
23 of a playground, school, video arcade facility, or youth center, as
24 those terms are defined by Section 481.134, Health and Safety Code;
25 or

26 (5) the court determines based on the prior criminal
27 history of the defendant or based on the circumstances surrounding

1 the commission of the offense that possession of the seized weapon
2 would pose a threat to the community or one or more individuals.

3 (e) If the person found in possession of a weapon is
4 convicted of an offense involving the use of the weapon, before the
5 61st day after the date of conviction the court entering judgment of
6 conviction shall order destruction of the weapon, sale at public
7 sale by the law enforcement agency holding the weapon or by an
8 auctioneer [~~licensed under Chapter 1802, Occupations Code~~], or
9 forfeiture to the state for use by the law enforcement agency
10 holding the weapon or by a county forensic laboratory designated by
11 the court. If the court entering judgment of conviction does not
12 order the destruction, sale, or forfeiture of the weapon within the
13 period prescribed by this subsection, the law enforcement agency
14 holding the weapon may request an order of destruction, sale, or
15 forfeiture of the weapon from a magistrate. Only a firearms dealer
16 licensed under 18 U.S.C. Section 923 may purchase a weapon at public
17 sale under this subsection. Proceeds from the sale of a seized
18 weapon under this subsection shall be transferred, after the
19 deduction of court costs to which a district court clerk is entitled
20 under Article 59.05(f), followed by the deduction of auction costs,
21 to the law enforcement agency holding the weapon.

22 SECTION 4. Section 21.003, Education Code, is amended by
23 adding Subsection (d) to read as follows:

24 (d) A person who does not hold a certificate or permit
25 issued as provided by Subchapter B may be employed as an athletic
26 coach by a school district. This subsection does not authorize a
27 person employed as an athletic coach to provide academic

1 instruction, including physical education instruction, to students
2 without holding an appropriate certificate or permit issued as
3 provided by Subchapter B.

4 SECTION 5. Section 469.102(a), Government Code, is amended
5 to read as follows:

6 (a) The architect, [~~interior designer,~~] landscape
7 architect, or engineer who has overall responsibility for the
8 design of a constructed or reconstructed building or facility shall
9 submit the plans and specifications required under Section 469.101.

10 SECTION 6. Section 469.104, Government Code, is amended to
11 read as follows:

12 Sec. 469.104. FAILURE TO SUBMIT PLANS AND SPECIFICATIONS.
13 The commission shall report to the Texas Board of Architectural
14 Examiners, the Texas Board of Professional Engineers, or another
15 appropriate licensing authority the failure of any architect,
16 [~~interior designer,~~] landscape architect, or engineer to submit or
17 resubmit in a timely manner plans and specifications to the
18 department as required by this subchapter.

19 SECTION 7. Section 263.153(c), Local Government Code, is
20 amended to read as follows:

21 (c) A county that contracts with an auctioneer [~~licensed~~
22 ~~under Chapter 1802, Occupations Code,~~] who uses an Internet auction
23 site offering online bidding through the Internet to sell surplus
24 or salvage property under this subchapter having an estimated value
25 of not more than \$500 shall satisfy the notice requirement under
26 this section by posting the property on the site for at least 10
27 days unless the property is sold before the 10th day.

1 SECTION 8. Section 1001.063, Occupations Code, is amended
2 to read as follows:

3 Sec. 1001.063. ARCHITECTS AND [~~7~~] LANDSCAPE ARCHITECTS [~~7~~
4 ~~AND INTERIOR DESIGNERS~~]. This chapter or a rule adopted under this
5 chapter does not prevent or otherwise restrict a person licensed as
6 an architect under Chapter 1051 or [~~7~~] a landscape architect under
7 Chapter 1052 [~~7, or an interior designer under Chapter 1053~~] from
8 performing an act, service, or work that is within the definition of
9 the person's practice under those chapters.

10 SECTION 9. The heading to Chapter 1051, Occupations Code,
11 is amended to read as follows:

12 CHAPTER 1051. TEXAS BOARD OF ARCHITECTURAL EXAMINERS; GENERAL
13 PROVISIONS AFFECTING ARCHITECTS AND [~~7~~] LANDSCAPE ARCHITECTS [~~7, AND~~
14 ~~INTERIOR DESIGNERS~~]; PROVISIONS AFFECTING ONLY ARCHITECTS

15 SECTION 10. Sections 1051.101(a) and (b), Occupations Code,
16 are amended to read as follows:

17 (a) The Texas Board of Architectural Examiners consists of
18 seven [~~nine~~] members appointed by the governor with the advice and
19 consent of the senate as follows:

20 (1) four architect members registered under this
21 chapter;

22 (2) [~~one interior designer member registered under~~
23 ~~Chapter 1053,~~

24 [~~3~~] one landscape architect member registered under
25 Chapter 1052; and

26 (3) two [~~4~~ ~~three~~] members who represent the public,
27 at least one of whom is a person with a physical disability.

1 (b) Not more than one board member may be:

2 (1) a stockholder or owner of an interest in a school
3 or college that teaches architecture[~~interior design~~] or
4 landscape architecture; or

5 (2) a full-time member of the faculty or
6 administration of the architecture[~~interior design~~] or
7 landscape architecture department of a school or college whose
8 position is the primary employment of the board member.

9 SECTION 11. Section 1051.102, Occupations Code, is amended
10 to read as follows:

11 Sec. 1051.102. ELIGIBILITY OF PUBLIC MEMBERS. A person is
12 not eligible for appointment as a public member of the board if the
13 person or the person's spouse:

14 (1) is registered, certified, or licensed by an
15 occupational regulatory agency in the field of architecture[~~interior design~~]
16 or landscape architecture;

17 (2) is employed by or participates in the management
18 of a business entity or other organization regulated by the board or
19 receiving funds from the board;

20 (3) owns or controls, directly or indirectly, more
21 than a 10 percent interest in a business entity or other
22 organization regulated by the board or receiving funds from the
23 board; or

24 (4) uses or receives a substantial amount of tangible
25 goods, services, or funds from the board, other than compensation
26 or reimbursement authorized by law for board membership,
27 attendance, or expenses.

1 SECTION 12. Section 1051.103(b), Occupations Code, is
2 amended to read as follows:

3 (b) A person may not be a member of the board and may not be a
4 board employee employed in a "bona fide executive, administrative,
5 or professional capacity," as that phrase is used for purposes of
6 establishing an exemption to the overtime provisions of the federal
7 Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.),
8 and its subsequent amendments, if:

9 (1) the person is an officer, employee, or paid
10 consultant of a Texas trade association in the field of
11 architecture[~~, interior design,~~] or landscape architecture; or

12 (2) the person's spouse is an officer, manager, or paid
13 consultant of a Texas trade association in the field of
14 architecture[~~, interior design,~~] or landscape architecture.

15 SECTION 13. Section 1051.104(a), Occupations Code, is
16 amended to read as follows:

17 (a) Board members serve staggered six-year terms. The terms
18 of two or three members expire on January 31 of each odd-numbered
19 year.

20 SECTION 14. Section 1051.201, Occupations Code, is amended
21 to read as follows:

22 Sec. 1051.201. SCOPE OF ADMINISTRATIVE AUTHORITY. The
23 powers granted and duties delegated to the board under this chapter
24 are in addition to the powers granted and duties delegated to the
25 board under Chapter [~~Chapters~~] 1052 [~~and 1053~~].

26 SECTION 15. Section 1051.202, Occupations Code, is amended
27 to read as follows:

1 Sec. 1051.202. GENERAL RULEMAKING AUTHORITY. The board
2 shall adopt reasonable rules and bylaws and prescribe forms as
3 necessary to administer or enforce this subtitle, including rules
4 regulating the practices of architecture and [✓] landscape
5 architecture [~~and interior design~~].

6 SECTION 16. The heading to Article 2, Chapter 1051,
7 Occupations Code, is amended to read as follows:

8 ARTICLE 2. GENERAL PROVISIONS APPLYING TO ARCHITECTS AND [✓]
9 LANDSCAPE ARCHITECTS [~~AND INTERIOR DESIGNERS~~]

10 SECTION 17. Section 1051.306, Occupations Code, is amended
11 to read as follows:

12 Sec. 1051.306. FIRM REGISTRATION. The board by rule may
13 require a firm, partnership, corporation, or association that
14 engages in the practice of architecture or [✓] landscape
15 architecture [~~or interior design~~] to register with the board under
16 this subtitle.

17 SECTION 18. Section 1051.354, Occupations Code, is amended
18 to read as follows:

19 Sec. 1051.354. FEE EXEMPTION FOR MILITARY PERSONNEL. (a) A
20 person required to register under this subtitle who is on active
21 duty as a member of the United States military is exempt from the
22 payment of any fee during the person's term of service if the
23 person:

24 (1) is in good standing as an architect or [✓]
25 landscape architect [~~or interior designer~~] in this state; or

26 (2) was in good standing as an architect or [✓]
27 landscape architect [~~or interior designer~~] in this state at the

1 time the person entered into military service.

2 (b) A person who is exempt from payment of a fee under
3 Subsection (a):

4 (1) is exempt for the remainder of the fiscal year
5 during which the person's active duty status expires; and

6 (2) is entitled to have the person's name continued on
7 the list of architects or [7] landscape architects [~~7 or interior~~
8 ~~designers~~].

9 SECTION 19. Section 1051.355(e), Occupations Code, is
10 amended to read as follows:

11 (e) The additional amount of the renewal fee described by
12 Subsection (b)(2) does not apply to a person registered under
13 Chapter 1052 [~~or 1053~~].

14 SECTION 20. Section 1051.455(b), Occupations Code, is
15 amended to read as follows:

16 (b) A proceeding under this section relating to an architect
17 or [7] a landscape architect [~~7 or an interior designer~~] is subject
18 to Chapter 2001, Government Code.

19 SECTION 21. Section 1051.504(a), Occupations Code, is
20 amended to read as follows:

21 (a) If it appears to the board that a person who is not
22 registered under this subtitle is violating or has violated this
23 subtitle, a rule adopted under this subtitle, or another state
24 statute or rule relating to the practice of architecture or [7]
25 landscape architecture [~~7 or interior design~~], the board after
26 providing to the person notice and the opportunity for a hearing may
27 issue a cease and desist order prohibiting the conduct described in

1 the notice.

2 SECTION 22. Section 1101.005, Occupations Code, is amended
3 to read as follows:

4 Sec. 1101.005. APPLICABILITY OF CHAPTER. This chapter
5 does not apply to:

6 (1) an attorney licensed in this state;

7 (2) an attorney-in-fact authorized under a power of
8 attorney to conduct a real estate transaction;

9 (3) a public official while engaged in official
10 duties;

11 (4) an auctioneer [~~licensed under Chapter 1802~~] while
12 conducting the sale of real estate by auction if the auctioneer does
13 not perform another act of a broker or salesperson;

14 (5) a person conducting a real estate transaction
15 under a court order or the authority of a will or written trust
16 instrument;

17 (6) a person employed by an owner in the sale of
18 structures and land on which structures are located if the
19 structures are erected by the owner in the course of the owner's
20 business;

21 (7) an on-site manager of an apartment complex;

22 (8) an owner or the owner's employee who leases the
23 owner's improved or unimproved real estate; or

24 (9) a transaction involving:

25 (A) the sale, lease, or transfer of a mineral or
26 mining interest in real property;

27 (B) the sale, lease, or transfer of a cemetery

1 lot;

2 (C) the lease or management of a hotel or motel;

3 or

4 (D) the sale of real property under a power of
5 sale conferred by a deed of trust or other contract lien.

6 SECTION 23. Section 1601.002, Occupations Code, is amended
7 to read as follows:

8 Sec. 1601.002. DEFINITION OF BARBERING. In this chapter,
9 "barbering," "practicing barbering," or the "practice of
10 barbering" means:

11 (1) performing or offering or attempting to perform
12 for compensation or the promise of compensation any of the
13 following services:

14 (A) treating a person's mustache or beard by
15 arranging, beautifying, coloring, processing, shaving, styling, or
16 trimming; or

17 (B) treating a person's hair by:

18 (i) arranging, beautifying, bleaching,
19 cleansing, coloring, curling, dressing, dyeing, processing,
20 [~~shampooing,~~] shaping, singeing, straightening, styling, tinting,
21 or waving;

22 (ii) providing a necessary service that is
23 preparatory or ancillary to a service under Subparagraph (i),
24 including bobbing, clipping, cutting, or trimming; or

25 (iii) cutting the person's hair as a
26 separate and independent service for which a charge is directly or
27 indirectly made separately from a charge for any other service;

1 ~~[(C) cleansing, stimulating, or massaging a~~
2 ~~person's scalp, face, neck, arms, or shoulders:~~

3 ~~[(i) by hand or by using a device,~~
4 ~~apparatus, or appliance; and~~

5 ~~[(ii) with or without the use of any~~
6 ~~cosmetic preparation, antiseptic, tonic, lotion, or cream;~~

7 ~~[(D) beautifying a person's face, neck, arms, or~~
8 ~~shoulders using a cosmetic preparation, antiseptic, tonic, lotion,~~
9 ~~powder, oil, clay, cream, or appliance;~~

10 ~~[(E) treating a person's nails by:~~

11 ~~[(i) cutting, trimming, polishing,~~
12 ~~tinting, coloring, cleansing, manicuring, or pedicuring; or~~

13 ~~[(ii) attaching false nails;~~

14 ~~[(F) massaging, cleansing, treating, or~~
15 ~~beautifying a person's hands;~~

16 ~~[(G) administering facial treatments;~~

17 ~~[(H) weaving a person's hair by using any method~~
18 ~~to attach commercial hair to a person's hair or scalp;~~

19 ~~[(I) shampooing or conditioning a person's hair;~~

20 ~~[(J) servicing in any manner listed in Paragraph~~
21 ~~(B) a person's wig, toupee, or artificial hairpiece on a person's~~
22 ~~head or on a block after the initial retail sale; or~~

23 ~~[(K) braiding a person's hair, trimming hair~~
24 ~~extensions only as applicable to the braiding process, and~~
25 ~~attaching commercial hair only by braiding and without the use of~~
26 ~~chemicals or adhesives;]~~

27 (2) advertising or representing to the public in any

1 manner that a person is a barber or is authorized to practice
2 barbering; or

3 (3) advertising or representing to the public in any
4 manner that a location or place of business is a barbershop[~~7~~
5 ~~specialty shop,~~] or barber school.

6 SECTION 24. Section 1601.003, Occupations Code, is amended
7 to read as follows:

8 Sec. 1601.003. APPLICATION OF CHAPTER. This chapter does
9 not apply to a person who:

10 (1) does not represent or advertise to the public
11 directly or indirectly that the person is authorized by the
12 department to practice barbering; and

13 (2) is:

14 (A) a physician or registered nurse licensed in
15 this state and operating within the scope of the person's license;

16 (B) a commissioned or authorized medical or
17 surgical officer of the United States armed forces;

18 (C) a person regulated under Chapter 1602, if the
19 person practices within the scope of a permit or [~~7~~] license [~~7~~
20 ~~certificate~~] issued by the department under that chapter; or

21 (D) an inmate in the institutional division of
22 the Texas Department of Criminal Justice who performs barbering
23 during the person's incarceration.

24 SECTION 25. Sections 1601.251(b) and (c), Occupations Code,
25 are amended to read as follows:

26 (b) Unless the person holds an appropriate certificate,
27 license, or permit, a person may not directly or indirectly use or

1 cause to be used any of the following terms, or any combination,
2 variation, or abbreviation of the terms, as a professional or
3 business identification, title, name, representation, asset, or
4 means of advantage or benefit:

- 5 (1) "barber" or "barbering";
- 6 (2) "barber school" or "barber college"; or
- 7 (3) "barbershop" or ["barbershop,"] "barber salon."
8 [~~salon," or "specialty shop."~~]

9 (c) Unless the person holds an appropriate certificate,
10 license, or permit, a person may not directly or indirectly use or
11 cause to be used a symbol, or a combination, variation, or
12 abbreviation of symbols, that in any manner creates an impression
13 with the public that the person is qualified or authorized to
14 practice barbering or own or manage a barbershop[~~, specialty shop,~~
15 or barber school.

16 SECTION 26. Section [1601.256](#)(a), Occupations Code, is
17 amended to read as follows:

- 18 (a) A person holding a barber technician license may:
 - 19 (1) perform only barbering as specified by commission
20 rule [~~defined by Sections [1601.002](#)(1)(C), (D), (F), (G), and (I)];~~
 - 21 and
 - 22 (2) practice only at a location that has been issued a
23 barbershop permit.

24 SECTION 27. Section [1601.265](#)(a), Occupations Code, is
25 amended to read as follows:

- 26 (a) The department shall issue a license or certificate to
27 an applicant for a license or certificate issued under Section

1 1601.253 or [~~7~~] 1601.256 [~~, 1601.258, or 1601.259~~] if the
2 applicant:

3 (1) submits an application on a form prescribed by the
4 department;

5 (2) pays the application fee; and

6 (3) provides proof that the applicant holds a current
7 license to engage in the same or a similar activity issued by
8 another jurisdiction that has license requirements substantially
9 equivalent to those of this state.

10 SECTION 28. The heading to Subchapter G, Chapter 1601,
11 Occupations Code, is amended to read as follows:

12 SUBCHAPTER G. PERMITTING OF BARBERSHOPS [~~AND SPECIALTY SHOPS~~]

13 SECTION 29. Section 1601.301, Occupations Code, is amended
14 to read as follows:

15 Sec. 1601.301. PERMIT REQUIRED. (a) A person may not own,
16 operate, or manage a barbershop or [~~7~~] dual shop[~~, or specialty~~
17 ~~shop~~] unless the person holds the appropriate permit.

18 (b) Not later than the third day after the date the shop
19 opens, a person who owns, operates, or manages a barbershop or [~~7~~]
20 dual shop[~~, or specialty shop~~] must submit an application to the
21 department for an appropriate permit for each shop, accompanied by
22 a fee set by commission rule.

23 (c) A person who owns, operates, or manages a barbershop or
24 [~~7~~] dual shop[~~, or specialty shop~~] may employ a person holding a
25 student permit under Section 1601.260 to shampoo or condition a
26 person's hair.

27 SECTION 30. The heading to Section 1601.308, Occupations

1 Code, is amended to read as follows:

2 Sec. 1601.308. TRANSFER OF BARBERSHOP [~~OR SPECIALTY SHOP~~]
3 PERMIT.

4 SECTION 31. Section 1601.308(b), Occupations Code, is
5 amended to read as follows:

6 (b) If the ownership of a barbershop [~~or specialty shop~~] is
7 transferred, the new owner of the shop may continue to operate the
8 shop if the new owner applies for and obtains a new permit not later
9 than the 30th day after the date of the transfer.

10 SECTION 32. Section 1601.402(b), Occupations Code, is
11 amended to read as follows:

12 (b) A Class A barber, barber technician, or instructor [~~7~~
13 ~~manicurist, or other licensed specialist~~] must renew the person's
14 certificate or license on or before the expiration date.

15 SECTION 33. Section 1601.405(a), Occupations Code, is
16 amended to read as follows:

17 (a) The department may not require a Class A barber, barber
18 technician, or instructor [~~7~~ ~~or manicurist~~] who is serving on
19 active duty in the United States armed forces to renew the person's
20 certificate or license.

21 SECTION 34. The heading to Section 1601.406, Occupations
22 Code, is amended to read as follows:

23 Sec. 1601.406. RENEWAL OF BARBERSHOP [~~OR SPECIALTY SHOP~~]
24 PERMIT.

25 SECTION 35. Section 1601.406(a), Occupations Code, is
26 amended to read as follows:

27 (a) A barbershop permit [~~or specialty shop permit~~] expires

1 on the second anniversary of the date of issuance.

2 SECTION 36. Section 1601.452, Occupations Code, is amended
3 to read as follows:

4 Sec. 1601.452. DISPLAY OF SANITATION RULES. Each
5 barbershop [~~or specialty shop~~] shall post in the shop a copy of the
6 commission's sanitation rules.

7 SECTION 37. Section 1601.453, Occupations Code, is amended
8 to read as follows:

9 Sec. 1601.453. LOCATION OF PRACTICE. A person licensed by
10 the department may practice barbering only at a location for which
11 the department has issued a barbershop permit [~~, specialty shop~~
12 ~~permit,~~] or barber school permit under this chapter or a permit
13 issued under Chapter 1603.

14 SECTION 38. Section 1601.454(a), Occupations Code, is
15 amended to read as follows:

16 (a) The commission may not adopt rules to restrict or
17 prohibit practice by a Class A barber [~~or manicurist~~] in a facility
18 solely because the facility is licensed or permitted by the
19 department under both this chapter and Chapter 1602.

20 SECTION 39. The heading to Subchapter K, Chapter 1601,
21 Occupations Code, is amended to read as follows:

22 SUBCHAPTER K. OPERATION OF BARBERSHOP [~~AND SPECIALTY SHOP~~]

23 SECTION 40. Section 1601.501, Occupations Code, is amended
24 to read as follows:

25 Sec. 1601.501. DISPLAY OF SHOP PERMIT. A barbershop [~~or~~
26 ~~specialty shop~~] permit holder must display the permit in a
27 conspicuous place in the shop for which the permit is issued.

1 SECTION 41. Section 1601.504, Occupations Code, is amended
2 to read as follows:

3 Sec. 1601.504. NECESSARY EQUIPMENT. The owner, operator,
4 or manager of a barbershop [~~or specialty shop~~] shall equip the shop
5 with the facilities, supplies, and appliances, furnishings, or
6 materials necessary to enable a person employed on the premises to
7 comply with this chapter.

8 SECTION 42. Section 1601.505, Occupations Code, is amended
9 to read as follows:

10 Sec. 1601.505. EMPLOYEE WITH DISEASE. (a) An owner,
11 operator, or manager of a barbershop [~~or specialty shop~~] may not
12 knowingly permit a person with a communicable skin disease or a
13 venereal disease to act as a barber or employee or work in the shop.

14 (b) A person who knows the person has a communicable disease
15 or a venereal disease may not act as a barber or work in a barbershop
16 [~~or specialty shop~~].

17 SECTION 43. Section 1601.507, Occupations Code, is amended
18 to read as follows:

19 Sec. 1601.507. USE OF SHOP AS SLEEPING QUARTERS. (a) An
20 owner or manager of a barbershop [~~or specialty shop~~] may not permit
21 a person to sleep in a room used as part of the shop.

22 (b) A person may not act as a barber or be employed in a
23 barbershop [~~or specialty shop~~] in a room used as sleeping quarters.

24 SECTION 44. Section 1602.002(a), Occupations Code, is
25 amended to read as follows:

26 (a) In this chapter, "cosmetology" means the practice of
27 performing or offering to perform for compensation any of the

1 following services:

2 (1) treating a person's hair by:

3 (A) providing any method of treatment as a
4 primary service, including arranging, beautifying, bleaching,
5 cleansing, coloring, cutting, dressing, dyeing, processing,
6 ~~[shampooing,~~ shaping, singeing, straightening, styling, tinting,
7 or waving;

8 (B) providing a necessary service that is
9 preparatory or ancillary to a service under Paragraph (A),
10 including bobbing, clipping, cutting, or trimming a person's hair
11 or shaving a person's neck with a safety razor; or

12 (C) cutting the person's hair as a separate and
13 independent service for which a charge is directly or indirectly
14 made separately from charges for any other service; or

15 (2) ~~[braiding a person's hair,~~

16 ~~[(3) shampooing and conditioning a person's hair,~~

17 ~~[(4) servicing a person's wig or artificial hairpiece
18 on a person's head or on a block after the initial retail sale and
19 servicing in any manner listed in Subdivision (1),~~

20 ~~[(5)]~~ treating a person's mustache or beard by
21 arranging, beautifying, coloring, processing, styling, trimming,
22 or shaving with a safety razor[~~+~~

23 ~~[(6) cleansing, stimulating, or massaging a person's
24 scalp, face, neck, or arms:~~

25 ~~[(A) by hand or by using a device, apparatus, or
26 appliance, and~~

27 ~~[(B) with or without the use of any cosmetic~~

1 ~~certificate~~] to perform that practice.

2 (c) A person licensed by the department may practice
3 cosmetology only at a facility operated by a person holding a beauty
4 shop license, [~~specialty shop license,~~] private beauty culture
5 school license, or other license issued by the department.

6 SECTION 48. The heading to Section 1602.262, Occupations
7 Code, is amended to read as follows:

8 Sec. 1602.262. ISSUANCE OF LICENSE [~~OR CERTIFICATE~~].

9 SECTION 49. Section 1602.268(b), Occupations Code, is
10 amended to read as follows:

11 (b) The department may waive any requirement for a license
12 [~~or certificate~~] issued under this chapter, other than a license
13 listed in Subsection (a), for an applicant holding a license from
14 another state that has license requirements substantially
15 equivalent to those of this state.

16 SECTION 50. Section 1602.301, Occupations Code, is amended
17 to read as follows:

18 Sec. 1602.301. FACILITY LICENSE REQUIRED. (a) A person may
19 not operate a beauty shop, beauty culture school, [~~specialty shop,~~
20 or other place of business in which cosmetology is taught or
21 practiced unless the person holds a license to operate that place of
22 business.

23 (b) A person may not operate a vocational cosmetology
24 program in a public school or lease space on the premises of a
25 beauty shop [~~specialty shop,~~] or dual shop to engage in the
26 practice of cosmetology as an independent contractor unless the
27 person holds a license issued under this chapter.

1 (c) A person who owns, operates, or manages a beauty shop [~~7~~
2 ~~specialty shop,~~] or dual shop may employ a person holding a student
3 permit under Section 1602.266 to shampoo or condition a person's
4 hair.

5 SECTION 51. Section 1602.303(a), Occupations Code, is
6 amended to read as follows:

7 (a) A person holding a private beauty culture school license
8 may maintain an establishment in which any practice of cosmetology
9 is taught [~~7~~, including providing an eyelash extension application
10 training program described by Section 1602.2572].

11 SECTION 52. The heading to Section 1602.304, Occupations
12 Code, is amended to read as follows:

13 Sec. 1602.304. PUBLIC SECONDARY OR POSTSECONDARY BEAUTY
14 CULTURE SCHOOL LICENSE [~~CERTIFICATE~~].

15 SECTION 53. Section 1602.306(c), Occupations Code, is
16 amended to read as follows:

17 (c) The applicant is entitled to a booth rental license if
18 the applicant:

19 (1) pays the application fee set by the commission in
20 an amount reasonable and necessary to cover the costs of
21 administering the booth rental licensing program;

22 (2) complies with commission rules; and

23 (3) has not committed an act that constitutes a ground
24 for denial of a license [~~or certificate~~].

25 SECTION 54. The heading to Section 1602.351, Occupations
26 Code, is amended to read as follows:

27 Sec. 1602.351. RENEWAL OF LICENSE [~~OR CERTIFICATE~~]

1 REQUIRED.

2 SECTION 55. Section 1602.351(a), Occupations Code, is
3 amended to read as follows:

4 (a) Except as provided by Subsections (b) and (c), a license
5 [~~or certificate~~] issued under this chapter expires on the second
6 anniversary of the date the license [~~or certificate~~] is issued.

7 SECTION 56. Section 1602.353, Occupations Code, as added by
8 Chapter 1311 (H.B. 3149), Acts of the 79th Legislature, Regular
9 Session, 2005, is amended to conform to Section 1602.353,
10 Occupations Code, as added by Chapter 798 (S.B. 411), Acts of the
11 79th Legislature, Regular Session, 2005, and further amended to
12 read as follows:

13 Sec. 1602.353. INACTIVE STATUS. (a) The holder of a
14 [~~certificate or~~] license issued under this chapter may place the
15 holder's [~~certificate or~~] license on inactive status by:

16 (1) applying to the commission on a form prescribed by
17 the commission not later than the 10th day before the date the
18 [~~certificate or~~] license expires; and

19 (2) paying the required fee.

20 (b) The holder of a [~~certificate or~~] license that has been
21 placed on inactive status under this section is not required to
22 comply with continuing education requirements under this chapter.

23 (c) To maintain inactive status, the holder of a
24 [~~certificate or~~] license must reapply for inactive status on or
25 before the second anniversary of the date the status is granted by
26 submitting the required form accompanied by the required renewal
27 fee.

1 (d) The holder of a [~~certificate or~~] license to practice
2 cosmetology that has been placed on inactive status under this
3 section may not perform or attempt to perform the practice of
4 cosmetology.

5 (e) The holder of an instructor's license that has been
6 placed on inactive status may not teach or attempt to teach
7 cosmetology at a private beauty culture school or in a vocational
8 cosmetology program in a public school.

9 (f) The holder of a license to operate a vocational
10 cosmetology program in a public school, or a beauty shop, beauty
11 culture school, [~~specialty shop,~~] or other place of business in
12 which cosmetology is taught or practiced under this chapter, may
13 not employ a person to perform the practice of cosmetology or to
14 teach as an instructor if the person's [~~certificate or~~] license has
15 been placed on inactive status.

16 (g) A person whose [~~certificate or~~] license is on inactive
17 status under this section may return the person's [~~certificate or~~]
18 license to active status by:

19 (1) applying to the commission for reinstatement of
20 the [~~certificate or~~] license on the form prescribed by the
21 commission;

22 (2) submitting written documentation that the person
23 has completed applicable continuing education requirements under
24 this chapter within the preceding two years; and

25 (3) paying the required [~~certificate or~~] license fee.

26 (h) A license holder may not employ a person on inactive
27 status.

1 (i) The commission may set fees and adopt rules to implement
2 this section.

3 SECTION 57. Section 1602.354(a), Occupations Code, is
4 amended to read as follows:

5 (a) The commission will by rule recognize, prepare, or
6 administer continuing education programs for the practice of
7 cosmetology. Participation in the programs is mandatory for all
8 license renewals [~~other than renewal of a shampoo specialty~~
9 ~~certificate~~].

10 SECTION 58. Section 1602.401, Occupations Code, is amended
11 to read as follows:

12 Sec. 1602.401. DISPLAY OF [~~CERTIFICATE OR~~] LICENSE. A
13 person holding a license [~~or certificate~~] issued under this chapter
14 shall display the license [~~or certificate~~] in the person's place of
15 business or employment.

16 SECTION 59. Section 1602.402, Occupations Code, is amended
17 to read as follows:

18 Sec. 1602.402. LICENSE [~~OR CERTIFICATE~~] NOT TRANSFERABLE.
19 A license [~~or certificate~~] issued under this chapter is not
20 transferable.

21 SECTION 60. Section 1602.403, Occupations Code, is amended
22 to read as follows:

23 Sec. 1602.403. EMPLOYMENT OF LICENSE [~~OR CERTIFICATE~~]
24 HOLDER. (a) A private beauty culture school may not employ:

25 (1) a person holding an operator license [~~, manicurist~~
26 ~~specialty license, or specialty certificate~~] solely to perform [~~the~~
27 ~~practices of~~] cosmetology [~~for which the person is licensed or~~

1 ~~certified~~]; or

2 (2) a person holding an instructor license to perform
3 any act or practice of cosmetology.

4 (b) [~~(c)~~] A person holding a beauty shop license [~~or~~
5 ~~specialty shop license~~] may not employ:

6 (1) a person as an operator [~~or specialist~~] or lease to
7 a person who acts as an operator [~~or specialist~~] unless the person
8 holds a license or certificate under this chapter or under Chapter
9 1601; or

10 (2) a person to shampoo or condition a person's hair
11 unless the person holds a [~~shampoo apprentice permit or~~] student
12 permit.

13 SECTION 61. Section 1602.404, Occupations Code, is amended
14 to read as follows:

15 Sec. 1602.404. OPERATING CERTAIN SHOPS OR SCHOOLS ON SINGLE
16 PREMISES. A person may not operate a beauty shop [~~or specialty~~
17 ~~shop~~] or private beauty culture school on the same premises as
18 another one of those facilities unless the facilities are separated
19 by walls of permanent construction without an opening between the
20 facilities.

21 SECTION 62. Section 1602.406, Occupations Code, is amended
22 to read as follows:

23 Sec. 1602.406. INFECTIOUS AND CONTAGIOUS DISEASES. (a) A
24 person holding an operator license or [~~7~~] instructor license [~~or~~
25 ~~specialty certificate~~] may not perform any practice of cosmetology
26 if the person knows the person is suffering from an infectious or
27 contagious disease for which the person is not entitled to

1 protection under the federal Americans with Disabilities Act of
2 1990 (42 U.S.C. Section 12101 et seq.).

3 (b) A person holding a beauty shop license, [~~specialty shop~~
4 ~~license,~~] private beauty culture school license, or license to
5 operate a vocational cosmetology program in a public school may not
6 employ a person to perform any practice of cosmetology if the
7 license holder knows that the person is suffering from an
8 infectious or contagious disease for which the person is not
9 entitled to protection under the Americans with Disabilities Act of
10 1990.

11 SECTION 63. Section 1602.407(b), Occupations Code, is
12 amended to read as follows:

13 (b) A person holding a license [~~certificate,~~] or permit
14 under this chapter may perform a service within the scope of the
15 license [~~certificate,~~] or permit at a location other than a
16 licensed facility for a client who, because of illness or physical
17 or mental incapacitation, is unable to receive the services at a
18 licensed facility.

19 SECTION 64. Section 1602.451(a), Occupations Code, is
20 amended to read as follows:

21 (a) The holder of a private beauty culture school license
22 shall:

- 23 (1) maintain a sanitary establishment;
- 24 (2) maintain on duty one licensed instructor for each
25 25 students in attendance;
- 26 (3) maintain a daily record of students' attendance;
- 27 (4) establish regular class and instruction hours and

1 grades;

2 (5) require a school term of not less than nine months
3 and not less than 1,500 hours instruction for a complete course in
4 cosmetology;

5 (6) [~~require a school term of not less than 600 hours~~
6 ~~instruction for a complete course in manicuring,~~

7 [~~(7)~~] hold examinations before issuing diplomas;

8 (7) [~~(8)~~] maintain a copy of the school's curriculum
9 in a conspicuous place and verify that the curriculum is being
10 followed;

11 (8) [~~(9)~~] publish in the school's catalogue and
12 enrollment contract a description of the refund policy required
13 under Section 1602.458; and

14 (9) [~~(10)~~] provide the department with information
15 on:

16 (A) the current course completion rates of
17 students who attend a course of instruction offered by the school;
18 and

19 (B) job placement rates and employment rates of
20 students who complete the course of instruction.

21 SECTION 65. Section 1602.456(c), Occupations Code, is
22 amended to read as follows:

23 (c) If a private beauty culture school or public school
24 violates this section, the license of the [~~private beauty culture~~
25 ~~school or the certificate of the public~~] school may be revoked or
26 suspended.

27 SECTION 66. Section 1702.021(a), Occupations Code, is

1 amended to read as follows:

2 (a) The Texas Private Security Board consists of seven
3 members appointed by the governor with the advice and consent of the
4 senate as follows:

5 (1) four [~~three~~] public members, each of whom is a
6 citizen of the United States;

7 (2) one member who is licensed under this chapter as a
8 private investigator;

9 (3) one member who is licensed under this chapter as an
10 alarm systems company; and

11 (4) one member who is licensed under this chapter as
12 the owner or operator of a guard company [~~and~~

13 [~~(5) one member who is licensed under this chapter as a~~
14 ~~locksmith~~].

15 SECTION 67. Section 1702.102(a), Occupations Code, is
16 amended to read as follows:

17 (a) Unless the person holds a license as a security services
18 contractor, a person may not:

19 (1) act as an alarm systems company, armored car
20 company, courier company, guard company, guard dog company,
21 [~~locksmith company,~~] or private security consultant company;

22 (2) offer to perform the services of a company in
23 Subdivision (1); or

24 (3) engage in business activity for which a license is
25 required under this chapter.

26 SECTION 68. Section 1702.221(b), Occupations Code, is
27 amended to read as follows:

1 (b) An individual must obtain the appropriate endorsement
2 in accordance with the requirements of this chapter and related
3 administrative rules if the individual:

4 (1) is employed as:

5 (A) an alarm instructor;
6 (B) an alarm systems installer;
7 (C) an alarm systems monitor;
8 (D) an electronic access control device
9 installer;

10 (E) a level 3 classroom or firearm instructor;
11 (F) ~~[a locksmith,~~
12 ~~[(G) a dog trainer,~~
13 ~~[(H)] a manager or branch office manager;~~
14 (G) ~~[(I)]~~ a noncommissioned security officer;
15 (H) ~~[(J)]~~ a level 4 personal protection
16 instructor;

17 (I) ~~[(K)]~~ a private investigator;
18 (J) ~~[(L)]~~ a private security consultant;
19 (K) ~~[(M)]~~ a security salesperson; or
20 (L) ~~[(N)]~~ an individual whose duties include
21 performing another activity for which an endorsement is required
22 under Subsection (e); or

23 (2) is an owner who oversees the security-related
24 aspects of the business, officer, partner, or shareholder of a
25 license holder.

26 SECTION 69. Section [1702.283](#), Occupations Code, is amended
27 to read as follows:

1 Sec. 1702.283. CRUELTY TO ANIMALS. A person who has been
2 convicted of cruelty to animals under Section 42.09 or 42.092,
3 Penal Code:

4 (1) is ineligible for a license as a guard dog company
5 [~~or for endorsement as a dog trainer~~]; and

6 (2) may not be employed to work with dogs as a security
7 officer by a security services contractor or security department of
8 a private business that uses dogs to protect individuals or
9 property or to conduct investigations.

10 SECTION 70. Section 1702.301(d), Occupations Code, is
11 amended to read as follows:

12 (d) Endorsement as a private investigator, manager, branch
13 office manager, alarm systems installer, security consultant,
14 security salesperson, or alarm systems monitor [~~, or dog trainer~~]
15 expires on the second anniversary of the date of endorsement.

16 SECTION 71. Section 1702.324(b), Occupations Code, is
17 amended to read as follows:

18 (b) This chapter does not apply to:

19 (1) a manufacturer or a manufacturer's authorized
20 distributor while selling equipment intended for resale;

21 (2) a person engaged exclusively in the business of
22 obtaining and providing information to:

23 (A) determine creditworthiness;

24 (B) collect debts; or

25 (C) ascertain the reliability of information
26 provided by an applicant for property, life, or disability
27 insurance or an indemnity or surety bond;

1 (3) a person engaged exclusively in the business of
2 repossessing property that is secured by a mortgage or other
3 security interest;

4 (4) a person who is engaged in the business of
5 psychological testing or other testing and interviewing services,
6 including services to determine attitudes, honesty, intelligence,
7 personality, and skills, for preemployment purposes;

8 (5) a person who:

9 (A) is engaged in obtaining information that is a
10 public record under Chapter 552, Government Code, regardless of
11 whether the person receives compensation;

12 (B) is not a full-time employee, as defined by
13 Section 61.001, Labor Code, of a person licensed under this
14 chapter; and

15 (C) does not perform any other act that requires
16 a license under this chapter;

17 (6) a licensed engineer practicing engineering or
18 directly supervising engineering practice under Chapter 1001,
19 including forensic analysis, burglar alarm system engineering, and
20 necessary data collection;

21 (7) an employee of a cattle association who inspects
22 livestock brands under the authority granted to the cattle
23 association by the Grain Inspection, Packers and Stockyards
24 Administration of the United States Department of Agriculture;

25 (8) a landman performing activities in the course and
26 scope of the landman's business;

27 (9) an attorney while engaged in the practice of law;

1 (10) a person who obtains a document for use in
2 litigation under an authorization or subpoena issued for a written
3 or oral deposition;

4 (11) an admitted insurer, insurance adjuster, agent,
5 or insurance broker licensed by the state, performing duties in
6 connection with insurance transacted by that person;

7 (12) a person who on the person's own property or on
8 property owned or managed by the person's employer:

9 (A) installs, changes, or repairs a mechanical
10 security device;

11 (B) repairs an electronic security device; or

12 (C) cuts or makes a key for a security device;

13 (13) security personnel, including security contract
14 personnel, working at a commercial nuclear power plant licensed by
15 the United States Nuclear Regulatory Commission;

16 (14) a person or firm licensed as an accountant or
17 accounting firm under Chapter 901, an owner of an accounting firm,
18 or an employee of an accountant or accounting firm while performing
19 services regulated under Chapter 901;

20 (15) a retailer, wholesaler, or other person who sells
21 mechanical security devices, including locks and deadbolts, but who
22 does not [~~+~~

23 ~~[(A)]~~ service mechanical security devices for
24 the public outside of the person's premises; [~~or~~

25 ~~[(B) claim to act as a locksmith,]~~

26 (16) an employee while performing investigative
27 services that would otherwise be subject to this chapter for an

1 entity regulated by the:

2 (A) Texas Department of Insurance;

3 (B) Office of Thrift Supervision;

4 (C) Securities and Exchange Commission;

5 (D) Federal Deposit Insurance Corporation; or

6 (E) Financial Industry Regulatory Authority;

7 (17) a social worker who holds a license issued under
8 Chapter 505 who is engaged in the practice of social work;

9 (18) persons licensed under Chapter 1101, an
10 association thereof, their authorized agents, or a multiple listing
11 service, engaged in the business of selling, maintaining,
12 repairing, programming, or placing lockboxes used for accessing
13 real property; or

14 (19) an automobile club that holds a certificate of
15 authority under Chapter 722, Transportation Code, its
16 subcontractor, or a business that provides similar services, that
17 unlocks a vehicle at the request of the owner or operator of the
18 vehicle [~~and that does not otherwise perform a locksmith service~~].

19 SECTION 72. Section 2302.001(6), Occupations Code, is
20 amended to read as follows:

21 (6) "Salvage vehicle agent" means a person who
22 acquires, sells, or otherwise deals in nonrepairable or salvage
23 motor vehicles in this state as directed by a a [~~the~~] salvage vehicle
24 dealer [~~under whose license the person operates~~]. [~~The term does~~
25 ~~not include a person who:~~

26 [~~(A) is a licensed salvage vehicle dealer or a~~
27 ~~licensed used automotive parts recycler,~~

1 ~~[(B) is a partner, owner, or officer of a~~
2 ~~business entity that holds a salvage vehicle dealer license or a~~
3 ~~used automotive parts recycler license;~~

4 ~~[(C) is an employee of a licensed salvage vehicle~~
5 ~~dealer or a licensed used automotive parts recycler; or~~

6 ~~[(D) only transports salvage motor vehicles for a~~
7 ~~licensed salvage vehicle dealer or a licensed used automotive parts~~
8 ~~recycler].~~

9 SECTION 73. Section 2302.0015(a), Occupations Code, is
10 amended to read as follows:

11 (a) A person consents to an entry or inspection described by
12 Subsection (b) by [~~+~~

13 ~~[(1) accepting a license under this chapter; or~~

14 ~~[(2)]~~ engaging in a business or activity regulated
15 under this chapter.

16 SECTION 74. Section 2302.053(a), Occupations Code, is
17 amended to read as follows:

18 (a) The board may not adopt a rule under Section 2302.051
19 restricting advertising or competitive bidding by a person engaging
20 in a business or activity regulated under this chapter [~~who holds a~~
21 ~~license issued under this chapter~~] except to prohibit false,
22 misleading, or deceptive practices by the person.

23 SECTION 75. Section 2302.351(b), Occupations Code, is
24 amended to read as follows:

25 (b) If a salvage vehicle dealer, an employee of the dealer
26 acting in the course of employment, or a salvage vehicle agent of
27 [~~operating under~~] the dealer [~~dealer's license~~] is convicted of

1 more than one offense under Section 2302.353(a), the district
2 attorney for a county in which the dealer's salvage business is
3 located may bring an action in that county to enjoin the dealer's
4 business operations for a period of at least one year.

5 SECTION 76. Section 2308.151, Occupations Code, is amended
6 to read as follows:

7 Sec. 2308.151. LICENSE REQUIRED. Unless the person holds
8 an appropriate license under this subchapter, a person may not:

- 9 (1) perform towing operations;
- 10 (2) operate a towing company; or
- 11 (3) [~~perform booting operations; or~~
- 12 [~~4~~] operate a booting company.

13 SECTION 77. The following laws are repealed:

- 14 (1) Section 469.002(7), Government Code;
- 15 (2) Sections 1051.001(3) and (4), Occupations Code;
- 16 (3) Section 1051.604, Occupations Code;
- 17 (4) Chapter 1053, Occupations Code;
- 18 (5) Section 1601.001(7), Occupations Code;
- 19 (6) Section 1601.254(c), Occupations Code;
- 20 (7) Section 1601.257, Occupations Code;
- 21 (8) Section 1601.258, Occupations Code;
- 22 (9) Section 1601.259, Occupations Code;
- 23 (10) Section 1601.261, Occupations Code;
- 24 (11) Section 1601.262, Occupations Code;
- 25 (12) Section 1601.263, Occupations Code;
- 26 (13) Section 1601.304, Occupations Code;
- 27 (14) Section 1601.305, Occupations Code;

- 1 (15) Section 1601.309, Occupations Code;
- 2 (16) Section 1601.406(c), Occupations Code;
- 3 (17) Section 1602.255(c), Occupations Code;
- 4 (18) Section 1602.256, Occupations Code;
- 5 (19) Section 1602.257, Occupations Code;
- 6 (20) Section 1602.2571, Occupations Code;
- 7 (21) Section 1602.2572, Occupations Code;
- 8 (22) Section 1602.258, Occupations Code;
- 9 (23) Section 1602.259, Occupations Code;
- 10 (24) Section 1602.260, Occupations Code;
- 11 (25) Section 1602.261, Occupations Code;
- 12 (26) Section 1602.262(b), Occupations Code;
- 13 (27) Section 1602.267, Occupations Code;
- 14 (28) Section 1602.305, Occupations Code;
- 15 (29) Section 1602.353, Occupations Code, as added by
- 16 Chapter 798 (S.B. 411), Acts of the 79th Legislature, Regular
- 17 Session, 2005;
- 18 (30) Section 1603.352, Occupations Code;
- 19 (31) Section 1702.1056, Occupations Code;
- 20 (32) Section 1702.2227, Occupations Code;
- 21 (33) Section 1702.225, Occupations Code
- 22 (34) Section 1702.2865, Occupations Code;
- 23 (35) Chapter 1802, Occupations Code;
- 24 (36) Section 2302.052, Occupations Code;
- 25 (37) Subchapter C, Chapter 2302, Occupations Code;
- 26 (38) Subchapter D, Chapter 2302, Occupations Code;
- 27 (39) Section 2302.203, Occupations Code;

- 1 (40) Section 2302.354, Occupations Code;
- 2 (41) Section 2303.1016(a), Occupations Code;
- 3 (42) Section 2308.1521, Occupations Code;
- 4 (43) Section 2308.153, Occupations Code;
- 5 (44) Section 2308.154, Occupations Code;
- 6 (45) Section 2308.155, Occupations Code;
- 7 (46) Section 2308.1551(b), Occupations Code;
- 8 (47) Section 2308.1555, Occupations Code; and
- 9 (48) Section 2308.157(c), Occupations Code.

10 SECTION 78. (a) The changes in law made by this Act do not
11 affect the validity of a proceeding pending before a court or other
12 governmental entity on the effective date of this Act.

13 (b) An offense or other violation of law committed before
14 the effective date of this Act is governed by the law in effect when
15 the offense or violation was committed, and the former law is
16 continued in effect for that purpose. For purposes of this
17 subsection, an offense or violation was committed before the
18 effective date of this Act if any element of the offense or
19 violation occurred before that date.

20 (c) On the effective date of this Act:

21 (1) the term of the interior designer member of the
22 Texas Board of Architectural Examiners expires;

23 (2) the governor shall designate one public member of
24 the Texas Board of Architectural Examiners whose term shall expire;

25 (3) the term of the locksmith member of the Texas
26 Private Security Board expires; and

27 (4) a license, certificate, registration,

1 endorsement, or other authorization issued under a law that is
2 repealed by this Act expires.

3 SECTION 79. Not later than December 1, 2015, the governor
4 shall appoint one member to the Texas Private Security Board so as
5 to comply with the membership requirements of Section [1702.021\(a\)](#),
6 Occupations Code, as amended by this Act.

7 SECTION 80. This Act takes effect September 1, 2015.