

By: Menéndez, et al.

S.B. No. 1307

A BILL TO BE ENTITLED

AN ACT

relating to occupational licenses for military service members,
military veterans, and military spouses.

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

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

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

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

Sec. 55.001. DEFINITIONS. In this chapter:

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

(2) "Armed forces of the United States" means the army, navy, air force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.

(3) "License" means a license, certificate, registration, permit, or other form of authorization required by

1 law or a state agency rule that must be obtained by an individual to
2 engage in a particular business.

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

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

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

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

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

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

1 individual was serving as a military service member [~~on active duty~~
2 ~~in the United States armed forces serving outside this state~~].

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

5 Sec. 55.003. EXTENSION OF LICENSE RENEWAL [~~CERTAIN~~]
6 DEADLINES FOR [~~ACTIVE DUTY~~] MILITARY SERVICE MEMBERS [~~PERSONNEL~~].
7 A military service member [~~person~~] who holds a license [~~, is a member~~
8 ~~of the state military forces or a reserve component of the armed~~
9 ~~forces of the United States, and is ordered to active duty by proper~~
10 ~~authority~~] is entitled to two years of [~~an~~] additional [~~amount of~~]
11 time [~~, equal to the total number of years or parts of years that the~~
12 ~~person serves on active duty,~~] to complete:

- 13 (1) any continuing education requirements; and
14 (2) any other requirement related to the renewal of
15 the military service member's [~~person's~~] license.

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

18 Sec. 55.004. ALTERNATIVE LICENSING [~~LICENSE PROCEDURE~~] FOR
19 MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND MILITARY SPOUSES
20 [~~SPOUSE~~]. (a) A state agency that issues a license shall adopt
21 rules for the issuance of the license to an applicant who is a
22 military service member, military veteran, or military spouse [~~the~~
23 ~~spouse of a person serving on active duty as a member of the armed~~
24 ~~forces of the United States~~] and:

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

1 this state; or

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

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

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

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

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

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

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

27 (a) A state agency that issues a license shall, as soon as

1 practicable after a military service member, military veteran, or
2 military spouse files an application for a license:

3 (1) process the application; and

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

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

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

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

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

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

26 SECTION 10. Chapter 55, Occupations Code, is amended by
27 adding Section 55.009 to read as follows:

1 Sec. 55.009. NOTICE OF CHAPTER PROVISIONS. A state agency
2 that issues a license shall prominently post a notice on the home
3 page of the agency's Internet website describing the provisions of
4 this chapter that are available to military service members,
5 military veterans, and military spouses.

6 SECTION 11. The changes in law made by this Act apply only
7 to an application for an occupational license or renewal of an
8 occupational license filed on or after January 1, 2016. An
9 application for a license or for license renewal filed before
10 January 1, 2016, is governed by the law in effect immediately before
11 the effective date of this Act, and that law is continued in effect
12 for that purpose.

13 SECTION 12. To the extent of any conflict, this Act prevails
14 over another Act of the 84th Legislature, Regular Session, 2015,
15 relating to nonsubstantive additions to and corrections in enacted
16 codes.

17 SECTION 13. This Act takes effect September 1, 2015.