

By: Giddings

H.B. No. 1508

A BILL TO BE ENTITLED

AN ACT

relating to notice to applicants to and enrollees in certain educational programs regarding the consequences of a criminal conviction on eligibility for an occupational license.

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

SECTION 1. Chapter 53, Occupations Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. NOTICE OF POTENTIAL INELIGIBILITY FOR LICENSE

Sec. 53.151. DEFINITIONS. Notwithstanding Section 53.001, in this subchapter, "licensing authority" and "occupational license" have the meanings assigned to those terms by Section 58.001.

Sec. 53.152. NOTICE BY ENTITIES PROVIDING EDUCATIONAL PROGRAMS. (a) An entity that provides an educational program to prepare an individual for issuance of an initial occupational license shall notify each applicant to and enrollee in the educational program of:

(1) the potential ineligibility of an individual who has been convicted of an offense for issuance of an occupational license on completion of the educational program;

(2) the current guidelines issued under Section 53.025 by any licensing authority that may issue an occupational license to an individual who completes the educational program;

(3) any other state or local restriction or guideline

1 used by a licensing authority described by Subdivision (2) to  
2 determine the eligibility of an individual who has been convicted  
3 of an offense for an occupational license issued by the licensing  
4 authority; and

5 (4) the right of an individual enrolled or planning to  
6 enroll in the educational program to request a criminal history  
7 evaluation letter under Section 53.102.

8 (b) The entity shall provide the notice required under  
9 Subsection (a) to each applicant and enrollee regardless of whether  
10 the applicant or enrollee has been convicted of an offense.

11 Sec. 53.153. CIVIL LIABILITY. (a) An entity that fails to  
12 provide the notice required by Section 53.152 to an individual  
13 entitled to receive the notice and whose application for an  
14 occupational license for which the educational program prepares the  
15 individual is denied because the individual has been convicted of  
16 an offense is liable to the individual for:

17 (1) the amount of any tuition paid by the individual to  
18 the entity;

19 (2) the amount of any application fees paid by the  
20 individual to the licensing authority; and

21 (3) reasonable attorney's fees and court costs.

22 (b) It is not a defense to liability under this section that  
23 an individual had actual knowledge of the information for which the  
24 entity is required to give notice under Section 53.152.

25 SECTION 2. Section 53.152, Occupations Code, as added by  
26 this Act, applies only with respect to:

27 (1) an individual who is enrolled in an educational

1 program subject to that section on or after the effective date of  
2 this Act; and

3 (2) an applicant for enrollment in an educational  
4 program subject to that section who applies for enrollment in the  
5 program on or after that date.

6 SECTION 3. Section 53.153, Occupations Code, as added by  
7 this Act, applies only to a cause of action brought by an individual  
8 entitled to notice under Section 53.152, Occupations Code, as added  
9 by this Act, that accrues on or after the effective date of this  
10 Act. A cause of action that accrued before the effective date of  
11 this Act is governed by the law applicable to the cause of action  
12 immediately before the effective date of this Act, and that law is  
13 continued in effect for that purpose.

14 SECTION 4. This Act takes effect September 1, 2017.