

SENATE AMENDMENTS

2nd Printing

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.

ADOPTED

MAY 24 2017

Latoy Spaw
Secretary of the Senate

Royce West

By: _____

H.B. No. 1508

Substitute the following for ____B. No. ____:

By: *Campbell*

C.S. *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

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

(4) the right to request a criminal history evaluation letter under Section 53.102.

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

Sec. 53.153. REFUND AND ORDERED PAYMENTS. A licensing authority that determines that an entity regulated by the licensing authority has failed to provide the notice required by Section 53.152 to an individual entitled to receive the notice and that the individual's application for an occupational license for which the entity's educational program prepares the individual was denied because the individual has been convicted of an offense shall order the entity to:

(1) refund the amount of any tuition paid by the individual to the entity; and

(2) pay to the individual an amount equal to the total of the following, as applicable:

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

(B) the amount of any examination fees paid by the individual to the licensing authority or an examination provider approved by the licensing authority.

SECTION 2. Section 53.152, Occupations Code, as added by

1 this Act, applies only with respect to:

2 (1) an individual who is enrolled in an educational
3 program subject to that section on or after the effective date of
4 this Act; and

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

8 SECTION 3. This Act takes effect September 1, 2017.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 25, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1508 by Giddings (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.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would require an entity that provides an educational program to prepare an individual for issuance of an occupational license to notify each applicant or enrollee of the consequences of a criminal conviction on eligibility for an occupational license and any other state or local restriction or guideline used by a licensing authority to determine eligibility. The bill also grants an individual the right to request a criminal history evaluation letter prior to enrolling or while enrolled.

It is assumed that any additional costs associated with the implementation of the bill would not be significant and could be absorbed within existing state resources.

Local Government Impact

The fiscal implications of the bill on local government cannot be determined at this time.

Source Agencies: 405 Department of Public Safety, 452 Department of Licensing and Regulation, 456 Board of Plumbing Examiners, 481 Board of Professional Geoscientists, 507 Texas Board of Nursing, 529 Health and Human Services Commission, 533 Executive Council of Physical Therapy & Occupational Therapy Examiners, 537 State Health Services, Department of, 551 Department of Agriculture, 582 Commission on Environmental Quality

LBB Staff: UP, SD, CL, JJ, JLE, JQ, RD

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 20, 2017

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1508 by Giddings (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.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would require an entity that provides an educational program to prepare an individual for issuance of an occupational license to notify each applicant or enrollee of the consequences of a criminal conviction on eligibility for an occupational license and any other state or local restriction or guideline used by a licensing authority to determine eligibility. The bill also grants an individual the right to request a criminal history evaluation letter prior to enrolling or while enrolled.

It is assumed that any additional costs associated with the implementation of the bill would not be significant and could be absorbed within existing state resources.

Local Government Impact

The fiscal implications of the bill on local government cannot be determined at this time.

Source Agencies: 405 Department of Public Safety, 452 Department of Licensing and Regulation, 456 Board of Plumbing Examiners, 481 Board of Professional Geoscientists, 507 Texas Board of Nursing, 529 Health and Human Services Commission, 533 Executive Council of Physical Therapy & Occupational Therapy Examiners, 537 State Health Services, Department of, 551 Department of Agriculture, 582 Commission on Environmental Quality

LBB Staff: UP, CL, JJ, JLE, JQ, RD

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 4, 2017

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB1508** by Giddings (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.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would require an entity that provides an educational program to prepare an individual for issuance of an occupational license to notify each applicant or enrollee of the consequences of a criminal conviction on eligibility for an occupational license and any other state or local restriction or guideline used by a licensing authority to determine eligibility. The bill also grants an individual the right to request a criminal history evaluation letter prior to enrolling or while enrolled.

It is assumed that any additional costs associated with the implementation of the bill would not be significant and could be absorbed within existing state resources.

Local Government Impact

The fiscal implications of the bill on local government cannot be determined at this time.

Source Agencies: 405 Department of Public Safety, 452 Department of Licensing and Regulation, 456 Board of Plumbing Examiners, 481 Board of Professional Geoscientists, 507 Texas Board of Nursing, 529 Health and Human Services Commission, 533 Executive Council of Physical Therapy & Occupational Therapy Examiners, 537 State Health Services, Department of, 551 Department of Agriculture, 582 Commission on Environmental Quality

LBB Staff: UP, CL, JJ, JLE, JQ, RD

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 26, 2017

TO: Honorable John Kuempel, Chair, House Committee on Licensing & Administrative Procedures

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1508 by Giddings (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.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would require an entity that provides an educational program to prepare an individual for issuance of an occupational license to notify each applicant or enrollee of the consequences of a criminal conviction on eligibility for an occupational license and any other state or local restriction or guideline used by a licensing authority to determine eligibility. The bill also grants an individual the right to request a criminal history evaluation letter prior to enrolling or while enrolled.

It is assumed that any additional costs associated with the implementation of the bill would not be significant and could be absorbed within existing state resources.

Local Government Impact

The fiscal implications of the bill on local government cannot be determined at this time.

Source Agencies: 405 Department of Public Safety, 452 Department of Licensing and Regulation, 456 Board of Plumbing Examiners, 481 Board of Professional Geoscientists, 507 Texas Board of Nursing, 529 Health and Human Services Commission, 533 Executive Council of Physical Therapy & Occupational Therapy Examiners, 537 State Health Services, Department of, 551 Department of Agriculture, 582 Commission on Environmental Quality

LBB Staff: UP, CL, JJ, JLE, JQ, RD