

House Bill 1508
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 of an individual enrolled or planning to enroll in the educational program 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. CIVIL LIABILITY. (a) An entity that fails to

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(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

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provide the notice required by Section 53.152 to an individual entitled to receive the notice and whose application for an occupational license for which the educational program prepares the individual is denied because the individual has been convicted of an offense is liable to the individual for:

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

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

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

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

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

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

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

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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. Same as House version.

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SECTION 3. Section 53.153, Occupations Code, as added by this Act, applies only to a cause of action brought by an individual entitled to notice under Section 53.152, Occupations Code, as added by this Act, that accrues on or after the effective date of this Act. A cause of action that accrued before the effective date of this Act is governed by the law applicable to the cause of action immediately before the effective date of this Act, and that law is continued in effect for that purpose.	No equivalent provision.	
SECTION 4. This Act takes effect September 1, 2017.	SECTION 3. Same as House version.	