

1-1 By: Goldman, et al. (Senate Sponsor - Zaffirini) H.B. No. 2452
 1-2 (In the Senate - Received from the House April 24, 2019;
 1-3 April 29, 2019, read first time and referred to Committee on
 1-4 Business & Commerce; May 10, 2019, reported favorably by the
 1-5 following vote: Yeas 8, Nays 0; May 10, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Hancock	X			
1-8 Nichols	X			
1-9 Campbell	X			
1-10 Creighton	X			
1-11 Menéndez	X			
1-12 Paxton	X			
1-13 Schwertner	X			
1-14 Whitmire			X	
1-15 Zaffirini	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to complaints filed with the Texas Department of Licensing
 1-20 and Regulation.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 51.252, Occupations Code, is amended by
 1-23 amending Subsection (b) and adding Subsections (b-1) and (e) to
 1-24 read as follows:

1-25 (b) The department shall maintain a file on each written
 1-26 complaint filed with the department. The file must include:

1-27 (1) except for a complaint described by Subsection
 1-28 (b-1), the name of the person who filed the complaint;

1-29 (2) the date the complaint is received by the
 1-30 department;

1-31 (3) the subject matter of the complaint;

1-32 (4) the name of each person contacted in relation to
 1-33 the complaint;

1-34 (5) a summary of the results of the review or
 1-35 investigation of the complaint; and

1-36 (6) an explanation of the reason the file was closed,
 1-37 if the department closed the file without taking action other than
 1-38 to investigate the complaint.

1-39 (b-1) The department may accept, but is not required to
 1-40 investigate, a complaint that lacks sufficient information to
 1-41 identify the source or the name of the person who filed the
 1-42 complaint.

1-43 (e) The department may contract with a qualified individual
 1-44 to assist the department with reviewing or investigating complaints
 1-45 filed with the department. Except for an act of the individual
 1-46 involving fraud, conspiracy, or malice, an individual with whom the
 1-47 department contracts under this subsection is immune from liability
 1-48 and may not be subject to a suit for damages for any act arising from
 1-49 the performance of the individual's duties in:

1-50 (1) participating in an informal conference to
 1-51 determine the facts of a complaint;

1-52 (2) evaluating evidence in a complaint and offering an
 1-53 expert opinion or technical guidance on an alleged violation of:

1-54 (A) a law establishing a regulatory program
 1-55 administered by the department; or

1-56 (B) a rule adopted or order issued by the
 1-57 executive director or commission;

1-58 (3) testifying at a hearing regarding a complaint; or

1-59 (4) making an evaluation, report, or recommendation
 1-60 regarding a complaint.

1-61 SECTION 2. This Act takes effect immediately if it receives

2-1 a vote of two-thirds of all the members elected to each house, as
2-2 provided by Section 39, Article III, Texas Constitution. If this
2-3 Act does not receive the vote necessary for immediate effect, this
2-4 Act takes effect September 1, 2019.

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