

1 AN ACT

2 relating to the continuation and functions of the Texas State Board
3 of Plumbing Examiners; authorizing a fee.

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

5 SECTION 1. Section 1301.002(9-a), Occupations Code, is
6 amended to read as follows:

7 (9-a) "Responsible master plumber" means a person
8 licensed as a master plumber under this chapter who:

9 (A) allows the person's master plumber license to
10 be used by one plumbing company for the purpose of offering and
11 performing plumbing work under the person's master plumber license;

12 (B) is authorized to obtain permits for plumbing
13 work;

14 (C) assumes responsibility for plumbing work
15 performed under the person's license; and

16 (D) has submitted a certificate of insurance as
17 required by Section 1301.3576 [~~and~~

18 [~~(E) has completed a training program required by~~
19 ~~Section 1301.3576]~~.

20 SECTION 2. Section 1301.002(10), Occupations Code, is
21 amended to read as follows:

22 (10) "Tradesman plumber-limited license holder" means
23 a person who:

24 (A) has :

1 (i) completed at least 4,000 hours working
2 under the direct supervision of a journeyman or master plumber as a
3 plumber's apprentice; or

4 (ii) successfully completed a coherent
5 sequence of courses in the plumbing trade that are offered through a
6 career and technology education program, as described by Section
7 1301.3542;

8 (B) has passed the required examination;

9 (C) constructs and installs plumbing for
10 one-family or two-family dwellings under the supervision of a
11 responsible master plumber; and

12 (D) has fulfilled the other requirements of the
13 board.

14 SECTION 3. Section 1301.003, Occupations Code, is amended
15 to read as follows:

16 Sec. 1301.003. APPLICATION OF SUNSET ACT. The Texas State
17 Board of Plumbing Examiners is subject to Chapter 325, Government
18 Code (Texas Sunset Act). Unless continued in existence as provided
19 by that chapter, the board is abolished and this chapter expires
20 September 1, 2027 [~~2019~~].

21 SECTION 4. The heading to Section 1301.202, Occupations
22 Code, is amended to read as follows:

23 Sec. 1301.202. CERTAIN PLUMBING EXAMINERS [~~EXAMINER~~].

24 SECTION 5. Section 1301.202(a), Occupations Code, is
25 amended to read as follows:

26 (a) If an examination required for the issuance of a
27 license, registration, or endorsement under this chapter contains a

1 practical component, the ~~[The]~~ board shall employ or contract with
2 one or more plumbing examiners to administer that portion of the
3 examination. ~~[A plumbing examiner serves at the will of the board.]~~

4 A plumbing examiner must:

5 (1) hold a license as a plumber issued under this
6 chapter;

7 (2) be knowledgeable of this chapter and municipal
8 ordinances relating to plumbing; and

9 (3) be qualified by experience and training in
10 plumbing practice.

11 SECTION 6. Section 1301.203(b), Occupations Code, is
12 amended to read as follows:

13 (b) A field representative may:

14 (1) conduct on-site license checks to determine
15 compliance with this chapter;

16 (2) investigate consumer complaints filed under
17 Section 1301.303;

18 (3) assist municipal plumbing inspectors in enforcing
19 this chapter; and

20 (4) ~~[issue citations as provided by Section 1301.502,~~
21 ~~and~~

22 ~~(5)]~~ in the performance of the field representative's
23 other duties under this chapter, check the license, registration,
24 or endorsement of a person regulated by the Texas Department of
25 Licensing and Regulation in accordance with the memorandum of
26 understanding adopted under Section 1301.259 and report any
27 noncompliance to that agency.

1 SECTION 7. Section 1301.203, Occupations Code, is amended
2 by adding Subsection (c) to read as follows:

3 (c) The board by rule shall assign priorities and prescribe
4 procedures for conducting checks described by Subsection (b)(1)
5 based on:

6 (1) the degree of potential harm to public health,
7 safety, or property;

8 (2) the history of previous violations of this chapter
9 or a rule adopted under this chapter by a person regulated under
10 this chapter; and

11 (3) any other indication of increased risk to public
12 health, safety, or property, as determined by the board.

13 SECTION 8. Section 1301.258(b), Occupations Code, as added
14 by Chapter 819 (S.B. 282), Acts of the 78th Legislature, Regular
15 Session, 2003, is amended to read as follows:

16 (b) The presiding officer of the board shall appoint the
17 members of the committees. [~~Except as provided by Subsection (c),~~
18 ~~each committee member must be a member of the board.~~]

19 SECTION 9. Subchapter E, Chapter 1301, Occupations Code, is
20 amended by adding Section 1301.263 to read as follows:

21 Sec. 1301.263. EXAMINATION ADMINISTRATION AND CONTENT. (a)
22 The board may adopt, recognize, develop, or contract for an
23 examination required by this chapter, including the administration
24 of the examination.

25 (b) For each examination required by this chapter, the board
26 shall, to the extent feasible, adopt, recognize, develop, or
27 contract for an examination that includes components that may be

1 administered:

2 (1) in writing or online; and

3 (2) by a person other than a plumbing examiner
4 described by Section 1301.202.

5 (c) The board shall determine the passing score for an
6 examination required by this chapter.

7 SECTION 10. Section 1301.303(e), Occupations Code, is
8 amended to read as follows:

9 (e) The board by rule shall assign priorities and prescribe
10 investigative procedures for investigations of complaints based
11 on:

12 (1) the severity of the conduct alleged in the
13 complaint; ~~and~~

14 (2) the degree of harm to public health, safety, or
15 property;

16 (3) the history of previous violations of this chapter
17 by the person who is the subject of the complaint; and

18 (4) any other indication of increased risk to public
19 health, safety, or property, as determined by the board.

20 SECTION 11. Section 1301.304(a), Occupations Code, is
21 amended to read as follows:

22 (a) The board ~~[enforcement committee]~~ or an employee
23 designated by the board ~~[enforcement committee]~~ may investigate an
24 alleged violation of this chapter or a board rule ~~[that is reported~~
25 ~~to the board]~~.

26 SECTION 12. Subchapter F, Chapter 1301, Occupations Code,
27 is amended by adding Section 1301.305 to read as follows:

1 Sec. 1301.305. PUBLIC ACCESS TO INFORMATION RELATING TO
2 DISCIPLINARY ACTIONS. (a) The board shall make available to the
3 public through a toll-free telephone number, Internet website, or
4 other easily accessible medium determined by the board the
5 following information relating to a disciplinary action taken
6 regarding a person regulated under this chapter:

7 (1) the identity of the person;

8 (2) the nature of the complaint that was the basis of
9 the disciplinary action; and

10 (3) the disciplinary action taken by the board.

11 (b) The board may not include the name of the person who
12 filed the complaint in the information made available under
13 Subsection (a).

14 (c) The board shall present the information made available
15 under Subsection (a) in an impartial manner using commonly
16 understood language.

17 (d) The board shall regularly update the information made
18 available under this section.

19 SECTION 13. Subchapter G, Chapter 1301, Occupations Code,
20 is amended by adding Section 1301.3515 to read as follows:

21 Sec. 1301.3515. CRIMINAL HISTORY RECORD INFORMATION FOR
22 LICENSE ISSUANCE. (a) The board shall require that an applicant
23 for a license submit a complete and legible set of fingerprints, on
24 a form prescribed by the board, to the board or to the Department of
25 Public Safety for the purpose of obtaining criminal history record
26 information from the Department of Public Safety and the Federal
27 Bureau of Investigation.

1 (b) The board may not issue a license to a person who does
2 not comply with the requirement of Subsection (a).

3 (c) The board shall conduct a criminal history record
4 information check of each applicant for a license using
5 information:

6 (1) provided by the individual under this section; and

7 (2) made available to the department by the Department
8 of Public Safety, the Federal Bureau of Investigation, and any
9 other criminal justice agency under Chapter 411, Government Code.

10 (d) The board may:

11 (1) enter into an agreement with the Department of
12 Public Safety to administer a criminal history record information
13 check required under this section; and

14 (2) authorize the Department of Public Safety to
15 collect from each applicant the costs incurred by the Department of
16 Public Safety in conducting the criminal history record information
17 check.

18 SECTION 14. Subchapter G, Chapter 1301, Occupations Code,
19 is amended by adding Section 1301.3542 to read as follows:

20 Sec. 1301.3542. CAREER AND TECHNOLOGY EDUCATION PROGRAM FOR
21 TRADESMAN PLUMBER-LIMITED LICENSE; INSTRUCTORS. (a)

22 Notwithstanding Section 1301.354, a person who successfully
23 completes a coherent sequence of courses in the plumbing trade that
24 are offered through a career and technology education program may
25 apply for and take an examination for a license as a tradesman
26 plumber-limited license holder. The board may not require the
27 person to register as a plumber's apprentice, pay any fee, or comply

1 with Section 1301.354 or any other requirement of this chapter that
2 applies to a person's eligibility to apply for and take the
3 examination.

4 (b) A student of any age enrolled in a high school or
5 institution of higher education is eligible to take the sequence of
6 courses described by Subsection (a) without registering as a
7 plumber's apprentice, paying any registration fee to the board, or
8 complying with Section 1301.354 or any other requirement of this
9 chapter that applies to enrolling or participating in those
10 courses.

11 (c) If an applicant described by Subsection (a)
12 successfully passes the examination for a license as a tradesman
13 plumber-limited license holder, the board shall issue the applicant
14 the license.

15 (d) The board shall develop the courses described by
16 Subsection (a). If the courses are to be offered at a high school,
17 the courses must be approved by the State Board of Education.

18 (e) The courses must include an appropriate number of hours
19 of classroom instruction and a practical component. The board may
20 credit on-the-job training toward meeting the requirements under
21 the practical component.

22 (f) A person may not provide instruction in a career and
23 technology education program described by this section unless the
24 person is licensed under this chapter as a master plumber,
25 journeyman plumber, or plumbing inspector.

26 (g) A person described by Subsection (f) may provide the
27 instruction in a full-time or part-time capacity as an employee,

1 contractor, or volunteer of a high school or institution of higher
2 education.

3 (h) The board may adopt rules necessary to implement this
4 section, including procedures to verify a student's successful
5 completion of the sequence of courses described by Subsection (a).

6 (i) In this section:

7 (1) "Career and technology education program" means a
8 career and technology education program under Subchapter F, Chapter
9 29, Education Code, or similar program offered by an institution of
10 higher education.

11 (2) "Institution of higher education" means an
12 institution of higher education or a private or independent
13 institution of higher education as those terms are defined by
14 Section 61.003, Education Code.

15 SECTION 15. Section 1301.3576, Occupations Code, is amended
16 to read as follows:

17 Sec. 1301.3576. CERTIFICATE OF INSURANCE [~~AND TRAINING~~] FOR
18 RESPONSIBLE MASTER PLUMBER. Before a master plumber works as a
19 responsible master plumber, the master plumber must[+]

20 [~~(1)~~] provide the board with a certificate of
21 insurance that meets the requirements of Section 1301.552[~~, and~~

22 [~~(2)~~ ~~present evidence satisfactory to the board of~~
23 ~~successful completion of a training program approved or~~
24 ~~administered by the board regarding the laws and rules applicable~~
25 ~~to the operation of a plumbing business in this state].~~

26 SECTION 16. Subchapter G, Chapter 1301, Occupations Code,
27 is amended by adding Section 1301.3581 to read as follows:

1 Sec. 1301.3581. RECIPROCITY. (a) The board may waive any
2 prerequisite to obtaining a license, registration, or endorsement
3 issued under this chapter for an applicant who holds a similar
4 license, registration, or endorsement issued by another
5 jurisdiction that has licensing requirements substantially
6 equivalent to those of this state.

7 (b) The board may make an agreement, subject to the approval
8 of the governor, with another state to allow for licensing by
9 reciprocity if the other state has requirements for a license,
10 registration, or endorsement substantially equivalent to those of
11 this state.

12 (c) An applicant under this section must:

13 (1) apply in the same manner and form as any other
14 applicant under this chapter; and

15 (2) provide the board with documents and other
16 evidence that substantiate the applicant's qualifications.

17 (d) An applicant for a license, registration, or
18 endorsement issued under this section may not be required to
19 undergo an examination to obtain the license, registration, or
20 endorsement if the applicant has held an equivalent license,
21 registration, or endorsement in another jurisdiction for at least
22 two years. The board may adopt rules for determining whether a
23 license, registration, or endorsement issued by another
24 jurisdiction is equivalent to a license, registration, or
25 endorsement issued under this chapter.

26 SECTION 17. Subchapter G, Chapter 1301, Occupations Code,
27 is amended by adding Section 1301.360 to read as follows:

1 Sec. 1301.360. TEMPORARY LICENSE. (a) The board by rule
2 may provide for the issuance of a temporary license to an applicant
3 who:

4 (1) submits to the board an application on a form
5 prescribed by the board;

6 (2) meets preliminary qualifications established by
7 board rule; and

8 (3) pays a fee set by the board.

9 (b) A temporary license issued under this section expires on
10 the 30th day after the date of issuance and may not be renewed.

11 (c) A temporary license holder is subject to:

12 (1) this chapter;

13 (2) any law applicable to the activity for which the
14 license is required, including municipal rules, orders, or
15 ordinances; and

16 (3) any rule of the board applicable to the license.

17 SECTION 18. Section 1301.401, Occupations Code, is amended
18 to read as follows:

19 Sec. 1301.401. ANNUAL RENEWAL REQUIRED; EXCEPTION. (a) A
20 license, ~~or~~ registration, or endorsement under this chapter is
21 valid for one year. Except as provided by Subsection (d), on ~~on~~
22 payment of the required fee, a license, registration, or
23 endorsement may be renewed annually.

24 (b) The board by rule may adopt a system under which
25 licenses, endorsements, and registrations expire on various dates
26 during the year.

27 (c) An endorsement issued under Section 1301.356,

1 1301.3565, or 1301.357 expires on the date the master plumber or
2 journeyman plumber license of the endorsement holder expires. The
3 board shall adopt rules to provide for the license holder to renew
4 the endorsement in the same transaction as the license if the
5 license holder:

6 (1) has completed any continuing education
7 requirement established by rule and applicable to the endorsement;
8 and

9 (2) complies with other requirements prescribed by
10 board rule.

11 (d) A person who is employed by, under contract with, or
12 engaged as a volunteer by a school or institution of higher
13 education to provide instruction in a career and technology
14 education program described by Section 1301.3542 and provides
15 meaningful course instruction in the program, as determined under
16 rules adopted under Section 1301.407, is not required to pay a fee
17 to renew the person's license.

18 SECTION 19. Section 1301.404, Occupations Code, is amended
19 by amending Subsections (a), (b), (c), (d), and (e) and adding
20 Subsection (g) to read as follows:

21 (a) The board by rule shall establish:

22 (1) minimum curriculum standards for [~~recognize,~~
23 ~~approve, and administer~~] continuing education programs and courses
24 for persons who hold a license [~~licenses~~] or endorsement issued
25 [~~endorsements~~] under this chapter; and

26 (2) minimum qualifications for an instructor of the
27 continuing education programs and courses described by Subdivision

1 (1).

2 (b) A person who holds a license or endorsement under this
3 chapter must complete at least six hours of continuing professional
4 education annually [~~each year the person holds the license or~~
5 ~~endorsement~~] to renew the person's license or endorsement. Three of
6 the six hours must be in the subjects of health protection, energy
7 conservation, and water conservation.

8 (c) The executive director shall approve:

9 (1) a program or course that meets the minimum
10 curriculum standards established by the board under Subsection (a);
11 and

12 (2) an instructor who meets the minimum qualifications
13 established by the board under Subsection (a) [~~board by rule shall~~
14 ~~adopt the criteria for the continuing professional education~~].

15 (d) A person may receive credit for participating in a
16 continuing professional education program or course only if the
17 program or course is approved by the executive director [~~provided:~~

18 [~~(1) by an individual, business, or association~~
19 ~~approved by the board; and~~

20 [~~(2) according to criteria adopted by the board~~].

21 (e) A person may complete the continuing professional
22 education requirement of this section through a correspondence
23 course as approved by the executive director [~~board~~].

24 (g) A person who is employed by, under contract with, or
25 engaged as a volunteer by a school or institution of higher
26 education to provide instruction in a career and technology
27 education program described by Section 1301.3542 and provides

1 meaningful course instruction in the program, as determined under
2 rules adopted under Section 1301.407, may renew the person's
3 license and any endorsement without complying with Subsection (b)
4 if the person completes the hours of continuing professional
5 education required by that subsection every three years.

6 SECTION 20. Section 1301.405, Occupations Code, is amended
7 by adding Subsections (a-1) and (a-2) and amending Subsection (b)
8 to read as follows:

9 (a-1) The board by rule shall establish:

10 (1) minimum curriculum standards for a training
11 program described by Subsection (a) for persons who hold a
12 registration under this chapter; and

13 (2) minimum qualifications for an instructor of the
14 training program.

15 (a-2) The executive director shall approve:

16 (1) a training program that meets the minimum
17 curriculum standards established by the board under Subsection
18 (a-1); and

19 (2) an instructor who meets the minimum qualifications
20 established by the board under Subsection (a-1).

21 (b) A person may receive credit for participating in a
22 training program only if the program is ~~[provided:~~

23 ~~[(1) by a person]~~ approved by the executive director
24 ~~[board, and~~

25 ~~[(2) according to criteria adopted by the board].~~

26 SECTION 21. Subchapter H, Chapter 1301, Occupations Code,
27 is amended by adding Section 1301.4055 to read as follows:

1 Sec. 1301.4055. PERIOD FOR COMPLETING CONTINUING
2 EDUCATION. The board shall adopt rules to ensure that each holder
3 of a license, registration, or endorsement has at least 12 months to
4 complete any continuing education required for the renewal of the
5 license, registration, or endorsement.

6 SECTION 22. Subchapter H, Chapter 1301, Occupations Code,
7 is amended by adding Section 1301.407 to read as follows:

8 Sec. 1301.407. PROCEDURES FOR VERIFYING CERTAIN
9 EXEMPTIONS. The board, in consultation with the State Board of
10 Education and the Texas Higher Education Coordinating Board, as
11 appropriate, may adopt rules as necessary to verify whether a
12 person qualifies for an exemption from the required renewal fee, as
13 described by Section 1301.401(c), or an exemption from required
14 continuing professional education, as described by Section
15 1301.404(g), including rules providing for obtaining and
16 evaluating written verification from the applicable school or
17 institution of higher education of the person's provision of
18 meaningful course instruction in a career and technology education
19 program described by Section 1301.3542.

20 SECTION 23. Section 1301.452(a), Occupations Code, is
21 amended to read as follows:

22 (a) A person is subject to disciplinary action under Section
23 1301.451 if the person violates this chapter, an order issued by the
24 board, or a board rule. A violation of this chapter includes:

25 (1) attempting to obtain or obtaining a license,
26 endorsement, or registration through [~~error or~~] fraud;

27 (2) wilfully, negligently, or arbitrarily violating a

1 municipal rule or ordinance that regulates sanitation, drainage, or
2 plumbing;

3 (3) making a misrepresentation of services provided or
4 to be provided;

5 (4) making a false promise with the intent to induce a
6 person to contract for a service; [~~or~~]

7 (5) employing a person who does not hold a license or
8 endorsement or who is not registered to engage in an activity for
9 which a license, endorsement, or registration is required under
10 this chapter;

11 (6) performing plumbing without holding the proper
12 license, endorsement, or registration required by this chapter; or

13 (7) performing plumbing in violation of a plumbing
14 code adopted under Section 1301.255.

15 SECTION 24. Section 1301.502(a), Occupations Code, is
16 amended to read as follows:

17 (a) A [~~field representative,~~] water district plumbing
18 inspector[~~7~~] or, within the jurisdiction of the municipality,
19 municipal plumbing inspector may issue a citation to a person who
20 engages in conduct described by Section 1301.508.

21 SECTION 25. Section 1301.5071, Occupations Code, is amended
22 by adding Subsection (a-1) to read as follows:

23 (a-1) The procedures established under Subsection (a) must:

24 (1) identify the types of complaints for which an
25 informal settlement conference may be used; and

26 (2) require appropriate documentation of each
27 informal settlement conference that is conducted, including the

1 outcome of the conference.

2 SECTION 26. The heading to Section 1301.703, Occupations
3 Code, is amended to read as follows:

4 Sec. 1301.703. ~~[REPORT AND]~~ NOTICE OF VIOLATION AND
5 PENALTY.

6 SECTION 27. Sections 1301.703(a) and (b), Occupations Code,
7 are amended to read as follows:

8 (a) If the board ~~[enforcement committee]~~ determines that a
9 violation occurred, the board ~~[enforcement committee may issue to~~
10 ~~the board a report stating:~~

11 ~~[(1) the facts on which the determination is based,~~
12 ~~and~~

13 ~~[(2) the committee's recommendation on the imposition~~
14 ~~of the penalty, including a recommendation on the amount of the~~
15 ~~penalty.~~

16 ~~[(b) Not later than the 14th day after the date the report is~~
17 ~~issued, the enforcement committee]~~ shall give written notice of the
18 violation ~~[report]~~ to the person alleged to have committed the
19 violation.

20 SECTION 28. Sections 1301.704(a) and (b), Occupations Code,
21 are amended to read as follows:

22 (a) Not later than the 20th day after the date the person
23 receives the notice, the person in writing may:

24 (1) accept the determination and recommended penalty
25 of the board ~~[enforcement committee]~~; or

26 (2) make a request for a hearing on the occurrence of
27 the violation, the amount of the penalty, or both.

1 (b) If the person accepts the determination and recommended
2 penalty of the board [~~enforcement committee~~], the board by order
3 shall approve the determination and impose the recommended penalty.

4 SECTION 29. Section 1301.705(a), Occupations Code, is
5 amended to read as follows:

6 (a) If the person requests a hearing, the board [~~enforcement
7 committee~~] shall set a hearing and give written notice of the
8 hearing to the person. An administrative law judge of the State
9 Office of Administrative Hearings shall hold the hearing.

10 SECTION 30. Sections 1301.708(a) and (b), Occupations Code,
11 are amended to read as follows:

12 (a) Within the 30-day period prescribed by Section
13 1301.707, a person who files a petition for judicial review may:

14 (1) stay enforcement of the penalty by:

15 (A) paying the penalty to the court for placement
16 in an escrow account; or

17 (B) giving the court a supersedeas bond approved
18 by the court that:

19 (i) is for the amount of the penalty; and

20 (ii) is effective until all judicial review
21 of the board's order is final; or

22 (2) request the court to stay enforcement of the
23 penalty by:

24 (A) filing with the court a sworn affidavit of
25 the person stating that the person is financially unable to pay the
26 penalty and is financially unable to give the supersedeas bond; and

27 (B) sending a copy of the affidavit to the board

1 ~~[enforcement committee]~~ by certified mail.

2 (b) If the board ~~[enforcement committee]~~ receives a copy of
3 an affidavit under Subsection (a)(2), the executive director may
4 file with the court, not later than the fifth day after the date the
5 copy is received, a contest to the affidavit.

6 SECTION 31. Section 372.0035(h), Health and Safety Code, is
7 amended to read as follows:

8 (h) Within ~~[A field representative of the Texas State Board~~
9 ~~of Plumbing Examiners or, within]~~ the jurisdiction of a
10 municipality, a municipal plumbing inspector may issue a citation
11 to a person who violates this section.

12 SECTION 32. The following provisions of the Occupations
13 Code are repealed:

14 (1) Section 1301.258(c), as added by Chapter 819 (S.B.
15 282), Acts of the 78th Legislature, Regular Session, 2003;

16 (2) Section 1301.304(b);

17 (3) Section 1301.356(c);

18 (4) Section 1301.3565(c);

19 (5) Section 1301.357(c);

20 (6) Section 1301.358;

21 (7) Section 1301.403(f);

22 (8) Section 1301.4522;

23 (9) Section 1301.502(b); and

24 (10) Section 1301.505.

25 SECTION 33. (a) Not later than:

26 (1) September 1, 2023, the Texas State Board of
27 Plumbing Examiners shall obtain criminal history record

1 information using a person's name, date of birth, and other
2 alphanumeric identifiers on each person who:

3 (A) on September 1, 2021, holds a license issued
4 under Chapter 1301, Occupations Code; and

5 (B) did not undergo a criminal history record
6 information check based on the person's name or fingerprints on
7 submission of the person's initial license application; and

8 (2) September 1, 2025, the Texas State Board of
9 Plumbing Examiners shall obtain criminal history record
10 information using a person's fingerprints on each person who:

11 (A) on September 1, 2021, holds a license issued
12 under Chapter 1301, Occupations Code; and

13 (B) did not undergo a criminal history record
14 information check based on the person's fingerprints on submission
15 of the person's initial license application.

16 (b) The Texas State Board of Plumbing Examiners may suspend
17 the license of a person who holds a license under Chapter 1301,
18 Occupations Code, who does not comply with a request by the board to
19 provide information or fingerprints, in a form and manner
20 prescribed by the board, that would enable the board to obtain
21 criminal history record information as required by this section.

22 SECTION 34. Notwithstanding Section 1301.003, Occupations
23 Code, it is the intent of the legislature in enacting this Act to
24 amend Chapter 1301, Occupations Code, as that chapter was continued
25 in existence by Executive Order No. GA-06.

26 SECTION 35. As soon as practicable after the effective date
27 of this Act, the board shall adopt rules necessary to implement the

1 changes in law made by this Act to Chapter 1301, Occupations Code.

2 SECTION 36. The change in law made by this Act to Section
3 1301.452, Occupations Code, applies only to conduct that occurs on
4 or after the effective date of this Act. Conduct that occurs before
5 that date is governed by the law in effect on the date the conduct
6 occurred, and the former law is continued in effect for that
7 purpose.

8 SECTION 37. This Act takes effect immediately if it
9 receives a vote of two-thirds of all the members elected to each
10 house, as provided by Section 39, Article III, Texas Constitution.
11 If this Act does not receive the vote necessary for immediate
12 effect, this Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I certify that H.B. No. 636 was passed by the House on April 14, 2021, by the following vote: Yeas 143, Nays 4, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 636 was passed by the Senate on May 13, 2021, by the following vote: Yeas 28, Nays 2.

Secretary of the Senate

APPROVED: _____

Date

Governor