

By: Harris

H.B. No. 3909

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a political subdivision to regulate certain activities.

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

SECTION 1. Title 2, Occupations Code, is amended by adding Chapter 60 to read as follows:

CHAPTER 60. PREEMPTION

Sec. 60.001. PREEMPTION OF LOCAL LICENSING REQUIREMENTS.

(a) In this section:

(1) "Occupational license" means a license, permit, registration, certificate, or other authorization that is:

(A) issued by a licensing authority; and

(B) required by an ordinance, rule, regulation, policy, or law for an individual to engage in an occupation.

(2) "Political subdivision" means a county, municipality, special district, or other political subdivision of this state.

(3) "State licensing authority" means a state agency, department, board, or commission or the executive or administrative officer of a state agency, department, board, or commission that issues an occupational license.

(b) Notwithstanding any other law, other than Subsection (d), if an individual is required to possess an occupational license issued by a state licensing authority to engage in an

1 occupation, a political subdivision may not adopt or enforce any  
2 ordinance, order, rule, regulation, law, or policy that requires  
3 the individual to:

4 (1) possess an occupational license issued by the  
5 political subdivision to engage in that occupation; or

6 (2) meet any other requirement or precondition to  
7 engage in that occupation.

8 (c) An ordinance, order, rule, regulation, law, or policy  
9 that violates Subsection (b) is void and unenforceable.

10 (d) This section does not limit the authority of a political  
11 subdivision to adopt and enforce:

12 (1) a zoning regulation, including a zoning regulation  
13 or zoning district boundary adopted under Chapter 211 or 231, Local  
14 Government Code;

15 (2) a restriction on the location where an occupation  
16 may be engaged in, including a restriction on the location of a  
17 sexually oriented business or a business licensed or permitted  
18 under the Alcoholic Beverage Code to sell an alcoholic beverage;

19 (3) an ordinance, order, rule, regulation, law, or  
20 policy that regulates a credit access business, as defined by  
21 Section 393.601, Finance Code;

22 (4) a requirement on a towing company or a vehicle  
23 storage facility, as those terms are defined by Section 2308.002,  
24 to register with the political subdivision in which the company or  
25 facility operates, without payment of any fee or complying with any  
26 other condition, solely for the purpose of facilitating an incident  
27 management tow, as defined by that section, and storing the towed

1 vehicle; or

2 (5) an ordinance, order, rule, regulation, law, or  
3 policy that protects the health or safety of persons in the  
4 political subdivision, as authorized by other law, including  
5 Chapters 121, 122, 146, 341, 343, and 437, Health and Safety Code,  
6 and Chapter 214, Local Government Code.

7 SECTION 2. This Act takes effect September 1, 2021.