

BILL ANALYSIS

H.B. 2350
By: Harris, Cody
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Several Texas occupations are over-burdened by duplicative licensing requirements. While many Texas professionals are required to undertake a licensure or registration process implemented by the state, many municipalities have implemented additional licensing requirements for those same professions, essentially requiring twice the work with no real added benefit to the public for Texas professionals simply to conduct their trade. Some municipalities may also maintain continuing education requirements for certain professions totally independent of coexisting state requirements. These often unnecessary and sometimes duplicative requirements can impose additional costly fees and dozens of hours in additional work for Texas professionals over the course of their careers and are particularly burdensome for those professionals who operate in multiple cities with varying licensure requirements. H.B. 2350 seeks to lessen the economic and logistical burden these requirements inevitably place on Texas professionals by preempting those licensing requirements that affect professions already regulated by the state, without preempting any municipal occupational licensing requirement for professions not licensed by the state.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2350 amends the Occupations Code to preempt certain local occupational regulations by prohibiting a political subdivision of the state from adopting or enforcing any ordinance, order, rule, regulation, law, or policy with respect to a person who is required to possess an occupational license issued by a state licensing authority to engage in an occupation that, as follows:

- requires the person to possess an occupational license issued by the political subdivision to engage in that occupation; or
- is more stringent than or is inconsistent with state law or a rule adopted by the applicable state licensing authority and that regulates in any manner a contract entered into between the person and a member of the public for the purchase of goods or services from the person.

The bill renders void and unenforceable any ordinance, order, rule, regulation, law, or policy that violates this prohibition.

H.B. 2350 specifies that the prohibition does not limit the authority of a political subdivision to adopt and enforce the following:

- a zoning regulation;
- a restriction on the location where an occupation may be engaged in, including a restriction on the location of a sexually oriented business or a business licensed or permitted to sell an alcoholic beverage;
- a requirement on a towing company or a vehicle storage facility to register with the applicable political subdivision without payment of any fee or complying with any other condition, solely for the purpose of facilitating a tow from the scene of a traffic accident or incident and storing the towed vehicle; or
- an ordinance, order, rule, regulation, law, or policy that protects the health or safety of persons in the political subdivision, as authorized by other law.

EFFECTIVE DATE

September 1, 2023.