

BILL ANALYSIS

Senate Research Center
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H.B. 3743
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Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

State law governing the operations of the Texas Department of Licensing and Regulation (TDLR) is in need of certain clarifications and updates, especially with respect to the adoption of fees for the operation of certain programs and to the agency's sunset date. H.B. 3743 seeks to make statutory updates to expand the scope of TDLR's fee-setting authority and clarify that TDLR has a 2033 sunset date, as passed by HB 1560 last session, among other provisions.

Key Provisions

- Clarifies the sunset date of TDLR and TCLR as September 1, 2033.
- Allows TCLR to charge fees, subject to the standard rulemaking process with public input, to cover costs of administering any program or activity by TDLR that is outside of simply issuing licenses and renewals including but not limited to curriculum review and issuance of driver certificates to driving schools.
- Requires an applicant, license holder, or other person who regularly receives correspondence from TDLR to provide an email address to TDLR for purposes of receiving correspondence.
- Exempts an advisory board established to advise TCLR or TDLR from Government Code provisions regarding state agency advisory committees.
- Authorizes TDLR to accept a license application from an applicant who is an inmate imprisoned in the Texas Department of Criminal Justice but prohibits TDLR from issuing the license until the applicant has been released; clarifies that this provision does not limit the ability of TDLR to verify the applicant's eligibility for the license or to issue a provisional or restricted license in accordance with other law.

H.B. 3743 amends current law relating to the Texas Department of Licensing and Regulation and expands authority to adopt fees.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 3 (Section 51.207, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Reenacts Section 51.002, Occupations Code, as amended by Chapters 663 (H.B. 1560) and 850 (S.B. 713), Acts of the 87th Legislature, Regular Session, 2021, as follows:

Sec. 51.002. APPLICATION OF SUNSET ACT. Provides that the Texas Commission of Licensing and Regulation (TCLR) and the Texas Department of Licensing and Regulation (TDLR) are subject to Chapter 325 (Sunset Law), Government Code. Provides that unless continued in existence as provided by that chapter, TCLR and TDLR are abolished September 1, 2033.

SECTION 2. Amends Section 51.202(a), Occupations Code, as follows:

(a) Requires TCLR to set fees, in amounts reasonable and necessary to cover the costs of administering the programs or activities, for:

(1)-(3) makes no changes to these subdivisions; and

(4) any program or activity administered by TDLR, rather than any program or activity administered by TDLR for which a fee is authorized.

SECTION 3. Amends Section 51.207(c), Occupations Code, as follows:

(c) Authorizes TCLR by rule to require an applicant, license holder or other person who regularly receives correspondence from TDLR to provide an e-mail address to TDLR for purposes of receiving correspondence. Deletes existing text authorizing TDLR to satisfy any requirement under Chapter 51 (Texas Department of Licensing and Regulation) or another law governing a program subject to the regulation by TDLR to provide notice by delivering the notice by e-mail to the recipient's last known e-mail address if the recipient has previously authorized TDLR to deliver the notice by e-mail.

SECTION 4. Amends Section 51.209, Occupations Code, by adding Subsection (d), to provide that Chapter 2110 (State Agency Advisory Committees), Government Code, does not apply to an advisory board established to advise TCLR or TDLR, notwithstanding any other law.

SECTION 5. Amends Subchapter H, Chapter 51, Occupations Code, by adding Section 51.4014, as follows:

Sec. 51.4014. LICENSE APPLICATION FROM INMATE. (a) Authorizes TDLR to accept an application from an applicant who is an inmate imprisoned in the Texas Department of Criminal Justice except that TDLR is prohibited from issuing the license until the applicant has been released, notwithstanding any other law.

(b) Provides that this section does not limit the ability of TDLR to determine or verify the applicant's eligibility for the license or to issue a provisional or restricted license in accordance with other law.

SECTION 6. Effective date: September 1, 2023.