

BILL ANALYSIS

Senate Research Center

S.B. 1802
By: Springer
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2012 the Texas Legislature passed the Texas Architectural Barriers Act to help establish the Texas Accessibility Standards for public spaces. Under current law, design professionals are required to register a project, have it reviewed and approved, and arrange for inspection by the Texas Department of Licensing and Regulation (TDLR), the agency responsible for Americans with Disabilities Act (ADA) and enforcement of the Texas Architectural Barriers Act.

In 2022, TDLR, the agency responsible for ADA enforcement in Texas, performed an extensive review of the Elimination of Architectural Barriers Act and program rules located at Title 16, Administrative Code, Chapter 68. This bill reflects the updates and upgrades to the Texas Architectural Barriers that came out of the review.

S.B. 1802 makes changes to administrative procedures in the Architectural Barriers program administered by TDLR, primarily to create consistency with TDLR's enabling law and existing authority to improve enforcement.

S.B. 1802 amends current law relating to administrative procedures in the architectural barriers program at the Texas Department of Licensing and Regulation.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 469.058(a), Government Code, to authorize the Texas Commission of Licensing and Regulation (TCLR) or the executive director of the Texas Department of Licensing and Regulation (TDLR) to impose an administrative penalty under Subchapter F (Administrative Penalty), Chapter 51, Occupations Code, on a building owner for a violation of Chapter 469 (Elimination of Architectural Barriers) or a rule adopted under this chapter.

SECTION 2. Amends Section 469.106(a), Government Code, to provide that standards and specifications adopted by TCLR under this chapter also apply to a building or facility occupied by the Health and Human Services Commission, rather than the Texas Rehabilitation Commission.

SECTION 3. Repealers: Sections 469.058(c) (relating to requiring TCLR, before any imposition of administrative penalty for a violation, to notify a person responsible for the building and allow the person 90 days to bring the building into compliance) and 469.059(c) (relating to requiring TDLR, to quarterly monitor the complaint and notify the person filing the complaint of the status of the building monitoring), Government Code.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2023.