

## **BILL ANALYSIS**

S.B. 1802  
By: Springer  
Licensing & Administrative Procedures  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Pursuant to state law governing the elimination of architectural barriers, the Texas Commission of Licensing and Regulation established the Texas Accessibility Standards for public spaces in 2012. 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), which is the agency responsible for enforcement of the state's architectural barriers laws. In 2022, TDLR performed an extensive review of the relevant statutes and rules relating to the elimination of architectural barriers. S.B. 1802 reflects the updates to administrative procedures in state law stemming from that review and seeks to create consistency with TDLR's enabling law and existing authority to improve enforcement.

### **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**

S.B. 1802 amends the Government Code to extend to the executive director of the Texas Department of Licensing and Regulation (TLDR) the authority currently granted to the Texas Commission of Licensing and Regulation (TCLR) to impose an administrative penalty on a building owner for a violation of statutory provisions relating to the elimination of architectural barriers or a rule adopted under those provisions. The bill repeals the following provisions:

- a provision requiring TCLR, before imposing an administrative penalty for such a violation, to notify a person responsible for the building and allow the person 90 days, or a longer period at TCLR's discretion, to bring the building into compliance; and
- a provision requiring TDLR, at least quarterly and for as long as it continues to monitor a complaint alleging that a building or facility is not in compliance with TCLR standards and specifications, to notify the person filing the complaint of the status of the monitoring.

The bill replaces an obsolete reference to the Texas Rehabilitation Commission with a reference to the Health and Human Services Commission in a provision relating to TCLR standards and specifications that apply specifically to a building or facility occupied by a state agency involved in extending direct services to persons with mobility impairments.

S.B. 1802 establishes that its provisions do not affect the validity of a disciplinary action or other proceeding that was initiated before September 1, 2023, and that is pending on September 1,

2023. The bill provides for the continuation of the law in effect before the bill's effective date for purposes of a disciplinary action that is pending on that date.

S.B. 1802 repeals Sections 469.058(c) and 469.059(c), Government Code.

**EFFECTIVE DATE**

September 1, 2023.