

By: Harris of Anderson, Cain

H.B. No. 2350

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the authority of a political subdivision to regulate
3 certain activities.

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

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

7 CHAPTER 60. PREEMPTION

8 Sec. 60.001. PREEMPTION OF LOCAL LICENSING REQUIREMENTS.

9 (a) In this section:

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

12 (A) issued by a licensing authority; and

13 (B) required by an ordinance, rule, regulation,
14 policy, or law for a person to engage in an occupation.

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

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

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

1 political subdivision may not adopt or enforce any ordinance,
2 order, rule, regulation, law, or policy that:

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

6 (2) is more stringent than or is inconsistent with a
7 law of this state or a rule adopted by the applicable state
8 licensing authority and that regulates in any manner a contract
9 entered into between the person and a member of the public for the
10 purchase of goods or services from the person.

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

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

15 (1) a zoning regulation, including a zoning regulation
16 or zoning district boundary adopted under Chapter 211 or 231, Local
17 Government Code;

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

22 (3) 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;

2 (4) 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; or

7 (5) an ordinance, order, rule, regulation, law, or
8 policy regulating any conduct under Chapter 393, Finance Code, and
9 any conduct related to a credit services organization, as defined
10 by Section 393.001, Finance Code, or a credit access business, as
11 defined by Section 393.601, Finance Code, if:

12 (A) the political subdivision adopted the
13 ordinance, order, rule, regulation, law, or policy before January
14 1, 2023; and

15 (B) the ordinance, order, rule, regulation, law,
16 or policy would have been valid under the law as it existed on
17 August 31, 2023.

18 SECTION 2. This Act takes effect September 1, 2023.