

By: Paxton, et al.

S.B. No. 422

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain military service members to engage in a business or occupation in this state.

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

SECTION 1. Section 55.004(d), Occupations Code, is amended to read as follows:

(d) A state agency that issues a license that has a residency requirement for license eligibility shall adopt rules regarding documentation necessary for an applicant who is a military service member or military spouse [~~applicant~~] to establish residency for purposes of this subsection, including by providing to the agency a copy of the permanent change of station order for the applicant or the applicant's spouse [~~military service member to whom the spouse is married~~].

SECTION 2. Section 55.0041, Occupations Code, is amended to read as follows:

Sec. 55.0041. RECOGNITION OF OUT-OF-STATE LICENSE OF MILITARY SERVICE MEMBERS AND MILITARY SPOUSES [~~SPOUSE~~]. (a) Notwithstanding any other law, a military service member or military spouse may engage in a business or occupation for which a license is required without obtaining the applicable license if the member or spouse is currently licensed in good standing by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in

1 this state.

2 (b) Before engaging in the practice of the business or
3 occupation, the military service member or military spouse must:

4 (1) notify the applicable state agency of the member's
5 or spouse's intent to practice in this state;

6 (2) submit to the agency proof of the member's or
7 spouse's residency in this state in accordance with rules adopted
8 under Section 55.004(d) and a copy of the member's or spouse's
9 military identification card; and

10 (3) receive from the agency confirmation that:

11 (A) the agency has verified the member's or
12 spouse's license in the other jurisdiction; and

13 (B) the member or spouse is authorized to engage
14 in the business or occupation in accordance with this section.

15 (c) The military service member or military spouse shall
16 comply with all other laws and regulations applicable to the
17 business or occupation in this state.

18 (d) A military service member or military spouse may engage
19 in the business or occupation under the authority of this section
20 only for the period during which the military service member or,
21 with respect to a military spouse, the military service member to
22 whom the [~~military~~] spouse is married is stationed at a military
23 installation in this state but not to exceed three years from the
24 date the member or spouse receives the confirmation described by
25 Subsection (b)(3).

26 (d-1) Notwithstanding Subsection (d), in the event of a
27 divorce or similar event that affects a person's status as a

1 military spouse, the spouse may continue to engage in the business
2 or occupation under the authority of this section until the third
3 anniversary of the date the spouse received the confirmation
4 described by Subsection (b)(3).

5 (e) A state agency that issues a license shall adopt rules
6 to implement this section. The rules must establish a process for
7 the agency to:

8 (1) identify, with respect to each type of license
9 issued by the agency, the jurisdictions that have licensing
10 requirements that are substantially equivalent to the requirements
11 for the license in this state; and

12 (2) not later than the 30th day after the date a
13 military service member or military spouse submits the information
14 described by Subsections (b)(1) and (2), verify that the member or
15 [a military] spouse is licensed in good standing in a jurisdiction
16 described by Subdivision (1).

17 (f) In addition to the rules adopted under Subsection (e), a
18 state agency that issues a license may adopt rules to provide for
19 the issuance of a license to a military service member or military
20 spouse to whom the agency provides confirmation under Subsection
21 (b)(3). A license issued under this subsection must expire not
22 later than the third anniversary of the date the agency provided the
23 confirmation and may not be renewed. A state agency may not charge
24 a fee for the issuance of the license.

25 SECTION 3. Section 55.005(a), Occupations Code, is amended
26 to read as follows:

27 (a) A state agency that issues a license shall, not later

1 than the 30th day [~~as soon as practicable~~] after the date a military
2 service member, military veteran, or military spouse files an
3 application for a license:

4 (1) process the application; and

5 (2) issue the license to an applicant who qualifies
6 for the license under Section 55.004.

7 SECTION 4. Section 55.005(a), Occupations Code, as amended
8 by this Act, applies only to an application for a license submitted
9 on or after the effective date of this Act. An application
10 submitted before the effective date of this Act is governed by the
11 law in effect on the date the application was submitted, and the
12 former law is continued in effect for that purpose.

13 SECTION 5. Not later than December 1, 2023, a state agency
14 to which Section 55.0041, Occupations Code, as amended by this Act,
15 applies shall adopt rules to implement that section.

16 SECTION 6. This Act takes effect September 1, 2023.