

Amend CSHB 2844 (house committee report) as follows:

(1) On page 1, strike lines 13 and 14 and substitute the following:

(2) "Food vending vehicle" means any vehicle that operates as a food service establishment and is designed to be readily movable.

(2) Strike page 2, line 26, through page 3, line 1, and reletter subsequent paragraphs of proposed Section 437B.004(4), Health and Safety Code, accordingly.

(3) On page 3, line 3, between "restaurant" and the underlined semicolon, insert ", except as necessary to properly dispose of grease and other cooking waste".

(4) On page 3, line 7, between "law" and the underlined semicolon, insert "and properly disposes of grease and other cooking waste".

(5) On page 5, line 1, between "each" and "food", insert "motorized".

(6) On page 8, line 19, between "vendors" and the underlined semicolon, insert "resulting in disciplinary or corrective action".

(7) On page 9, line 2, between "fire codes" and "and", insert ", location restrictions,".

(8) On page 9, line 4, between "a" and "food", insert "motorized".

(9) On page 9, line 5, strike "issued" and substitute "if a commercial driver's license is required for the vehicle's class".

(10) On page 9, line 13, strike "(a)".

(11) On page 9, line 14, between "safety" and the underlined period, insert ", including any food safety and food manager certifications required under Chapter 438".

(12) On page 9, strike lines 15 through 17.

(13) On page 10, line 20, strike "health inspection grade" and substitute "previous health inspection results".

(14) Strike page 10, line 27, through page 12, line 27, and renumber subsequent sections of added Subchapter D, Chapter 437B, Health and Safety Code, accordingly.

(15) On page 13, lines 3 and 9, strike "operates" each time

it appears and substitute "intends to operate, to the best of the vendor's knowledge".

(16) On page 14, line 17, immediately following the underlined semicolon insert "or".

(17) On page 14, strike lines 21 through 23.

(18) Strike page 15, line 9 through page 16, line 10 and substitute the following:

(b) If the applicant for or holder of a mobile food vendor license requests a hearing as prescribed by the department, the department shall promptly refer the matter to the State Office of Administrative Hearings for a contested case hearing.

(c) Following a hearing or on conclusion of the involvement of the State Office of Administrative Hearings in the matter under this section, the department shall promptly issue an order that includes findings of fact and conclusions of law.

Sec. 437B.204. EMERGENCY SUSPENSION. (a) The department may issue an emergency order to suspend a mobile food vendor license if the department has reasonable cause to believe a license holder's operations pose an imminent threat to the public's health and safety. An emergency suspension order is effective immediately without a hearing on notice to the license holder and must state the length of the suspension.

(b) Not later than the 14th day after the date a mobile food vendor license holder receives notice from the department of an emergency suspension of a license under this section, the license holder may request a preliminary hearing on the emergency order in a form and manner the department prescribes.

(c) On receipt of a license holder's request for hearing under Subsection (b), the department shall promptly refer the matter to the State Office of Administrative Hearings for a preliminary hearing before an administrative law judge.

(d) An administrative law judge for the State Office of Administrative Hearings shall:

(1) conduct a preliminary hearing to affirm, modify, or set aside the emergency suspension order issued by the department under Subsection (b) not later than the 17th day after the date the office receives the hearing request;

(2) make findings of fact and conclusions of law; and
(3) issue a written proposal for decision on the
department's reasonable cause to believe a continuing and imminent
threat to the public's health and safety exists.

(e) A final hearing on the matter shall be held not later
than the 61st day after the date of the emergency suspension.

Sec. 437B.2045. RIGHT TO APPEAL. The department's
suspension or revocation of a mobile food vendor license under this
chapter and the appeal from that action are governed by the
procedures for a contested case hearing under Chapter 2001,
Government Code.