

BILL ANALYSIS

C.S.H.B. 1560
By: Goldman
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Department of Licensing and Regulation (TDLR) is the state's umbrella occupational licensing and regulatory agency. Following its most recent review, the Sunset Advisory Commission found TDLR performs critical functions for the state and should be continued for 12 years. However, to help alleviate administrative burden and allow TDLR to become even more efficient, the sunset commission recommends eliminating certain license types, removing unnecessary regulations, and streamlining certain licensing programs, particularly with respect to barbers and cosmetologists. C.S.H.B. 1560 seeks to continue TDLR and the related Texas Commission of Licensing and Regulation with statutory modifications aimed at implementing certain sunset commission recommendations and improving TDLR operations.

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 rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTIONS 1.11, 1.12, 3.12, 3.14, 3.19, 3.21, 3.23, 3.27, 3.28, 3.33, and 4.11 of this bill.

ANALYSIS

C.S.H.B. 1560 enacts provisions relating to the functions of the Texas Department of Licensing and Regulation (TDLR) following review by the Sunset Advisory Commission.

General Powers and Duties

Continuation

C.S.H.B. 1560 amends the Occupations Code to continue TDLR and the Texas Commission of Licensing and Regulation (TCLR) until September 1, 2033. The bill repeals the provision subjecting TCLR and TDLR to a limited-scope review of any program that was transferred to TDLR on or after September 1, 2016, during the 2022-2023 sunset review cycle, thus postponing the review of these programs until the next review of TDLR during the 2032-2033 review cycle.

Member Training

C.S.H.B. 1560 revises provisions relating to the required components of TCLR member training and provides for the creation of a related training manual, distributed annually, that each member must acknowledge having received and reviewed. The bill provides for the transition to the new training requirements for TCLR members appointed before the bill's effective date.

Advisory Boards

C.S.H.B. 1560 removes prescriptive advisory board meeting requirements and instead requires an advisory board to meet at the call of the TDLR executive director or the presiding officer of TCLR, as appropriate. The bill provides for meetings of these advisory boards to be held remotely, but publicly audible or visible during open session, and sets out provisions relating to recess and adjournment of a meeting if there are certain ongoing technical problems. The bill also provides for the appointment of interdisciplinary advisory boards to provide expertise related to a program regulated by TDLR for which the particular advisory board is appointed.

Risk-Based Inspections

C.S.H.B. 1560 requires TDLR to conduct risk-based inspections that prioritize inspections based on key risk factors identified by TDLR and authorizes TDLR to use alternative inspection methods, including remote methods, in circumstances TDLR considers appropriate. Accordingly, the bill removes certain prescriptive inspection requirements to allow the risk-based inspection model to control.

Complaints, Violations, Grounds for License Denial, and Refunds to Consumers

C.S.H.B. 1560 applies certain good government standards to the TDLR complaint process and sets out additional provisions that, as follows:

- provide for additional statistical analysis of complaints received by TDLR;
- provide for the dismissal of complaints considered inappropriate or without merit;
- require TDLR to assign priorities and investigate complaints based on risk to the public of the alleged conduct;
- clarify the authority of TDLR to take action for a violation identified during an inspection; and
- authorize TCLR or the TDLR executive director to order a license holder to pay a refund to a consumer as provided in an agreed settlement, default order, or TCLR order instead of or in addition to imposing an administrative penalty or sanction, but the amount of the refund may not exceed the amount paid by the consumer and TCLR or the TDLR executive director may not require payment of other damages or estimate harm in a refund order.

C.S.H.B. 1560 removes certain subjective moral characteristics as a ground for license denial.

Continuing Education

C.S.H.B. 1560 transfers duties with respect to the recognition, preparation, and administration of continuing education programs for license holders from TCLR to TDLR and authorizes TCLR by rule to establish a minimum number of hours of continuing education required for license renewal. In adopting the rules for a program regulated by TDLR, TCLR must consult, if applicable, with the advisory board established for the program. The bill revises additional provisions relating to continuing education requirements and removes certain other prescriptive continuing education requirements to account for the broad rulemaking authority granted to TCLR.

Financial Disclosure Statement

C.S.H.B. 1560 authorizes TCLR by rule to require a person, other than an individual, that is applying for a license issued by TDLR to submit with the license application a financial disclosure statement and sets out provisions relating to the content of the statement. TDLR may deny an application for the issuance or renewal of a license or may suspend or revoke a license on the grounds that an applicant or license holder fails to disclose a relationship for which

disclosure is required or discloses a relationship with a person who has failed to comply with an order of TCLR or the TDLR executive director.

Repealed Provisions

C.S.H.B. 1560 repeals the following provisions:

- Section 1001.058(h), Education Code;
- Section 469.053(e), Government Code;
- Section 754.012(d), Health and Safety Code;
- Section 754.0174, Health and Safety Code;
- Section 755.016, Health and Safety Code;
- Sections 755.025(b), (c), (d), and (e), Health and Safety Code;
- Section 51.0021, Occupations Code;
- Section 51.252(d), Occupations Code;
- Section 202.305, Occupations Code;
- Section 202.5085, Occupations Code;
- Section 203.304, Occupations Code;
- Section 203.406, Occupations Code;
- Section 401.355, Occupations Code;
- Section 403.152, Occupations Code;
- Section 455.0571, Occupations Code;
- Section 506.105, Occupations Code;
- Section 605.261, Occupations Code;
- Section 701.303, Occupations Code;
- Section 701.512, Occupations Code;
- Section 802.065(e), Occupations Code;
- Section 1152.204, Occupations Code;
- Section 1302.208(a), Occupations Code;
- Section 1305.055, Occupations Code;
- Section 1901.107(a), Occupations Code;
- Section 1952.1051, Occupations Code;
- Section 1958.056(b), Occupations Code;
- Section 2303.056(b), Occupations Code;
- Section 2308.055, Occupations Code;
- Section 2308.2065(c), Occupations Code;
- Section 2309.056, Occupations Code; and
- Section 2309.106(a), Occupations Code.

Deregulation

Polygraph and Combative Sports

C.S.H.B. 1560 eliminates licensing requirements for polygraph examiners by repealing the Polygraph Examiners Act and abolishing the Polygraph Advisory Committee. The bill also amends the Occupations Code to eliminate licensing and registration requirements to act as a combative sports second, matchmaker, or event coordinator. On the bill's effective date, the following occurs:

- a license, permit, or certification under a repealed law expires; and
- a pending regulatory action, including a complaint investigation, disciplinary action, or administrative penalty proceeding, of TDLR with respect to such a license, permit, or certification is terminated.

Auctioneering and Driver Training

C.S.H.B. 1560 requires TDLR, not later than January 1, 2023, and in consultation with the Auctioneer Advisory Board and the Driver Training and Traffic Safety Advisory Committee, to study the regulation of auctioneering and driver training and prepare a report with any findings and recommendations to improve public safety and TDLR processes and to eliminate inefficiencies, including any necessary legislative changes. In conducting the study, TDLR may consult with any interested organizations, associations, and stakeholders. The bill requires TDLR to submit the report to the applicable standing legislative committees.

Conforming Changes and Repealed Provisions

C.S.H.B. 1560 amends the Family Code, the Government Code, and the Human Resources Code to make conforming changes.

C.S.H.B. 1560 repeals the following provisions of the Occupations Code:

- Chapter 1703; and
- Section 2052.002(11-a).

Barbering and Cosmetology

Consolidated Licenses, Registrations, and Permits

C.S.H.B. 1560 repeals provisions establishing separate state licensing and regulatory structures for barbering and cosmetology and instead amends the Occupations Code to consolidate certain duplicative licenses, certificates of registration, and permits into licenses that cover both barbers and cosmetologists while also removing certain unnecessary regulation, including with respect to wig licenses and barber pole regulations. The post-consolidation licenses are the following:

- for individual practitioners:
 - a Class A barber license;
 - a cosmetology operator license;
 - a manicurist license;
 - an esthetician license;
 - a manicurist/esthetician license;
 - a hair weaving specialist license;
 - a hair weaving specialist/esthetician license; and
 - an eyelash extension specialist license;
- instructor licenses;
- for schools:
 - a public secondary school license;
 - a public postsecondary school license; and
 - a private postsecondary school license; and
- for establishments:
 - an establishment license;
 - a manicurist specialty establishment license;
 - an esthetician specialty establishment license;
 - a manicurist/esthetician specialty establishment license;
 - a hair weaving specialty establishment license;
 - an eyelash extension specialty establishment license;
 - a mini-establishment license; and
 - a mobile establishment license.

The bill also retains the permitting scheme for students enrolled in a licensed school. The bill requires TDLR to adopt rules for the licensing of specialty instructors to teach specialty courses in the practice of barbering or cosmetology.

Applicable Scope of Practice; Licensing Exemptions

C.S.H.B. 1560 establishes the scope of practice for each applicable license, which are substantially the same as the respective scopes of practice for related licenses, certificates, and permits that existed preconsolidation, while resulting in former barber technicians gaining the authority to offer eyelash extension services and the removal of superfluous hair from a person's body. This also results in a licensed school being authorized to offer instruction on both barbering and cosmetology under a single license. The bill retains existing licensing exemptions and makes them applicable to the consolidated licenses.

Consolidations; Alignments; Rule-Based Requirements

C.S.H.B. 1560 sets out provisions relating to the above-listed licenses that are substantially similar to the provisions previously applicable to the separate categories of barbering and cosmetology licenses, certificates, and permits, while making minor revisions to and harmonizing those provisions to provide for uniform state regulation of barbering and cosmetology, including by doing the following:

- consolidating the advisory boards for barbering and cosmetology into the single nine-member Barbering and Cosmetology Advisory Board on December 1, 2021;
- consolidating separate barbering and cosmetology tuition protection accounts into a single barbering and cosmetology school tuition protection account with a minimum balance of \$225,000, which is a combination of the minimum balances of the former accounts; and
- aligning certain posting requirements for schools and establishments, including with respect to things such as sanitation rules and human trafficking information, to ensure uniformity in the information that is provided to consumers.

Additionally, the bill does the following:

- removes certain prescriptive requirements relating to license eligibility, course content, and early examination for specified licenses and authorizes TCLR instead to establish requirements by rule for the issuance of these licenses and a student permit, subject to certain restrictions, the subjects in which students must receive instruction, and the students for whom an early written examination is allowed;
- revises provisions relating to the manner in which students transfer completed hours of instruction between schools;
- clarifies that if the ownership of a licensed school changes, the new owner must obtain a license in accordance with TCLR rule; and
- authorizes TCLR by rule to establish license renewal requirements, including continuing education requirements, and requires TCLR, before establishing any continuing education requirements, to consider the potential impact of continuing education with respect to identifying and assisting trafficked persons and providing license holders with opportunities to acquire new skills.

Implementation of Regulatory Changes

C.S.H.B. 1560 requires TCLR to adopt any rules necessary for the orderly implementation of the changes in law to the licensing system and curricula requirements and standards for licensed schools offering instruction in barbering and cosmetology as soon as practicable after the bill's effective date to ensure that schools maintain accreditation and that students of those schools continue to qualify for federal aid.

C.S.H.B. 1560 requires, not later than September 1, 2023, that TCLR adopt any rules necessary to implement the changes in law made by the bill's barbering and cosmetology provisions and that TDLR begin to issue and renew the consolidated barbering and cosmetology licenses and permits. The bill provides the following:

- a certificate, license, or permit issued under the former separate barbering and cosmetology licensing schemes before the bill's effective date continues to be valid until expiration;

- TDLR may continue to issue a certificate, license, or permit under the former licensing schemes until September 1, 2023;
- until TDLR adopts rules regarding written and practical examination requirements for the issuance of the consolidated licenses, TDLR must continue to operate under the former examination requirements;
- a person who holds a barber technician license, barber technician/manicurist specialty license, or barber technician/hair weaving specialty license on the bill's effective date that was issued before that date may begin performing or offering to perform for compensation the removal of superfluous hair from a person's body and performing or offering to perform for compensation the service of applying semipermanent, thread-like extensions composed of single fibers to a person's eyelashes;
- the changes in law made by the bill's barbering and cosmetology provisions do not affect the validity of a disciplinary action or other proceeding that was initiated before the bill's effective date and that is pending on that date; and
- the repeal of a law by the bill's barbering and cosmetology provisions does not entitle a person to a refund of a certificate, license, or permit fee paid before the bill's effective date.

Repealed Provisions

C.S.H.B. 1560 repeals the following provisions of the Occupations Code:

- Chapter 1601;
- Chapter 1602;
- Section 1603.205;
- Section 1603.206;
- Section 1603.207;
- Section 1603.254;
- Section 1603.451;
- Section 1603.452;
- Section 1603.455; and
- Section 1603.456.

Residential Service Contracts

Regulation Under the Service Contract Regulatory Act

C.S.H.B. 1560 repeals the Residential Service Company Act, which requires a person issuing a residential service contract, better known as a home warranty, or performing or arranging to perform services under such a contract to obtain a license from the Texas Real Estate Commission (TREC).

C.S.H.B. 1560 amends the Occupations Code to provide instead for the regulation of residential service contracts through the Service Contract Regulatory Act, which requires registration with TDLR, by expanding the definition of a service contract to include an agreement that is entered into for a separately stated consideration and for a specified term under which a provider agrees to provide a service, reimbursement, or payment under a residential service contract. The bill establishes what constitutes a residential service contract under the newly applicable act and sets out provisions providing for the transfer of the regulation of residential service contracts and contract providers from the TREC to TDLR.

Prohibitions and Authorizations

C.S.H.B. 1560 prohibits a person from selling, offering to sell, arranging or soliciting the sale of, or receiving an application for a residential service contract unless the person is employed by a provider or administrator of a residential service contract who is licensed under the Service Contract Regulatory Act or is licensed as a real estate sales agent, real estate broker, mobile

home dealer, or insurance agent in Texas. However, a person compensated by a provider or administrator, but who is not employed by that provider or administrator, may sell, offer to sell, arrange or solicit the sale of, or receive an application for a residential service contract if the contract contains a specified statement indicating that the company pays persons the company does not employ for the sale, advertising, inspection, or processing of a contract. The bill clarifies the conditions under which a person is considered to be employed by a provider or administrator.

Contract Requirement

C.S.H.B. 1560 requires a residential service contract to state that the provider agrees that, under normal circumstances, the provider will initiate the performance of services not later than 48 hours after the contract holder requests the services.

Minimum Security Deposit; Reimbursement Insurance Policy

C.S.H.B. 1560 sets \$25,000 as the minimum security deposit for a provider of a residential service contract who satisfies the prescribed financial security requirements by maintaining a funded reserve account covering their obligations and provides the following:

- a provider may use a reimbursement insurance policy issued by a captive insurance company to insure the provider's contracts if the provider maintains a funded reserve equal to not less than 25 percent of the gross consideration the provider received from consumers from the sale of all the provider's service contracts issued and outstanding in Texas, minus any claims paid;
- the policy is considered to satisfy the financial security requirements and certain related registration and renewal requirements; and
- the policy is not subject to provisions otherwise governing reimbursement insurance policies generally.

Exemptions from the Service Contract Regulatory Act

C.S.H.B. 1560 exempts the following from the Service Contract Regulatory Act:

- a performance guarantee offered by the builder of a residential property or the manufacturer or seller of an appliance or other system or component of a residential property;
- a residential service contract executed before August 28, 1979;
- home warranty insurance;
- a guarantee or warranty that is designed to guarantee or warrant the repair or service of an appliance, system, or component of a residential property and issued by a person who sells, services, repairs, or replaces the appliance, system, or component at the time or before the guarantee or warranty is issued; and
- a service or maintenance agreement or a warranty that:
 - is sold, offered for sale, or issued by a manufacturer or merchant who manufactures or sells a product or part of a product, including a structural component, an appliance, or an electrical, plumbing, heating, cooling, or air-conditioning system of a building or residence; and
 - provides for, warrants, or guarantees the maintenance, repair, replacement, or performance of the product or part of the product.

Rules for Implementation

C.S.H.B. 1560 requires TCLR to adopt rules not later than June 1, 2022, that are necessary to implement the changes made to the Service Contract Regulatory Act.

Repealed Provisions

C.S.H.B. 1560 repeals Chapter 1303, Occupations Code.

Educational Requirements for Audiologists

C.S.H.B. 1560 amends the Occupations Code to change the educational requirement for an applicant to be eligible for a license in audiology from a doctoral degree to a master's degree.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1560 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

General Powers and Duties

The substitute, with regard to the original's authorization for an advisory board appointed to advise TCLR or TDLR to meet remotely by telephone conference call, video conference, or other similar telecommunication method, does the following:

- includes requirements relating to audibility and visibility;
- includes requirements regarding the recess or adjournment of the meeting due to technical difficulties; and
- revises the provision relating to the applicability of state open meetings law to these meetings.

The substitute replaces the original's requirements for TCLR to adopt rules for conducting inspections based on risk to the public and for those rules to prioritize inspections based on specified factors with a requirement for TDLR to conduct risk-based inspections that prioritize inspections based on key risk factors identified by TDLR. The substitute replaces the original's authorization for TCLR to adopt rules that provide for the use of alternative inspection methods with an authorization for TDLR to use those methods.

With regard to the original's requirement to dismiss a complaint that is determined to be inappropriate or without merit, the substitute does the following:

- changes the entity required to make that determination and dismiss the complaint from TCLR to TDLR and accordingly omits provisions included in the original relating to the delegation of that duty to TDLR;
- omits a specification included in the original that no further action may be taken after the dismissal; and
- omits a requirement included in the original for TDLR to inform TCLR of all such dismissals.

The original required the statistical analysis of the complaints received by TDLR to include the manner in which complaints were resolved categorized by the nature of the alleged violation, whereas the substitute includes a requirement for the analysis to include a breakdown of the nature of the alleged violations in complaints opened for investigation and cases that resulted in disciplinary action. The substitute includes a requirement absent from the original for the analysis to include the number and amount of refunds obtained through an informal resolution.

The substitute does not include the original's authorization for TCLR to deny the renewal of a license issued by TDLR if the applicant is in violation of an order of TCLR or the TDLR executive director.

The substitute includes a provision absent from the original changing from TCLR to TDLR the entity required to recognize, prepare, or administer continuing education programs for license holders.

With regard to the original's authorization for TDLR to deny an application for a license or suspend or revoke a license on the grounds that a business has failed to disclose a relationship for which disclosure is required by rule, the substitute does the following:

- replaces the reference to a business with a reference to an applicant or license holder;
- expands the grounds for denial, suspension, or revocation to include the disclosure by an applicant or license holder of a relationship for which disclosure is required by rule with a person who has failed to comply with an order of TCLR or the TDLR executive director; and
- clarifies that an application for either issuance or renewal of a license may be denied.

The substitute does not include changes present in the original relating to the interval between inspections of boilers and extensions of that interval.

The substitute does not include the following changes present in the original:

- the repeal of continuing education requirements for holders of a license to fit and dispense hearing instruments and the removal of a requirement for the holder of a related apprentice permit to complete 20 hours of classroom continuing education; and
- the repeal of continuing education requirements for certain electricians.

The original repealed provisions relating to continuing education for registered property tax professionals. The substitute still removes requirements for registrants to participate in continuing education programs as a condition of registration and provisions establishing certain powers and duties for TCLR regarding those programs, but it retains a requirement for the comptroller of public accounts to review and approve any continuing education programs for registrants and an authorization for the comptroller to set related fees.

The substitute retains a statutory requirement repealed by the original for a person renewing an incident management towing operator's license for the first time to complete a professional development course relating to incident management towing.

The original repealed the requirement for TDLR to inspect each facility of a licensed dog or cat breeder at least once in every 18-month period and at other times as necessary to ensure compliance with applicable statutes and rules, whereas the substitute does not repeal that requirement.

Deregulation

The substitute does not include the following changes, all of which are present in the original:

- the repeal of provisions governing state-licensed auctioneers;
- the revision of provisions conforming to that repeal; and
- the abolition of the Auctioneer Advisory Board and the transfer of money from the auctioneer education and recovery fund to the general revenue fund.

However, the substitute does require TDLR to study and report on the regulation of auctioneering.

Barbering and Cosmetology

The substitute clarifies the original's added definition of "school" for purposes of the regulation of barbering and cosmetology by defining the term as a public secondary school, public postsecondary school, or private postsecondary school in which barbering or cosmetology is taught and that is required to hold a school license issued under the substitute's provisions.

The original defined the practice of barbering and the practice of cosmetology separately, whereas the substitute combines those provisions. However, shaving a person's face, neck, mustache, or beard with any kind of razor other than a safety razor remains solely in the scope of barbering services, and eyelash extension services remain solely in the scope of cosmetology services in the substitute, as provided in the original.

The substitute retains a statutory provision removed by the original establishing that provisions governing the regulation of barbering and cosmetology by TDLR do not limit the general powers of TDLR or TCLR.

The substitute does not include the original's requirement for the presiding officer of TCLR to designate each member of the Barbering and Cosmetology Advisory Board who represents the public to serve as the presiding officer of the advisory board for at least one term.

The substitute removes a statutory requirement that was retained by the original for an inspector who discovers certain barbering or cosmetology violations to file a complaint with the TDLR executive director.

The substitute includes an authorization absent from the original for requirements established by TCLR for the issuance of barbering- or cosmetology-related licenses or permits to include requirements regarding an applicant's minimum age, education level, and completed hours of instruction. The substitute, with regard to the original's requirement for the license issuance requirements to be the least restrictive requirements possible, clarifies that TCLR is required to consider whether the requirement is the least restrictive requirement possible when establishing the requirements. The substitute replaces the original's requirement for TCLR to establish standardized requirements within license categories with an authorization to do so.

The substitute does not include provisions present in the original that provide for the inactive status of a barber or cosmetology license and for the reinstatement of an expired license by a person who previously retired from practice.

The substitute includes provisions absent from the original providing for the issuance of an instructor license for a person who teaches any act of barbering or cosmetology.

The substitute revises the original's provisions relating to the waiver of license requirements for applicants holding a license from another jurisdiction that has license requirements substantially equivalent to those in Texas.

With regard to applications for student permits, the substitute does not include language present in the original establishing that a separate application is required for each reenrollment or transfer enrollment.

The substitute includes a requirement absent from the original for the holder of an individual practitioner or instructor license to make available at the reception desk of the establishment in which the individual is working either the original license and an attached photograph of the individual or a digital image of the license and photograph.

The substitute does not include an authorization present in the original for a person holding a student permit to perform services at a location other than a licensed facility for certain clients.

The original limited the issuance of establishment licenses to applicants who own the establishment, whereas the substitute allows such a license to be issued to an owner or renter.

The substitute revises the original's added definition of "mini-establishment."

With regard to barbering and cosmetology school licenses, the substitute makes the following changes to the original's provisions:

- expands the requisite eligibility conditions for the license to include meeting health and safety standards established by TCLR;
- includes a provision requiring that a person employed by the holder of a school license for the purposes of providing instruction hold the applicable instructor license;
- includes an authorization for TDLR to take any disciplinary or other enforcement action against a person who violates that instructor license requirement;
- includes a requirement for a new owner of a licensed school that changes ownership to obtain a school license in accordance with TCLR rule;
- does not include the original's requirement for the holder of a school license to prominently display printed school-student practitioner signs on each inside wall of the school;
- includes an option for TDLR to prescribe a manner of display for the requisite signs on the front outside portion of a school's building;
- changes from TCLR to TDLR the entity to which a school must submit course length and curriculum content for approval;
- includes a prohibition against a school increasing, decreasing, or withholding the number of hours earned by a student;
- does not include the original's specification that the attendance record maintained by a school is in the form of a book;
- includes a specification that the requirement for a holder of a school license to provide to TDLR certain course completion rates, job placement rates, and employment rates applies if TDLR requests such information;
- includes a requirement for the holder of a school license to maintain sanitary premises;
- does not include the original's prohibition against the holder of a school license requiring a student to work, be instructed, or earn credit for more than 48 hours in a calendar week; and
- omits a provision from the original that prohibits a student from transferring hours of instruction the student completed at a school whose license has been expired for more than 30 days.

The substitute includes a provision absent from the original changing the entity required to select the written examinations used for barbering and cosmetology license applicants from TCLR to TDLR.

The substitute does not include a specification that the fee for renewal of a license is in an amount equal to the original license fee.

The substitute expands the original's exemptions from license renewal requirements for certain license holders serving on active duty in the U.S. armed forces to apply to any individual practitioner or instructor license.

The substitute includes a requirement absent from the original for the sign displaying human trafficking information at a school or establishment to be in any language required by TCLR rule.

The substitute revises the conditions under which a school may retain a portion of a student's unused tuition, fees, or charges that is otherwise required to be refunded from a student's failure to withdraw from the applicable course before the cancellation period expires to the student's failure to begin the course before that period expires.

The substitute retains a statutory provision removed by the original providing for the denial, suspension, or revocation of a license or permit if the applicant or holder engages in an act that violates provisions governing TDLR or a rule or order adopted or issued under those provisions.

The substitute does not include the original's repeal of provisions requiring certain periodic inspections of barbering and cosmetology establishments and schools.

The substitute postpones the deadline by which TCLR must adopt certain rules and TDLR must begin to issue and renew barbering and cosmetology licenses and permits in accordance with the bill's provisions from September 1, 2022, as provided in the original, to September 1, 2023.

The substitute omits a procedural provision from the original authorizing a person who, on the bill's effective date, holds an applicable license or permit issued under the former separate barbering and cosmetology licensing schemes before that date to employ or contract with any qualified individual practitioner holding a certificate, license, or permit under either of those former licensing schemes, without regard to whether the license is for barbering or cosmetology.

The substitute changes the date on which the Advisory Board on Barbering and the Advisory Board on Cosmetology are abolished from the bill's effective date, as provided by the original, to December 1, 2021. The substitute replaces the requirement for the presiding officer of TCLR to appoint members to the Barbering and Cosmetology Advisory Board not later than December 1, 2021, with a requirement for the appointment to occur on that date.

Driver Training

The substitute does not include changes present in the original relating to the licensing and regulation of driver education and driving safety programs. However, the substitute does require TDLR to study and report on the regulation of driver training.

Residential Service Contracts

The substitute includes provisions absent from the original that provide for the transfer of the regulation of residential service contracts from the TREC to TDLR and make certain other changes relating to residential service contracts.

Educational Requirements for Audiologists

The substitute includes provisions absent from the original that revise educational requirements for licensed audiologists.