

BILL ANALYSIS

Senate Research Center

H.B. 1544
By: Haggerty (Madla)
State Affairs
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Engrossed

DIGEST

Currently, Article 3271a, V.T.C.S. (Texas Engineering Practice Act), provides the regulations for licensing professional engineers and engineering firms. Although these regulations exist, they are not widely enforced due to the difficulty in tracking those persons and firms purportedly engaged in the defined practice of engineering. Approximately 22 states require engineering firms to obtain a certificate of authorization, and approximately 10 states require firms to be registered with the state. H.B. 1544 would set forth requirements for firms engaging in the practice of engineering to register with the Texas Board of Professional Engineers (TBPE), and would require TBPE to publish a roster of engineers and engineering firms.

PURPOSE

As proposed, H.B. 1544 sets forth provisions regarding the registration of engineering firms, and requires the Texas Board of Professional Engineers to publish a roster of engineers and engineering firms.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Board of Professional Engineers in SECTIONS 3, 6, and 9 (Sections 11(a), and 17(b), Article 3271a, V.T.C.S., Texas Engineering Practice Act) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1.2, Article 3271a, V.T.C.S. (Texas Engineering Practice Act), to require any person, sole proprietorship, firm, partnership, association or corporation which shall do, offer or attempt to do any one or more of the acts or things set forth in Subsection (a), rather than numbered paragraphs (1)-(4), of this section to be conclusively presumed and regarded as engaged in the practice of engineering, with the intent and meaning and for all purposes of this Act. Deletes text regarding Section 1.2. Makes a conforming change.

SECTION 2. Amends Section 8(a), Article 3271a, V.T.C.S., to make a conforming change.

SECTION 3. Amends Section 11, Article 3271a, V.T.C.S., as follows:

Sec. 11. New heading: ENGINEER ROSTER. Requires the Texas Board of Professional Engineers (TBPE) to prepare and publish a roster of persons or business entities licensed, registered, certified, or enrolled, by TBPE. Authorizes the roster to include names, business addresses, and other identifying information required by TBPE rule. Requires TBPE to make the roster available to the public without cost in an online computer database format. Requires TBPE to provide a physical copy of the roster on request and to charge a reproduction and shipping fee for providing a physical copy of the roster. Deletes text requiring professional engineers to be prepared and published and regarding copies of the roster furnished to engineers. Makes conforming changes.

SECTION 4. Amends Section 13(b), Article 3271a, V.T.C.S., to require TBPE to establish reasonable and necessary fees for the administration of this Act in amount not to exceed \$100 for the registration fee for an engineering firm and \$200 for the examination fee.

SECTION 5. Amends Section 13B(c), Article 3271a, V.T.C.S., to provide that Subsection (a) does not apply to a licensed professional engineer who meets the qualifications for an exemption from licensure under Section 20(a)(5) or (6), rather than 20(e) or (f), of this Act but who does not claim that exemption.

SECTION 6. Amends Sections 16.1 and 17, Article 3271a, V.T.C.S., as follows:

Sec. 16.1. New heading: EXPIRATION DATES OF LICENSES AND REGISTRATIONS. Authorizes TBPE, by rule, to adopt a system under which licenses and registrations expire on various dates during the year.

Sec. 17. New heading: SOLE PROPRIETORSHIPS, FIRMS, PARTNERSHIPS, CORPORATIONS, AND JOINT STOCK ASSOCIATIONS. Authorizes a sole proprietorship, firm, co-partnership, corporation, or joint stock association to engage or offer to engage in the practice of professional engineering in this state, provided the entity is registered with TBPE. Requires an entity to file an application with TBPE on a form provided by TBPE, to be registered under this section. Requires the application to list the name and address of each officer or director of the entity, and person licensed to practice engineering who engages in the practice of engineering on behalf of the entity, in addition to any other information required by TBPE rule. Provides that the registration of an entity issued under this section is valid for one year and may be renewed by filing an updated application under Subsection (b) of this section. Makes conforming change.

SECTION 7. Amends Section 18(a), Article 3271a, V.T.C.S., to provide that no sole proprietorship shall hold itself out to the public, unless registered under Section 17 of this Act. Makes conforming changes.

SECTION 8. Amends Section 20, Article 3271a, V.T.C.S., to make conforming changes.

SECTION 9. (a) Effective date: September 1, 1999, except as provided by Subsection (c) of this section.

(b) Authorizes TBPE to adopt rules providing for the registration of engineering entities, no later than November 1, 1999.

(c) Effective date for Sections 17 and 18: January 1, 2000.

SECTION 10. Emergency clause.