

## **BILL ANALYSIS**

Senate Research Center  
77R9171 T

S.B. 1318  
By: Staples  
Business & Commerce  
3/26/2001  
As Filed

### **DIGEST AND PURPOSE**

The Health Spa Act requires a person to obtain a certificate of registration from the secretary of state before the person is authorized to operate a health spa and to publish a notice before closing the spa. As proposed, S.B. 1318 removes the requirement to publish the notice of closing in a newspaper and requires that such notice to be published at the location of the closed health spa.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 702.253, Occupations Code, to delete text regarding the method of computing a security.

SECTION 2. Amends Section 702.254, Occupations Code, to prohibit the secretary of state from considering a claim filed under Section 702.251 if the claim is received later than the 90th day after the date the notice is first posted, rather than published, under Section 702.452.

SECTION 3. Amends Section 702.452, Occupations Code, to provide that not later than the 3rd, rather than 45th, day after the date that a health spa is closed, the certificate holder is required contemporaneously to post at the health spa location certain information and notify the secretary of state of the health spa closing and the date that the notice was first posted. Deletes text regarding method of publishing notice. Requires the secretary of state to post the information on the secretary of state's Internet website as specified in Section 702.452(a)(1). Requires the notice posted at the health spa to meet certain conditions. Requires the notice located at the health spa to be continuously posted for at least 14 days. Requires the notice on the secretary of state's Internet site to be continuously posted for at least 30 days. Provides that if the certificate holder fails to post the notice at the health spa location within the time specified, the secretary of state, not later than the 30th day after the date the secretary discovers that a health spa is closed, is required to post the notice at the health spa location. Requires the secretary of state, not later than the 10th day after the day the secretary discovers that the health spa is closed, to notify the appropriate surety company or obligor of the administrative proceedings pending under Subdivision (a)(1).

SECTION 4. Repealer: Section 702.453 (Expenses Relating to Notice), Occupations Code.

SECTION 5. Effective date: September 1, 2001.