

BILL ANALYSIS

Senate Research Center
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S.B. 1509
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Department of Licensing and Regulation (TDLR) administers 29 statutes, with 142 license types, and over 620,000 licenses. TDLR license types include cosmetology, towing, combative sports, and electrician programs. Part of TDLR's function is to inspect the place of business of their licensees to ensure that everything is up to standard. Each is currently required to be inspected every two years. TDLR also handles license renewals. Under current law, a licensee must re-take an examination if the license has been expired for more than one year. This unnecessarily burdens licensees who may have missed a license renewal, for one reason or another—taking time off to start a family, for example.

Section 51.351 (Inspections and Investigations), Occupations Code, pertains to inspections done by TDLR. Section 51.401(License Expiration and Renewal), Occupations Code, pertains to license renewal.

S.B. 1509 authorizes TDLR to adjust inspection times. When making an adjustment, the Texas Commission of Licensing and Regulation must first consider any risk to public health and safety and consider any budget constraints before adjusting inspection times. Furthermore, S.B. 1509 provides a more common sense path for those who may renew their licenses late. In order to renew a license, under S.B. 1509, any continuing education requirements and late fees would still apply, but a licensee would not have to re-take the examination to renew a license that has lapsed for less than three years.

As proposed, S.B. 1509 amends current law relating to inspections and license renewals by the Texas Department of Licensing and Regulation.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 1 (Section 51.351, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 51.351, Occupations Code, by adding Subsection (e), as follows:

(e) Authorizes the Texas Commission of Licensing and Regulation (TCLR) by rule, notwithstanding any other law, to prescribe the time between periodic inspections conducted by the Texas Department of Licensing and Regulation (TDLR). Requires TCLR, in adopting rules under this subsection, to consider the risks to public health and safety posed by the regulated activity that is subject to inspection, and the available resources of TDLR.

SECTION 2. Amends Sections 51.401(c) and (d), Occupations Code, as follows:

(c) Authorizes a person whose license has been expired for more than 90 days but less than three years, rather than less than one year, to renew the license by paying to TDLR a renewal fee that is equal to two times the normally required renewal fee.

(d) Prohibits a person whose license has been expired for three years, rather than one year, or more from renewing the license. Authorizes the person to obtain a new license by complying with the requirements and procedures, including the examination requirements, for obtaining an original license.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2011.