

BILL ANALYSIS

Senate Research Center
86R4282 TSR-D

H.B. 1894
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Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 1991, the Texas Board of Architectural Examiners (TBAE) was given the additional responsibility to regulate the use of the title "interior designer," which the legislature changed in 2009 to the title "registered interior designer."

Under current law, any individual may practice interior design, but only those who voluntarily register with TBAE may use the title "registered interior designers."

Acting as a registered interior designer without proof of the voluntary registration is a Class C misdemeanor (Subchapter H, Occupations Code).

Since its adoption in 2003, TBAE has not utilized Subchapter H to pursue criminal action against any individual. This is because industry insiders use the threat of this penalty to crush competition before industry newcomers can even practice.

H.B. 1894 simply removes the criminal penalty for an individual who acts as a registered interior designer without proof of voluntary registration.

The 2013 Sunset Advisory Commission recommended the complete deregulation of the industry, as it is ultimately a voluntary process that does not risk public health or safety.

Currently, there are 4,135 registered interior designers in the state of Texas. With the passage of H.B. 1894, registration would remain voluntary and the 4,135 registered interior designers could continue to stamp and/or seal documents because their registration would remain intact.

This bill supports equal competition among market participants without impeding on the individuals already established in the industry.

H.B. 1894 amends current law relating to the imposition of an administrative penalty and the repeal of the criminal penalty for a violation of the interior designers licensing law.

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 1051.451, Occupations Code, as follows:

Sec. 1051.451. IMPOSITION OF ADMINISTRATIVE PENALTY. (a) Creates this subsection from existing text. Creates an exception under Subsection (b), to the authorization for the Texas Board of Architectural Examiners (TBAE) to impose an administrative penalty on a person who engages in conduct for which the person is subject to disciplinary action under this subtitle (Regulation of Architecture and Related Practices), regardless of whether the person holds a certificate of registration issued under this subtitle.

(b) Prohibits TBAE from imposing an administrative penalty under this subtitle on a person for conduct related to the practice of interior design unless the person holds a certificate of registration as an interior designer.

SECTION 2. Amends Section 1053.251(a), Occupations Code, as follows:

(a) Requires TBAE, on determination that a ground for disciplinary action exists under Section 1053.252 (Grounds For Disciplinary Action), to

(1)–(2) makes no changes to these subdivisions;

(3) impose an administrative penalty on a certificate holder, rather than on a person, under Subchapter I (Administrative Penalty), Chapter 1051.

SECTION 3. Repealer: Subchapter H (Penalties), Chapter 1053, Occupations Code.

SECTION 4. Makes application of Sections 1051.451 and 1053.251(a), Occupations Code, as amended by this Act, prospective.

SECTION 5. Makes application of the repeal by this Act of Subchapter H, Chapter 1053, Occupations Code, prospective. Provides that an offense committed before the effective date of the repeal is governed by the law as it existed on the date the offense was committed, and the former law is continued in effect for that purpose. Provides that for purposes of this section, an offense was committed before the effective date of the repeal if any element of the offense occurred before that date.

SECTION 6. Effective date: September 1, 2019.