

BILL ANALYSIS

Senate Research Center
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S.B. 164
By: Carona
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DIGEST

Currently, attorneys may apply for inactive status, which exempts them from the state occupation tax and reduces the annual license fee. Other professionals who choose to suspend their state licensed practice (viz., medicine, engineering, or accounting) are not provided the same opportunity to file for inactive status with the concomitant reduction in license and professional fees.

PURPOSE

As proposed, S.B. 164 exempts certain professional licenses and certificates from fees if the holder remains in inactive status.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Board of Medical Examiners in SECTIONS 2 and 4 (Article 4495b (Medical Practice Act) and Article 4550a, V.T.C.S.); Texas Board of Health in SECTION 5 (Article 4552-3.10, V.T.C.S.); Texas State Board of Public Accounting in SECTION 9 (Article 41a-1 (Public Accountability Act), V.T.C.S.); Texas Board of Architectural Examiners in SECTION 11 (Article 249a, V.T.C.S.); Texas Board of Professional Engineers in SECTION 13 (Article 3271a (Texas Engineering Practice Act), V.T.C.S.); and Texas Board of Veterinary Medical Examiners in SECTION 16 (Article 8890 (Veterinary Licensing Act), V.T.C.S.)), of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 3.11A, Article 4495b, V.T.C.S. (Medical Practice Act), by adding Subsection (c) to provide that this section does not apply to a fee charged a license holder on inactive status who has been charged a fee.

SECTION 2. Amends Section 2.09, Article 4495b, V.T.C.S., to require the Texas Board of Medical Examiners to make rules relating and establish reasonable fees to the placing of licensees on inactive status. Provides that a licensee on inactive status is not required to pay a license renewal fee.

SECTION 3. Amends Article 4550c, V.T.C.S., by adding Subsection (c) to provide that a fee increase imposed by this section does not apply to a license holder on inactive status.

SECTION 4. Amends Article 4550a, V.T.C.S., by adding Section 2B as follows:

Sec. 2B. Requires the Texas Board of Dental Examiners (dental board), by rule, to adopt a system that allows a person to place the person's license on inactive status. Requires a person to apply for inactive status before the license expiration date. Requires a person re-entering active status to notify the dental board, pay a renewal fee, and comply with any education requirements established by rule.

SECTION 5. Amends, Section 3.10, Article 4552-3.10, V.T.C.S. (Texas Optometry Act), to require, rather than authorize, the Texas Board of Health to provide for a license to be placed on inactive status.

SECTION 6. Amends Article 4512b, V.T.C.S. (Psychologists' Licensing Act), to exempt an inactive license holder from fees.

SECTION 7. Amends Section 16B, Article 4512c, V.T.C.S. by adding Subsection (d) to exempt a psychologist who has a license in inactive status from paying fees.

SECTION 8. Amends Section 9A, Article 41a-1, V.T.C.S. (Public Accounting Act), by adding Subsection (f) to exempt a license holder who has a license in inactive status from the fees in Subsections (a) and (b).

SECTION 9. Amends Article 41a-1, V.T.C.S., (The Public Accountability Act) by adding Section 9b, as follows:

Sec. 9B. INACTIVE STATUS. Requires the Texas State Board of Public Accountability (accounting board), by rule, to adopt a system that allows a person to place the person's license on inactive status. Exempts a person who is in inactive status from paying the license renewal fees. Prohibits a person in inactive status from performing an activity regulated under the Act. Requires a person who re-enters active status to notify the accounting board, pay a renewal fee, and comply with any education requirements established by rule.

SECTION 10. Amends Section 4C, Article 249a, V.T.C.S., by adding Subsection (c) to exempt an architect who has a license in inactive status from paying fees.

SECTION 11. Amends Article 249a, V.T.C.S., by adding Section 11A, as follows:

Sec. 11A. Requires the Texas Board of Architectural Examiners (architecture board), by rule, to adopt a system that allows a person to place a certificate of registration on inactive status. Provides. Requires a person who applies for inactive to status to use a for prescribed by the architectural board prior to the expiration of the certificate.that a person who is in inactive status is not required to pay the certificate renewal fee. Prohibits those in inactive status from performing an activity regulated under the Act. Requires those who re-enter active status to notify the board, pay a renewal fee, and comply with any education requirements established by rule.

SECTION 12. Amends Section 13B, Article 3271a, V.T.C.S. (The Texas Engineering Practice Act) by adding Subsection (d) as follows:

Art. 3271a(d). Exempts an engineer who has a license in inactive status from paying fee increases

SECTION 13. Amends Article 3271a, V.T.C.S., by adding Section 16.2, as follows:

Sec. 16.2. Requires the Texas Board of Professional Engineers (engineering board), by rule, to adopt a system that allows a person to place a license on inactive status. Provides a person who is in inactive status from paying the license fee. Prohibits a person in inactive status from performing an activity regulated under the Act. Requires a person who re-enters active status to notify the engineering board, pay a renewal fee, and comply with any education requirements established by rule.

SECTION 14. Amends Section 11A, Article 6573a, V.T.C.S. (The Real Estate License Act), by adding Subsection (c) to exempt a person on inactive status from a fee increase imposed by this section.

SECTION 15. Amends Section 42A, Article 581-42, V.T.C.S. (The Securities Act), to exempt original or renewal applications of a dealer, agent, officer, or salesman who has assumed inactive status, as defined by the State Securities Board, from a fee increase. Makes conforming changes.

SECTION 16. Amends Section 10(b), Article 8890, V.T.C.S. (The Veterinary Licensing Act) to require, rather than authorize, the State Board of Veterinary Medical Examiners to provide for a person who holds a license to be placed on inactive status.

SECTION 17. Makes application of this Act prospective.

SECTION 18. Effective date: September 1, 1999.

SECTION 19. Emergency clause.