

BILL ANALYSIS

Senate Research Center

C.S.H.B. 1817
By: Driver (Brimer)
Business & Commerce
4/28/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current law requires a professional engineer to seal engineering documents even if the project will not be constructed in Texas, does not allow the Texas Board of Professional Engineers to charge a late license renewal fee, and allows for certain confidential complaint information to be made public.

C.S.H.B. 1817 requires a Texas engineering seal only for projects to be constructed or utilized in Texas, allows the Texas Board of Professional Engineers to charge a late license renewal fee, and gives the board the ability to withhold complaint information that was filed against a license holder with the intent to harass or intimidate but that did not demonstrate harm to the public.

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 1001.003(c), Occupations Code, to include providing an engineering opinion or analysis related to a certificate of merit under Chapter 150 (Design Professionals), Civil Practice and Remedies Code, amongst the activities that constitute the practice of engineering.

SECTION 2. Amends Section 1001.204(a), Occupations Code, to require the Texas Board of Professional Engineers (board) to establish certain fees in amounts reasonable and necessary to cover the costs of administering this chapter, including annual and late renewal fees.

SECTION 3. Amends Sections 1001.252(l), Occupations Code, as follows:

(l) Provides that for any complaint determined to be frivolous or without merit, the complaint and other enforcement case information related to that complaint are confidential. Authorizes the information to be used only by the board or by its employees or agents directly involved in the enforcement process for that complaint. Provides that the information is not subject to discovery, subpoena, or other disclosure. Deletes existing text relating to redacting the name and personal information of a license holder against whom a frivolous complaint has been made.

SECTION 4. Amends Sections 1001.353(a), (b), and (c), Occupations Code, to make conforming changes. Deletes existing text specifying the amount of a renewal fee.

SECTION 5. Amends Section 1001.401(b), Occupations Code, to require a plan, specification, plat, or report issued by a license holder for a project to be constructed in this state to include the license holder's seal placed on the document. Provides that a license holder is not required to use a seal required by this section if the project is to be constructed or used in another state or country.

SECTION 6. Amends Section 1001.601, Occupations Code, to require the board to respond to requests for opinions within 180 days unless the board affirmatively states the board's reason for not responding to the request within 180 days or for not responding to the request at all. Makes nonsubstantive changes.

SECTION 7. Makes application of Section 1001.601, Occupations Code, as amended by this Act, prospective.

SECTION 8. Makes application of the changes in law made by this Act relating to the renewal of a license under Chapter 1001, Occupations Code, prospective.

SECTION 9. Effective date: September 1, 2005.