

## **BILL ANALYSIS**

Senate Research Center  
83R9323 NC-F

S.B. 972  
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Business & Commerce  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Texas Department of Licensing and Regulation (TDLR) oversees dozens of occupational regulatory programs. As part of its regulatory responsibilities, TDLR enforces various chapters of the Health and Safety Code, Labor Code, and Occupations Code by utilizing remedies that include warnings and reprimands, administrative and civil penalties, and in some cases, criminal penalties.

However, it is unnecessary and inappropriate for the chapters of code that relate to occupational regulation, which is a civil matter, to contain criminal penalties given that the Office of the Attorney General can use the Penal Code to address any egregious behavior on the part of a licensed or registered professional.

S.B. 972 removes the criminal penalty provisions that are currently codified in the chapters of the Health and Safety, Labor, and Occupations Codes that relate to elevators, escalators, and related equipment; staff leasing services; temporary common worker employers; industrialized housing and buildings; property tax professionals; property tax consultants; barbers; combative sports; and cosmetologists. S.B. 972 does not repeal the criminal penalty provisions that currently exist in other occupational regulatory chapters because to do so might remove municipalities' ability to enforce local laws that are tied to the state provisions.

As proposed, S.B. 972 amends current law relating to the repeal of certain offenses relating to certain occupations regulated by the Texas Department of Licensing and Regulation.

### **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 754.0141(f), Health and Safety Code, to provide that the owner of a single-family dwelling is not subject to Section 754.022 (Notice of Noncompliance), or 754.023 (Investigation; Registration Proceedings; Injunction; Emergency Orders), rather than Section 754.022, 743.023, or 754.024 (Criminal Penalty).

SECTION 2. Amends the heading to Subchapter E, Chapter 91, Labor Code, to read as follows:

#### **SUBCHAPTER E. PROHIBITED ACTS; ENFORCEMENT**

SECTION 3. Transfers Section 1151.253, Occupations Code, to Subchapter E, Chapter 1151, Occupations Code, and redesignates it as Section 1151.206, Occupations Code, as follows:

Sec. 1151.206. COMPLAINT OF VIOLATION. Redesignates Section 1151.253 as Section 1151.206. Makes no further changes to this section.

SECTION 4. Amends the heading to Subchapter G, Chapter 2052, Occupations Code, to read as follows:

## SUBCHAPTER G. DISCIPLINARY PROCEDURES; PENALTIES

SECTION 5. Repealer: Section 754.024 (Criminal Penalty), Health and Safety Code.

Repealer: Section 91.063 (Criminal Penalty), Labor Code.

Repealer: Subchapter D (Criminal Penalty), Chapter 92 (Temporary Common Worker Employers), Labor Code.

Repealer: the heading to Subchapter F (Criminal Penalties), Chapter 1151 (Property Tax Professionals), Occupations Code.

Repealers: Sections 1151.251 (Failure to Register), 1151.252 (Prohibited Actions While Registration or Certification is Revoked or Suspended), 1152.252 (Criminal Penalties), and 2052.309 (Criminal Offense), Occupations Code.

Repealer: Subchapter H (Penalties), Chapter 1202 (Industrialized Housing and Buildings), Occupations Code.

Repealer: Subchapter N (Penalties and Enforcement Provisions), Chapter 1601 (Barbers), Occupations Code.

Repealer: Subchapter L (Other Penalties and Enforcement Provisions), Chapter 1602 (Cosmetologists), Occupations Code.

SECTION 6. Provides that the repeal of an offense by this Act does not apply to an offense committed before the effective date of the repeal. 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 7. Effective date: upon passage or September 1, 2013.