

## **BILL ANALYSIS**

Senate Research Center  
84R13277 MAW-F

H.B. 3742  
By: Smith (Elife)  
Business & Commerce  
5/12/2015  
Engrossed

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

Interested parties explain that the Texas Department of Licensing and Regulation (TDLR) has identified, during its strategic planning process, certain benefits of establishing alternative means of determining or verifying a person's eligibility for a license issued by TDLR. H.B. 3742 seeks to provide for the development of these alternative means.

H.B. 3742 amends current law relating to the authority of the Texas Department of Licensing and Regulation to determine applicant eligibility for a license.

### **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 Subchapter H, Chapter 51, Occupations Code, by adding Section 51.4041, as follows:

Sec. 51.4041. ALTERNATIVE QUALIFICATIONS FOR LICENSE. (a) Authorizes the Texas Commission of Licensing and Regulation (TCLR), the Texas Department of Licensing and Regulation (TDLR), or the executive director of TDLR (executive director) to adopt alternative means of determining or verifying a person's eligibility for a license issued by TDLR, including evaluating the person's education, training, experience, and military service.

(b) Authorizes TCLR or the executive director, notwithstanding any other law, to waive any prerequisite for obtaining a license if the applicant currently holds a similar license issued by another jurisdiction that:

(1) has requirements for the license that are substantially equivalent to those of this state; or

(2) has a reciprocity agreement with this state for the license.

(c) Authorizes TDLR, with approval of the governor of the State of Texas (governor), to enter into an agreement with another state to allow for licensing by reciprocity.

SECTION 2. Amends Section 469.004, Government Code, as follows:

Sec. 469.004. APPLICABILITY OF OTHER LAW. Changes a reference to Section 51.404, Occupations Code, to Section 51.4041, Occupations Code.

SECTION 3. Amends Section 754.025, Health and Safety Code, as follows:

Sec. 754.025. APPLICATION OF CERTAIN LAW. Changes a reference to Section 51.404, Occupations Code, to Section 51.4041, Occupations Code.

SECTION 4. Amends Section 55.004(c), Occupations Code, to change a reference to Section 51.404, Occupations Code, to Section 51.4041(b), Occupations Code.

SECTION 5. Amends Section 1202.106, Occupations Code, as follows:

Sec. 1202.106. APPLICABILITY OF OTHER LAW. Changes a reference to Section 51.404, Occupations Code, to Section 51.4041, Occupations Code.

SECTION 6. Repealer: Section 51.404 (Enforcement; Reciprocity), Occupations Code.

SECTION 7. Provides that Section 51.4041, Occupations Code, as added by this Act, applies only to an application for a license submitted to TDLR on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 8. Effective date: September 1, 2015.