

BILL ANALYSIS

Senate Research Center
79R10987 MXM-F

H.B. 1817
By: Driver (Brimer)
Business & Commerce
4/26/2005
Engrossed

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.

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 1001.204(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. Makes a nonsubstantive change.

SECTION 2. Amends Sections 1001.252(l) and (m), 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.

(m) Provides that whether a complaint is frivolous or without merit for the purposes of Subsection (l) is determined by the executive director and investigator, with board approval. Deletes existing definition of "frivolous complaint."

SECTION 3. 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 4. 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 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2005.