

## **BILL ANALYSIS**

Senate Research Center  
83R4429 SLB-D

H.B. 619  
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Business & Commerce  
5/14/2013  
Engrossed

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

Interested parties have noted that state reciprocity regarding the licensing of certain classes of cosmetologists and barbers is inconsistent across jurisdictional boundaries. Under current Texas law, the Texas Department of Licensing and Regulation is authorized to waive certain license requirements for applicants licensed in other states but is not required to do so. Critics report that many applicants who have been licensed by other states to perform the same activities authorized under the Texas license and who have moved to Texas are often required to fulfill additional training requirements to obtain a license to practice in Texas, and they assert that this additional training is redundant and unnecessary because most licensing standards established in other states meet or exceed those of Texas. In addition, those applicants have years of experience practicing their trades in the other state and should not have to complete additional training. H.B. 619 seeks to ease the transition for certain cosmetologists and barbers who move to Texas and continue their practice.

H.B. 619 amends current law relating to the requirements for issuance of certain barbering and cosmetology licenses and certificates for applicants holding licenses issued by other states; imposing fees.

### **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 the heading to Section 1601.265, Occupations Code, to read as follows:

Sec. 1601.265. WAIVER OF CERTAIN LICENSE AND CERTIFICATE REQUIREMENTS; PERSONAL INTERVIEW.

SECTION 2. Amends Section 1601.265, Occupations Code, by amending Subsection (a) and adding Subsections (a-1) and (c), as follows:

(a) Requires the Texas Department of Licensing and Regulation (TDLR) to issue a license or certificate to an applicant for a license or certificate issued under Section 1601.253 (Eligibility for Class A Barber Certificate), 1601.256 (Eligibility for Barber Technician License), 1601.258 (Eligibility for Hair Weaving Specialty Certificate of Registration), or 1601.259 (Eligibility for Hair Braiding Specialty Certificate of Registration) if the applicant:

(1) submits an application on a form prescribed by TDLR;

(2) pays the application fee; and

(3) provides proof that the applicant holds a current license to engage in the same or a similar activity issued by another jurisdiction that has license requirements substantially equivalent to those of this state.

(a-1) Authorizes TDLR to waive any requirement, rather than license requirement, for a license or certificate issued under this chapter, other than a license or certificate listed in Subsection (a), for an applicant holding a license from another state or country that has license requirements substantially equivalent to those of this state.

(c) Requires that a license or certificate issued under Subsection (a) be renewed as provided by Subchapter I (Certificate, License, and Permit Renewal).

SECTION 3. Amends Subchapter F, Chapter 1602, Occupations Code, by adding Section 1602.268, as follows:

Sec. 1602.268. WAIVER OF CERTAIN LICENSE REQUIREMENTS. (a) Requires TDLR to issue a license to an applicant for a license issued under Section 1602.254 (Eligibility for an Operator License) if the applicant submits an application on a form prescribed by TDLR; pays the application fee; and provides proof that the applicant holds a current license to engage in the same or a similar activity issued by another state that has license requirements substantially equivalent to those of this state.

(b) Authorizes TDLR to waive any requirement for a license or certificate issued under this chapter, other than a license listed in Subsection (a), for an applicant holding a license from another state that has license requirements substantially equivalent to those of this state.

(c) Requires that a license issued under Subsection (a) be renewed as provided by Subchapter H (License Renewal).

SECTION 4. Provides that the changes in law made by this Act apply only to an application for the issuance of a license or certificate under Chapters 1601 (Barbers) and 1602 (Cosmetologists), Occupations Code, as amended by this Act, that is filed with TDLR on or after the effective date of this Act. Provides that an application for the issuance of a license or certificate that is filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION 5. Effective date: September 1, 2013.