

BILL ANALYSIS

Senate Research Center
86R19682 BEE-F

H.B. 2452
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Business & Commerce
5/4/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Department of Licensing and Regulation (TDLR) investigates approximately 10,000 to 12,000 complaints per year. When investigating complaints, technical or industry-specific knowledge may be required to understand and resolve issues fully. While TDLR does employ some licensed professionals, it may be necessary at times to contract with trusted outside parties for additional expertise.

A recommendation of TDLR, H.B. 2452 would allow TDLR to contract with third-party experts when investigating complaints and provides immunity to those experts for their assistance unless the contracted party engages in fraudulent behavior. The bill also allows TDLR to accept anonymous complaints.

H.B. 2452 amends current law relating to complaints filed with 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 51.252, Occupations Code, by amending Subsection (b) and adding Subsections (b-1) and (e), as follows:

(b) Requires the file maintained by the Texas Department of Licensing and Regulation (TDLR) on each written complaint filed with TDLR to include:

(1) except for a complaint described by Subsection (b-1), the name of the person who filed the complaint; and

(2)–(6) makes no changes to these subdivisions.

(b-1) Authorizes TDLR to accept, but provides that TDLR is not required to investigate, a complaint that lacks sufficient information to identify the source or the name of the person who filed the complaint.

(e) Authorizes TDLR to contract with a qualified individual to assist TDLR with reviewing or investigating complaints filed with TDLR. Provides that, except for an act of the individual involving fraud, conspiracy, or malice, an individual with whom TDLR contracts under this subsection is immune from liability and is prohibited from being subject to a suit for damages for any act arising from the performance of the individual's duties in:

(1) participating in an informal conference to determine the facts of a complaint;

(2) evaluating evidence in a complaint and offering an expert opinion or technical guidance on an alleged violation of:

(A) a law establishing a regulatory program administered by TDLR; or

(B) a rule adopted or order issued by the executive director of TDLR or the Texas Commission of Licensing and Regulation;

(3) testifying at a hearing regarding a complaint; or

(4) making an evaluation, report, or recommendation regarding a complaint.

SECTION 2. Effective date: upon passage or September 1, 2019.