

By: Wentworth

S.B. No. 301

A BILL TO BE ENTITLED

AN ACT

relating to filing a complaint against a person licensed to engage in a business, occupation, or profession; providing civil and criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 2, Occupations Code, is amended by adding Chapter 60 to read as follows:

CHAPTER 60. AFFIDAVIT REQUIRED FOR COMPLAINT; PENALTIES FOR MALICIOUS COMPLAINT

Sec. 60.001. DEFINITIONS. In this chapter:

(1) "License" means a license, certificate, registration, permit, or other authorization that:

(A) is issued by a licensing authority; and

(B) a person must obtain to practice or engage in a particular business, occupation, or profession.

(2) "Licensing authority" means a department, commission, board, office, or other agency of the state that issues a license.

Sec. 60.002. AFFIDAVIT FOR COMPLAINT REQUIRED.

Notwithstanding any other law, a person who files a complaint with a licensing authority against a license holder must execute and submit with the complaint an affidavit that states that the facts alleged in the complaint are true.

Sec. 60.003. MALICIOUS COMPLAINT. In this chapter, a

1 complaint is malicious if:

2 (1) the complaint is reasonably likely to harm,
3 harass, abuse, or torment the person who is the subject of the
4 complaint; and

5 (2) a primary reason for the complaint is to cause that
6 result.

7 Sec. 60.004. CIVIL PENALTY. A person who files a malicious
8 complaint with a licensing authority against a license holder is
9 liable to the state for a civil penalty of \$1,000. The attorney
10 general may sue to collect the civil penalty.

11 Sec. 60.005. CRIMINAL PENALTY. (a) A person commits an
12 offense if the person knowingly files a malicious complaint with a
13 licensing authority against a license holder.

14 (b) An offense under this section is a Class A misdemeanor.

15 SECTION 2. The changes in law made by this Act apply only to
16 a complaint filed on or after the effective date of this Act. A
17 complaint filed before the effective date of this Act is governed by
18 the law in effect at the time the complaint was filed, and the
19 former law is continued in effect for that purpose.

20 SECTION 3. This Act takes effect September 1, 2011.