

BILL ANALYSIS

Senate Research Center

S.B. 2065
By: Hancock
Business & Commerce
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Department of Licensing and Regulation (TDLR) conducts a biennial strategic plan (Strat Plan) to evaluate the effectiveness and efficiency of its various licensing programs. As a result of the most recent 2016 Strat Plan, TDLR recommended six statutory changes to deregulate or eliminate certain programs the agency currently oversees. These six statutory recommendations were combined into one deregulation omnibus bill, a summary for each of which is listed below:

Article 1—Vehicle Protection Products: This portion of the omnibus bill deregulates state oversight of vehicle warrantors and retains consumer protection provisions by expanding the definition of "false, misleading, or deceptive acts" to include warrantor programs that represent themselves as property insurance, casualty insurance, or surety businesses.

Article 2—Temporary Common Worker Employers: This portion of the omnibus bill repeals the statewide licensing requirement for temporary common worker employers while preserving local government authority to prohibit a person from operating as a temporary common worker employer. It is stated that a person may still operate as a temporary common worker employer in Texas if they adhere to certain recordkeeping and safety standards.

Article 3—For-Profit Legal Service Contract Companies: This portion of the omnibus bill repeals the statewide regulation of legal service contract companies by eliminating the requirement for companies and individuals to submit initial licenses and renewal applications, pay initial fees, pay annual renewal fees, or be subjected to disciplinary action in the form of administrative penalties and sanctions. Consumer protection provisions through the Deceptive Trade Practices Act are referenced and retained.

Article 4—Barbering and Cosmetology:

- **Shampooing:** This portion of the omnibus bill repeals provisions relating to the issuance of a shampoo apprentice permit and a shampoo specialty certificate, and subsequently expires the permit and certificate. Also, it removes shampooing and hair conditioning from the definitions of barbering and cosmetology, and removes the prohibition against a person holding a beauty shop license or specialty shop license from employing a person to shampoo or condition a person's hair.
- **Eyebrow Threading:** This portion of the omnibus bill removes the language from the Occupations Code that was previously interpreted to grant TDLR enforcement authority on the practice of eyebrow threading. This update explicitly states within the Occupations Code that the practice of cosmetology and barbering does not include the act of eyebrow threading.

Article 5—Vehicle Booting: This portion of the omnibus bill repeals the statewide regulation of booting companies and operators and preserves the authority of municipalities, political subdivisions, and institutions of higher education to regulate booting activities. (Original Author's / Sponsor's Statement of Intent)

S.B. 2065 amends current law relating to the licensing and regulation of certain occupations and activities.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation (TCLR) in SECTION 10.018 (Section 1603.351, Occupations Code) and SECTION 10.022 of this bill.

Rulemaking authority previously granted to TCLR is modified in SECTION 10.007 (Section 1602.255, Occupations Code) and SECTION 10.016 (Section 1602.354, Occupations Code) of this bill.

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission (executive commissioner) is modified in SECTION 4.001 (Section 486.004, Health and Safety Code) of this bill.

Rulemaking authority previously granted to TCLR is rescinded in SECTION 1.005 (Sections 2306.051, 2306.154, and 2306.204, Occupations Code) and SECTION 10.020 (Sections 1601.261 and 1602.267, Occupations Code) of this bill.

Rulemaking authority previously granted to the executive commissioner is rescinded in SECTION 4.003 (Section 486.012, Health and Safety Code) of this bill.

Rulemaking authority previously granted to the executive director of the Texas Department of Licensing and Regulation is rescinded in SECTION 8.003 (Section 953.162, Occupations Code) and SECTION 8.005 (Sections 953.005, 953.056, and 953.057, Occupations Code) of this bill.

Rulemaking authority previously granted to the Texas Lottery Commission is rescinded in SECTION 12.004 (Section 2001.437, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

ARTICLE 1. VEHICLE PROTECTION PRODUCTS

SECTION 1.001. Amends Section 17.45, Business & Commerce Code, by adding Subdivisions (14), (15), and (16), to define "vehicle protection product," "warrantor," and "loss of or damage to the vehicle."

SECTION 1.002. Reenacts Section 17.46(b), Business & Commerce Code, as amended by Chapters 1023 (H.B. 1265) and 1080 (H.B. 2573), Acts of the 84th Legislature, Regular Session, 2015, and amends it, as follows:

(b) Provides that except as provided in Subsection (d) (relating to certain limitations on the term "false, misleading, or deceptive acts or practices") of this section, the term "false, misleading, or deceptive acts or practices" includes, but is not limited to, certain acts. Makes nonsubstantive changes.

SECTION 1.003. Amends Subchapter A, Chapter 348, Finance Code, by adding Section 348.014, as follows:

Sec. 348.014. TRANSACTION CONDITIONED ON PURCHASE OF VEHICLE PROTECTION PRODUCT PROHIBITED. (a) Defines "vehicle protection product."

(b) Prohibits a retail seller from requiring as a condition of a retail installment transaction or the cash sale of a motor vehicle that the buyer purchase a vehicle protection product that is not installed on the vehicle at the time of the transaction.

(c) Provides that a violation of this section is a false, misleading, or deceptive act or practice within the meaning of Section 17.46 (Deceptive Trade Practices Unlawful), Business & Commerce Code, and is actionable in a public or private suit brought under Subchapter E (Deceptive Trade Practices and Consumer

Protection), Chapter 17 (Deceptive Trade Practices), Business & Commerce Code.

SECTION 1.004. Amends Subchapter A, Chapter 353, Finance Code, by adding Section 353.017, as follows:

Sec. 353.017. TRANSACTION CONDITIONED ON PURCHASE OF VEHICLE PROTECTION PRODUCT PROHIBITED. (a) Defines "vehicle protection product."

(b) Prohibits a retail seller from requiring as a condition of a retail installment transaction or the cash sale of a commercial vehicle that the buyer purchase a vehicle protection product that is not installed on the vehicle at the time of the transaction.

(c) Provides that a violation of this section is a false, misleading, or deceptive act or practice within the meaning of Section 17.46, Business & Commerce Code, and is actionable in a public or private suit brought under Subchapter E, Chapter 17, Business & Commerce Code.

SECTION 1.005. Repealer: Chapter 2306 (Vehicle Protection Product Warrantors), Occupations Code.

SECTION 1.006. (a) Provides that on the effective date of this Act an action, including a disciplinary or administrative proceeding, pending under Chapter 51 (Texas Department of Licensing and Regulation) or 2306, Occupations Code, on the effective date of this Act related to an alleged violation of Chapter 2306, Occupations Code, as that chapter existed immediately before the effective date of this Act, is dismissed, the Vehicle Protection Product Warrantor Advisory Board is abolished, and a registration issued under former Chapter 2306, Occupations Code, expires.

(b) Requires the Texas Commission of Licensing and Regulation (TCLR), as soon as practicable after the effective date of this Act, to repeal all rules regarding the regulation of vehicle protection product warrantors adopted under former Chapter 2306, Occupations Code.

(c) Authorizes an administrative penalty assessed by TCLR or the executive director of the Texas Department of Licensing and Regulation (TDLR) related to a violation of Chapter 2306, Occupations Code, as that chapter existed immediately before the effective date of this Act, to be collected as provided by Chapter 51, Occupations Code.

(d) Provides that the repeal by this Act of Chapter 2306, Occupations Code, does not affect the validity or terms of a vehicle protection product warranty that was issued or renewed before the effective date of this Act.

SECTION 1.007. Makes application of Section 17.46(b), Business & Commerce Code, as amended by this Act, prospective.

SECTION 1.008. Makes application of Sections 348.014 and 353.017, Finance Code, as added by this Act, prospective.

ARTICLE 2. NOTARIES PUBLIC

SECTION 2.001. Reenacts Section 17.46(b), Business & Commerce Code, as amended by Chapters 1023 (H.B. 1265) and 1080 (H.B. 2573), Acts of the 84th Legislature, Regular Session, 2015, and amends it, as follows:

(b) Provides that, except as provided in Subsection (d) of this section, the term "false, misleading, or deceptive acts or practices" includes, but is not limited to, certain acts. Redesignates existing Subdivisions (28) through (31) as Subdivisions (29) through (32).

SECTION 2.002. Amends Section 406.017, Government Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Provides that a person commits an offense if the person is a notary public and the person:

(1) makes no changes to this subdivision;

(2) solicits or accepts compensation to prepare documents for or otherwise represent the interest of another in a judicial or administrative proceeding, including a proceeding relating to immigration or admission to the United States, United States citizenship, or related matters;

(3) through (5) makes no changes to these subdivisions.

(a-1) Provides that a person does not violate this section (Representation as Attorney) by offering or providing language translation or typing services and accepting compensation.

SECTION 2.003. Makes application of Section 17.46(b), Business & Commerce Code, prospective.

SECTION 2.004. Makes application of Section 406.017, Government Code, prospective.

ARTICLE 3. REPORT ON OCCUPATIONAL LICENSING BY COMPTROLLER

SECTION 3.001. Amends Subchapter B, Chapter 403, Government Code, by adding Section 403.03058, as follows:

Sec. 403.03058. REPORT ON OCCUPATIONAL LICENSING. (a) Requires the Texas comptroller of public accounts (comptroller), not later than December 31 of each even-numbered year, to prepare and submit to the legislature a report regarding all occupational licenses, including permits, certifications, and registrations, required by this state. Requires that the report include:

(1) for each type of license:

(A) a description of the license;

(B) the department with regulatory authority for the license;

(C) the number of active licenses;

(D) the cost of an initial application for the license and for a renewal of the license; and

(E) the amount of state revenue generated from the issuance and renewal of the license; and

(2) a list of all statutory provisions requiring a license that were abolished during the previous legislative session.

(b) Requires the comptroller to post on its Internet website the report prepared under Subsection (a).

SECTION 3.002. Requires the comptroller, not later than December 31, 2018, to provide the initial report to the legislature as required by Section 403.03058, Government Code, as added by this article.

ARTICLE 4. CERTIFICATE OF AUTHORITY; OVER-THE-COUNTER SALE OF
EPHEDRINE, PSEUDOEPHEDRINE, AND NORPSEUDOEPHEDRINE BY
ESTABLISHMENTS OTHER THAN PHARMACIES

SECTION 4.001. Amends Sections 486.004(a) and (b), Health and Safety Code, as follows:

(a) Deletes existing Subdivision (1) requiring the Department of State Health Services (DSHS) to collect fees for the issuance of a certificate of authority under this chapter (Over-The-Counter Sales of Ephedrine, Pseudoephedrine, and Norpseudoephedrine). Makes nonsubstantive changes.

(b) Requires the executive commissioner of the Health and Human Services Commission, by rule, to set the fees in amounts that allow DSHS to recover the biennial expenditures of state funds by DSHS in implementing and enforcing this chapter, rather than in reviewing applications for the issuance of a certificate of authority, issuing certificates of authority, inspecting and auditing a business establishment that is issued a certificate of authority, and otherwise implementing and enforcing this chapter.

SECTION 4.002. Amends Section 486.0142(b), Health and Safety Code, as follows:

(b) Authorizes DSHS, on application by a business establishment that engages in over-the-counter sales of products containing ephedrine, pseudoephedrine, or norpseudoephedrine, to grant that business establishment a temporary exemption, not to exceed 180 days, from the requirement of using a real-time electronic logging system under this chapter, rather than authorizes DSHS, on application by a business establishment that engages in over-the-counter sales of products containing ephedrine, pseudoephedrine, or norpseudoephedrine in accordance with a certificate of authority issued under Section 486.012 (Sales by Establishments Other than Pharmacies; Certificate of Authority), to grant that business establishment a temporary exemption, not to exceed 180 days, from the requirement of using a real-time electronic logging system under this chapter.

SECTION 4.003. Repealer: Section 486.012, Health and Safety Code.

ARTICLE 5. TITLE ATTORNEY LICENSE; ATTORNEY'S TITLE INSURANCE
COMPANY

SECTION 5.001. Amends Section 35.001(2), Insurance Code, to redefine "regulated entity."

SECTION 5.002. Amends Section 82.002(a), Insurance Code, as follows:

(a) Deletes existing Subdivision (8) providing that this chapter (Sanctions) applies to each company regulated by the commissioner of insurance (commissioner), including an attorney's title insurance company. Redesignates existing Subdivisions (9) through (18) as Subdivisions (8) through (17).

SECTION 5.003. Amends Section 83.002(a), Insurance Code, as follows:

(a) Deletes existing Subdivision (8) providing that this chapter (Emergency Cease and Desist Orders) applies to each company regulated by the commissioner, including an attorney's title insurance company. Redesignates existing Subdivisions (9) through (17) as Subdivisions (8) through (16).

SECTION 5.004. Amends Section 554.001, Insurance Code, as follows:

Sec. 554.001. APPLICABILITY OF CHAPTER. (a) Deletes existing Subdivision (10) providing that this chapter (Burden of Proof and Pleading) applies to each insurer or health maintenance organization (HMO) engaged in the business of insurance or the business of an HMO in this state, regardless of form and however organized, including an

attorney's title insurance company. Redesignates existing Subdivisions (11) through (20) as Subdivisions (10) through (19).

SECTION 5.005. Amends Section 703.001, Insurance Code, to redefine "covered entity."

SECTION 5.006. Amends Section 802.051, Insurance Code, as follows:

Sec. 802.051. APPLICABILITY OF SUBCHAPTER. Deletes existing Subdivision (10) providing that this subchapter (Filing with National Association of Insurance Commissioners) applies to each company regulated by the commissioner, including an attorney's title insurance company. Redesignates existing Subdivisions (11) through (20) as Subdivisions (10) through (19).

SECTION 5.007. Amends Section 2551.053(a), Insurance Code, to delete an existing exception provided by Section 2552.053(b) (relating to requiring a certain attorney's title insurance company to have a paid-up capital of at least \$250,000 and a surplus of at least \$150,000).

SECTION 5.008. Amends Section 2602.003(2), Insurance Code, as follows:

(2) Deletes existing Paragraph (B) providing that "agent" includes a title attorney, as defined by Section 2552.002 (Definitions). Redesignates existing Paragraph (C) as Paragraph (B). Makes a nonsubstantive change.

SECTION 5.009. Repealer: Chapter 2552 (Attorney's Title Insurance Companies and Title Attorneys), Insurance Code.

SECTION 5.010. Provides that the changes in law made by this article do not affect the right of any individual licensed before the effective date of this Act to engage in the applicable occupation for the remainder of the term for which the license was issued.

ARTICLE 6. EMERGENCY MANAGING GENERAL AGENT LICENSE

SECTION 6.001. Repealer. Section 4053.052 (Issuance of Temporary or Emergency License), Insurance Code.

SECTION 6.002. Provides that the changes in law made by this article do not affect the right of any individual licensed before the effective date of this Act to engage in the applicable occupation for the remainder of the term for which the license was issued.

ARTICLE 7. TEMPORARY COMMON WORKER EMPLOYERS

SECTION 7.001. Amends Section 92.001(a), Labor Code, to provide that the legislature finds that this chapter (Temporary Common Worker Employers) is necessary to provide for the health, safety, and welfare of common workers throughout this state and establish uniform standards of conduct and practice for temporary common worker employers, rather than certain employers, in this state.

SECTION 7.002. Amends Section 92.002, Labor Code, by amending Subdivision (6) and adding Subdivision (6-a) to redefine "labor hall" and define "municipality."

SECTION 7.003. Amends the heading to Subchapter B, Chapter 92, Labor Code, to read as follows:

SUBCHAPTER B. AUTHORITY TO OPERATE

SECTION 7.004. Amends Subchapter B, Chapter 92, Labor Code, by adding Section 92.0115, as follows:

Sec. 92.0115. AUTHORITY TO OPERATE. Authorizes a person, subject to Section 92.013 (Effect of Other Regulation) and unless prohibited by a governmental subdivision,

to operate as a temporary common worker employer in this state if the person meets the requirements of this chapter.

SECTION 7.005. Amends the heading to Section 92.012, Labor Code, to read as follows:

Sec. 92.012. EXEMPTIONS.

SECTION 7.006. Amends Section 92.013(b), Labor Code, to authorize a municipality with a population greater than one million to establish municipal requirements, rather than municipal licensing requirements, that impose stricter standards of conduct and practice than those imposed under Subchapter C.

SECTION 7.007. Amends the heading to Subchapter C, Chapter 92, Labor Code, to read as follows:

SUBCHAPTER C. STANDARDS OF CONDUCT AND PRACTICE

SECTION 7.008. Amends Section 92.021, Labor Code, as follows:

Sec. 92.021. New heading: POWERS AND DUTIES OF EMPLOYER. (a) Provides that each temporary common worker employer, rather than license holder, is the employer of the common workers provided by that temporary common worker employer, rather than license holder.

(b) Makes conforming changes.

SECTION 7.009. Amends Section 92.022, Labor Code, as follows:

Sec. 92.022. REQUIRED RECORDS; CONFIDENTIALITY. (a) Requires each temporary common worker employer, rather than license holder, to maintain and make available to a governmental subdivision, rather than representative of TDLR, records that show for each common worker provided by the temporary common worker employer, rather than license holder, to a user of common workers certain information.

(b) Makes conforming changes.

(c) Changes references to TCLR or TDLR to governmental subdivision.

SECTION 7.010. Amends Section 92.023(b), Labor Code, as follows:

(b) Requires each temporary common worker employer, rather than license holder, to post in a conspicuous place in the premises on which the temporary common worker employer operates, rather than also post in a conspicuous place in the licensed premises, a notice of any charge permitted under this chapter that the temporary common worker employer, rather than license holder, may assess against a common worker for equipment, tools, transportation, or other work-related services.

SECTION 7.011. Amends Section 92.024, Labor Code, to require a temporary common worker employer, rather than license holder, that operates a labor hall as part of a premises on which the temporary common worker employer operates, rather than licensed premises, to provide adequate facilities for a worker waiting for a job assignment.

SECTION 7.012. Amends Section 92.025, Labor Code, as follows:

Sec. 92.025. CERTAIN CHARGES AND DEDUCTIONS PROHIBITED. (a) Changes a reference to license holder to a temporary common worker employer.

(b) Makes a conforming change.

SECTION 7.013. Amends Chapter 92, Labor Code, by adding Subchapter D, as follows:

SUBCHAPTER D. ENFORCEMENT

Sec. 92.031. ENFORCEMENT. Authorizes a governmental subdivision to enforce this chapter within the boundaries of the governmental subdivision.

SECTION 7.014. Repealers: Sections 92.002(1) (relating to the definition of "commission"), (4) (relating to the definition of "department"), and (4-a) (relating to the definition of "executive director"), Labor Code.

Repealer: Section 92.003 (Agency Powers and Duties), Labor Code.

Repealer: Section 92.004 (Applicability of Other Law), Labor Code.

Repealer: Section 92.011 (License Required), Labor Code.

Repealer: Section 92.013(a) (relating to hierarchy of licenses), Labor Code.

Repealer: Section 92.014 (License Application and Issuance), Labor Code.

Repealer: Section 92.015 (License Renewal), Labor Code.

Repealer: Section 92.023(a) (relating to requiring each license holder to post the license for a place of business in a conspicuous place), Labor Code.

SECTION 7.015. (a) Provides that an administrative proceeding pending under Chapter 51, Occupations Code, or Chapter 92, Labor Code, on the effective date of this Act related to a violation of Chapter 92, Labor Code, as that chapter existed immediately before the effective date of this Act, is dismissed.

(b) Authorizes an administrative penalty assessed by TCLR or the executive director of TDLR related to a violation of Chapter 92, Labor Code, as that chapter existed immediately before the effective date of this Act, to be collected as provided by Chapter 51, Occupations Code.

(c) Provides that the changes in law made by this Act do not affect the pending prosecution of an offense under Chapter 92, Labor Code, as that chapter existed immediately before the effective date of this Act. Provides that an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. Provides that for purposes of this subsection, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

ARTICLE 8. FOR-PROFIT LEGAL SERVICE CONTRACT COMPANIES

SECTION 8.001. Amends Section 953.001(1), Occupations Code, by redefining "administrator."

SECTION 8.002. Amends Section 953.156, Occupations Code, as follows:

Sec. 953.156. FORM OF LEGAL SERVICE CONTRACT AND REQUIRED DISCLOSURES. Deletes text of existing Subsection (a) (relating to procedures for a legal service contract) and deletes Subsection (b) designation. Requires a legal service contract marketed, sold, offered for sale, administered, or issued in this state to meet certain criteria. Makes nonsubstantive changes.

SECTION 8.003. Amends Section 953.162, Occupations Code, as follows:

Sec. 953.162. APPOINTMENT AND RESPONSIBILITIES OF ADMINISTRATOR. Deletes existing Subsection (a) designation and makes no further changes to this subsection. Deletes the text of existing Subsection (b) (relating to authorizing the

executive director of TDLR to adopt rules regarding the registration of an administrator with TDLR).

SECTION 8.004. Amends Chapter 953, Occupations Code, by adding Subchapter F, as follows:

SUBCHAPTER F. ENFORCEMENT

Sec. 953.251. DECEPTIVE TRADE PRACTICE. Provides that a violation of this chapter (Regulation of For-Profit Legal Service Contract Companies) is a deceptive trade practice actionable under Subchapter E, Chapter 17, Business & Commerce Code.

SECTION 8.005. Repealers: Sections 953.001(4) (relating to the definition of "department"), (5) (relating to the definition of "executive director"), and (6) (relating to the definition of "financial security"), Occupations Code.

Repealer: Section 953.004 (Prepaid Legal Service Contract Programs), Occupations Code.

Repealer: Section 953.005 (Powers and Duties of Executive Director), Occupations Code.

Repealer: Section 953.155 (Company Records), Occupations Code.

Repealers: Subchapters B (Registration Requirements), C (Financial Security Requirements for Legal Service Contract Companies), and E (Disciplinary Action), Chapter 953 (Regulation of For-Profit Legal Service Contract Companies), Occupations Code.

SECTION 8.006 (a) Provides that on the effective date of this article, a registration issued under former Subchapter B, Chapter 953, Occupations Code, expires.

(b) Provides that on the effective date of this article, a pending proceeding under Chapter 953, Occupations Code, including a complaint investigation, disciplinary action, or administrative penalty proceeding, relating to a registration issued under former Subchapter B, Chapter 953, Occupations Code, or relating to another former provision of Chapter 953, Occupations Code, that is repealed by this article, is dismissed.

SECTION 8.007. Provides that this article takes effect September 1, 2019.

ARTICLE 9. PLUMBING

SECTION 9.001. Amends Section 1301.704, Occupations Code, by adding Subsections (c) and (d), as follows:

(c) Provides that failure to request a hearing or accept the determination and recommended penalty within the time provided by this section waives the right to a hearing under this chapter (Plumbers).

(d) Requires the Texas State Board of Plumbing Examiners (TSBPE), if TSBPE determines without a hearing that the person committed a violation and a penalty is to be imposed, to provide written notice to the person of TSBPE's findings and enter an order requiring the person to pay the recommended penalty.

SECTION 9.002. Amends Section 1301.705(a), Occupations Code, to require the enforcement committee, if the person requests a hearing, rather than if the person requests a hearing or fails to respond in a timely manner to the notice, to set a hearing and give written notice of the hearing to the person.

SECTION 9.003. Makes application of Section 1301.704, Occupations Code, prospective, regarding imposition of an administrative penalty against a person who receives notice under

Section 1301.703(b) (relating to requiring the enforcement committee to give written notice of the report to a person), Occupations Code.

ARTICLE 10. BARBERING AND COSMETOLOGY

SECTION 10.001. Amends Section 1601.002, Occupations Code, as follows:

Sec. 1601.002. DEFINITION OF BARBERING. Redefines "barbering," "practicing barbering," and "practice of barbering."

SECTION 10.002. Amends Subchapter A, Chapter 1601, Occupations Code, by adding Section 1601.0025, as follows:

Sec. 1601.0025. SERVICES NOT CONSTITUTING BARBERING. Provides that, notwithstanding Section 1601.002, "barbering," "practicing barbering," and "practice of barbering" do not include threading, which involves removing unwanted hair from a person by using a piece of thread that is looped around the hair and pulled to remove the hair and includes the incidental trimming of eyebrow hair.

SECTION 10.003. Amends Section 1601.256(a), Occupations Code, to authorize a person holding a barber technician license to perform certain actions.

SECTION 10.004. Amends Section 1601.353, Occupations Code, as follows:

Sec. 1601.353. REQUIRED FACILITIES AND EQUIPMENT. Authorizes TDLR to approve an application for a permit for a barber school if the school meets the health and safety standards established by TCLR. Prohibits TCLR from establishing building or facility standards that are not related to health and safety, including a requirement that a facility have a specific square footage of floor space, number of chairs, or number of sinks. Deletes existing text authorizing TDLR to approve an application for a permit for a barber school if the school meets certain criteria.

SECTION 10.005. Amends Section 1602.002(a), Occupations Code, to redefine "cosmetology."

SECTION 10.006. Amends Subchapter A, Chapter 1602, Occupations Code, by adding Section 1602.0025, as follows:

Sec. 1602.0025. SERVICES NOT CONSTITUTING COSMETOLOGY. Provides that, notwithstanding Section 1602.002(a), "cosmetology" does not include threading, which involves removing unwanted hair from a person by using a piece of thread that is looped around the hair and pulled to remove the hair and includes the incidental trimming of eyebrow hair.

SECTION 10.007. Amends Section 1602.255(c), Occupations Code, to require TCLR to adopt rules for the licensing of specialty instructors to teach specialty courses in the practice of cosmetology defined in Sections 1602.002(a)(5), (7), (8), and (10), rather than 1602.002(a)(6), (8), (9), and (11).

SECTION 10.008. Amends Section 1602.256(a), Occupations Code, to authorize a person holding a manicurist specialty license to perform only the practice of cosmetology defined in Section 1602.002(a)(8) or (9), rather than 1602.002(a)(9) or (10).

SECTION 10.009. Amends Section 1602.257(a), Occupations Code, to authorize a person holding an esthetician specialty license to perform only the practice of cosmetology defined in Sections 1602.002(a)(4), (5), (6), (7), and (10), rather than Sections 1602(a)(5), (6), (7), (8), and (11).

SECTION 10.010. Amends Section 1602.2571(a), Occupations Code, to authorize a person holding a specialty license in eyelash extension application to perform only the practice of cosmetology defined in Section 1602.002(a)(10), rather than 1602.002(a)(11).

SECTION 10.011. Amends Section 1602.259(a), Occupations Code, to authorize a person holding a hair weaving specialty certificate to perform only the practice of cosmetology defined in Section 1602.002(a)(11), rather than Sections 1602.002(a)(2) and (12).

SECTION 10.012. Amends Section 1602.260(a), Occupations Code, to authorize a person holding a wig specialty certificate to perform only the practice of cosmetology defined in Section 1602.002(a)(2), rather than 1602.002(a)(3).

SECTION 10.013. Amends Section 1602.261(a), Occupations Code, to authorize a person holding a manicurist/esthetician specialty license to perform only the practice of cosmetology defined in Sections 1602.002(a)(4) through (9), rather than Sections 1602.002(a)(5) through (10).

SECTION 10.014. Amends Section 1602.303, Occupations Code, by amending Subsections (b) and (c) and adding Subsection (d), as follows:

(b) Requires that an application for a private beauty culture school license be accompanied by the required license and inspection fees and, among certain other requirements, contain a statement that the building meets the health and safety standards established by TCLR, rather than contain a statement that the building meets certain criteria.

(c) Provides that the applicant is entitled to a private beauty culture school license if, among certain other conditions, the applicant's facilities meet the health and safety standards established by TCLR and pass an inspection conducted by TDLR under Section 1603.103 (Inspection of Schools Before Operation).

(d) Prohibits TCLR from establishing building or facility standards that are not related to health and safety, including a requirement that a facility have a specific square footage of floor space, number of chairs, or number of sinks.

SECTION 10.015. Amends Section 1602.305(a), Occupations Code, to authorize a person holding a specialty shop license to maintain an establishment in which only the practice of cosmetology as defined in Section 1602.002(a)(2), (5), (7), (8), or (10), rather than 1602.002(a)(3), (6), (8), (9), or (11), is performed.

SECTION 10.016. Amends Section 1602.354(a), Occupations Code, to provide that TCLR will, by rule, recognize, prepare, or administer continuing education programs for the practice of cosmetology and require that participation in the programs for all license renewals, rather than for all license renewals other than renewal of a shampoo specialty certificate, is mandatory.

SECTION 10.017. Amends Section 1602.403(c), Occupations Code, to prohibit a person holding a beauty shop license or a specialty shop license from employing a person as an operator or specialist unless the person holds a license or certificate under this chapter (Cosmetologists) or under Chapter 1601 (Barbers). Deletes existing Subdivision (1) designation and the text of Subdivision (2) (relating to shampooing or conditioning a person's hair).

SECTION 10.018. Amends Section 1603.351, Occupations Code, by adding Subsection (a-1), as follows:

(a-1) Authorizes TCLR, notwithstanding any other law, to adopt rules to:

(1) authorize a school licensed under this chapter (Regulation of Barbering and Cosmetology), Chapter 1601, or Chapter 1602 to account for any hours of instruction completed under those chapters on the basis of clock hours or credit hours; and

(2) establish standards for determining the equivalency and conversion of clock hours to credit hours and credit hours to clock hours.

SECTION 10.019. Amends Section 1603.352(a), Occupations Code, to require a person who holds a license, certificate, or permit issued under this chapter, Chapter 1601, or Chapter 1602 and who performs a barbering service described by certain sections or a cosmetology service described by Section 1602.002(a)(8) or (9), rather than Section 1602.002(a)(9) or (10), to, before performing the service, clean, disinfect, and sterilize with an autoclave or dry heat sterilizer or sanitize with an ultraviolet sanitizer, in accordance with the sterilizer or sanitizer manufacturer's instructions, each metal instrument, including metal nail clippers, cuticle pushers, cuticle nippers, and other metal instruments, used to perform the service.

SECTION 10.020. Repealer: Section 1601.260(c) (relating to authorizing a person holding a student permit to shampoo or condition a person's hair in a licensed facility), Occupations Code.

Repealer: Section 1601.261 (Eligibility for Shampoo Apprentice Permit), Occupations Code.

Repealer: Section 1601.301(c) (relating to authorizing a person who owns, operates, or manages a certain type of shop to employ a person holding a student permit), Occupations Code.

Repealer: Section 1602.266(c) (relating to authorizing a person holding a student permit to shampoo or condition a person's hair in a licensed facility), Occupations Code.

Repealer: Section 1602.267 (Shampoo Apprentice Permit), Occupations Code.

Repealer: Section 1602.301(c) (relating to authorizing a person who owns, operates, or manages a certain type of shop to employ a person holding a student permit), Occupations Code.

Repealer: Section 1602.456 (b-1) (relating to prohibiting a private beauty culture school or public school from receiving certain compensation), Occupations Code.

SECTION 10.021. Provides that on the effective date of this Act, a shampoo apprentice permit issued under former Section 1601.261 or 1602.267, Occupations Code, expires and a shampoo specialty certificate issued under Chapter 1602 expires.

SECTION 10.022. Requires TCLR, as soon as practicable after the effective date of this Act, to adopt rules to implement Sections 1601.353 and 1602.303, Occupations Code, as amended by this article.

SECTION 10.023. (a) Provides that the changes in law made by this Act to Chapters 1601, 1602, and 1603, Occupations Code, do not affect the validity of a proceeding pending before a court or other governmental entity on the effective date of this Act.

(b) Provides that an offense or other violation of law committed under Chapter 1601, 1602, or 1603, Occupations Code, before the effective date of this Act is governed by the law in effect when the offense or violation was committed, and the former law is continued in effect for that purpose. Provides that for purposes of this subsection an offense or violation was committed before the effective date of this Act if any element of the offense or violation occurred before that date.

ARTICLE 11. VOLUNTEER SECURITY SERVICES

SECTION 11.001. Amends Subchapter N, Chapter 1702, Occupations Code, by adding Section 1702.333, as follows:

Sec. 1702.333. PLACE OF RELIGIOUS WORSHIP; CERTAIN VOLUNTEERS. (a) Defines "volunteer security services."

(b) Provides that this chapter (Private Security) does not apply to a person who is providing volunteer security services on the premises of a church, synagogue, or other established place of religious worship.

(c) Prohibits a person, while providing volunteer security services under Subsection (b), from wearing a uniform or badge that contains the word "security" or gives the person the appearance of being a peace officer, personal protection officer, or security officer.

ARTICLE 12. BINGO UNIT MANAGER LICENSE

SECTION 12.001. Amends Section 2001.431(4), Occupations Code, to redefine "unit manager."

SECTION 12.002. Amends the heading to Section 2001.437, Occupations Code, to read as follows:

Sec. 2001.437. UNIT MANAGER.

SECTION 12.003. Amends Section 2001.437(c), Occupations Code, to delete existing text prohibiting a person from providing services as a unit manager to licensed authorized organizations that form a unit unless the person holds a unit manager license under this subchapter (Unit Accounting).

SECTION 12.004. Repealers: Sections 2001.437(d) (relating to requiring an applicant for a unit manager to file with the Texas Lottery Commission (commission) a certain written application), (e) (relating to requiring the commission by rule to establish an annual license fee for a unit manager license in a certain amount), (f) (relating to requiring a person who holds a unit manager license to post a certain bond or other security), and (g) (relating to the eligibility of a person for a unit manager license), Occupations Code.

SECTION 12.005. Provides that the changes in law made by this article do not affect the right of any individual licensed before the effective date of this Act to engage in the applicable occupation for the remainder of the term for which the license was issued.

ARTICLE 13. AGRICULTURAL, INDUSTRIAL, AND WILDLIFE CONTROL FIREWORKS PERMIT

SECTION 13.001. Amends Section 2154.152(a), Occupations Code, to require that a person be a licensed distributor if the person imports into this state or stores, possesses, and sells Fireworks 1.3G to a licensed pyrotechnic operator or distributor or to a single public display or multiple public display permit holder, rather than if the person imports into this state or stores, possesses, and sells Fireworks 1.3G to a licensed pyrotechnic operator or distributor or to a single public display, multiple public display, or agricultural, industrial, and wildlife control fireworks permit holder.

SECTION 13.002. Amends Section 2154.251(b), Occupations Code, to prohibit a person from manufacturing, distributing, selling, or using fireworks in a public fireworks display, rather than manufacturing, distributing, selling, or using fireworks in a public fireworks display or for agricultural, industrial, or wildlife control purposes, without an appropriate license or permit.

SECTION 13.003. Repealer: Section 2154.203 (Agricultural, Industrial, and Wildlife Control Permit), Occupations Code.

ARTICLE 14. MOTOR VEHICLE TOWING, BOOTING, AND STORAGE

SECTION 14.001. Amends Section 2303.058, Occupations Code, as follows:

Sec. 2303.058. ADVISORY BOARD. Requires the Towing and Storage Advisory Board, rather than the Towing, Storage, and Booting Advisory Board, under Chapter 2308

(Vehicle Towing and Booting) to advise TCLR in adopting vehicle storage rules under this chapter (Vehicle Storage Facilities).

SECTION 14.002. Amends Section 2308.002, Occupations Code, by amending Subdivisions (1) and (8-a) and adding Subdivisions (5-b) and (8-b) to redefine "advisory board," define "local authority" and "peace officer," and redesignate the definition of "private property tow."

SECTION 14.003. Amends Section 2308.004, Occupations Code, effective September 1, 2018, as follows:

Sec. 2308.004. EXEMPTION. Provides that Sections 2308.151(b), 2308.2085, 2308.257 (Booting of Unauthorized Vehicle), and 2308.258, rather than this chapter does, do not apply to:

(1) a person who, while exercising a statutory or contractual lien right with regard to a vehicle:

(A) and (B) redesignates existing Subdivisions (1) and (2) as Paragraphs (A) and (B); or

(2) a commercial office building owner or manager who installs or removes a boot in the building's parking facility. Makes a nonsubstantive change.

SECTION 14.004. Reenacts Section 2308.051(a), Occupations Code, as amended by Chapters 457 (H.B. 2548) and 845 (S.B. 2153), Acts of the 81st Legislature, Regular Session, 2009, and amends it, to set forth the composition and procedures for appointing members to the advisory board.

SECTION 14.005. Amends Section 2308.151, Occupations Code, effective September 1, 2018, as follows:

Sec. 2308.151. New heading: LICENSE OR LOCAL AUTHORIZATION REQUIRED.

(a) Creates this subsection from existing text and makes nonsubstantive changes.

(b) Creates this subsection from existing text. Authorizes a person, unless prohibited by a local authority under Section 2308.2085, to perform booting operations and operate a booting company. Redesignates existing Subdivisions (3) and (4) as Subdivisions (1) and (2) and makes a nonsubstantive change.

SECTION 14.006. Amends Section 2308.205(a), Occupations Code, to require a towing company that makes a nonconsent tow to tow the vehicle to a vehicle storage facility that is operated by a person who holds a license to operate the facility under Chapter 2303, unless the towing company agrees to take the vehicle to a location designated by the vehicle's owner or the vehicle is towed under Section 2308.259(b), which is added by this Act.

SECTION 14.007. Amends Section 2308.2085, Occupations Code, as follows:

Sec. 2308.2085. New heading: LOCAL AUTHORITY REGULATION OF BOOTING ACTIVITIES. (a) Authorizes a local authority, rather than municipality, to regulate, in areas in which the entity regulates parking or traffic, booting activities, rather than adopt an ordinance that is identical to certain booting provisions, including certain other activities. Redesignates existing Subsection (b) as Subsection (a).

(b) Requires that regulations adopted under this section meet certain criteria.

Deletes existing Subsection (c) authorizing a municipality to require booting companies to obtain a permit to operate in the municipality.

SECTION 14.008. Amends Section 2308.255, Occupations Code, as follows:

Sec. 2308.255. New heading: TOWING COMPANY'S AUTHORITY TO TOW AND STORE UNAUTHORIZED VEHICLE. (a) Authorizes a towing company, rather than a towing company that is insured as provided by Subsection (c) to, without the consent of an owner or operator of an unauthorized vehicle, tow the vehicle to, rather than remove, and store the vehicle at a vehicle storage facility at the expense of the owner or operator of the vehicle if certain criteria are met.

(b) Prohibits a towing company from towing, rather than removing, an unauthorized vehicle except under certain authority.

(c) Makes a conforming change.

(d) Authorizes a towing company to tow and store a vehicle under Subsection (a), rather than remove and store a vehicle under Subsection (a) and a boot operator to boot a vehicle under Section 2308.257, only if the parking facility owner meets certain criteria.

(e) Provides that when a tow truck is used for a nonconsent tow authorized by a peace officer under Section 545.3051 (Removal of Personal Property from Roadway or Right-of-Way), Transportation Code, the operator of the tow truck and the towing company are agents of the law enforcement agency and are subject to Section 545.3051(e) (relating to what an authority or a law enforcement agency is not liable for), Transportation Code.

SECTION 14.009. Amends Section 2308.257(b), Occupations Code, as follows:

(b) Requires a boot operator that installs a boot on a vehicle to affix a conspicuous notice to the vehicle's front windshield or driver's side window stating, in the manner prescribed by the local authority, notice of the procedure to file a complaint with the local authority for violation of this chapter by a boot operator. Makes nonsubstantive changes.

SECTION 14.010. Amends Subchapter F, Chapter 2308, Occupations Code, by adding Sections 2308.258 and 2308.259, as follows:

Sec. 2308.258. BOOT REMOVAL. (a) Requires a booting company responsible for the installation of a boot on a vehicle to remove the boot not later than one hour after the time the owner or operator of the vehicle contacts the company to request removal of the boot.

(b) Requires a booting company to waive the amount of the fee for removal of a boot, excluding any associated parking fees, if the company fails to have the boot removed within the time prescribed by Subsection (a).

(c) Prohibits a booting company responsible for the installation of more than one boot on a vehicle from charging a total amount for the removal of the boots that is greater than the amount of the fee for the removal of a single boot.

Sec. 2308.259. TOWING COMPANY'S AUTHORITY TO TOW VEHICLE FROM UNIVERSITY PARKING FACILITY. (a) Defines "special event" and "university."

(b) Authorizes an individual designated by a university to, subject to Subsection (c), to facilitate a special event, request that a vehicle parked at a university parking facility be towed to another location on the university campus.

(c) Prohibits a vehicle from being towed under Subsection (b) unless signs complying with this section are installed on the parking facility for the 72 hours preceding towing enforcement for the special event and for 48 hours after the conclusion of the special event.

(d) Sets forth the requirements for each sign required under Subsection (c).

(e) Requires that personnel, if a vehicle is towed under Subsection (b), be available to release the vehicle within two hours after a request for release of the vehicle and accept any payment required for the release of the vehicle.

(f) Prohibits a university from charging a fee for a tow under Subsection (b) that exceeds 75 percent of the private property tow fee established under Section 2308.0575 (Rules on Fees; Contract for Study; Confidential Information).

(g) Authorizes a vehicle towed under Subsection (b) that is not claimed by the vehicle owner or operator within 48 hours after the conclusion of the special event to only be towed without further expense to the vehicle owner or operator or to another location on the university campus.

(h) Requires the university to notify the owner or operator of a vehicle towed under Subsection (b) of the right of the vehicle owner or operator to a hearing under Subchapter J (Rights of Owners and Operators of Stored or Booted Vehicles).

SECTION 14.011. Amends the heading to Subchapter I, Chapter 2308, Occupations Code, to read as follows:

SUBCHAPTER I. REGULATION OF TOWING COMPANIES AND PARKING FACILITY OWNERS

SECTION 14.012. Repealers: Sections 2308.002(9) (relating to defining “property owners’ association”) and 2308.103(d) (relating to circumstances when an incident management towing permit holder is considered an agent of law enforcement), Occupations Code.

Repealers, effective September 1, 2018: Sections 2308.1555 (Boot Operator’s License) and 2308.1556 (Booting Company License), Occupations Code.

SECTION 14.013. (a) Provides that on September 1, 2018, a license issued under former Section 2308.1555 or 2308.1556, Occupations Code, expires.

(b) Provides that the changes in law made by this article to Section 2308.051(a), Occupations Code, regarding the qualifications for a member of the Towing and Storage Advisory Board do not affect the entitlement of a member serving on the board immediately before the effective date of this article to continue to serve and function as a member of the board for the remainder of the member's term. Requires the presiding officer of TCLR, when board vacancies occur on or after the effective date of this article, to appoint new members of the board in a manner that reflects the changes in law made by this article.

(c) Provides that the changes in law made by this article to Section 2308.255, Occupations Code, do not apply to the booting of a vehicle pursuant to a standing written agreement between a booting company and a parking facility owner entered into before the effective date of this article. Provides that the booting of a vehicle pursuant to a standing written agreement entered into before the effective date of this article is governed by the law as it existed immediately before the effective date of this article, and that law is continued in effect for that purpose.

SECTION 14.014. Effective date, this article, except as otherwise provided by this article: upon passage or September 1, 2017.

ARTICLE 15. CERTAIN LOCAL TRANSPORTATION ENTITIES AND CONTRACTS

SECTION 15.001. (a) Provides that this article applies only to a county board of education, board of county trustees, or office of county school superintendent that provides transportation services in a county with a population of 2.2 million or more.

(b) Requires that, if on the effective date of this Act there is an existing contract for transportation services to which a county board of education, board of county trustees, or office of county school superintendent is a party, it be wound down in the manner described by Subsections (c) through (r) of this section.

(c) Provides that each county board of education, board of county school trustees, and office of county school superintendent in a county with a population of 2.2 million or more and that is adjacent to a county with a population of more than 800,000 is abolished effective November 15, 2017, unless the continuation of the county board of education, board of county school trustees, and office of county school superintendent is approved by a majority of voters at an election held on the November 2017 uniform election date in the county in which the county board of education, board of county school trustees, and office of county school superintendent are located. Provides that subsections (d) through (s) of this section do not take effect in a county if the continuation of the county board of education, board of county school trustees, and office of county school superintendent is approved at the election held in the county under this subsection.

(d) Requires a dissolution committee, not later than November 15, 2017, to be formed for each county board of education or board of county school trustees to be abolished as provided by Subsection (c) of this section. Provides that the dissolution committee is responsible for all financial decisions for each county board of education or board of county school trustees abolished by this Act, including asset distribution and payment of all debt obligations.

(e) Requires that a dissolution committee required by this Act be appointed by the comptroller and include:

(1) one financial advisor;

(2) the superintendent of the participating component school district (district) with the largest number of students in average daily attendance (ADA) or the superintendent's designee;

(3) one certified public accountant;

(4) one auditor who holds a license or other professional credential; and

(5) one bond counsel who holds a license or other professional credential.

(f) Provides that a dissolution committee created under this Act is subject to the open meetings requirements under Chapter 551 (Open Meetings), Government Code, and public information requirements under Chapter 552 (Public Information), Government Code.

(g) Prohibits members of a dissolution committee from receiving compensation but provides that they are entitled to reimbursement for actual and necessary expenses incurred in performing the functions of the dissolution committee.

(h) Requires the dissolution committee, subject to the other requirements of this Act, to determine the manner in which all assets, liabilities, contracts, and services of the county board of education or board of county school trustees abolished by this Act are divided, transferred, or discontinued. Requires the dissolution committee to create a sinking fund to deposit all money received in the abolishment of each county board of education or board of county school trustees for the payment of all debts of the county board of education or board of county school trustees.

(i) Requires the dissolution committee to continue providing transportation services to participating component districts for the 2017-2018 school year and to maintain current operations and personnel needed to provide the transportation services.

(j) Requires that all school buses, vehicles, and bus service centers, at the end of the 2017-2018 school year, be transferred to participating component districts in proportionate shares equal to the proportion that the membership in each district bears to total membership in the county as of September 1, 2018, at no cost to the districts.

(k) Authorizes the dissolution committee to employ for the 2017-2018 school year one person to assist in the abolishment of the county board of education or board of county school trustees.

(l) Provides that, on November 15, 2017, the participating component district with the largest number of students in ADA has the right of first refusal to buy, at fair market value, the administrative building of the county board of education or board of county school trustees.

(m) Requires that an ad valorem tax assessed by a county board of education or board of county school trustees continue to be assessed by the county on behalf of the board for the purpose of paying the principal of and interest on any bonds issued by the county board of education or board of county school trustees until all bonds are paid in full. Provides that this subsection applies only to a bond issued before the effective date of this Act for which the tax receipts were obligated. Prohibits the ad valorem tax from being assessed on payment of all bonds issued by the county board of education or board of county school trustees.

(n) Requires the county, in the manner provided by rule of the commissioner of education, to collect and use any delinquent taxes imposed by or on behalf of the county board of education or board of county school trustees.

(o) Requires the dissolution committee to distribute the assets remaining after discharge of the liabilities of the county board of education or board of county school trustees to the component districts in the county in proportionate shares equal to the proportion that the membership in each district bears to total membership in the county as of September 1, 2017. Requires the dissolution committee to liquidate board assets as necessary to discharge board liabilities and facilitate the distribution of assets. Requires a person authorized by the dissolution committee to execute any documents necessary to complete the transfer of assets, liabilities, or contracts.

(p) Requires the dissolution committee to encourage the component districts to:

(1) continue sharing services received through the county board of education or board of county school trustees; and

(2) give preference to private sector contractors to continue services provided by the county board of education or board of county school trustees.

(q) Requires the chief financial officer and financial advisor for the county board of education or board of county school trustees to provide assistance to the dissolution committee in abolishing the county board of education or board of county school trustees.

(r) Requires the Texas Education Agency to provide assistance to a dissolution committee in the distribution of assets, liabilities, contracts, and services of a county board of education or board of county school trustees abolished by this Act.

(s) Provides that any dissolution committee created as provided by this Act is abolished on the date all debt obligations of the county board of education or board of county school trustees are paid in full and all assets distributed to component districts.

SECTION 15.002. Repealer: Chapter 266 (S.B. 394) (Salary and Office Expenses of Superintendent), Acts of the 40th Legislature, Regular Session, 1927 (Article 2700a, Vernon's Texas Civil Statutes).

ARTICLE 16. REGISTRATION OF MARKS

SECTION 16.001. Amends Section 16.051(a), Business & Commerce Code, to provide that a mark that distinguishes an applicant's goods or services from those of others is registrable unless the mark, among certain other conditions, depicts, comprises, or simulates the flag, the coat of arms, the seal, the geographic outline, or other insignia of certain entities.

ARTICLE 17. CONFLICT OF LAW; EFFECTIVE DATE

SECTION 17.001. Provides that to the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 17.002. Provides that, to the extent of any conflict, Sections 1601.353 and 1602.303, Occupations Code, as amended by this Act, prevail over another Act of the 85th Legislature, Regular Session, 2017.

SECTION 17.003. Provides that it is the intent of the 85th Legislature, Regular Session, 2017, that the amendments made by this Act to Section 17.46(b), Business & Commerce Code, be harmonized as provided by Section 311.025(b) (relating to certain procedures regarding simultaneous amendments), Government Code, as if the amendments were enacted without reference to each other.

SECTION 17.004. Effective date, except as otherwise provided by this Act: September 1, 2017.