

1-1 By: Hancock S.B. No. 1532  
 1-2 (In the Senate - Filed March 5, 2019; March 14, 2019, read  
 1-3 first time and referred to Committee on Business & Commerce;  
 1-4 April 8, 2019, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 8, 2019,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Hancock	X			
1-9 Nichols	X			
1-10 Campbell	X			
1-11 Creighton	X			
1-12 Menéndez	X			
1-13 Paxton	X			
1-14 Schwertner	X			
1-15 Whitmire	X			
1-16 Zaffirini	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1532 By: Hancock

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the licensing and regulation of certain occupations and  
 1-22 activities; authorizing fees.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 ARTICLE 1. DRIVER EDUCATION

1-25 SECTION 1.001. Section 1001.001(7), Education Code, is  
 1-26 amended to read as follows:

1-27 (7) "Driver education school" means an enterprise  
 1-28 that:

1-29 (A) maintains a place of business or solicits  
 1-30 business in this state; and

1-31 (B) is operated by an individual, association,  
 1-32 partnership, or corporation for educating and training persons [~~at~~  
 1-33 ~~a primary or branch location~~] in driver education or driver  
 1-34 education instructor development.

1-35 SECTION 1.002. Section 1001.151(e), Education Code, is  
 1-36 amended to read as follows:

1-37 (e) The commission may establish a fee for an application  
 1-38 for approval to offer a driver education course [~~by an alternative~~  
 1-39 ~~method of instruction under Section 1001.3541~~].

1-40 SECTION 1.003. Section 1001.204(b), Education Code, is  
 1-41 amended to read as follows:

1-42 (b) The department shall approve an application for a driver  
 1-43 education school license if the application is submitted on a form  
 1-44 approved by the department [~~executive director~~], the application is  
 1-45 accompanied by [~~includes~~] the fee, and the department determines  
 1-46 [~~on inspection of the premises of the school, it is determined~~] that  
 1-47 the school:

1-48 (1) has courses, curricula, and instruction of a  
 1-49 quality, content, and length that reasonably and adequately achieve  
 1-50 the stated objective for which the courses, curricula, and  
 1-51 instruction are offered;

1-52 (2) has adequate space, equipment, instructional  
 1-53 material, and instructors to provide training of good quality in  
 1-54 the classroom and behind the wheel, if applicable;

1-55 (3) has instructors who have adequate educational  
 1-56 qualifications and experience;

1-57 (4) provides to each student before enrollment:

1-58 (A) a copy of:

1-59 (i) the refund policy;

1-60 (ii) the schedule of tuition, fees, and

2-1 other charges; and  
 2-2 (iii) the regulations relating to absence,  
 2-3 grading policy, and rules of operation and conduct; and  
 2-4 (B) the department's name, mailing address,  
 2-5 telephone number, and Internet website address for the purpose of  
 2-6 directing complaints to the department;  
 2-7 (5) maintains adequate records as prescribed by the  
 2-8 department to show attendance and progress or grades and enforces  
 2-9 satisfactory standards relating to attendance, progress, and  
 2-10 conduct;  
 2-11 (6) on completion of training, issues each student a  
 2-12 certificate indicating the course name and satisfactory  
 2-13 completion;  
 2-14 (7) complies with all county, municipal, state, and  
 2-15 federal regulations, including fire, building, and sanitation  
 2-16 codes and assumed name registration, if applicable;  
 2-17 (8) is financially sound and capable of fulfilling its  
 2-18 commitments for training;  
 2-19 (9) maintains and publishes as part of its student  
 2-20 enrollment contract the proper policy for the refund of the unused  
 2-21 portion of tuition, fees, and other charges if a student fails to  
 2-22 take the course or withdraws or is discontinued from the school at  
 2-23 any time before completion;  
 2-24 (10) does not use erroneous or misleading advertising,  
 2-25 either by actual statement, omission, or intimation, as determined  
 2-26 by the department;  
 2-27 (11) does not use a name similar to the name of another  
 2-28 existing school or tax-supported educational institution in this  
 2-29 state, unless specifically approved in writing by the executive  
 2-30 director;  
 2-31 (12) submits to the department for approval the  
 2-32 applicable course hour lengths and curriculum content for each  
 2-33 course offered by the school;  
 2-34 (13) does not owe an administrative penalty for a  
 2-35 violation of this chapter; ~~and~~  
 2-36 (14) meets any additional criteria required by the  
 2-37 department, including any applicable inspection requirements; and  
 2-38 (15) provides adequate testing and security measures  
 2-39 for the school's method of instruction.  
 2-40 SECTION 1.004. Subchapter F, Chapter 1001, Education Code,  
 2-41 is amended by adding Sections 1001.2531, 1001.2532, 1001.2533, and  
 2-42 1001.2534 to read as follows:  
 2-43 Sec. 1001.2531. DRIVER EDUCATION INSTRUCTOR REQUIREMENTS.  
 2-44 (a) The commission by rule shall establish standards for a driver  
 2-45 education instructor to be certified as a teaching assistant,  
 2-46 driver education teacher, or supervising teacher.  
 2-47 (b) An applicant for a driver education instructor license  
 2-48 under this section must:  
 2-49 (1) apply to the department on a form prescribed by the  
 2-50 department and under rules adopted by the commission;  
 2-51 (2) submit with the application a nonrefundable  
 2-52 application fee in an amount set by commission rule; and  
 2-53 (3) present satisfactory evidence to the department  
 2-54 that the applicant:  
 2-55 (A) is at least 21 years of age;  
 2-56 (B) holds a high school diploma or high school  
 2-57 equivalency certificate; and  
 2-58 (C) meets any other requirement established by  
 2-59 commission rule.  
 2-60 Sec. 1001.2532. TEACHING ASSISTANT. (a) A teaching  
 2-61 assistant is a driver education instructor who is authorized to  
 2-62 teach or provide only behind-the-wheel training.  
 2-63 (b) To be eligible to be certified as a teaching assistant,  
 2-64 a driver education instructor must:  
 2-65 (1) have successfully completed:  
 2-66 (A) six semester hours of driver and traffic  
 2-67 safety education from an accredited college or university; or  
 2-68 (B) a teaching assistant development course  
 2-69 approved by the department; and

3-1                   (2) pass any required examination.  
3-2           Sec. 1001.2533. DRIVER EDUCATION TEACHER. (a) A driver  
3-3 education teacher is a driver education instructor who is  
3-4 authorized to teach or provide behind-the-wheel training and  
3-5 classroom training.  
3-6           (b) To be eligible to be certified as a driver education  
3-7 teacher, a driver education instructor must:  
3-8                   (1) have successfully completed:  
3-9                           (A) nine semester hours of driver and traffic  
3-10 safety education from an accredited college or university; or  
3-11                           (B) a driver education teacher development  
3-12 course approved by the department; and  
3-13                   (2) pass any required examination.  
3-14           Sec. 1001.2534. SUPERVISING TEACHER. (a) A supervising  
3-15 teacher is a driver education instructor who is authorized to teach  
3-16 instructor training classes.  
3-17           (b) To be eligible to be certified as a supervising teacher,  
3-18 a driver education instructor must have:  
3-19                   (1) been certified as a driver education teacher for  
3-20 at least one year;  
3-21                   (2) successfully completed:  
3-22                           (A) 15 semester hours of driver and traffic  
3-23 safety education from an accredited college or university; or  
3-24                           (B) a supervising teacher development course  
3-25 approved by the department; and  
3-26                   (3) obtained or successfully completed, as  
3-27 applicable, at least one of the following:  
3-28                           (A) a teaching certificate and any additional  
3-29 certification required by commission rule to teach driver  
3-30 education;  
3-31                           (B) 15 semester hours in education courses at an  
3-32 accredited college or university during the 10 years before the  
3-33 application date; or  
3-34                           (C) an associate or baccalaureate degree in  
3-35 education from an accredited college or university.  
3-36           (c) The commission, department, or executive director may  
3-37 adopt an alternative method to determine or verify an instructor's  
3-38 eligibility under Subsection (b).  
3-39           SECTION 1.005. Subchapter H, Chapter 1001, Education Code,  
3-40 is amended by adding Section 1001.3542 to read as follows:  
3-41           Sec. 1001.3542. METHOD OF INSTRUCTION FOR DRIVER EDUCATION  
3-42 COURSE. A driver education school may teach a driver education  
3-43 course by any method approved by the department, including an  
3-44 alternative method under Section 1001.3541 or a traditional method  
3-45 under Subchapter C.  
3-46           SECTION 1.006. The following provisions of the Education  
3-47 Code are repealed:  
3-48                   (1) Sections 1001.253, 1001.254, and 1001.256; and  
3-49                   (2) Section 1001.3541(b).  
3-50           SECTION 1.007. (a) As soon as practicable after the  
3-51 effective date of this Act, the Texas Commission of Licensing and  
3-52 Regulation shall adopt rules to implement Section 1001.204(b),  
3-53 Education Code, as amended by this article, and Section 1001.2531,  
3-54 Education Code, as added by this article.  
3-55           (b) A driver education instructor license issued under  
3-56 Section 1001.253, Education Code, before the repeal of that section  
3-57 by this article, continues to be valid until the license expires,  
3-58 and former Section 1001.253, Education Code, is continued in effect  
3-59 for that purpose.  
3-60           (c) A person who holds on the effective date of this Act a  
3-61 driver education instructor license described by former Section  
3-62 1001.253(b), Education Code, is entitled on expiration of that  
3-63 license to issuance of a driver education instructor license  
3-64 certified as a teaching assistant under Section 1001.2532,  
3-65 Education Code, as added by this article, if the person otherwise  
3-66 meets the requirements for renewal of a driver education instructor  
3-67 license certified as a teaching assistant.  
3-68           (d) A person who holds on the effective date of this Act a  
3-69 driver education instructor license described by former Section

4-1 1001.253(c), Education Code, is entitled on expiration of that  
4-2 license to issuance of a driver education instructor license  
4-3 certified as a driver education teacher under Section 1001.2533,  
4-4 Education Code, as added by this article, if the person otherwise  
4-5 meets the requirements for renewal of a driver education instructor  
4-6 license certified as a driver education teacher.

4-7 (e) A person who holds on the effective date of this Act a  
4-8 driver education instructor license described by former Section  
4-9 1001.253(e), Education Code, is entitled on expiration of that  
4-10 license to issuance of a driver education instructor license  
4-11 certified as a supervising teacher under Section 1001.2534,  
4-12 Education Code, as added by this article, if the person otherwise  
4-13 meets the requirements for renewal of a driver education instructor  
4-14 license certified as a supervising teacher.

4-15 (f) The changes in law made by this article do not affect the  
4-16 validity of a disciplinary action or other proceeding that was  
4-17 initiated before the effective date of this Act and that is pending  
4-18 before a court or other governmental entity on the effective date of  
4-19 this Act.

4-20 (g) Sections 1001.2531, 1001.2532, 1001.2533, and  
4-21 1001.2534, Education Code, as added by this article, apply only to  
4-22 an application for, or renewal of, an instructor license submitted  
4-23 to the Texas Department of Licensing and Regulation on or after the  
4-24 effective date of this Act. An application submitted before that  
4-25 date is governed by the law in effect when the application was  
4-26 submitted, and the former law is continued in effect for that  
4-27 purpose.

4-28 ARTICLE 2. BOILERS

4-29 SECTION 2.001. Section 755.029(c), Health and Safety Code,  
4-30 is amended to read as follows:

4-31 (c) A certificate of operation must be posted [~~under glass~~]  
4-32 in a conspicuous place on or near the boiler for which it is issued.

4-33 ARTICLE 3. AUDIOLOGISTS

4-34 SECTION 3.001. Section 401.403(b), Occupations Code, is  
4-35 amended to read as follows:

4-36 (b) A person who holds a license [~~meets the requirements of~~  
4-37 ~~this chapter for licensing~~] as an audiologist or audiologist intern  
4-38 and who fits and dispenses hearing instruments must:

4-39 (1) [~~register with the department the person's~~  
4-40 ~~intention to fit and dispense hearing instruments;~~

4-41 [~~(2)~~] comply with rules adopted under this chapter  
4-42 related to fitting and dispensing hearing instruments [~~the~~  
4-43 ~~profession's code of ethics~~];

4-44 (2) [~~(3)~~] comply with the federal Food and Drug  
4-45 Administration guidelines for fitting and dispensing hearing  
4-46 instruments;

4-47 (3) [~~(4)~~] when providing services in this state, use a  
4-48 written contract that contains the department's name, mailing  
4-49 address, [~~and~~] telephone number, and Internet website address; and

4-50 (4) [~~(5)~~] follow the guidelines adopted by commission  
4-51 rule for a 30-day trial period on every hearing instrument  
4-52 purchased.

4-53 ARTICLE 4. ORTHOTIC AND PROSTHETIC TECHNICIANS

4-54 SECTION 4.001. The following provisions of the Occupations  
4-55 Code are repealed:

4-56 (1) Sections 605.002(19), (20), and (21); and

4-57 (2) Section 605.259.

4-58 SECTION 4.002. (a) On the effective date of this Act, a  
4-59 registered orthotic technician or registered prosthetic technician  
4-60 certificate issued under former Section 605.259, Occupations Code,  
4-61 expires.

4-62 (b) As soon as practicable after the effective date of this  
4-63 Act, the Texas Commission of Licensing and Regulation shall repeal  
4-64 all rules regarding the regulation of orthotic and prosthetic  
4-65 technicians adopted under Chapter 605, Occupations Code.

4-66 SECTION 4.003. The change in law made by this article does  
4-67 not affect the validity of a proceeding pending before a court or  
4-68 other governmental entity on the effective date of this Act.

4-69 ARTICLE 5. DIETITIANS

5-1 SECTION 5.001. Section 701.151(b), Occupations Code, is  
5-2 amended to read as follows:

5-3 (b) The commission or the department, as appropriate,  
5-4 shall:

5-5 (1) [~~adopt an official seal,~~  
5-6 [~~(2)~~] adopt and publish a code of ethics;

5-7 (2) [~~(3)~~] establish the qualifications and fitness of  
5-8 applicants for licenses, including renewed and reciprocal  
5-9 licenses;

5-10 [~~(4) revoke, suspend, or deny a license, probate a  
5-11 license suspension, or reprimand a license holder for a violation  
5-12 of this chapter, a rule adopted under this chapter, or the code of  
5-13 ethics,~~] and

5-14 (3) [~~(5)~~] request and receive any necessary  
5-15 assistance from state educational institutions or other state  
5-16 agencies.

5-17 SECTION 5.002. Sections 701.155 and 701.353, Occupations  
5-18 Code, are repealed.

5-19 ARTICLE 6. USED AUTOMOTIVE PARTS RECYCLERS

5-20 SECTION 6.001. Section 2309.102(a), Occupations Code, is  
5-21 amended to read as follows:

5-22 (a) The commission shall adopt rules for licensing used  
5-23 automotive parts recyclers [~~and used automotive parts employees~~].

5-24 SECTION 6.002. The heading to Section 2309.106, Occupations  
5-25 Code, is amended to read as follows:

5-26 Sec. 2309.106. PERIODIC [~~AND RISK-BASED~~] INSPECTIONS.

5-27 SECTION 6.003. The following provisions of the Occupations  
5-28 Code are repealed:

5-29 (1) Sections 2309.106(c) and (d); and

5-30 (2) Section 2309.154.

5-31 SECTION 6.004. (a) On the effective date of this Act, a  
5-32 used automotive parts employee license issued under former Section  
5-33 2309.154, Occupations Code, expires.

5-34 (b) As soon as practicable after the effective date of this  
5-35 Act, the Texas Commission of Licensing and Regulation shall repeal  
5-36 all rules regarding the regulation of used automotive parts  
5-37 employees adopted under Chapter 2309, Occupations Code.

5-38 SECTION 6.005. (a) The change in law made by this article  
5-39 to Chapter 2309, Occupations Code, does not affect the validity of a  
5-40 proceeding pending before a court or other governmental entity on  
5-41 the effective date of this Act.

5-42 (b) An offense or other violation of law committed before  
5-43 the effective date of this Act is governed by the law in effect when  
5-44 the offense or violation was committed, and the former law is  
5-45 continued in effect for that purpose. For purposes of this  
5-46 subsection, an offense or violation was committed before the  
5-47 effective date of this Act if any element of the offense or  
5-48 violation occurred before that date.

5-49 ARTICLE 7. EFFECTIVE DATE

5-50 SECTION 7.001. This Act takes effect September 1, 2019.

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