

Chapter 1018

H.B. No. 1508

AN ACT

1
2 relating to notice to applicants to and enrollees in certain
3 educational programs regarding the consequences of a criminal
4 conviction on eligibility for an occupational license.

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

6 SECTION 1. Chapter 53, Occupations Code, is amended by
7 adding Subchapter E to read as follows:

SUBCHAPTER E. NOTICE OF POTENTIAL INELIGIBILITY FOR LICENSE

8
9 Sec. 53.151. DEFINITIONS. Notwithstanding Section 53.001,
10 in this subchapter, "licensing authority" and "occupational
11 license" have the meanings assigned to those terms by Section
12 58.001.

13 Sec. 53.152. NOTICE BY ENTITIES PROVIDING EDUCATIONAL
14 PROGRAMS. (a) An entity that provides an educational program to
15 prepare an individual for issuance of an initial occupational
16 license shall notify each applicant to and enrollee in the
17 educational program of:

18 (1) the potential ineligibility of an individual who
19 has been convicted of an offense for issuance of an occupational
20 license on completion of the educational program;

21 (2) the current guidelines issued under Section 53.025
22 by any licensing authority that may issue an occupational license
23 to an individual who completes the educational program;

24 (3) any other state or local restriction or guideline

1 used by a licensing authority described by Subdivision (2) to
2 determine the eligibility of an individual who has been convicted
3 of an offense for an occupational license issued by the licensing
4 authority; and

5 (4) the right to request a criminal history evaluation
6 letter under Section 53.102.

7 (b) The entity shall provide the notice required under
8 Subsection (a) to each applicant and enrollee regardless of whether
9 the applicant or enrollee has been convicted of an offense.

10 Sec. 53.153. REFUND AND ORDERED PAYMENTS. A licensing
11 authority that determines that an entity regulated by the licensing
12 authority has failed to provide the notice required by Section
13 53.152 to an individual entitled to receive the notice and that the
14 individual's application for an occupational license for which the
15 entity's educational program prepares the individual was denied
16 because the individual has been convicted of an offense shall order
17 the entity to:

18 (1) refund the amount of any tuition paid by the
19 individual to the entity; and

20 (2) pay to the individual an amount equal to the total
21 of the following, as applicable:

22 (A) the amount of any application fees paid by
23 the individual to the licensing authority; and

24 (B) the amount of any examination fees paid by
25 the individual to the licensing authority or an examination
26 provider approved by the licensing authority.

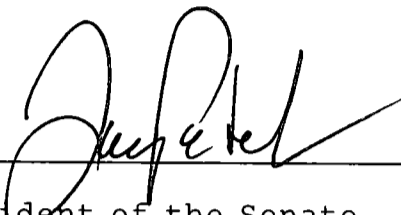
27 SECTION 2. Section 53.152, Occupations Code, as added by

1 this Act, applies only with respect to:

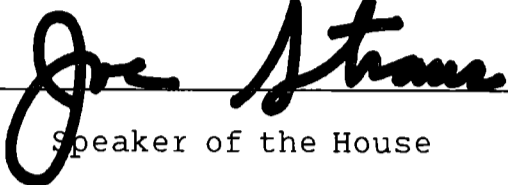
2 (1) an individual who is enrolled in an educational
3 program subject to that section on or after the effective date of
4 this Act; and

5 (2) an applicant for enrollment in an educational
6 program subject to that section who applies for enrollment in the
7 program on or after that date.

8 SECTION 3. This Act takes effect September 1, 2017.

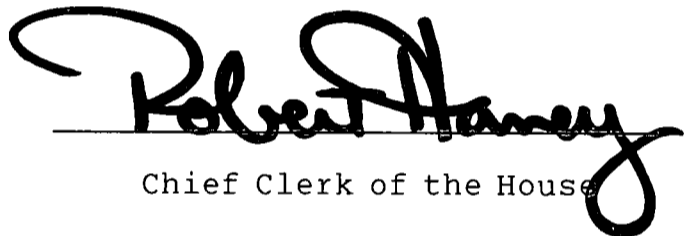


President of the Senate



Speaker of the House

I certify that H.B. No. 1508 was passed by the House on April 13, 2017, by the following vote: Yeas 131, Nays 7, 3 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1508 on May 26, 2017, by the following vote: Yeas 134, Nays 7, 1 present, not voting.



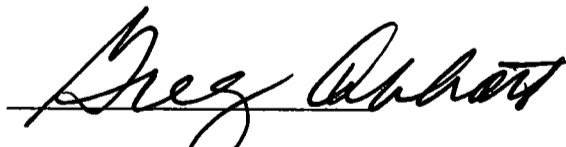
Chief Clerk of the House

I certify that H.B. No. 1508 was passed by the Senate, with amendments, on May 24, 2017, by the following vote: Yeas 31, Nays 0.



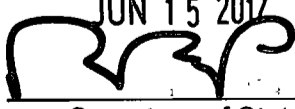
Secretary of the Senate

APPROVED: 6-13-2017
Date



Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3 PM O'CLOCK

JUN 15 2017


Secretary of State

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 25, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1508 by Giddings (Relating to notice to applicants to and enrollees in certain educational programs regarding the consequences of a criminal conviction on eligibility for an occupational license.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would require an entity that provides an educational program to prepare an individual for issuance of an occupational license to notify each applicant or enrollee of the consequences of a criminal conviction on eligibility for an occupational license and any other state or local restriction or guideline used by a licensing authority to determine eligibility. The bill also grants an individual the right to request a criminal history evaluation letter prior to enrolling or while enrolled.

It is assumed that any additional costs associated with the implementation of the bill would not be significant and could be absorbed within existing state resources.

Local Government Impact

The fiscal implications of the bill on local government cannot be determined at this time.

Source Agencies: 405 Department of Public Safety, 452 Department of Licensing and Regulation, 456 Board of Plumbing Examiners, 481 Board of Professional Geoscientists, 507 Texas Board of Nursing, 529 Health and Human Services Commission, 533 Executive Council of Physical Therapy & Occupational Therapy Examiners, 537 State Health Services, Department of, 551 Department of Agriculture, 582 Commission on Environmental Quality

LBB Staff: UP, SD, CL, JJ, JLE, JQ, RD

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 20, 2017

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB1508** by Giddings (Relating to notice to applicants to and enrollees in certain educational programs regarding the consequences of a criminal conviction on eligibility for an occupational license.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

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LBB Staff: UP, CL, JJ, JLE, JQ, RD

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 4, 2017

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1508 by Giddings (Relating to notice to applicants to and enrollees in certain educational programs regarding the consequences of a criminal conviction on eligibility for an occupational license.), **As Engrossed**

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LBB Staff: UP, CL, JJ, JLE, JQ, RD

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 26, 2017

TO: Honorable John Kuempel, Chair, House Committee on Licensing & Administrative Procedures

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1508 by Giddings (Relating to notice to applicants to and enrollees in certain educational programs regarding the consequences of a criminal conviction on eligibility for an occupational license.), **As Introduced**

No significant fiscal implication to the State is anticipated.

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