

Chapter 1232

H.B. No. 1523

1 AN ACT  
2 relating to the continuation of the regulation of land surveyors  
3 and the transfer of the regulation to the Texas Board of  
4 Professional Engineers and Land Surveyors, following the  
5 recommendations of the Sunset Advisory Commission; changing fees.

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

7 ARTICLE 1. TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND  
8 SURVEYORS

9 SECTION 1.01. The heading to Chapter 1001, Occupations  
10 Code, is amended to read as follows:

11 CHAPTER 1001. TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND  
12 SURVEYORS

13 SECTION 1.02. Section 1001.002, Occupations Code, is  
14 amended by amending Subdivision (1) and adding Subdivision (3) to  
15 read as follows:

16 (1) "Board" means the Texas Board of Professional  
17 Engineers and Land Surveyors.

18 (3) "Land surveyor," "licensed state land surveyor,"  
19 "professional surveying," "registered professional land surveyor,"  
20 "and "state land surveying" have the meanings assigned by Section  
21 1071.002.

22 SECTION 1.03. Section 1001.004(e), Occupations Code, is  
23 amended to read as follows:

24 (e) This chapter does not:

1           (1) prevent a person from identifying the person in  
2 the name and trade of any engineers' labor organization with which  
3 the person is affiliated;

4           (2) prohibit or otherwise restrict a person from  
5 giving testimony or preparing an exhibit or document for the sole  
6 purpose of being placed in evidence before an administrative or  
7 judicial tribunal, subject to the board's disciplinary powers under  
8 Subchapter J regarding negligence, incompetency, or misconduct in  
9 the practice of engineering; or

10           (3) [~~repeal or amend a law affecting or regulating a~~  
11 ~~licensed state land surveyor, or~~

12           [~~4~~] affect or prevent the practice of any other  
13 legally recognized profession by a member of the profession who is  
14 licensed by the state or under the state's authority.

15           SECTION 1.04. Section 1001.005, Occupations Code, is  
16 amended to read as follows:

17           Sec. 1001.005. APPLICATION OF SUNSET ACT. The Texas Board  
18 of Professional Engineers and Land Surveyors is subject to Chapter  
19 325, Government Code (Texas Sunset Act). Unless continued in  
20 existence as provided by that chapter, the board is abolished and  
21 this chapter expires September 1, 2025.

22           SECTION 1.05. Section 1001.064, Occupations Code, is  
23 amended to read as follows:

24           Sec. 1001.064. STATE LAND SURVEYORS. A licensed state land  
25 surveyor is exempt from the requirements of this chapter regulating  
26 the practice of engineering in performing the [a] state land  
27 surveyor's duties.

1 SECTION 1.06. The heading to Subchapter C, Chapter 1001,  
2 Occupations Code, is amended to read as follows:

3 SUBCHAPTER C. TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND  
4 SURVEYORS

5 SECTION 1.07. Section 1001.101(a), Occupations Code, is  
6 amended to read as follows:

7 (a) The Texas Board of Professional Engineers and Land  
8 Surveyors consists of nine members appointed by the governor with  
9 the advice and consent of the senate as follows:

- 10 (1) five [~~six~~] engineers; [~~and~~]  
11 (2) one land surveyor; and  
12 (3) three members who represent the public.

13 SECTION 1.08. Subchapter C, Chapter 1001, Occupations Code,  
14 is amended by adding Section 1001.1011 to read as follows:

15 Sec. 1001.1011. EX OFFICIO MEMBER. The commissioner of the  
16 General Land Office or a licensed state land surveyor employee of  
17 the General Land Office designated by the commissioner as director  
18 of surveying shall serve as an ex officio, nonvoting member of the  
19 board.

20 SECTION 1.09. Section 1001.102, Occupations Code, is  
21 amended by amending Subsection (a) and adding Subsection (d) to  
22 read as follows:

23 (a) A person may not be a public member of the board if the  
24 person or the person's spouse:

25 (1) is registered, certified, or licensed by a  
26 regulatory agency in the field of engineering or land surveying;

27 (2) is employed by or participates in the management

1 of a business entity or other organization regulated by or  
2 receiving money from the board;

3 (3) owns or controls, directly or indirectly, more  
4 than a 10 percent interest in a business entity or other  
5 organization regulated by or receiving money from the board; or

6 (4) uses or receives a substantial amount of tangible  
7 goods, services, or money from the board other than compensation or  
8 reimbursement authorized by law for board membership, attendance,  
9 or expenses.

10 (d) A land surveyor member of the board:

11 (1) must be:

12 (A) a licensed state land surveyor actively  
13 engaged in the practice of state land surveying for not less than  
14 the five years preceding appointment; or

15 (B) a registered professional land surveyor  
16 actively engaged in the practice of professional surveying in this  
17 state for not less than the five years preceding appointment; and

18 (2) may not be licensed as an engineer.

19 SECTION 1.10. Section 1001.103(a-1), Occupations Code, is  
20 amended to read as follows:

21 (a-1) A person may not be a member of the board and may not  
22 be a board employee employed in a "bona fide executive,  
23 administrative, or professional capacity," as that phrase is used  
24 for purposes of establishing an exemption to the overtime  
25 provisions of the federal Fair Labor Standards Act of 1938 (29  
26 U.S.C. Section 201 et seq.), and its subsequent amendments, if:

27 (1) the person is an officer, employee, or paid

1 consultant of a Texas trade association in the field of engineering  
2 or land surveying; or

3 (2) the person's spouse is an officer, manager, or paid  
4 consultant of a Texas trade association in the field of engineering  
5 or land surveying.

6 SECTION 1.11. Section 1001.105, Occupations Code, is  
7 amended to read as follows:

8 Sec. 1001.105. PARTICIPATION OF PUBLIC MEMBERS. (a) The  
9 board by majority vote may limit the participation of public  
10 members in evaluating license, registration, or certification  
11 applications.

12 (b) This section does not apply to the evaluation of  
13 license, registration, or certification applications at an  
14 official meeting of the board.

15 SECTION 1.12. Section 1001.107, Occupations Code, is  
16 amended to read as follows:

17 Sec. 1001.107. PER DIEM. Each [A] board member, other than  
18 the commissioner of the General Land Office, is entitled to receive  
19 a per diem as set by the General Appropriations Act for each day  
20 that the member engages in the business of the board.

21 SECTION 1.13. Section 1001.112(b), Occupations Code, is  
22 amended to read as follows:

23 (b) The training program must provide the person with  
24 information regarding:

- 25 (1) this chapter and Chapter 1071;
- 26 (2) the programs operated by the board;
- 27 (3) the role and functions of the board;

- 1           (4) the rules of the board, with an emphasis on the  
2 rules that relate to disciplinary and investigatory authority;
- 3           (5) the current budget for the board;
- 4           (6) the results of the most recent formal audit of the  
5 board;
- 6           (7) the requirements of:
- 7                 (A) the open meetings law, Chapter 551,  
8 Government Code;
- 9                 (B) the public information law, Chapter 552,  
10 Government Code;
- 11                (C) the administrative procedure law, Chapter  
12 2001, Government Code; and
- 13                 (D) other laws relating to public officials,  
14 including conflict-of-interest laws; and
- 15           (8) any applicable ethics policies adopted by the  
16 board or the Texas Ethics Commission.

17           SECTION 1.14. Section 1001.201, Occupations Code, is  
18 amended to read as follows:

19           Sec. 1001.201. GENERAL POWERS AND DUTIES. (a) The board  
20 shall administer and enforce this chapter and Chapter 1071.

21           (b) The board may spend money for any purpose the board  
22 considers reasonably necessary for the proper performance of its  
23 duties under this chapter and Chapter 1071.

24           SECTION 1.15. Section 1001.202, Occupations Code, is  
25 amended to read as follows:

26           Sec. 1001.202. RULES. The board may adopt and enforce any  
27 rule or bylaw necessary to perform its duties, govern its

1 proceedings, and regulate the practice of engineering and land  
2 surveying.

3 SECTION 1.16. Sections 1001.203(b) and (c), Occupations  
4 Code, are amended to read as follows:

5 (b) Except as provided by Subsection (a), the board may not  
6 adopt rules restricting advertising or competitive bidding by a  
7 person regulated by the board [~~license holder~~] except to prohibit  
8 false, misleading, or deceptive practices.

9 (c) In its rules to prohibit false, misleading, or deceptive  
10 practices by a person regulated by the board, the board may not  
11 include a rule that:

- 12 (1) restricts the use of any medium for advertising;
- 13 (2) restricts the use of the person's [~~a license~~  
14 ~~holder's~~] personal appearance or voice in an advertisement;
- 15 (3) relates to the size or duration of an  
16 advertisement by the person [~~license holder~~]; or
- 17 (4) restricts the person's [~~license holder's~~]  
18 advertisement under a trade name.

19 SECTION 1.17. Section 1001.204, Occupations Code, is  
20 amended to read as follows:

21 Sec. 1001.204. FEES. (a) The board shall establish [~~the~~  
22 ~~following~~] fees in amounts reasonable and necessary to cover the  
23 costs of administering this chapter and Chapter 1071, including:

- 24 (1) license, registration, and certification fees  
25 [~~fee~~];
- 26 (2) renewal fee [~~annual~~] and late renewal fee [~~fees~~];
- 27 (3) reciprocal license fee;

- 1           (4) duplicate license fee;  
2           (5) [~~engineer-in-training certificate fee,~~  
3           [~~(6)~~] roster [~~of engineers~~] fee;  
4           (6) [~~(7)~~] examination fee;  
5           [~~(8) registration fee for engineering firm,~~] and  
6           (7) [~~(9)~~] inactive status fee.

7           (b) Fee revenue may not exceed the amount reasonable and  
8 necessary to administer this chapter and Chapter 1071.

9           (c) General revenue of the state may not be used to pay the  
10 costs of administering this chapter and Chapter 1071 in an amount  
11 that exceeds the amount of fees received under this chapter and  
12 Chapter 1071.

13           SECTION 1.18. Section 1001.205, Occupations Code, is  
14 amended to read as follows:

15           Sec. 1001.205. REDUCED FEES: ELDERLY, DISABLED, INACTIVE  
16 STATUS. (a) For purposes of this section, a person is disabled if  
17 the person has a mental or physical impairment that substantially  
18 limits the ability of the person to earn a living as an engineer or  
19 land surveyor, other than an impairment caused by a current  
20 addiction to the use of alcohol or an illegal drug or controlled  
21 substance.

22           (b) The board by rule may adopt reduced license fees and  
23 [~~annual~~] renewal fees for engineers and land surveyors who are:

- 24           (1) at least 65 years of age; or  
25           (2) disabled and not actively engaged in the practice  
26 of engineering or land surveying.

27           (c) A person entitled to reduced fees under Subsection



1 (b)(2) shall notify the board that the person has resumed the active  
2 practice of engineering or land surveying not later than the 15th  
3 day after the date the person resumes active practice.

4 SECTION 1.19. Section 1001.207, Occupations Code, is  
5 amended to read as follows:

6 Sec. 1001.207. STANDARDS OF CONDUCT AND ETHICS. The board  
7 may establish standards of conduct and ethics for engineers and  
8 land surveyors in keeping with the purposes and intent of this  
9 chapter and Chapter 1071 and to ensure strict compliance with and  
10 enforcement of this chapter and Chapter 1071.

11 SECTION 1.20. The heading to Section 1001.208, Occupations  
12 Code, is amended to read as follows:

13 Sec. 1001.208. ROSTER OF ENGINEERS AND LAND SURVEYORS.

14 SECTION 1.21. Section 1001.209, Occupations Code, is  
15 amended to read as follows:

16 Sec. 1001.209. REGISTER OF APPLICANTS. The board shall  
17 maintain a register of each application for a license or  
18 registration under this chapter or Chapter 1071 [~~applications~~] that  
19 shows:

- 20 (1) the name, age, and residence of each applicant;
- 21 (2) the date of the application;
- 22 (3) the applicant's place of business;
- 23 (4) the applicant's educational and other  
24 qualifications;
- 25 (5) whether an examination was required;
- 26 (6) whether the applicant was issued or denied a  
27 license or registration;

- 1           (7) the date of board action; and  
2           (8) any other information the board considers  
3 necessary.

4           SECTION 1.22. Section 1001.210, Occupations Code, is  
5 amended to read as follows:

6           Sec. 1001.210. CONTINUING EDUCATION PROGRAMS FOR  
7 ENGINEERS. (a) The board shall recognize, prepare, or administer  
8 continuing education programs for engineers [~~its license holders~~].  
9 An engineer [~~A license holder~~] must participate in the programs to  
10 the extent required by the board to keep the engineer's [~~person's~~]  
11 license.

12           (b) The board may not require an engineer [~~a license holder~~]  
13 to obtain more than 15 hours of continuing education annually. The  
14 board shall permit an engineer [~~a license holder~~] to certify at the  
15 time the license is renewed that the engineer [~~license holder~~] has  
16 complied with the board's continuing education requirements.

17           (c) The board shall permit an engineer [~~a license holder~~] to  
18 receive continuing education credit for educational, technical,  
19 ethical, or professional management activities related to the  
20 practice of engineering, including:

21           (1) successfully completing or auditing a course  
22 sponsored by an institution of higher education;

23           (2) successfully completing a course certified by a  
24 professional or trade organization;

25           (3) attending a seminar, tutorial, short course,  
26 correspondence course, videotaped course, or televised course;

27           (4) participating in an in-house course sponsored by a

1 corporation or other business entity;

2 (5) teaching a course described by Subdivisions  
3 (1)-(4);

4 (6) publishing an article, paper, or book on the  
5 practice of engineering;

6 (7) making or attending a presentation at a meeting of  
7 a technical or engineering management society or organization or  
8 writing a paper presented at such a meeting;

9 (8) participating in the activities of a professional  
10 society or association, including serving on a committee of the  
11 organization; and

12 (9) engaging in self-directed study.

13 (d) An engineer [~~A license holder~~] may not receive more than  
14 five continuing education credit hours annually for engaging in  
15 self-directed study.

16 SECTION 1.23. Section 1001.212, Occupations Code, is  
17 amended to read as follows:

18 Sec. 1001.212. CONFIDENTIALITY OF CERTAIN INFORMATION  
19 RELATED TO [~~LICENSE~~] APPLICATION. (a) A statement made by a person  
20 providing a reference for an applicant and other pertinent  
21 information compiled by or submitted to the board relating to an  
22 applicant for licensing, registration, or certification [~~a~~  
23 ~~license~~] under this chapter or Chapter 1071 is privileged and  
24 confidential.

25 (b) Information described by Subsection (a) may be used only  
26 by the board or its employees or agents who are directly involved in  
27 the application or licensing, registration, or certification

1 process. The information is not subject to discovery, subpoena, or  
2 other disclosure.

3 SECTION 1.24. Section 1001.213(a), Occupations Code, is  
4 amended to read as follows:

5 (a) The board may request and, if necessary, compel by  
6 subpoena:

7 (1) the attendance of a witness for examination under  
8 oath; and

9 (2) the production for inspection or copying of  
10 records, documents, and other evidence relevant to the  
11 investigation of an alleged violation of this chapter or Chapter  
12 1071.

13 SECTION 1.25. Subchapter E, Chapter 1001, Occupations Code,  
14 is amended by adding Section 1001.216 to read as follows:

15 Sec. 1001.216. ADVISORY COMMITTEES. (a) The board shall  
16 appoint an advisory committee for the purpose of providing advice  
17 and recommendations to the board on matters related to the  
18 regulation of land surveying. The advisory committee must consist  
19 of five or more individuals appointed by the board, at least five of  
20 whom must be land surveyors.

21 (b) The board may not adopt a rule related to the scope of  
22 practice of, the professional or technical standards for, or the  
23 standards of conduct and ethics for land surveyors before  
24 considering advice and recommendations from the advisory committee  
25 described in Subsection (a).

26 (c) The board may appoint additional advisory committees to  
27 provide advice and recommendations to the board on any other matter

1 relevant to the administration of this chapter or Chapter 1071.

2 SECTION 1.26. Section 1001.251(a), Occupations Code, is  
3 amended to read as follows:

4 (a) The board shall prepare information of consumer  
5 interest describing:

6 (1) the regulatory functions of the board under this  
7 chapter and Chapter 1071; and

8 (2) the procedures by which consumer complaints are  
9 filed with and resolved by the board.

10 SECTION 1.27. Sections 1001.252(a) and (d), Occupations  
11 Code, are amended to read as follows:

12 (a) The board shall adopt rules that permit the board to  
13 receive and investigate a confidential complaint against a [~~license~~  
14 ~~holder or other~~] person who may have violated this chapter or  
15 Chapter 1071. The board shall maintain the confidentiality of the  
16 complaint during the investigation.

17 (d) The board shall consider any written grievance against a  
18 [~~license holder or other~~] person filed with the board as a  
19 complaint.

20 SECTION 1.28. Chapter 1001, Occupations Code, is amended by  
21 adding Subchapter F-1 to read as follows:

22 SUBCHAPTER F-1. GENERAL LICENSE, REGISTRATION, AND CERTIFICATION

23 REQUIREMENT

24 Sec. 1001.271. DEFINITION. In this subchapter, "license"  
25 means a license, certification, registration, or other  
26 authorization that is issued by the board under this chapter or  
27 Chapter 1071.

1 SECTION 1.29. Section 1001.3035, Occupations Code, is  
2 transferred to Subchapter F-1, Chapter 1001, Occupations Code, as  
3 added by this Act, redesignated as Section 1001.272, Occupations  
4 Code, and amended to read as follows:

5 Sec. 1001.272 [~~1001.3035~~]. CRIMINAL HISTORY RECORD  
6 INFORMATION REQUIREMENT FOR LICENSE ISSUANCE. (a) This section  
7 applies only to an applicant for a license or registration as an  
8 engineer, licensed state land surveyor, or registered professional  
9 land surveyor.

10 (b) The board shall require that an applicant for a license  
11 submit a complete and legible set of fingerprints, on a form  
12 prescribed by the board, to the board or to the Department of Public  
13 Safety for the purpose of obtaining criminal history record  
14 information from the Department of Public Safety and the Federal  
15 Bureau of Investigation.

16 (c) [~~(b)~~] The board may not issue a license to a person who  
17 does not comply with the requirement of Subsection (b) [~~(a)~~].

18 (d) [~~(c)~~] The board shall conduct a criminal history check  
19 of each applicant for a license using information:

- 20 (1) provided by the individual under this section; and  
21 (2) made available to the board by the Department of  
22 Public Safety, the Federal Bureau of Investigation, and any other  
23 criminal justice agency under Chapter 411, Government Code.

24 (e) [~~(d)~~] The board may:

- 25 (1) enter into an agreement with the Department of  
26 Public Safety to administer a criminal history check required under  
27 this section; and

1           (2) authorize the Department of Public Safety to  
2 collect from each applicant the costs incurred by the Department of  
3 Public Safety in conducting the criminal history check.

4           SECTION 1.30. Subchapter F-1, Chapter 1001, Occupations  
5 Code, as added by this Act, is amended by adding Section 1001.2721  
6 to read as follows:

7           Sec. 1001.2721. EXAMINATION                   DEVELOPMENT                   AND  
8 ADMINISTRATION. Notwithstanding any other law, the board may  
9 adopt, recognize, develop, or contract for an examination required  
10 by this chapter or Chapter 1071, including the administration of  
11 the examination.

12           SECTION 1.31. Section 1001.306, Occupations Code, is  
13 transferred to Subchapter F-1, Chapter 1001, Occupations Code, as  
14 added by this Act, redesignated as Section 1001.273, Occupations  
15 Code, and amended to read as follows:

16           Sec. 1001.273 [~~1001.306~~]. EXAMINATION RESULTS. (a) Not  
17 later than the 30th day after the date a person takes an [~~a~~  
18 ~~licensing~~] examination under this chapter or Chapter 1071, the  
19 board shall notify the person of the results of the examination.

20           (a-1) If the examination is graded or reviewed by a testing  
21 service:

22                   (1) the board shall notify the person of the results of  
23 the examination not later than the 14th day after the date the board  
24 receives the results from the testing service; and

25                   (2) if notice of the examination results will be  
26 delayed for longer than 90 days after the examination date, the  
27 board shall notify the person of the reason for the delay before the

1 90th day.

2 (b) The board may require a testing service to notify a  
3 person of the results of the person's examination.

4 (c) If requested in writing by a person who fails an [~~a~~  
5 ~~licensing~~] examination administered under this chapter or Chapter  
6 1071, the board shall furnish the person with an analysis of the  
7 person's performance on the examination.

8 (d) Examination results reported under this section must  
9 include a numerical score and an indication of whether the person  
10 passed or failed the examination.

11 SECTION 1.32. Sections 1001.307 and 1001.352, Occupations  
12 Code, are transferred to Subchapter F-1, Chapter 1001, Occupations  
13 Code, as added by this Act, and redesignated as Sections 1001.274  
14 and 1001.275, Occupations Code, respectively, to read as follows:

15 Sec. 1001.274 [~~1001.307~~]. REEXAMINATION. The board may  
16 permit reexamination of an applicant on payment of an appropriate  
17 reexamination fee in an amount set by the board.

18 Sec. 1001.275 [~~1001.352~~]. NOTICE OF LICENSE EXPIRATION.  
19 Not later than the 30th day before the date a person's license is  
20 scheduled to expire, the board shall send written notice of the  
21 impending expiration to the person at the person's last known  
22 address according to the records of the board.

23 SECTION 1.33. Sections 1001.353 and 1001.3535, Occupations  
24 Code, are transferred to Subchapter F-1, Chapter 1001, Occupations  
25 Code, as added by this Act, redesignated as Sections 1001.276 and  
26 1001.277, Occupations Code, respectively, and amended to read as  
27 follows:



1           Sec. 1001.276 [~~1001.353~~]. PROCEDURE FOR RENEWAL. (a) A  
2 person who is otherwise eligible to renew a license may renew an  
3 unexpired license by paying the required [~~annual~~] renewal fee to  
4 the board before the expiration date of the license. A person whose  
5 license has expired may not engage in activities that require a  
6 license until the license has been renewed.

7           (b) A person whose license has been expired for 90 days or  
8 less may renew the license by paying to the board the required  
9 [~~annual~~] renewal fee and a late renewal fee.

10           (c) A person whose license has been expired for more than 90  
11 days but less than two years may renew the license by paying to the  
12 board the required [~~annual~~] renewal fee and a late renewal fee for  
13 each delinquent year or part of a year.

14           (d) A person whose license has been expired for two years or  
15 more may not renew the license. The person may obtain a new license  
16 by complying with the requirements and procedures, including the  
17 examination requirements, for obtaining an original license.

18           Sec. 1001.277 [~~1001.3535~~]. CRIMINAL HISTORY RECORD  
19 INFORMATION REQUIREMENT FOR LICENSE RENEWAL. (a) This section  
20 applies only to an applicant for renewal of a license or  
21 registration as an engineer, licensed state land surveyor, or  
22 registered professional land surveyor.

23           (b) An applicant renewing a license [~~issued under this~~  
24 ~~chapter~~] shall submit a complete and legible set of fingerprints  
25 for purposes of performing a criminal history check of the  
26 applicant as provided by Section 1001.272 [~~1001.3035~~].

27           (c) [~~(b)~~] The board may not renew the license of a person

1 who does not comply with the requirement of Subsection (b) [~~(a)~~].

2 (d) [~~(c)~~] A license holder is not required to submit  
3 fingerprints under this section for the renewal of the license if  
4 the license holder has previously submitted fingerprints under:

5 (1) Section 1001.272 [~~1001.3035~~] for the initial  
6 issuance of the license; or

7 (2) this section as part of a prior license renewal.

8 SECTION 1.34. Section 1001.354, Occupations Code, is  
9 transferred to Subchapter F-1, Chapter 1001, Occupations Code, as  
10 added by this Act, and redesignated as Section 1001.278,  
11 Occupations Code, to read as follows:

12 Sec. 1001.278 [~~1001.354~~]. RENEWAL OF EXPIRED LICENSE BY  
13 OUT-OF-STATE PRACTITIONER. (a) A person who was licensed in this  
14 state, moved to another state, and is currently licensed and has  
15 been in practice in the other state for the two years preceding the  
16 date of application may obtain a new license without reexamination.

17 (b) The person must pay to the board a fee that is equal to  
18 two times the normally required renewal fee for the license.

19 SECTION 1.35. Section 1001.355, Occupations Code, is  
20 transferred to Subchapter F-1, Chapter 1001, Occupations Code, as  
21 added by this Act, redesignated as Section 1001.279, Occupations  
22 Code, and amended to read as follows:

23 Sec. 1001.279 [~~1001.355~~]. INACTIVE STATUS. (a) An  
24 engineer or land surveyor may request inactive status at any time.  
25 An engineer or land surveyor [~~A license holder~~] on inactive status  
26 may not practice engineering or land surveying, as applicable.

27 (b) An engineer or land surveyor [~~A license holder~~] on

1 inactive status must pay a [~~an annual~~] fee in an amount and at times  
2 prescribed [~~set~~] by the board.

3 (c) An engineer or land surveyor [~~A license holder~~] on  
4 inactive status is not required to:

5 (1) comply with the continuing education requirements  
6 adopted by the board under Section 1001.210 or 1071.305, as  
7 applicable; or

8 (2) take an examination for reinstatement to active  
9 status.

10 (d) To return to active status, an engineer or land surveyor  
11 [~~a license holder~~] on inactive status must:

12 (1) file with the board a written notice requesting  
13 reinstatement to active status;

14 (2) pay the fee for the [~~annual~~] renewal of the  
15 license; and

16 (3) provide evidence satisfactory to the board that  
17 the person has complied with the continuing education requirements  
18 adopted by the board under Section 1001.210 or 1071.305, as  
19 applicable.

20 SECTION 1.36. The heading to Subchapter G, Chapter 1001,  
21 Occupations Code, is amended to read as follows:

22 SUBCHAPTER G. ENGINEERING LICENSE REQUIREMENTS

23 SECTION 1.37. Section 1001.305, Occupations Code, is  
24 amended to read as follows:

25 Sec. 1001.305. WAIVER OF EXAMINATION REQUIREMENT. The  
26 board by rule may waive all or part of the examination requirement  
27 for an applicant for the issuance or reissuance of a license under

1 this chapter. The board may not waive the requirement unless the  
2 board first determines that:

3 (1) the applicant possesses sufficient qualifications  
4 to justify the waiver; and

5 (2) issuing or reissuing the license to the applicant  
6 does not pose a threat to the public health, safety, or welfare.

7 SECTION 1.38. Section 1001.311, Occupations Code, is  
8 amended to read as follows:

9 Sec. 1001.311. APPLICATION BY NONRESIDENT. (a) A person  
10 who holds a license or certificate of registration issued by  
11 another state or a foreign country may apply under this chapter for  
12 a license in this state.

13 (b) The board may waive any prerequisite to obtaining a  
14 license under this chapter for an applicant after reviewing the  
15 applicant's credentials and determining that the applicant holds a  
16 license issued by another jurisdiction that has licensing  
17 requirements substantially equivalent to those of this state.

18 SECTION 1.39. Section 1001.312, Occupations Code, is  
19 amended to read as follows:

20 Sec. 1001.312. REPLACEMENT LICENSE. The board, subject to  
21 board rules, may issue a new license to replace a license issued  
22 under this chapter that is lost, destroyed, or mutilated.

23 SECTION 1.40. The heading to Subchapter H, Chapter 1001,  
24 Occupations Code, is amended to read as follows:

25 SUBCHAPTER H. ENGINEERING LICENSE RENEWAL

26 SECTION 1.41. Section 1001.452, Occupations Code, is  
27 amended to read as follows:

1           Sec. 1001.452. GROUNDS FOR DISCIPLINARY ACTION. A person  
2 is subject to disciplinary action under Section 1001.451 for:

3           (1) a violation of this chapter or a board rule adopted  
4 under this chapter;

5           (2) fraud or deceit in obtaining a license;

6           (3) a documented instance of retaliation by an  
7 applicant against an individual who has served as a reference for  
8 that applicant;

9           (4) gross negligence, incompetency, or misconduct in  
10 the practice of engineering; or

11           (5) a failure to timely provide plans or  
12 specifications to the Texas Department of Licensing and Regulation  
13 as required by Chapter 469, Government Code [~~Article 9102, Revised~~  
14 ~~Statutes~~].

15           SECTION 1.42. Section 1001.501, Occupations Code, is  
16 amended to read as follows:

17           Sec. 1001.501. IMPOSITION OF ADMINISTRATIVE PENALTY. The  
18 board may impose an administrative penalty on a person who violates  
19 this chapter or Chapter 1071 or a rule adopted or order issued under  
20 this chapter or Chapter 1071.

21           SECTION 1.43. Section 1001.502, Occupations Code, is  
22 amended by amending Subsection (a) and adding Subsection (a-1) to  
23 read as follows:

24           (a) The amount of an administrative penalty may not exceed:

25           (1) \$5,000 for each violation of this chapter or a rule  
26 adopted or order issued under this chapter; and

27           (2) \$1,500 for each violation of Chapter 1071 or a rule

1 adopted or order issued under Chapter 1071.

2       (a-1) Each day a violation continues or occurs is a separate  
3 violation for purposes of imposing a penalty.

4       SECTION 1.44. Sections 1001.551(a) and (d), Occupations  
5 Code, are amended to read as follows:

6       (a) In addition to any other action authorized by law, the  
7 board may bring an action in the board's name to enjoin a person  
8 from violating this chapter or Chapter 1071 or a board rule adopted  
9 under this chapter or Chapter 1071.

10       (d) In an action for an injunction under this section, the  
11 defendant may assert and prove as a complete defense to the action  
12 that the board deprived the defendant of a license, certificate, or  
13 registration by a board action or proceeding that was:

- 14               (1) arbitrary or capricious;  
15               (2) contrary to law; or  
16               (3) conducted without due process of law.

17       SECTION 1.45. Section 1001.5511, Occupations Code, is  
18 amended to read as follows:

19       Sec. 1001.5511. CEASE AND DESIST ORDER. If it appears to  
20 the board that a person who is not licensed, certified, or  
21 registered under this chapter or Chapter 1071 is violating this  
22 chapter or Chapter 1071, a rule adopted under this chapter or  
23 Chapter 1071, or another state statute or rule relating to the  
24 practice of engineering or land surveying, the board, after notice  
25 and opportunity for a hearing, may issue a cease and desist order  
26 prohibiting the person from engaging in the activity.

27       SECTION 1.46. Section 1001.552(a), Occupations Code, is

1 amended to read as follows:

2 (a) A person commits an offense if the person:

3 (1) engages in the practice of engineering without  
4 being licensed or exempted from the licensing requirement under  
5 this chapter;

6 (2) violates this chapter with respect to the  
7 regulation of engineering;

8 (3) presents or attempts to use as the person's own the  
9 engineering license or seal of another; or

10 (4) gives false evidence of any kind to the board or a  
11 board member in obtaining an engineering [a] license.

12 SECTION 1.47. Section 1001.553, Occupations Code, is  
13 amended to read as follows:

14 Sec. 1001.553. REPORT OF VIOLATION. A public official  
15 shall report a violation of this chapter or Chapter 1071 to the  
16 proper authorities.

17 SECTION 1.48. Section 1001.554, Occupations Code, is  
18 amended to read as follows:

19 Sec. 1001.554. PRESENTATION OF COMPLAINTS BY BOARD;  
20 ASSISTANCE AT TRIAL. (a) A member of the board may present to a  
21 prosecuting officer a complaint relating to a violation of this  
22 chapter or Chapter 1071.

23 (b) The board through its members, officers, counsel, and  
24 agents and subject to the control of the prosecuting officer may  
25 assist in the trial of a case involving an alleged violation of this  
26 chapter or Chapter 1071.

27 SECTION 1.49. Section 1001.555(a), Occupations Code, is

1 amended to read as follows:

2 (a) The attorney general shall:

3 (1) act as legal advisor of the board;

4 (2) provide legal assistance to the board as necessary  
5 to enforce this chapter or Chapter 1071 and make those laws [~~it~~]  
6 effective; and

7 (3) represent the board in an action brought to  
8 enforce this chapter or Chapter 1071.

9 SECTION 1.50. Section 1001.556, Occupations Code, is  
10 amended to read as follows:

11 Sec. 1001.556. APPEAL BOND. The board is not required to  
12 give an appeal bond in a cause arising under this chapter or Chapter  
13 1071.

14 SECTION 1.51. Section 1071.002(1), Occupations Code, is  
15 amended to read as follows:

16 (1) "Board" means the Texas Board of Professional  
17 Engineers and Land Surveyors [~~Surveying~~].

18 SECTION 1.52. Section 1071.254, Occupations Code, is  
19 amended by amending Subsection (a) and adding Subsection (c) to  
20 read as follows:

21 (a) An applicant for registration as a registered  
22 professional land surveyor must:

23 (1) hold a certificate as a surveyor-in-training;

24 (2) have at least two years of experience satisfactory  
25 to the board as a surveyor-in-training in performing surveying in  
26 delegated responsible charge as a subordinate to a surveyor  
27 registered or licensed to engage in the practice of surveying in



1 this state or in another state having registration or licensing  
2 requirements equivalent to the requirements of this state; and

3 (3) [~~if the application is filed after January 1,~~  
4 ~~2003,~~] have earned an associate or [a] bachelor's degree from an  
5 accredited institution of higher education that included at least  
6 32 semester hours in a combination of courses acceptable to the  
7 board in:

- 8 (A) civil engineering;
- 9 (B) land surveying;
- 10 (C) mathematics;
- 11 (D) photogrammetry;
- 12 (E) forestry;
- 13 (F) land law; or
- 14 (G) the physical sciences.

15 (c) The board by rule may authorize the waiver of the  
16 requirement that an applicant for registration as a registered  
17 professional land surveyor have a bachelor's degree if the board  
18 determines:

19 (1) the applicant possesses sufficient qualifications  
20 to justify the waiver; and

21 (2) the applicant's registration does not pose a  
22 threat to the public health, safety, or welfare.

23 SECTION 1.53. The heading to Section 1071.301, Occupations  
24 Code, is amended to read as follows:

25 Sec. 1071.301. LICENSE TERM AND [ANNUAL] RENEWAL  
26 [REQUIRED].

27 SECTION 1.54. Section 1071.301, Occupations Code, is

1 amended by amending Subsection (a) and adding Subsections (a-1) and  
2 (a-2) to read as follows:

3 (a) The board by rule shall provide:

4 (1) that each certificate of registration or license  
5 under this chapter is valid for a term of one year or two years; and

6 (2) for the renewal of the certificate or license.

7 (a-1) The board by rule may adopt a system under which  
8 certificates of registration and licenses expire on various dates  
9 during the year.

10 (a-2) For the year in which the certificate or license  
11 expiration date is changed, the board shall prorate certificate and  
12 license fees on a monthly basis so that each certificate or license  
13 holder pays only that portion of the certificate or license fee that  
14 is allocable to the number of months during which the certificate or  
15 license is valid. On renewal of the certificate or license on the  
16 new expiration date, the total certificate or license renewal fee  
17 is payable.

18 SECTION 1.55. Section 1071.352(a-2), Occupations Code, is  
19 amended to read as follows:

20 (a-2) The board may refuse to issue or renew and may suspend  
21 or revoke the registration of a business entity and may impose an  
22 administrative penalty under Subchapter K, Chapter 1001, against  
23 the owner of a business entity for a violation of this chapter by an  
24 employee, agent, or other representative of the entity, including a  
25 registered professional land surveyor employed by the entity.

26 SECTION 1.56. Section 1071.401(a), Occupations Code, is  
27 amended to read as follows:

1           (a) The board shall revoke, suspend, or refuse to renew a  
2 certificate of registration or license, place on probation a person  
3 whose certificate or license has been suspended, or reprimand a  
4 registration holder or license holder for:

5           (1) fraud or deceit in obtaining a certificate or  
6 license under this chapter;

7           (2) gross negligence, incompetence, or misconduct in  
8 the practice of surveying as a land surveyor; or

9           (3) a violation of this chapter or a board rule adopted  
10 under this chapter.

11           SECTION 1.57. Sections 1071.4035(a) and (b), Occupations  
12 Code, are amended to read as follows:

13           (a) The board by rule shall establish guidelines for an  
14 informal settlement conference related to a complaint filed with  
15 the board regarding conduct regulated under this chapter.

16           (b) Subject to Subsection (c), the board may order a person  
17 licensed or registered under this chapter to pay restitution to a  
18 consumer as provided in an agreement resulting from an informal  
19 settlement conference instead of or in addition to assessing an  
20 administrative penalty under Subchapter K, Chapter 1001 [~~this~~  
21 ~~chapter~~].

22           SECTION 1.58. The following provisions of the Occupations  
23 Code are repealed:

24           (1) Section 1071.003;

25           (2) Subchapter B, Chapter 1071;

26           (3) Subchapter C, Chapter 1071;

27           (4) Subchapter D, Chapter 1071;

- 1 (5) Subchapter E, Chapter 1071;
- 2 (6) Section 1071.255(c);
- 3 (7) Section 1071.257;
- 4 (8) Section 1071.258;
- 5 (9) Section 1071.263;
- 6 (10) Section 1071.302;
- 7 (11) Section 1071.303;
- 8 (12) Sections 1071.402(b), (c), (d), (e), (f), and
- 9 (g);
- 10 (13) Subchapter J, Chapter 1071;
- 11 (14) Section 1071.501;
- 12 (15) Section 1071.502; and
- 13 (16) Subchapter L, Chapter 1071.

14 ARTICLE 2. CONFORMING AMENDMENTS

15 SECTION 2.01. Section 150.003(a), Civil Practice and  
16 Remedies Code, is amended to read as follows:

17 (a) This section applies only to a licensed or registered  
18 professional who provides architectural or engineering services if  
19 the services:

20 (1) are authorized, as appropriate for the  
21 professional, in:

22 (A) Chapter 1001, Occupations Code;

23 (B) Chapter 1051, Occupations Code;

24 (C) 22 T.A.C. Part 6 (Texas Board of  
25 Professional Engineers and Land Surveyors), Chapter 137  
26 (Compliance and Professionalism); and

27 (D) 22 T.A.C. Part 1 (Texas Board of

1 Architectural Examiners), Chapter 1 (Architects), Subchapter H  
2 (Professional Conduct);

3 (2) subject to Subsection (d), are provided  
4 voluntarily and without compensation or the expectation of  
5 compensation;

6 (3) are in response to and provided during the  
7 duration of a proclaimed state of emergency under Section 433.001,  
8 Government Code, or a declared state of disaster under Section  
9 418.014, Government Code;

10 (4) are provided at the request or with the approval of  
11 a federal, state, or local public official acting in an official  
12 capacity in response to the proclaimed state of emergency or  
13 declared disaster, including a law enforcement official, public  
14 safety official, or building inspection official; and

15 (5) are related to a structure, building, roadway,  
16 piping, or other system, either publicly or privately owned.

17 SECTION 2.02. Section 411.122(d), Government Code, is  
18 amended to read as follows:

19 (d) The following state agencies are subject to this  
20 section:

21 (1) Texas Appraiser Licensing and Certification  
22 Board;

23 (2) Texas Board of Architectural Examiners;

24 (3) Texas Board of Chiropractic Examiners;

25 (4) State Board of Dental Examiners;

26 (5) Texas Board of Professional Engineers and Land  
27 Surveyors;

- 1           (6) Texas Funeral Service Commission;
- 2           (7) Texas Board of Professional Geoscientists;
- 3           (8) [~~Department of State~~] Health and Human Services
- 4 Commission, except as provided by Section 411.110, and agencies
- 5 attached to the commission [~~department~~], including:
- 6                   (A) Texas State Board of Examiners of Marriage
- 7 and Family Therapists;
- 8                   (B) Texas State Board of Examiners of
- 9 Professional Counselors; and
- 10                   (C) Texas State Board of Social Worker Examiners;
- 11           (9) [~~Texas Board of Professional Land Surveying,~~
- 12 [~~10~~] Texas Department of Licensing and Regulation,
- 13 except as provided by Section 411.093;
- 14           (10) [~~11~~] Texas Commission on Environmental
- 15 Quality;
- 16           (11) [~~12~~] Texas Board of Occupational Therapy
- 17 Examiners;
- 18           (12) [~~13~~] Texas Optometry Board;
- 19           (13) [~~14~~] Texas State Board of Pharmacy;
- 20           (14) [~~15~~] Texas Board of Physical Therapy
- 21 Examiners;
- 22           (15) [~~16~~] Texas State Board of Plumbing Examiners;
- 23           (16) [~~17~~] ~~Texas State Board of Podiatric Medical~~
- 24 ~~Examiners,~~
- 25           [~~18~~] Texas State Board of Examiners of
- 26 Psychologists;
- 27           (17) [~~19~~] Texas Real Estate Commission;

- 1           (18) [~~(20)~~] Texas Department of Transportation;  
2           (19) [~~(21)~~] State Board of Veterinary Medical  
3 Examiners;  
4           (20) [~~(22)~~] Texas Department of Housing and Community  
5 Affairs;  
6           (21) [~~(23)~~] secretary of state;  
7           (22) [~~(24)~~] state fire marshal;  
8           (23) [~~(25)~~] Texas Education Agency;  
9           (24) [~~(26)~~] Department of Agriculture; and  
10          (25) [~~(27)~~] Texas Department of Motor Vehicles.

11           SECTION 2.03. Section 469.104, Government Code, is amended  
12 to read as follows:

13           Sec. 469.104. FAILURE TO SUBMIT PLANS AND SPECIFICATIONS.  
14 The commission shall report to the Texas Board of Architectural  
15 Examiners, the Texas Board of Professional Engineers and Land  
16 Surveyors, or another appropriate licensing authority the failure  
17 of any architect, interior designer, landscape architect, or  
18 engineer to submit or resubmit in a timely manner plans and  
19 specifications to the department as required by this subchapter.

20           SECTION 2.04. Section 472.001, Government Code, is amended  
21 to read as follows:

22           Sec. 472.001. APPLICABILITY OF CHAPTER. This chapter  
23 applies to:

- 24           (1) the Texas State Board of Public Accountancy;  
25           (2) the Texas Board of Professional Engineers and Land  
26 Surveyors; and  
27           (3) the Texas Board of Architectural Examiners.

1 SECTION 2.05. Section 472.102(c), Government Code, is  
2 amended to read as follows:

3 (c) The Texas State Board of Public Accountancy shall  
4 annually remit \$703,344 to the general revenue fund, the Texas  
5 Board of Professional Engineers and Land Surveyors shall annually  
6 remit \$373,900 to the general revenue fund, and the Texas Board of  
7 Architectural Examiners shall annually remit \$510,000 to the  
8 general revenue fund.

9 SECTION 2.06. Section 2054.352(a), Government Code, is  
10 amended to read as follows:

11 (a) The following licensing entities shall participate in  
12 the system established under Section 2054.353:

- 13 (1) Texas Board of Chiropractic Examiners;
- 14 (2) Judicial Branch Certification Commission;
- 15 (3) State Board of Dental Examiners;
- 16 (4) Texas Funeral Service Commission;
- 17 (5) ~~[Texas Board of Professional Land Surveying,~~
- 18 ~~[(6)]~~ Texas Medical Board;
- 19 (6) ~~[(7)]~~ Texas Board of Nursing;
- 20 (7) ~~[(8)]~~ Texas Optometry Board;
- 21 (8) ~~[(9)]~~ Department of Agriculture, for licenses  
22 issued under Chapter 1951, Occupations Code;
- 23 (9) ~~[(10)]~~ Texas State Board of Pharmacy;
- 24 (10) ~~[(11)]~~ Executive Council of Physical Therapy and  
25 Occupational Therapy Examiners;
- 26 (11) ~~[(12)]~~ Texas State Board of Plumbing Examiners;
- 27 (12) ~~[(13)]~~ ~~Texas State Board of Podiatric Medical~~



- 1 ~~Examiners;~~  
2                    [~~(14)~~] Texas State Board of Examiners of  
3 Psychologists;  
4                    (13) [~~(15)~~] State Board of Veterinary Medical  
5 Examiners;  
6                    (14) [~~(16)~~] Texas Real Estate Commission;  
7                    (15) [~~(17)~~] Texas Appraiser Licensing and  
8 Certification Board;  
9                    (16) [~~(18)~~] Texas Department of Licensing and  
10 Regulation;  
11                    (17) [~~(19)~~] Texas State Board of Public Accountancy;  
12                    (18) [~~(20)~~] State Board for Educator Certification;  
13                    (19) [~~(21)~~] Texas Board of Professional Engineers and  
14 Land Surveyors;  
15                    (20) [~~(22)~~ ~~Department of State~~] Health and Human  
16 Services Commission;  
17                    (21) [~~(23)~~] Texas Board of Architectural Examiners;  
18                    (22) [~~(24)~~] Texas Racing Commission;  
19                    (23) [~~(25)~~] Texas Commission on Law Enforcement; and  
20                    (24) [~~(26)~~] Texas Private Security Board.

21            SECTION 2.07. Section 2166.202(b), Government Code, is  
22 amended to read as follows:

23            (b) The commission, in consultation with the Texas Board of  
24 Architectural Examiners and the Texas Board of Professional  
25 Engineers and Land Surveyors, shall adopt by rule criteria to  
26 evaluate the competence and qualifications of a prospective private  
27 design professional.

1 SECTION 2.08. Section 361.901(6), Health and Safety Code,  
2 is amended to read as follows:

3 (6) "Licensed professional engineer" means a person  
4 licensed as an engineer by the Texas Board of Professional  
5 Engineers and Land Surveyors.

6 SECTION 2.09. Section 366.071(c), Health and Safety Code,  
7 is amended to read as follows:

8 (c) A person who conducts preconstruction site evaluations,  
9 including visiting a site and performing a soil analysis, a site  
10 survey, or other activities necessary to determine the suitability  
11 of a site for an on-site sewage disposal system must hold a license  
12 issued by the commission under Chapter 37, Water Code, unless the  
13 person is licensed by the Texas Board of Professional Engineers and  
14 Land Surveyors as an engineer.

15 SECTION 2.10. Sections 2210.2515(c) and (d), Insurance  
16 Code, are amended to read as follows:

17 (c) A person may apply to the association on a form  
18 prescribed by the department for a certificate of compliance for a  
19 completed improvement. The association shall issue a certificate  
20 of compliance for a completed improvement if a professional  
21 engineer licensed by the Texas Board of Professional Engineers and  
22 Land Surveyors:

23 (1) has designed the improvement, has affixed the  
24 engineer's seal on the design, and submits to the association on a  
25 form prescribed by the department an affirmation of compliance with  
26 the applicable building code under the plan of operation; or

27 (2) completes a sealed post-construction evaluation

1 report that confirms compliance with the applicable building code  
2 under the plan of operation.

3 (d) A person may apply to the department on a form  
4 prescribed by the department for a certificate of compliance for an  
5 ongoing improvement. Except as provided by Subsection (e), the  
6 department shall issue a certificate of compliance for an ongoing  
7 improvement if a qualified inspector under Section 2210.254  
8 inspects the ongoing improvement in accordance with commissioner  
9 rule and affirms that the improvement:

10 (1) conforms to a design of the improvement that has a  
11 seal affixed by a professional engineer licensed by the Texas Board  
12 of Professional Engineers and Land Surveyors and complies with the  
13 applicable building code under the plan of operation; or

14 (2) complies with the applicable building code under  
15 the plan of operation.

16 SECTION 2.11. Section 89.023(a), Natural Resources Code, is  
17 amended to read as follows:

18 (a) The commission may grant an extension of the deadline  
19 for plugging an inactive well if the operator maintains a current  
20 organization report with the commission as required by Section  
21 91.142 and if, on or before the date of renewal of the operator's  
22 organization report as required by that section, the operator files  
23 with the commission an application for an extension that includes:

24 (1) an affirmation that complies with Section 89.029;

25 (2) a statement that the operator has, and on request  
26 will provide, evidence of a good faith claim to a continuing right  
27 to operate the well; and

1           (3) at least one of the following:

2                   (A) documentation that since the preceding date  
3 that the operator's organization report was required to be renewed  
4 the operator has plugged, or restored to active operation as  
5 defined by commission rule, a number of inactive wells equal to or  
6 greater than 10 percent of the number of inactive wells operated by  
7 the operator on that date;

8                   (B) an abeyance of plugging report on a form  
9 approved by the commission that:

10                   (i) is in the form of a certification signed  
11 by a person licensed by the Texas Board of Professional Engineers  
12 and Land Surveyors as an engineer or by the Texas Board of  
13 Professional Geoscientists;

14                   (ii) includes:

15                           (a) an affirmation by the licensed  
16 person that the well has:

17                                   (1) a reasonable expectation of  
18 economic value in excess of the cost of plugging the well for the  
19 duration of the period covered by the report, based on the cost  
20 calculation for plugging an inactive well; and

21                                   (2) a reasonable expectation of  
22 being restored to a beneficial use that will prevent waste of oil or  
23 gas resources that otherwise would not be produced if the well were  
24 plugged; and

25                           (b) appropriate documentation  
26 demonstrating the basis for the affirmation of the well's future  
27 utility; and

1                   (iii) specifies the field and the covered  
2 wells within that field in a format prescribed by the commission;  
3                   (C) a statement that the well is part of an  
4 enhanced oil recovery project;  
5                   (D) if the operator of the well is not currently  
6 otherwise required by commission rule or order to conduct a fluid  
7 level or hydraulic pressure test of the well, documentation of the  
8 results of a successful fluid level or hydraulic pressure test of  
9 the well conducted in accordance with the commission's rules in  
10 effect at the time the test is conducted;  
11                   (E) a supplemental bond, letter of credit, or  
12 cash deposit sufficient for each well specified in the application  
13 that:  
14                   (i) complies with the requirements of  
15 Chapter 91; and  
16                   (ii) is of an amount at least equal to the  
17 cost calculation for plugging an inactive well for each well  
18 specified in the application;  
19                   (F) documentation of the deposit with the  
20 commission each time the operator files an application of an amount  
21 of escrow funds as prescribed by commission rule that equal at least  
22 10 percent of the total cost calculation for plugging an inactive  
23 well for each well specified in the application; or  
24                   (G) if the operator is a publicly traded entity:  
25                   (i) the following documents:  
26                   (a) a copy of the operator's federal  
27 documents filed to comply with Financial Accounting Standards Board

1 Statement No. 143, Accounting for Asset Retirement Obligations;  
2 and

3 (b) an original, executed Uniform  
4 Commercial Code Form 1 Financing Statement, filed with the  
5 secretary of state, that:

6 (1) names the operator as the  
7 "debtor" and the Railroad Commission of Texas as the "secured  
8 creditor"; and

9 (2) specifies the funds covered  
10 by the documents described by Sub-subparagraph (a) in the amount of  
11 the cost calculation for plugging an inactive well for each well  
12 specified in the application; or

13 (ii) a blanket bond in the amount of the  
14 lesser of:

15 (a) the cost calculation for plugging  
16 any inactive wells; or

17 (b) \$2 million.

18 SECTION 2.12. Section 1002.004(j), Occupations Code, is  
19 amended to read as follows:

20 (j) The board and the Texas Board of Professional Engineers  
21 and Land Surveyors by rule, memorandum of understanding, or other  
22 appropriate procedure or document shall jointly resolve any  
23 conflict between this chapter or a rule adopted under this chapter  
24 and Chapter 1001 or a rule adopted under that chapter.

25 SECTION 2.13. Sections 1051.607(b), (g), and (h),  
26 Occupations Code, are amended to read as follows:

27 (b) An engineer may not engage or offer to engage in the

1 practice of architecture unless:

2 (1) the engineer is listed under Subsection (a); and

3 (2) the engineer is in good standing with the Texas  
4 Board of Professional Engineers and Land Surveyors.

5 (g) The board and the Texas Board of Professional Engineers  
6 and Land Surveyors shall pay equally the costs of a contested case.

7 (h) The Texas Board of Professional Engineers and Land  
8 Surveyors has exclusive regulatory oversight over an engineer  
9 listed under Subsection (a).

10 SECTION 2.14. Section 223.151, Transportation Code, is  
11 amended to read as follows:

12 Sec. 223.151. APPLICABILITY. This subchapter:

13 (1) applies to services of a technical expert,  
14 including an archeologist, biologist, geologist, or historian, to  
15 conduct an environmental or cultural assessment required by state  
16 or federal law for a transportation project under the authority or  
17 jurisdiction of the department; and

18 (2) does not apply to services defined as engineering  
19 by the Texas Board of Professional Engineers and Land Surveyors  
20 under Chapter 1001, Occupations Code.

21 SECTION 2.15. Section 26.3573(u), Water Code, is amended to  
22 read as follows:

23 (u) The petroleum storage tank remediation account may not  
24 be used to pay for a site remediation that involves the installation  
25 or construction of on-site equipment, structures, or systems used  
26 in the extraction or management of wastes, except for soil  
27 excavation and landfill disposal or well sampling and monitoring,

1 unless:

2 (1) the plans and specifications for the equipment,  
3 structures, or systems are sealed by an engineer licensed by the  
4 Texas Board of Professional Engineers and Land Surveyors; and

5 (2) the equipment, structures, or systems are  
6 constructed under the supervision of an engineer licensed by the  
7 Texas Board of Professional Engineers and Land Surveyors.

8 SECTION 2.16. Sections 26.364(b), (c), and (e), Water Code,  
9 are amended to read as follows:

10 (b) The commission, on the request of an engineer licensed  
11 by the Texas Board of Professional Engineers and Land Surveyors,  
12 shall register the engineer in the program.

13 (c) An engineer registered in the program may contract to  
14 perform corrective action under this subchapter unless the Texas  
15 Board of Professional Engineers and Land Surveyors determines the  
16 engineer is not qualified to perform a corrective action.

17 (e) The commission may not adopt minimum qualifications for  
18 an engineer licensed by the Texas Board of Professional Engineers  
19 and Land Surveyors to contract with an eligible owner or operator to  
20 perform a corrective action under this subchapter.

21 SECTION 2.17. Sections 26.366(b), (c), and (e), Water Code,  
22 are amended to read as follows:

23 (b) The commission, on the request of an engineer licensed  
24 by the Texas Board of Professional Engineers and Land Surveyors,  
25 shall license the engineer in the program.

26 (c) An engineer licensed in the program may supervise a  
27 corrective action under this subchapter unless the Texas Board of



1 Professional Engineers and Land Surveyors determines the engineer  
2 is not qualified to supervise a corrective action.

3 (e) The commission may not adopt minimum qualifications for  
4 an engineer licensed by the Texas Board of Professional Engineers  
5 and Land Surveyors to supervise a corrective action under this  
6 subchapter.

7 ARTICLE 3. TRANSITIONS AND EFFECTIVE DATE

8 SECTION 3.01. (a) The Texas Board of Professional Land  
9 Surveying is abolished but continues in existence until September  
10 1, 2020, for the sole purpose of transferring obligations,  
11 property, rights, powers, and duties to the Texas Board of  
12 Professional Engineers and Land Surveyors as created by this Act.  
13 The Texas Board of Professional Engineers and Land Surveyors  
14 assumes all of the obligations, property, rights, powers, and  
15 duties of the Texas Board of Professional Land Surveying as they  
16 exist immediately before the effective date of this Act. All  
17 unexpended funds appropriated to the Texas Board of Professional  
18 Land Surveying are transferred to the Texas Board of Professional  
19 Engineers and Land Surveyors.

20 (b) The Texas Board of Professional Engineers and Land  
21 Surveyors and the Texas Board of Professional Land Surveying shall,  
22 in consultation with appropriate state entities, ensure that the  
23 transfer of the obligations, property, rights, powers, and duties  
24 of the Texas Board of Professional Land Surveying to the Texas Board  
25 of Professional Engineers and Land Surveyors is completed not later  
26 than September 1, 2020.

27 (c) All rules of the Texas Board of Professional Land

1 Surveying are continued in effect as rules of the Texas Board of  
2 Professional Engineers and Land Surveyors until superseded by a  
3 rule of the Texas Board of Professional Engineers and Land  
4 Surveyors. A certificate, license, registration, or other  
5 authorization issued by the Texas Board of Professional Land  
6 Surveying is continued in effect as provided by the law in effect  
7 immediately before the effective date of this Act. An application  
8 for a certificate, license, registration, or other authorization  
9 pending on the effective date of this Act is continued without  
10 change in status after the effective date of this Act. A complaint,  
11 investigation, contested case, or other proceeding pending on the  
12 effective date of this Act is continued without change in status  
13 after the effective date of this Act.

14 SECTION 3.02. The change in law made by this Act to Section  
15 1001.101, Occupations Code, does not affect the entitlement of a  
16 member serving on the Texas Board of Professional Engineers  
17 immediately before the effective date of this Act to continue to  
18 serve for the remainder of the member's term. As the terms of board  
19 members expire, the governor shall appoint or reappoint members to  
20 the Texas Board of Professional Engineers and Land Surveyors who  
21 have the qualifications required for members under Sections  
22 1001.101 and 1001.102, Occupations Code, as amended by this Act.

23 SECTION 3.03. (a) Except as provided by Subsection (b) of  
24 this section, Section 1001.112, Occupations Code, as amended by  
25 this Act, applies to a member of the Texas Board of Professional  
26 Engineers and Land Surveyors appointed before, on, or after the  
27 effective date of this Act.

1           (b) A member of a board who, before the effective date of  
2 this Act, completed the training program required by Section  
3 1001.112, Occupations Code, as that section existed before the  
4 effective date of this Act, is required to complete additional  
5 training only on the subjects added by this Act to the training  
6 program. A board member described by this subsection may not vote,  
7 deliberate, or be counted as a member in attendance at a meeting of  
8 the board held on or after September 1, 2020, until the member  
9 completes the additional training.

10           SECTION 3.04. Sections 1001.272 and 1001.277, Occupations  
11 Code, as transferred, redesignated, and amended by this Act, with  
12 respect to an application for a license or registration or renewal  
13 of a license or registration for a registered professional land  
14 surveyor or licensed state land surveyor, apply only to an  
15 application filed with the Texas Board of Professional Engineers  
16 and Land Surveyors on or after September 1, 2020. An application  
17 filed before September 1, 2020, is governed by the law in effect  
18 immediately before the effective date of this Act, and the former  
19 law is continued in effect for that purpose.

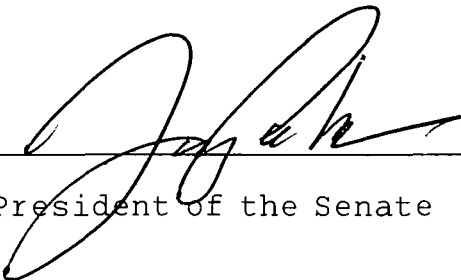
20           SECTION 3.05. Section 1071.254(a), Occupations Code, as  
21 amended by this Act, applies only to an application for  
22 registration as a registered professional land surveyor that is  
23 filed on or after the effective date of this Act. An application  
24 for a registration that was filed before the effective date of this  
25 Act is governed by the law in effect on the date the application was  
26 filed, and the former law is continued in effect for that purpose.

27           SECTION 3.06. To the extent of any conflict, this Act

H.B. No. 1523

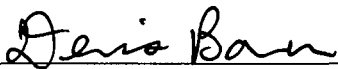
1 prevails over another Act of the 86th Legislature, Regular Session,  
2 2019, relating to nonsubstantive additions to and corrections in  
3 enacted codes.

4 SECTION 3.07. This Act takes effect September 1, 2019.



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President of the Senate



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Speaker of the House

I certify that H.B. No. 1523 was passed by the House on April 10, 2019, by the following vote: Yeas 143, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 1523 on May 23, 2019, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1523 on May 26, 2019, by the following vote: Yeas 144, Nays 1, 1 present, not voting.

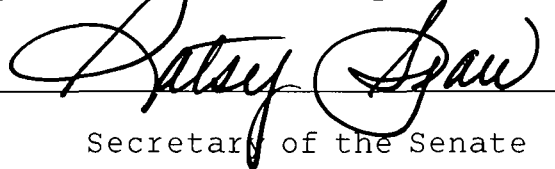


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Chief Clerk of the House

H.B. No. 1523

I certify that H.B. No. 1523 was passed by the Senate, with amendments, on May 20, 2019, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1523 on May 26, 2019, by the following vote: Yeas 31, Nays 0.

  
Secretary of the Senate

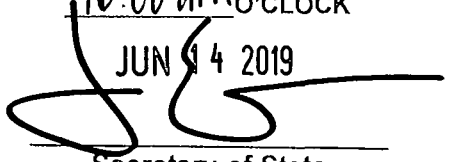
APPROVED: 6-12-2019

Date

  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
10:00 AM O'CLOCK

JUN 14 2019

  
Secretary of State