

WATER CODE

TITLE 2. WATER ADMINISTRATION

SUBTITLE F. OCCUPATIONAL LICENSING AND REGISTRATION

CHAPTER 37. OCCUPATIONAL LICENSING AND REGISTRATION

Sec. 37.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Natural Resource Conservation Commission.

(2) "License" means an occupational license or class of license issued by the commission to an individual.

(3) "Registration" means an occupational registration issued by the commission to a person.

Added by Acts 2001, 77th Leg., ch. 880, Sec. 1, eff. Sept. 1, 2001.

Sec. 37.002. RULES. The commission shall adopt any rules necessary to:

(1) establish occupational licenses and registrations prescribed by Sections 26.0301, 26.3573, 26.452, and 26.456 of this code, Sections 341.033, 341.034, 361.027, and 366.071, Health and Safety Code, and Section 1903.251, Occupations Code;

(2) establish classes and terms of occupational licenses and registrations; and

(3) administer the provisions of this chapter and other laws governing occupational licenses and registrations under the commission's jurisdiction.

Added by Acts 2001, 77th Leg., ch. 880, Sec. 1, eff. Sept. 1, 2001.

Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.848, eff. Sept. 1, 2003.

Sec. 37.003. LICENSE OR REGISTRATION REQUIRED. A person may not engage in a business, occupation, or profession described by Section 26.0301, 26.3573, 26.452, or 26.456 of this code, Section 341.033, 341.034, 361.027, 366.014, or 366.071, Health and Safety Code, or Section 1903.251, Occupations Code, unless the person holds the appropriate license or registration issued by the commission.

Added by Acts 2001, 77th Leg., ch. 880, Sec. 1, eff. Sept. 1, 2001.

Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.848, eff. Sept. 1, 2003.

Sec. 37.004. QUALIFICATIONS. The commission may establish qualifications for each license and registration issued under this chapter.

Added by Acts 2001, 77th Leg., ch. 880, Sec. 1, eff. Sept. 1, 2001.

Sec. 37.005. ISSUANCE AND DENIAL OF LICENSES AND REGISTRATIONS. (a) The commission shall establish requirements and uniform procedures for issuing licenses and registrations under this chapter.

(b) The commission may waive any prerequisite to obtaining a license or registration for an applicant after reviewing the applicant's credentials and determining that the applicant holds a license or registration issued by another state that has requirements substantially equivalent to those of this state.

(c) After notice and hearing, the commission may deny an application for a license or registration by an applicant who:

(1) has a record in the preceding five years of continuing violations of statutes or rules adopted under those statutes;

(2) has engaged in fraud or deceit in obtaining or applying for a license or registration;

(3) has demonstrated gross negligence, incompetence, or misconduct in the performance of activities authorized by a license or registration;

(4) made an intentional misstatement or misrepresentation of fact in information required to be maintained or submitted to the commission by the license or registration holder;

(5) failed to keep and transmit records as required by a statute within the commission's jurisdiction or a rule adopted under such a statute; or

(6) at the time the application is submitted, is indebted to the state for a fee, penalty, or tax imposed by a statute within the commission's jurisdiction or a rule adopted

under such a statute.

Added by Acts 2001, 77th Leg., ch. 880, Sec. 1, eff. Sept. 1, 2001.

Sec. 37.006. RENEWAL OF LICENSE OR REGISTRATION. (a) The commission shall establish requirements and uniform procedures for renewing licenses and registrations.

(b) The commission by rule may adopt a system under which licenses or registrations expire on various dates during the year. For the year in which the license or registration expiration date is changed, the commission shall prorate fees on a monthly basis so that each license or registration holder pays only that portion of the fee that is allocable to the number of months during which the license or registration is valid. On renewal of the license or registration on the new expiration date, the total renewal fee is payable.

(c) Not later than the 60th day before the date a person's license or registration is scheduled to expire, the commission shall send written notice of the impending expiration to the person at the person's last known address according to the records of the commission.

(d) A person may renew an unexpired license or registration by submitting an application accompanied by the required renewal fee.

(e) A person whose license or registration has expired may not engage in activities that require a license or registration until the license or registration is renewed.

(f) A person whose license or registration has been expired for 30 days or less may apply for renewal of the license or registration by paying to the commission a renewal fee in an amount prescribed by commission rule not to exceed 1-1/2 times the normally required renewal fee.

(g) A person whose license or registration has been expired for more than 30 days may not renew the license or registration. The person may obtain a new license or registration by complying with the requirements and procedures, including the examination requirements, for obtaining an original license or registration.

Added by Acts 2001, 77th Leg., ch. 880, Sec. 1, eff. Sept. 1, 2001.

Sec. 37.007. LICENSING EXAMINATIONS. (a) The commission shall prescribe the content of licensing examinations. Examinations shall be based on laws, rules, job duties, and standards relating to licenses issued by the commission.

(b) The commission shall determine the location and frequency of examinations.

(c) Not later than the 45th day after the date a person takes a licensing examination under this chapter, the commission shall notify the person of the results of the examination.

(d) If requested in writing by a person who fails a licensing examination administered under this chapter, the commission, within a reasonable time, shall provide the person with an analysis of the person's performance on the examination. The commission shall ensure that an examination analysis does not compromise the fair and impartial administration of future examinations.

(e) The commission shall ensure that an otherwise qualified person with a physical, mental, or developmental disability is provided with a reasonable opportunity to take a licensing examination.

Added by Acts 2001, 77th Leg., ch. 880, Sec. 1, eff. Sept. 1, 2001.

Sec. 37.008. TRAINING; CONTINUING EDUCATION. (a) The commission shall approve training programs necessary to qualify for or renew a license.

(b) The commission shall establish and make available to the public uniform procedures for approving training to qualify for or renew a license.

(c) The commission may recognize, prepare, or administer continuing education programs for license holders, including continuing education programs made available through the Internet.

(d) The commission by rule shall provide a method for a person who holds a license prescribed by Section 26.0301 of this code or Section 341.033 or 341.034, Health and Safety Code, to certify at the time the license is renewed that the license holder has complied with the commission's continuing education

requirements.

Added by Acts 2001, 77th Leg., ch. 880, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 149 (H.B. 965), Sec. 1, eff. September 1, 2011.

Sec. 37.009. FEES. (a) The commission shall establish and collect fees to cover the cost of administering and enforcing this chapter and licenses and registrations issued under this chapter.

(b) Fees paid to the commission under this chapter shall be deposited in the state treasury to the credit of the commission occupational licensing account.

Added by Acts 2001, 77th Leg., ch. 880, Sec. 1, eff. Sept. 1, 2001.

Sec. 37.010. ADVERTISING. (a) The commission may not adopt rules restricting advertising or competitive bidding by a license or registration holder except to prohibit false, misleading, or deceptive practices.

(b) In its rules to prohibit false, misleading, or deceptive practices, the commission may not include a rule that restricts:

- (1) the use of any medium for advertising;
- (2) the use of a license or registration holder's personal appearance or voice in an advertisement;
- (3) the use or duration of an advertisement by the license or registration holder; or
- (4) the license or registration holder's advertisement under a trade name.

Added by Acts 2001, 77th Leg., ch. 880, Sec. 1, eff. Sept. 1, 2001.

Sec. 37.011. COMPLAINTS. The commission shall prepare and make available to the public information describing the procedures by which a person may submit licensing and registration complaints to the commission.

Added by Acts 2001, 77th Leg., ch. 880, Sec. 1, eff. Sept. 1, 2001.

Sec. 37.012. COMPLIANCE INFORMATION. In administering this chapter, the commission may require a person to provide information

about other occupational licenses and registrations held by the person, including:

(1) the state in which the license or registration was issued;

(2) the current status of the license or registration; and

(3) whether the license or registration was ever denied, suspended, revoked, surrendered, or withdrawn.

Added by Acts 2001, 77th Leg., ch. 880, Sec. 1, eff. Sept. 1, 2001.

Sec. 37.013. PRACTICE OF OCCUPATION. A license or registration holder must engage in the business, occupation, or profession governed by the license or registration according to applicable laws and commission rules and orders.

Added by Acts 2001, 77th Leg., ch. 880, Sec. 1, eff. Sept. 1, 2001.

Sec. 37.014. ROSTER OF LICENSE HOLDERS AND REGISTRANTS. The commission shall maintain and make available to the public an official roster of persons who hold licenses and registrations issued under this chapter.

Added by Acts 2001, 77th Leg., ch. 880, Sec. 1, eff. Sept. 1, 2001.

Sec. 37.015. POWER TO CONTRACT. The commission may contract with persons to provide services required by this chapter. The commission may authorize contractors to collect reasonable fees for the services provided.

Added by Acts 2001, 77th Leg., ch. 880, Sec. 1, eff. Sept. 1, 2001.