

TEXAS DEPARTMENT OF LICENSING AND REGULATION

Issue 1

The State Has a Continuing Need for TDLR, but the Effectiveness of Its Advisory Boards Could Be Improved.

Change in Statute

Rec. 1.1, Adopted as Modified

Continue TDLR for 12 years and remove the statutory provision requiring TDLR programs transferred to the agency on or after September 1, 2016, to undergo a limited scope Sunset review in 2022–2023. Instead, these programs would undergo review during TDLR’s next Sunset review in 2033.

Rec. 1.2, Adopted

Remove advisory board meeting requirements from statute and authorize TDLR to call meetings as needed.

Rec. 1.3, Adopted

Authorize TDLR to create interdisciplinary advisory boards to coordinate the expertise and input for similar industries.

Rec. 1.4, Adopted

Update the standard across-the-board requirements regarding board member training and complaints.

Issue 2

Fifteen Occupational Licenses Are Not Necessary to Protect the Public.

Change in Statute

Rec. 2.1, Adopted

Eliminate the Polygraph Examiners Program.

Rec. 2.2, Adopted

Eliminate the Auctioneers Program.

Rec. 2.3, Not Adopted

Eliminate the Licensed Breeders Program.

Rec. 2.4, Not Adopted

Eliminate the Professional Employer Organizations Program.

Rec. 2.5, Not Adopted

Eliminate the Weather Modification Program.

Rec. 2.6, Not Adopted

Eliminate the Responsible Pet Owner Program.

Rec. 2.7, Not Adopted

Eliminate the journeyman lineman license.

Rec. 2.8, Not Adopted

Eliminate the journeyman industrial electrician license.

Rec. 2.9, Adopted

Eliminate the combative sports matchmaker license.

Rec. 2.10, Adopted

Eliminate the combative sports event coordinator license.

Rec. 2.11, Adopted

Eliminate the combative sports second license.

Issue 3

Regulating Barbering and Cosmetology Separately Is Inefficient, Unfair, and Unnecessary to Protect the Public.

Change in Statute

Rec. 3.1, Adopted

Consolidate Texas' regulation of barbers and cosmetologists, and administer the two programs as one.

Rec. 3.2, Adopted

Eliminate barbering and cosmetology instructor licenses.

Rec. 3.3, Adopted

Eliminate all wig-related licenses.

Rec. 3.4, Adopted

Eliminate state regulation of barber poles.

Issue 4

TDLR's Driver Training Programs Need Fundamental Reform to Eliminate Unnecessary, Burdensome, and Unfair Regulations.

Driver Improvement

Change in Statute

Rec. 4.1, Adopted

Eliminate the separate drug and alcohol driving awareness course and associated licenses.

Rec. 4.2, Adopted

Eliminate the separate specialized driving safety course and associated licenses.

Rec. 4.3, Adopted

Eliminate the separate driving safety course for drivers under 25 years old.

Rec. 4.4, Adopted

Eliminate the redundant driving safety school license.

Rec. 4.5, Adopted

Eliminate the driving safety instructor license.

Rec. 4.6, Not Adopted

Eliminate the minimum fees driving safety course providers must charge consumers.

Driver Education and Parent-Taught Driver Education

Change in Statute

Rec. 4.7, Adopted as Modified

Modify the original staff recommendation to modernize the licensing of driver education businesses by clearly establishing a separate license for parent-taught driver education (PTDE) providers. The new structure would be as follows:

- **In-person provider:** a business, other than a PTDE provider, offering driver education courses in person, in-car instruction, observation hours, and/or driver license exams
- **Online provider:** a business, other than a PTDE provider, offering driver education courses remotely through the internet rather than at an on-site location where the student is physically present

- **PTDE provider:** a business offering driver education courses that parents or designees use to teach their student

Statute would authorize PTDE providers to offer correspondence and/or online courses and would define the unique requirements for these providers. Specifically, statute would clearly require PTDE providers to adhere to minimum course curriculum standards established by TDLR. Statute would exempt PTDE providers from requirements to have an instructor but would specify that if the provider chooses to offer an instructor, that individual must be licensed. Statute would also require PTDE providers who offer online courses to include measures to validate a student's active participation in the course but would exempt them from requirements to include mechanisms to validate a student's identity and other requirements applicable to online providers.

Rec. 4.8, Adopted

Eliminate pre-license and continuing education requirements for driver education instructors.

Rec. 4.9, Adopted

Require a memorandum of understanding to facilitate better coordination between TDLR and DPS.

Management Action

Rec. 4.10, Adopted

Direct TDLR to remove from rule certain driver education school inspection requirements.

Driver Improvement and Driver Education

Change in Statute

Rec. 4.11, Adopted

Eliminate prescriptive curriculum hours and authorize TDLR to set minimum hours in rule.

Rec. 4.12, Adopted

Eliminate costly course approval fees and streamline TDLR's process for approving driver training curricula.

Rec. 4.13, Adopted

Modify the membership of the Driver Training and Traffic Safety Advisory Committee to conform to the new licensing structure.

Management Action

Rec. 4.14, Adopted

Direct TDLR to list on its website only licensed instructors and providers, not the specific courses they offer.

Issue 5

The Texas Department of Motor Vehicles Could Regulate Used Automotive Parts Recyclers More Effectively Than TDLR.

Change in Statute

Rec. 5.1, Not Adopted

Transfer the regulation of UAPRs from TDLR to TxDMV, and consolidate the UAPR and salvage dealer licenses into a single license.

Issue 6

TDLR Lacks a Data-Driven, Risk-Based Strategy to Guide Key Regulatory Functions and Maximize Efficiency.

Change in Statute

Rec. 6.1, Adopted

Require TDLR to establish a risk-based approach to inspections.

Rec. 6.2, Adopted

Require TDLR to prioritize complaints based on the risk they pose to the public.

Management Action

Rec. 6.3, Adopted

Direct TDLR to develop a comprehensive, data-driven strategy for assessing program risks and setting regulatory priorities.

Issue 7

Key Elements of TDLR's Statute and Rules Do Not Conform to Common Regulatory Standards.

Change in Statute

Rec. 7.1, Adopted

Remove subjective licensure provisions from TDLR's statute.

Rec. 7.2, Adopted

Authorize TDLR to require disclosure of additional financial and controlling information of applicants for certain business licenses.

Rec. 7.3, Adopted

Clarify TDLR's general authority to adopt rules requiring continuing education, as necessary.

Rec. 7.4, Adopted

Authorize TDLR to deny license renewal applications for noncompliant applicants.

Rec. 7.5, Adopted

Provide TDLR general authority to order refunds.

Rec. 7.6, Adopted

Require TDLR to collect, maintain, and make publicly available detailed statistical information on complaints regarding its licensees.

Rec. 7.7, Adopted

Authorize the Texas Commission of Licensing and Regulation to dismiss low-level complaints and to delegate this authority to agency staff.

Management Action

Rec. 7.8, Adopted

Direct the agency to maintain complainants' confidentiality when possible.

Adopted New Recommendation

Virtual Advisory Board Meetings

Authorize TDLR's advisory boards to continue holding fully telephonic or videoconference meetings.