

GOVERNMENT CODE

TITLE 2. JUDICIAL BRANCH

Text of subtitle as added by Acts 2013, 83rd Leg., R.S., Ch. 42

(S.B. [966](#)), Sec. 1.01

SUBTITLE K. COURT PROFESSIONS REGULATION

CHAPTER 152. JUDICIAL BRANCH CERTIFICATION COMMISSION

SUBCHAPTER A. GENERAL PROVISIONS

Text of section effective on September 01, 2014

Sec. 152.001. SUNSET PROVISION. The Judicial Branch Certification Commission is subject to Chapter 325 (Texas Sunset Act), but is not abolished under that chapter. The commission shall be reviewed during the period in which state agencies abolished in 2019 and every 12th year after 2019 are reviewed.

Added by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. [966](#)), Sec. 1.01, eff. September 1, 2014.

SUBCHAPTER B. COMMISSION

Text of section effective on September 01, 2014

Sec. 152.051. ESTABLISHMENT OF COMMISSION. The Judicial Branch Certification Commission is established to oversee the regulatory programs assigned to it by state law or by the supreme court.

Added by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. [966](#)), Sec. 1.01, eff. September 1, 2014.

Text of section effective on September 01, 2014

Sec. 152.052. APPOINTMENT OF COMMISSION. (a) The commission consists of nine members appointed by the supreme court as follows:

(1) five judges, at least three of whom must be active judges who preside over a court that employs an official court reporter; and

(2) four public members.

(b) Subject to Subsection (d), public members of the commission are appointed as follows:

(1) one member selected by the supreme court from a list of nominees submitted by the Court Reporters Certification Advisory Board established under Section 154.051 to represent that advisory board;

(2) one member selected by the supreme court from a list of nominees submitted by the Guardianship Certification Advisory Board established under Section 155.051 to represent that advisory board;

(3) one member selected by the supreme court from a list of nominees submitted by the Process Server Certification Advisory Board established under Section 156.051 to represent that advisory board; and

(4) one member selected by the supreme court from a list of nominees submitted by the licensed court interpreter advisory board established under Section 157.051 to represent that advisory board.

(c) In making an appointment under Subsection (b), the supreme court may reject one or more of the nominees included on a list submitted by an advisory board and request a new list of nominees that does not include any nominees in the previous list.

(d) The supreme court may appoint to the commission a public member selected by the supreme court if:

(1) an advisory board fails to provide the list of nominees in the time required by the supreme court; or

(2) a selected nominee does not otherwise meet the qualifications required by this chapter.

(e) Appointments to the commission shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.

(f) A member appointed to the commission must be knowledgeable about the professions certified by the commission.

Added by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. [966](#)), Sec. 1.01, eff. September 1, 2014.

Sec. 152.053. CONFLICT PROVISIONS. (a) In this section, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(b) A person is not eligible for appointment as a member of the commission if the person or the person's spouse:

(1) is employed by or participates in the management of a business entity or other organization receiving funds from the commission;

(2) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization receiving funds from the commission; or

(3) uses or receives a substantial amount of tangible goods, services, or funds from the commission, other than compensation or reimbursement authorized by law for commission membership, attendance, or expenses.

(c) A person may not serve as a member of the commission or act as the general counsel to the commission if the person is required to register as a lobbyist under Chapter 305 because of the person's activities for compensation on behalf of a profession related to the operation of the commission.

(d) A person may not be a member of the commission and may not be a commission employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the legal profession; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the legal profession.

Added by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. [966](#)), Sec. 1.01, eff. September 1, 2014.

Sec. 152.054. TRAINING. (a) A person who is appointed to and qualifies for office as a member of the commission may not vote, deliberate, or be counted as a member in attendance at a meeting of the commission until the person completes a training program that complies with this section.

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

(1) this subtitle and the rules of the commission, with an emphasis on the rules that relate to the commission's disciplinary and investigatory authority;

(2) rules of ethics, codes of conduct, and other rules adopted by the supreme court that are applicable to each profession regulated or subject to oversight by the commission;

(3) the role and functions of the commission;

(4) the current budget for the commission;

(5) the results of the most recent formal audit of the commission; and

(6) any ethics policies applicable to the commission and adopted by the commission or supreme court.

(c) A person appointed to the commission is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

Added by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. [966](#)), Sec. 1.01, eff. September 1, 2014.

Text of section effective on September 01, 2014

Sec. 152.055. TERMS; VACANCY; REMOVAL. (a) Members of the commission serve staggered six-year terms. The terms of three members expire on February 1 of each odd-numbered year.

(b) If a vacancy occurs during a member's term, the supreme court shall appoint a similarly qualified person to fill the unexpired term.

(c) The supreme court may remove a member of the commission for inefficiency or neglect of duty in office.

Added by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. [966](#)), Sec. 1.01,

eff. September 1, 2014.

Text of section effective on September 01, 2014

Sec. 152.056. PRESIDING OFFICER. The supreme court shall designate a member of the commission as presiding officer of the commission to serve in that capacity at the pleasure of the supreme court.

Added by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. [966](#)), Sec. 1.01, eff. September 1, 2014.

Text of section effective on September 01, 2014

Sec. 152.057. COMPENSATION; REIMBURSEMENT. (a) A commission member may not receive compensation for service on the commission.

(b) A commission member is entitled to reimbursement for travel expenses and other actual and necessary expenses incurred in performing functions as a commission member, subject to any applicable limitation on reimbursement provided by the General Appropriations Act.

Added by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. [966](#)), Sec. 1.01, eff. September 1, 2014.

Text of section effective on September 01, 2014

Sec. 152.058. MEETINGS. (a) The commission shall meet at least once in each quarter of the fiscal year.

(b) The commission may meet at other times at the call of the presiding officer or as provided by commission rules.

Added by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. [966](#)), Sec. 1.01, eff. September 1, 2014.

Text of section effective on September 01, 2014

Sec. 152.059. PUBLIC TESTIMONY. The commission shall develop and implement policies that provide the public with a reasonable opportunity to appear before the commission and to speak on any issue under the jurisdiction of the commission.

Added by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. [966](#)), Sec. 1.01, eff. September 1, 2014.

SUBCHAPTER C. ADMINISTRATION

Text of section effective on September 01, 2014

Sec. 152.101. RULES. The supreme court may adopt rules consistent with this subtitle, including rules governing the certification, registration, licensing, and conduct of persons regulated under this subtitle. The supreme court may authorize the commission to adopt rules as the supreme court considers appropriate or as otherwise specified under this subtitle.

Added by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. [966](#)), Sec. 1.01, eff. September 1, 2014.

Text of section effective on September 01, 2014

Sec. 152.102. RULES REGARDING ADVERTISING OR COMPETITIVE BIDDING. (a) Subject to any rules related to ethics or professional conduct promulgated by the supreme court, the supreme court may not adopt rules restricting advertising or competitive bidding by a holder of a certification, registration, or license except to prohibit false, misleading, or deceptive practices.

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

- (1) restricts the use of any medium for advertising;
- (2) restricts the use of a regulated person's personal appearance or voice in an advertisement;
- (3) relates to the size or duration of an advertisement by the regulated person; or
- (4) restricts the regulated person's advertisement under a trade name.

Added by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. [966](#)), Sec. 1.01, eff. September 1, 2014.

Text of section effective on September 01, 2014

Sec. 152.103. ADMINISTRATIVE ATTACHMENT. (a) The

commission is administratively attached to the office.

(b) Notwithstanding any other law, the office shall:

(1) provide administrative assistance, services, and materials to the commission, including budget planning and purchasing;

(2) accept, deposit, and disburse money made available to the commission;

(3) reimburse the travel expenses and other actual and necessary expenses of commission members incurred in the performance of official commission duties, as provided by the General Appropriations Act; and

(4) provide the commission with adequate computer equipment and support.

Added by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. [966](#)), Sec. 1.01, eff. September 1, 2014.

Text of section effective on September 01, 2014

Sec. 152.104. DIRECTOR. The director shall:

(1) perform any duty assigned by the commission and other duties specified by law; and

(2) administer and enforce the commission's programs.

Added by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. [966](#)), Sec. 1.01, eff. September 1, 2014.

Text of section effective on September 01, 2014

Sec. 152.105. DIVISION OF RESPONSIBILITIES. The commission shall develop and implement policies that clearly separate the policy-making responsibilities of the commission and the management responsibilities of the director and the staff of the office.

Added by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. [966](#)), Sec. 1.01, eff. September 1, 2014.

Text of section effective on September 01, 2014

Sec. 152.106. USE OF TECHNOLOGY. The commission shall implement a policy requiring the commission to use appropriate

technological solutions to improve the commission's ability to perform its functions. The policy must ensure that the public is able to interact with the commission on the Internet.

Added by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. [966](#)), Sec. 1.01, eff. September 1, 2014.

Text of section effective on September 01, 2014

Sec. 152.107. INFORMATION ON STANDARDS OF CONDUCT. The director or the director's designee shall provide to members of the commission and to office employees, as often as necessary, information regarding the requirements for service or employment under this subtitle, including information regarding a person's responsibilities under applicable laws relating to standards of conduct for state officers or employees.

Added by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. [966](#)), Sec. 1.01, eff. September 1, 2014.

Text of section effective on September 01, 2014

Sec. 152.108. PUBLIC INTEREST INFORMATION. (a) The commission shall prepare information of public interest describing the functions of the commission under this subtitle and the procedure by which complaints are filed and resolved under this subtitle.

(b) The commission shall make the information available to the public and appropriate state agencies.

Added by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. [966](#)), Sec. 1.01, eff. September 1, 2014.

Text of section effective on September 01, 2014

Sec. 152.109. COMPLAINTS. (a) The commission shall establish methods by which consumers are notified of the name, mailing address, and telephone number of the commission for the purpose of directing complaints about persons regulated under this subtitle to the commission.

(b) The commission shall list with its regular telephone number any toll-free telephone number established under other state

law that may be called to present a complaint about a person regulated under this subtitle.

Added by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. [966](#)), Sec. 1.01, eff. September 1, 2014.

Text of section effective on September 01, 2014

Sec. 152.110. RECORDS OF COMPLAINTS. (a) The commission shall maintain a file on each written complaint filed with the commission under this subtitle. The file must include:

- (1) the name of the person who filed the complaint;
- (2) the date the complaint is received by the commission;
- (3) the subject matter of the complaint;
- (4) the name of each person contacted in relation to the complaint;
- (5) a summary of the results of the review or investigation of the complaint; and
- (6) an explanation of the reason the file was closed, if the commission closed the file without taking action other than to investigate the complaint.

(b) The commission shall provide to the person filing the complaint and to each person who is a subject of the complaint a copy of the commission's policies and procedures relating to complaint investigation and resolution. A person who reports a complaint by telephone shall be given information on how to file a written complaint.

(c) The commission, at least quarterly and until final disposition of the complaint, shall notify the person filing the complaint and each person who is a subject of the complaint of the status of the investigation unless the notice would jeopardize an ongoing investigation.

Added by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. [966](#)), Sec. 1.01, eff. September 1, 2014.

Text of section effective on September 01, 2014

Sec. 152.111. COMPLAINT DISMISSAL. (a) The commission may

adopt a policy allowing office employees to dismiss complaints that:

- (1) clearly do not allege misconduct; or
- (2) are not within the commission's jurisdiction.

(b) Office employees shall inform the commission of all dismissals made under this section.

(c) A person who files a complaint that is dismissed under this section may request that the commission reconsider the complaint.

Added by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. [966](#)), Sec. 1.01, eff. September 1, 2014.

Text of section effective on September 01, 2014

Sec. 152.112. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.

(a) The commission shall develop and implement a policy to encourage the use of appropriate alternative dispute resolution procedures to assist in the resolution of internal and external disputes under the commission's jurisdiction.

(b) The procedures relating to alternative dispute resolution under this section must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

Added by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. [966](#)), Sec. 1.01, eff. September 1, 2014.

SUBCHAPTER D. POWERS AND DUTIES

Text of section effective on September 01, 2014

Sec. 152.151. GENERAL POWERS AND DUTIES. (a) The commission shall:

- (1) administer and enforce this subtitle;
- (2) in consultation with appropriate advisory boards, develop and recommend rules to the supreme court;
- (3) in consultation with appropriate advisory boards, develop and recommend to the supreme court a code of ethics for each

profession regulated under this subtitle;

(4) set fees in amounts reasonable and necessary to cover the costs of administering the programs or activities administered by the commission, including examinations and issuance and renewal of certifications, registrations, and licenses; and

(5) in consultation with appropriate advisory boards, establish qualifications for certification, registration, and licensing under this subtitle.

(b) The commission may:

(1) require applicants for certification, registration, or licensing under this subtitle to pass an examination that is developed and administered by the commission, or by the commission in conjunction with a person with whom the commission contracts to develop and administer the examination, and charge fees for the examination;

(2) require regulated persons to obtain continuing education; and

(3) appoint necessary committees.

Added by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. [966](#)), Sec. 1.01, eff. September 1, 2014.

Text of section effective on September 01, 2014

Sec. 152.152. ADVISORY BOARDS. (a) In addition to the advisory boards specifically established under this subtitle, the commission may establish other advisory boards to advise the commission on policy and persons regulated under this subtitle.

(b) An advisory board established under this subtitle, including under this section, shall meet at least once each year and at the call of the presiding officer.

(c) An advisory board established under this subtitle, including under this section, shall assist the commission by developing and recommending rules to the commission. The advisory board may establish subcommittees to fulfill the duties imposed under this subsection.

(d) An advisory board member serves without compensation but is entitled to reimbursement for travel expenses and other

actual and necessary expenses incurred in performing functions as an advisory board member, subject to any applicable limitation on reimbursement provided by the General Appropriations Act.

Added by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. [966](#)), Sec. 1.01, eff. September 1, 2014.

SUBCHAPTER E. CERTIFICATION, REGISTRATION, AND LICENSING
REQUIREMENTS

Text of section effective on September 01, 2014

Sec. 152.201. EXAMINATIONS. (a) Not later than the 30th day after the date a person takes an examination, the commission shall notify the person of the results of the examination.

(b) If the examination is graded or reviewed by a testing service:

(1) the commission shall notify the person of the results of the examination not later than the 30th day after the date the commission receives the results from the testing service; and

(2) if notice of the examination results will be delayed for longer than 90 days after the examination date, the commission shall notify the person of the reason for the delay before the 90th day.

(c) The commission may require a testing service to:

(1) notify a person of the results of the person's examination; or

(2) collect a fee for administering an examination from a person taking the examination.

(d) If requested in writing by a person who fails an examination, the commission shall furnish the person with an analysis of the person's performance on the examination.

Added by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. [966](#)), Sec. 1.01, eff. September 1, 2014.

Text of section effective on September 01, 2014

Sec. 152.202. ENDORSEMENT; RECIPROCITY. (a) The

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

(b) The commission may waive any prerequisite to obtaining a certification, registration, or license for an applicant who holds a certification, registration, or license issued by another jurisdiction with which this state has a reciprocity agreement. The commission may make an agreement, subject to the approval of the supreme court, with another state to allow for certification, registration, or licensing by reciprocity.

Added by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. [966](#)), Sec. 1.01, eff. September 1, 2014.

Text of section effective on September 01, 2014

Sec. 152.203. RULES ON INELIGIBILITY. The supreme court shall adopt rules on applicants' ineligibility for certification, registration, or licensing under this subtitle based on the person's criminal history or other information that indicates the person lacks the honesty, trustworthiness, or integrity to hold the certification, registration, or license.

Added by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. [966](#)), Sec. 1.01, eff. September 1, 2014.

Text of section effective on September 01, 2014

Sec. 152.204. CONTINUING EDUCATION. (a) The supreme court may authorize and the commission by rule may require continuing professional education for persons regulated under this subtitle.

(b) The rules for continuing professional education adopted by the commission may include standards relating to:

(1) reporting by regulated persons or by providers of continuing professional education;

(2) continuing professional education course content;
and

(3) the minimum number of continuing professional education hours required.

(c) The commission by rule may exempt certain persons, including retired persons and persons with disabilities, from all or a portion of the continuing education requirements.

Added by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. [966](#)), Sec. 1.01, eff. September 1, 2014.

Text of section effective on September 01, 2014

Sec. 152.205. CODE OF ETHICS. (a) The commission shall develop and recommend to the supreme court for adoption by rule a code of ethics for persons regulated under this subtitle. In developing the code of ethics, the commission may use the codes of ethics adopted by state or national associations as models.

(b) The commission shall publish the code of ethics after adoption by the supreme court.

(c) After publishing the code of ethics, the commission shall propose to the supreme court a rule stating that a person who violates the code of ethics is subject to an administrative penalty assessed under Chapter 153.

(d) The commission shall update the code of ethics as necessary to reflect changes in technology or other factors affecting a profession regulated under this subtitle.

Added by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. [966](#)), Sec. 1.01, eff. September 1, 2014.