

HEALTH AND SAFETY CODE CHAPTER 144. RENDERERS

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TITLE 2. HEALTH

SUBTITLE G. LICENSES

CHAPTER 144. RENDERERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 144.001. SHORT TITLE. This chapter may be cited as the Texas Renderers' Licensing Act.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 144.002. DEFINITIONS. In this chapter:

(1) "Dead animal" means the whole or substantially whole carcass of a dead or fallen domestic animal, or domesticated wild animal, that was not slaughtered for human consumption.

(2) "Dead animal hauler" means a person who collects and disposes of dead animals for commercial purposes.

(3) "Disposal" means the burying, burning, cooking, processing, or rendering of dead animals or of renderable raw materials.

(4) "Employee" means a person who:

(A) is a legal employee of a rendering establishment; and

(B) handles or operates rendering equipment, utensils, containers, vehicles, or packaging materials owned or leased by the rendering establishment.

(5) "Nuisance" means any situation or condition that constitutes a nuisance under Section 341.011.

(6) "Person" means an individual, firm, partnership, association, corporation, trust, company, or organization, and includes an agent, officer, or employee of that individual or entity.

(7) "Processing" means an operation or combination of operations through which materials derived from a dead animal or renderable raw material sources are:

(A) prepared for disposal at a rendering establishment;

(B) stored; or

(C) treated for commercial use or disposition, other than as food for human consumption.

(8) "Related station" means an operation or facility that is necessary or incidental to the operation of a rendering establishment and that is operated or maintained separately from the rendering establishment.

(9) "Rendering business" means the collection, transportation, disposal, or storage of dead animals or renderable raw materials for commercial purposes at locations where dead animals or renderable raw materials are rendered, boiled, processed, stored, transferred, or otherwise prepared, either as a separate business or in connection with any other established business.

(10) "Rendering establishment" means an establishment or part of an establishment, a plant, or any other premises at which dead animals or renderable raw materials are rendered, boiled, processed, or otherwise prepared to obtain a product for commercial use or disposition, other than as food for human consumption. The term includes all other operations and facilities that are necessary or incidental to the establishment.

(11) "Renderable raw material" means any unprocessed or partially processed material of animal or plant origin, other than a dead animal, that is processed by rendering establishments. The term includes:

(A) animals, poultry, or fish slaughtered or processed for human consumption but that are unsuitable for that use;

(B) the inedible products and by-products of animals, poultry, or fish slaughtered or processed for human consumption;

(C) parts from dead animals;

(D) whole or partial carcasses of dead poultry or fish;

(E) waste cooking greases; and

(F) recyclable cooking oil.

(12) "Recyclable cooking oil" means any unprocessed or

partially processed grease, fat, or oil previously used in the cooking or preparation of food for human consumption and intended for recycling by being used or reused as:

(A) an ingredient in a process to make a product;  
or

(B) an effective substitute for a commercial product.

(13) "Renderable raw material hauler" means a person who collects or transports renderable raw materials for commercial purposes.

(14) "Transfer station" means a facility at which renderable raw materials are transferred from one conveyance to another.

(15) "Waste cooking grease" means any unprocessed or partially processed grease, fat, or oil previously used in the cooking or preparation of food for human consumption and no longer suitable for such use.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1999, 76th Leg., ch. 485, Sec. 1, eff. Sept. 1, 1999.

Sec. 144.003. CONSTRUCTION OF OTHER LAWS. (a) This chapter does not affect:

(1) Chapter 141, Agriculture Code; or

(2) any state law or a rule of any public regulatory body that relates to the control of water or air pollution.

(b) This chapter does not affect a municipality's power to regulate by ordinance rendering businesses within the boundaries of the municipality. However, each rendering establishment, related station, transfer station, dead animal hauler, or renderable raw material hauler subject to a municipal ordinance shall comply with this chapter.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1999, 76th Leg., ch. 485, Sec. 2, eff. Sept. 1, 1999.

#### SUBCHAPTER B. OPERATING LICENSES

Sec. 144.011. LICENSE REQUIRED. (a) A person may not operate a rendering business, or any adjunct to a rendering

business, without having a rendering establishment operating license issued by the department or another appropriate operating license under this section.

(b) A person may not operate or maintain a related station without a related station operating license issued by the department.

(c) A person may not operate or maintain a transfer station without a transfer station operating license issued by the department.

(d) A person may not operate as a dead animal hauler without a dead animal hauler operating license issued by the department unless the person is an employee of a rendering establishment.

(e) A person may not operate as a renderable raw material hauler without a renderable raw material hauler operating license issued by the department unless the person is an employee of a rendering establishment.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1999, 76th Leg., ch. 485, Sec. 3, eff. Sept. 1, 1999.

Sec. 144.012. EXEMPTIONS FROM LICENSING REQUIREMENT.

(a) Unless the person also performs rendering operations or processes, this chapter does not apply to a person who:

(1) slaughters, butchers, manufactures, or sells animal flesh or products only for use as food for human consumption;

(2) transports or disposes of the bodies of animals killed for use as food for human consumption, or the products of those bodies, only for that purpose and use; or

(3) is an individual and who disposes of the individual's own animal.

(b) This chapter does not apply to a governmental agency that collects, transports, or disposes of dead animals or renderable raw materials.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1999, 76th Leg., ch. 485, Sec. 4, eff. Sept. 1, 1999.

Sec. 144.013. LICENSE APPLICATION AND ISSUANCE. (a) To be considered by the department for an operating license, a person

must submit a sworn application to the department. The application must:

(1) state whether the applicant intends to operate as a rendering establishment, related station, transfer station, dead animal hauler, or renderable raw material hauler;

(2) state the location from which the business is to be conducted; and

(3) include other relevant information required by the department to determine the applicant's compliance with the operating procedures established under Subchapter C.

(b) The application must be accompanied by the application fee.

(c) The department shall issue the appropriate operating license if, after investigation, it finds that the applicant's operations or proposed operations meet the requirements of Subchapter C.

(d) If the department finds that the applicant's operations or proposed operations do not meet the requirements of Subchapter C, the department shall deny the application and shall notify the applicant in writing of each reason why the applicant fails to meet those requirements. The applicant is entitled to 90 days to meet the requirements, after which the department shall reinvestigate.

(e) If the department determines after reinvestigation that the applicant is not in compliance, the department shall again deny the application and promptly notify the applicant in writing of each reason why the applicant fails to meet the requirements.

(f) If the department denies an application twice, the application is canceled. The applicant is entitled to a hearing before the commissioner on the denial if the applicant requests the hearing not later than the 30th day after the date of the second denial.

(g) Unless the period is extended by a written agreement between the department and the applicant, the department shall grant or deny a license application not later than the 30th day after the date on which:

(1) the application and the required fee is filed with the department;

- (2) the period to meet the requirements expires; or
- (3) a hearing on the application denial is conducted.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1999, 76th Leg., ch. 485, Sec. 5, eff. Sept. 1, 1999.

#### SUBCHAPTER C. OPERATING PROCEDURES FOR ALL LICENSE HOLDERS

Sec. 144.021. GENERAL REQUIREMENTS FOR OPERATING LICENSES. (a) Each applicant for or holder of an operating license shall adopt operating procedures that:

- (1) provide for the sanitary performance of rendering operations and processes;
- (2) prevent the spread of infectious or noxious materials; and
- (3) ensure that finished products are free from disease-producing organisms.

(b) As a condition of licensure, the department may prescribe other reasonable and appropriate construction, operational, maintenance, and inspection requirements to ensure compliance with this chapter and applicable rules of the department.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1999, 76th Leg., ch. 485, Sec. 6, eff. Sept. 1, 1999.

Sec. 144.022. RECORDS. (a) Each licensed rendering establishment, related station, or dead animal hauler shall have a dead animal log that meets the requirements prescribed by the department. The name of the licensed rendering establishment, related station, or dead animal hauler must be on the front of the log.

(b) When a license holder receives a dead animal, the license holder shall enter the following information in the log:

- (1) the date and time of the pickup of the dead animal;
- (2) the name of the driver of the collection vehicle;
- (3) a description of the dead animal;
- (4) the location of the dead animal, including the county; and
- (5) the owner of the dead animal, if known.

(c) The license holder shall also keep a record in the log, or in an appendix to the log, of the general route followed in making the collection.

(d) The log is subject to inspection at all reasonable times by the department or a person with written authorization from the department. Repeated or wilful failure or refusal to produce the log for inspection or to permit inspection by persons properly authorized to inspect the log constitutes grounds for license revocation.

(e) This section does not apply to a licensed renderable raw material hauler.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 144.023. VEHICLES; PERMIT REQUIRED. (a) A vehicle used to transport dead animals or renderable raw materials to or from a rendering establishment must:

(1) be leak-proof and maintained in a manner that precludes the creation of a nuisance; and

(2) comply with each applicable requirement for operation on the public roads or highways, including applicable insurance requirements and gross vehicle weight limitations.

(b) A collection vehicle shall be held to a minimum number of stops, and the stops shall be brief, while traveling to the establishment with dead animals or renderable raw materials. Each collection vehicle shall be washed and sanitized at the end of each day's operations.

(c) A truck bed used to transport dead animals or renderable raw materials shall be thoroughly washed and sanitized before use for the transport of finished rendered products. A truck bed used to transport dead animals or renderable raw materials to a rendering establishment, or to transfer finished rendered products from an establishment, shall, before being used to transport any product intended for human consumption, be thoroughly sanitized with a bactericidal agent that is determined by the department to be safe in a rendering establishment. A truck bed may not be used to transport dead animals or renderable raw materials at the same time the truck bed or any part of the truck bed is used to transport any

product intended for human consumption, notwithstanding the manner in which part of the truck bed is sealed or separated from the remainder of the bed.

(d) The owner of a vehicle may not operate the vehicle on public roads and highways to haul dead animals or renderable raw materials unless the owner holds a permit for the vehicle issued by the department. To obtain a permit for the vehicle from the department, the owner must provide to the department:

- (1) the owner's name and address;
- (2) a description of the operations to be performed under the registration;
- (3) the year, make, model, license plate number, and manufacturer's vehicle identification number for the vehicle;
- (4) a list of names of drivers employed by the hauler to drive the vehicle and their driver's license numbers; and
- (5) any other information required by the department.

(e) The department may require that a dead animal or renderable raw material hauling vehicle conspicuously display a permit decal issued by the department and the number and license holder's name for any operating license required under Section 144.011. As a condition of issuance and maintenance of the permit, the department may require that the vehicle comply with any other construction, operational, maintenance, inspection, and marking requirements as prescribed by the department.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1999, 76th Leg., ch. 485, Sec. 7, eff. Sept. 1, 1999.

Sec. 144.024. TREATMENT OF DEAD ANIMALS OR RENDERABLE RAW MATERIALS. (a) Dead animals or renderable raw materials received by a rendering establishment shall either be immediately placed in the rendering process or stored for not more than 48 hours in a manner that precludes the creation of a nuisance or a malodorous condition.

(b) Cooking or other dehydration operations shall be conducted in a manner that prevents the survival of disease-producing organisms in the processed material. Adequate and suitable means for the treatment of cooking vapors shall be



provided and operated in a manner that controls odors.

(c) All cooked or finished materials shall be kept apart from areas where dead animals or renderable raw materials are kept in a manner that prevents contamination.

(d) If a person intends to use oil or grease as an ingredient in livestock feed or in topical cosmetic products, the person may not contaminate or commingle waste cooking greases or recyclable cooking oils with grease trap waste, grit trap waste, or any other substance that would render the greases or oils harmful or otherwise unsuitable for use as an ingredient in livestock feed or in topical cosmetic products.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1999, 76th Leg., ch. 485, Sec. 8, eff. Sept. 1, 1999.

Sec. 144.025. FLOORS. (a) During operations, the floors in processing areas shall be kept reasonably free from processing wastes, including:

- (1) blood;
- (2) manure;
- (3) scraps;
- (4) grease;
- (5) water;
- (6) dirt; and
- (7) litter.

(b) The floors shall be thoroughly cleaned at the end of each day's operations.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 144.026. WASTE TREATMENT. (a) Waste shall be handled and disposed of in a manner that prevents contamination of:

- (1) the water supply;
- (2) processing equipment;
- (3) packaging materials; and
- (4) finished products.

(b) Liquid waste shall be treated in the manner required by the department and disposed of in a manner approved by the department.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 144.027. EMPLOYEE FACILITIES. (a) Adequate and convenient toilet facilities for employees shall be located in an establishment.

(b) An adequate number of lavatory facilities for employees to wash their hands shall be provided at convenient locations in the establishment and must be supplied with warm water under pressure and with soap or another detergent.

(c) A drinking water supply approved by the department shall be provided at convenient locations in the establishment for the use of employees.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 144.028. HYGIENE REQUIREMENTS. A person engaging in rendering processes or operations shall wear washable garments and accessories and conform to hygienic practices.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 144.029. SANITARY CONDITIONS REQUIRED. (a) The premises of a rendering establishment shall be kept clean and neat, in good repair, and reasonably free from:

- (1) undue collection of refuse;
- (2) waste materials;
- (3) rodent infestation;
- (4) insect breeding places;
- (5) standing water; and
- (6) other objectionable conditions.

(b) Equipment and utensils shall be provided as necessary for the rendering establishment to conduct operations in a sanitary manner.

(c) Rodents, roaches, and other vermin shall be controlled.

(d) Hide storage facilities shall be in closed areas separate from all other areas.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 144.030. COLLECTION CONTAINER REQUIREMENTS. (a) A

container in which dead animals or renderable raw materials are accumulated by a producer at collecting points for pickup by a dead animal hauler or renderable raw material hauler must remain on the premises at each collecting point.

(b) The owner of the containers shall maintain the containers in a leak-proof and sanitary condition and shall replace them as necessary.

(c) The transportation, delivery, transfer, loading, and off-loading of dead animals and renderable raw materials shall be performed in a manner that prevents the release of animal parts and spills or leaks of renderable raw materials from containers. A release of dead animal parts or spill or leak of renderable raw materials shall immediately be cleaned up and reported in the log required by Section 144.022.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1999, 76th Leg., ch. 485, Sec. 9, eff. Sept. 1, 1999.

Sec. 144.031. PROHIBITED PURCHASES OR SALES. (a) A person may not sell or offer for sale a raw or uncooked dead animal or renderable raw material that contains disease-producing organisms to any person who is not licensed under this chapter.

(b) A person licensed under this chapter may not purchase a dead animal from a dead animal hauler who is not licensed under this chapter.

(c) A person licensed under this chapter may not purchase renderable raw materials from a renderable raw material hauler who is not licensed under this chapter.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1999, 76th Leg., ch. 485, Sec. 10, eff. Sept. 1, 1999.

#### SUBCHAPTER D. CONSTRUCTION PERMITS

Sec. 144.041. PERMIT REQUIRED. (a) Except as provided by Section 144.042, a person may not construct a new rendering establishment or engage in construction involving an addition or replacement at a rendering establishment without a construction permit issued by the department.

(b) Except as provided by Section 144.042, a person may not

construct a new related station or engage in construction involving an addition or replacement at a related station without a construction permit issued by the department.

(c) Except as provided by Section 144.042, a person may not construct a new transfer station or engage in construction involving an addition or replacement at a transfer station without a construction permit issued by the department.

(d) Construction at a rendering business is subject to the construction and layout requirements established under Subchapter E.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1999, 76th Leg., ch. 485, Sec. 11, eff. Sept. 1, 1999.

Sec. 144.042. EXEMPTION FROM PERMIT REQUIREMENT. A construction permit from the department for the construction of a new rendering business or for construction at a rendering business is not required if the cost to the rendering business is less than \$10,000. However, the construction and layout requirements established under Subchapter E apply to the construction.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1999, 76th Leg., ch. 485, Sec. 12, eff. Sept. 1, 1999.

Sec. 144.043. PERMIT APPLICATION AND ISSUANCE. (a) To receive a construction permit, a person must submit a sworn application to the department. The application must:

(1) describe the type of construction proposed, whether the construction is of a new rendering establishment, related station, or transfer station or additions or replacements;

(2) specify when the proposed construction is to occur; and

(3) include other relevant information required by the department to determine the applicant's compliance with the requirements of Subchapter E.

(b) The department shall issue the construction permit if, after investigation, it finds that the proposed construction meets the requirements of Subchapter E.

(c) If the department finds that the applicant's proposed

construction does not meet the requirements of Subchapter E, the department shall deny the application and shall notify the applicant in writing of each reason why the applicant fails to meet the requirements. The applicant is entitled to 90 days in which to meet the requirements, after which the department shall reinvestigate.

(d) If the department determines after reinvestigation that the applicant is not in compliance, the department shall again deny the application and notify the applicant in writing of each reason why the applicant fails to meet the requirements.

(e) If the department denies an application twice, the application is canceled. The applicant is entitled to a hearing before the commissioner on the denial if the applicant requests the hearing not later than the 30th day after the date of the second denial.

(f) Unless the period is extended by a written agreement between the department and the applicant, the department shall grant or deny a permit application not later than the 30th day after the date on which:

(1) the application and the required fees are filed with the department;

(2) the period to meet the requirements expires; or

(3) a hearing on the application denial is conducted.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1999, 76th Leg., ch. 485, Sec. 13, eff. Sept. 1, 1999.

#### SUBCHAPTER E. CONSTRUCTION AND LAYOUT REQUIREMENTS FOR RENDERING ESTABLISHMENTS AND RELATED STATIONS

Sec. 144.051. RENDERING ESTABLISHMENT AND RELATED STATION CONSTRUCTION. (a) All construction of a rendering establishment, related station, or transfer station subject to this chapter must:

(1) provide for sanitary operations and environmental conditions;

(2) prevent the spread of disease-producing organisms and infectious or noxious materials; and

(3) prevent the development of a malodorous condition or a nuisance.

(b) Except to the extent the department grants a written variance from a requirement, each construction permit holder shall comply with the specific requirements established under this subchapter. The department may grant a variance from the requirements of this subchapter if the department determines that construction or operational features established at a rendering establishment will provide protection for public health and safety equivalent to that afforded by the requirements of this subchapter. Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1999, 76th Leg., ch. 485, Sec. 14, eff. Sept. 1, 1999.

Sec. 144.052. GENERAL CONSTRUCTION AND LAYOUT REQUIREMENTS. (a) A rendering establishment shall provide sufficient space for:

(1) the sanitary administration of rendering operations and processes;

(2) the installation of necessary utility equipment; and

(3) the installation of processing equipment in a manner that makes the equipment easily accessible for cleaning.

(b) A rendering establishment must be constructed so as to be easily maintained in a sanitary condition and to prevent shelter for rodents, roaches, and other vermin.

(c) A floor in a rendering establishment must be constructed of good quality concrete, metal, or other equally impervious and easily cleanable material. It must be smooth, graded to drain, and provided with an adequate number of trapped drains or other waste disposal facilities approved by the department. A gutter used to conduct drainage must be constructed and located so it can be easily cleaned and maintained in a sanitary condition.

(d) A wall, partition, or post in a rendering establishment must be finished with a smooth, washable surface of concrete, metal, or other equally impervious and easily cleanable material.

(e) A ceiling, the underside of a roof if used as a ceiling, and any exposed overhead structure in a rendering establishment must have easily cleanable surfaces.

(f) Each exterior wall and roof, and any opening in an outer

wall or roof, must protect against the entrance of insects, rodents, and other vermin. An interior wall, partition, post, ceiling, or other overhead structure may not contain crevices or openings that may provide shelter for rodents or insects.

(g) A rendering establishment shall provide a paved area of adequate size for washing and sanitizing trucks. The paved area must be provided with adequate drains that lead to a sanitary sewer system.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 144.053. RESTROOM FACILITIES. (a) A rendering establishment shall provide toilet and dressing room facilities for employees of each sex. The department must approve the design, construction, and equipment of those facilities.

(b) This section does not apply to toilet or dressing room facilities located in the managerial office area of a rendering establishment.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 144.054. VENTILATION REQUIREMENTS. (a) A rendering establishment shall provide sufficient ventilation to dispel disagreeable odors, condensate, and vapor.

(b) The establishment shall provide ventilating equipment as necessary, including individual fans, vents, and hoods. The establishment shall locate and control mechanical ventilating equipment to prevent contamination of finished products or processing equipment from nearby or preceding operations or other sources.

(c) An employee toilet room or dressing room must be adequately vented to the outside air.

(d) A space heater, gas stove, water heater, or other equipment that emits noxious odors, fumes, or vapors must be vented to the outside air.

(e) An exhaust outlet from a mechanical ventilation device must be conducted to the outside air and must be arranged, placed, and extended to avoid creating a nuisance to adjacent areas.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 144.055. WATER SUPPLY. (a) The water supply used by a rendering establishment must be either a public water supply acceptable to the department or a private supply that is located, constructed, and treated, if necessary, to provide water of a safe, sanitary quality and that complies with department requirements.

(b) The establishment's water supply may not be physically connected to any unsafe or questionable supply. Water from an unsafe or questionable supply may be used only for limited purposes, such as fire control or for ammonia condensers. A supply line for unsafe or questionable water must be clearly identified.

(c) Hot and cold water must be conveniently accessible to all parts of the establishment. The water must be under ample pressure, and must be available through outlets and in quantities as necessary to meet effectively the needs of the establishment at all times. The hot water system must have sufficient capacity to furnish ample water with a temperature of at least 180 degrees Fahrenheit during processing and cleanup.

(d) The plumbing system in a rendering establishment must be installed in compliance with state law and applicable local plumbing ordinances, and must be designed, installed, and maintained to protect the establishment's water supply from contamination through cross-connections, back siphonage, back-flow leakage, or condensation. The plumbing system must readily carry away all liquid wastes.

(e) If necessary to prevent discharge into the drainage system of solid wastes likely to clog the drainage system, liquid wastes containing solid materials must be passed through a separator or indirect-waste receptor that effectively retains the solids before discharge into the drainage system.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

#### SUBCHAPTER F. PROVISIONS APPLICABLE TO LICENSES AND PERMITS

Sec. 144.061. CONTENTS AND DISPLAY OF LICENSE OR PERMIT.

(a) Each operating license and construction permit must state the name and address of the license holder or permit holder.

(b) The license or permit must be displayed at the place of



business named in the license or the place of construction named in the permit.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 144.062. NOT TRANSFERABLE OR ASSIGNABLE. A license or permit may not be transferred or assigned without the department's approval.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 144.063. RENEWAL OF LICENSE OR PERMIT. (a) A license or permit is effective until it is relinquished, suspended, or revoked, or it expires.

(b) An operating license is valid for one year and may be renewed annually by the license holder. The department shall set an annual renewal fee.

(c) A license holder may renew a license by paying the renewal fee to the department on or before January 1 of each year. On receipt of the fee, the license is automatically renewed for the next calendar year.

(d) If the renewal fee is not paid before the expiration of the 15th day after the date on which written notice of delinquency is given to the license holder by the department, the license expires unless the department grants an extension to renew. After an operating license expires, a new application for the license must be submitted.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1999, 76th Leg., ch. 485, Sec. 15, eff. Sept. 1, 1999.

Sec. 144.064. DENIAL, SUSPENSION, OR REVOCATION OF LICENSE OR PERMIT; REINSTATEMENT. (a) The commissioner may deny, suspend, or revoke an operating license, construction permit, or renewal of an operating license or construction permit if the commissioner finds that:

(1) the license holder or permit holder has violated this chapter or a rule or order adopted under this chapter or did not exercise due care to prevent the violation; or

(2) a fact or condition exists that would have

justified the denial of the license or permit application if the fact or condition was known at the time the original application was filed.

(b) On the discovery of such a violation, the commissioner shall notify the license holder or permit holder of the violation. If the license holder or permit holder fails to make the necessary corrections, the department shall notify the license holder or permit holder of a hearing to suspend or revoke the license or permit.

(c) The commissioner may reinstate a suspended license or permit, or may issue a new license or permit to a person whose license or permit has been revoked, if a ground to deny the original license or permit application does not exist.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1999, 76th Leg., ch. 485, Sec. 16, eff. Sept. 1, 1999.

SUBCHAPTER G. ADMINISTRATIVE AND ENFORCEMENT PROVISIONS;  
PENALTIES

Sec. 144.071. INSPECTIONS. (a) At least once each year and at other times as the department considers necessary, the department shall inspect the place of business of each operating license holder, the vehicles of each renderable raw material hauler, and the construction site of each construction permit holder if construction is continuing.

(b) The department shall inquire into and inspect the premises, equipment, and operations of the license holder or permit holder that relate to matters regulated by this chapter.

(c) The department has free access to the place of business, construction site, or vehicle to conduct the inspection.

(d) A license holder or permit holder who unreasonably fails or refuses to cooperate and assist the department in an inspection violates this chapter, and the failure or refusal constitutes a ground for the suspension or revocation of the license or permit.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1999, 76th Leg., ch. 485, Sec. 17, eff. Sept. 1, 1999.

Sec. 144.072. FEES. (a) An application for an operating

license must be accompanied by an application fee.

(b) An application for a construction permit must be accompanied by a fee. Construction permit fees must be based on the dollar value at the cost to the rendering establishment or related station of the construction.

(c) An application for a vehicle permit under Section 144.023 must be accompanied by a permit fee for each vehicle for which a permit is to be issued.

(d) If an application is withdrawn not later than the fifth day after the date on which it is received by the department, the department shall refund the full amount of the application fee.

(e) The department by rule shall set the fees authorized by this chapter in amounts that allow the department to recover the annual expenditures of state funds by the department in:

(1) reviewing and acting on a license renewal or registration;

(2) amending a license, renewal license, or registration;

(3) inspecting a licensed facility or vehicles and equipment regulated under this chapter; and

(4) implementing and enforcing this chapter, including a rule or order adopted or a license issued under this chapter.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1999, 76th Leg., ch. 485, Sec. 18, eff. Sept. 1, 1999.

Sec. 144.073. ACCOUNT. All fees collected under this chapter are payable to the department and shall be deposited to the credit of the rendering fee account in the general revenue fund. Money in the account may be appropriated only to the department to be used to process and investigate applications filed under this chapter and to administer this chapter.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1999, 76th Leg., ch. 485, Sec. 19, eff. Sept. 1, 1999.

Sec. 144.074. ADOPTION OF RULES. The board may adopt rules consistent with this chapter as necessary for the enforcement of

this chapter.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 144.075. CERTIFICATES; CERTIFIED COPIES. (a) On application by any person and on payment of the associated costs, the department shall furnish a certificate of good standing and a certified copy of any license, permit, rule, or order.

(b) The department shall furnish the certificate or copy under its seal and signed by a representative of the department.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 144.076. PUBLIC RECORDS. The transcript of any hearing held by the commissioner and findings made by the commissioner or the department under this chapter are public records open to inspection at all reasonable times.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 144.077. HEARINGS AND JUDICIAL REVIEW. (a) A hearing held under this chapter is subject to Chapter 2001, Government Code.

(b) A person aggrieved by a final decision under this chapter is entitled to judicial review.

(c) The manner of judicial review is by substantial evidence review.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1999, 76th Leg., ch. 485, Sec. 20, eff. Sept. 1, 1999.

Sec. 144.078. INJUNCTION. (a) On request of the department, the attorney general may bring an action in any district court of this state that has jurisdiction and venue for an injunction to compel compliance with this chapter or to restrain any actual or threatened violation of this chapter.

(b) The court may enter an order or judgment to award a preliminary or final injunction as it considers appropriate.

(c) The attorney general on behalf of the department may bring an action under Subsection (a) in addition to any other action provided by this chapter and without prejudice to that action.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1999, 76th Leg., ch. 485, Sec. 21, eff. Sept. 1, 1999.

Sec. 144.079. PROHIBITED ACTS. (a) A person may not receive, hold, slaughter, butcher, or otherwise process any animal as food for human consumption in a building or compartmented area of a building used as a rendering establishment or related station.

(b) A person may not steal, misappropriate, contaminate, or damage recyclable cooking oil or containers of recyclable cooking oil.

(c) A renderer, hauler, or any other person may not:

(1) take possession of recyclable cooking oil from an unlicensed hauler or an employee or contractor of an unlicensed hauler; or

(2) knowingly take possession of stolen recyclable cooking oil.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1999, 76th Leg., ch. 485, Sec. 22, eff. Sept. 1, 1999.

Sec. 144.080. CRIMINAL PENALTY. (a) A person commits an offense if the person continues any operation or construction subject to regulation under this chapter without obtaining and maintaining an operating license or construction permit.

(b) An offense under this section is a misdemeanor punishable by:

(1) a fine of not less than \$50 or more than \$500;

(2) confinement in the county jail for not more than 30 days; or

(3) both the fine and confinement.

(c) Each day of violation constitutes a separate offense.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 144.081. ADMINISTRATIVE PENALTY. (a) The commissioner may assess an administrative penalty against a person who violates this chapter, a rule adopted by the board under the authority of this chapter, or an order or license issued under this chapter.

(b) In determining the amount of the penalty, the commissioner shall consider:

- (1) the person's previous violations;
- (2) the seriousness of the violation;
- (3) any hazard to the health and safety of the public;
- (4) the person's demonstrated good faith;
- (5) such other matters as justice may require.

(c) The penalty may not exceed \$25,000 a day for each violation.

(d) Each day a violation continues may be considered a separate violation.

Added by Acts 1991, 72nd Leg., ch. 385, Sec. 1, eff. Sept. 1, 1991.

Sec. 144.082. ADMINISTRATIVE PENALTY ASSESSMENT PROCEDURE. (a) An administrative penalty may be assessed only after a person notified of a violation is given an opportunity for a hearing.

(b) If a hearing is held, the commissioner shall make findings of fact and shall issue a written decision regarding the occurrence of the violation and the amount of the penalty that may be warranted.

(c) If the person notified of the violation does not request a hearing, the commissioner may assess a penalty after determining that a violation has occurred and the amount of the penalty that may be warranted.

(d) After making a determination under this section that a penalty is to be assessed against a person, the commissioner shall issue an order requiring that the person pay the penalty.

(e) The commissioner may consolidate a hearing held under this section with another proceeding.

Added by Acts 1991, 72nd Leg., ch. 385, Sec. 1, eff. Sept. 1, 1991.

Amended by Acts 1999, 76th Leg., ch. 485, Sec. 23, eff. Sept. 1, 1999.

Sec. 144.083. PAYMENT OF ADMINISTRATIVE PENALTY. (a) Not later than the 30th day after the date an order finding that a violation has occurred is issued, the commissioner shall inform the

person against whom the order is issued of the amount of the penalty for the violation.

(b) Not later than the 30th day after the date on which a decision or order charging a person with a penalty is final, the person shall:

(1) pay the penalty in full; or

(2) if the person seeks judicial review of the amount of the penalty, the fact of the violation, or both:

(A) send the amount of the penalty to the commissioner for placement in an escrow account; or

(B) post with the commissioner a bond for the amount of the penalty.

(c) A bond posted under this section must be in a form approved by the commissioner and be effective until all judicial review of the order or decision is final.

(d) A person who does not send money to the commissioner or post the bond within the period prescribed by Subsection (b) waives all rights to contest the violation or the amount of the penalty.

Added by Acts 1991, 72nd Leg., ch. 385, Sec. 1, eff. Sept. 1, 1991.

Sec. 144.084. REFUND OF ADMINISTRATIVE PENALTY. Not later than the 30th day after the date of a judicial determination that an administrative penalty against a person should be reduced or not assessed, the commissioner shall:

(1) remit to the person the appropriate amount of any penalty payment plus accrued interest; or

(2) execute a release of the bond if the person has posted a bond.

Added by Acts 1991, 72nd Leg., ch. 385, Sec. 1, eff. Sept. 1, 1991.

Sec. 144.085. RECOVERY OF ADMINISTRATIVE PENALTY BY ATTORNEY GENERAL. The attorney general at the request of the commissioner may bring a civil action to recover an administrative penalty under this subchapter.

Added by Acts 1991, 72nd Leg., ch. 385, Sec. 1, eff. Sept. 1, 1991.