

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 365
By: Armbrister
Business & Commerce
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Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, Texas cities are authorized to adopt building codes regulating construction within their jurisdiction, but the different building codes can cause confusion and delays throughout the construction process. C.S.S.B. 365 provides for the adoption of the International Residential Code as the uniform residential building code in Texas.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 214, Local Government Code, by adding Subchapter G, as follows:

SUBCHAPTER G. BUILDING CODES

Sec. 214.211. DEFINITIONS. Defines “international residential code,” “residential,” and “national electrical code.”

Sec. 214.212. INTERNATIONAL RESIDENTIAL CODE. Adopts the International Residential Code, as it existed on May 1, 2001, as a municipal residential building code in this state to protect the public health, safety, and welfare. Provides that the International Residential Code applies to all construction, alteration, remodeling, enlargement, and repair of residential structures in a municipality. Authorizes a municipality to establish procedures to adopt local amendments to the International Residential Code; and for the administration and enforcement of the International Residential Code. Requires a municipality to review and consider amendments made by the International Code Council to the International Residential Code after May 1, 2001.

Sec. 214.213. EXCEPTIONS. Provides that the International Residential Code will not apply to the installation and maintenance of electrical wiring and related components. Provides that all residential electrical construction applications will be governed by the National Electrical Code, as it existed on May 1, 2001. Requires a municipality to not be required to review and consider amendments to the electrical provisions made by the International Code Council to the International Residential Code after May 1, 2001.

SECTION 2. Amends Sections 6A(a) and (d), Article 21.49, Insurance Code, to require all structures that are constructed or repaired or to which additions are made on or after January 1, 2002, rather than January 1, 1988, to be considered insurable property for windstorm and hail insurance from the Texas Catastrophe Property Insurance Association (association) and be inspected or approved by the State Board of Insurance (board) for compliance with the building specifications in the plan of operation including those structural provisions of the International Residential Code as specified and adopted by the commissioner of insurance (commissioner) under the plan of operation. Requires all structures that

are constructed or repaired or to which additions are made on or after January 1, 1998, and before January 1, 2002, in order to be considered insurable property for windstorms and hail insurance from the association, to be inspected or approved by the board for compliance with the building specifications in the plan of operation. Requires a person, to obtain a certificate of compliance as required by this section, to submit an application for windstorm inspection to the unit responsible for windstorm inspection at the Texas Department of Insurance before beginning to construct, alter, remodel, enlarge, or repair a structure. Redefines “qualified inspector.”

SECTION 3. Makes application of this Act prospective.

Requires municipalities, before January 1, 2002, to establish rules and take other necessary actions to implement Chapter 214G, Local Government Code, as added by this Act.

SECTION 4. Effective date: January 1, 2002, except that Section 3(b) and this section take effect September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. Amends As Filed S.B. 365, Local Government Code, as follows:

- Adds “National Electrical Code” as new proposed definition.
- Adds new proposed Section 214.213 regarding exception of the International Residential Code.
- Adds “enlargement” to Section 214.212(b).
- Deletes previously proposed language in Subsection (e) regarding inspection of a residential structure.

SECTION 2. Amends As Filed S.B. 365, Sections 6A(a) and (d), Article 21.49, Insurance Code, as follows:

- Adds new proposed language in Subsection (a) regarding structural provisions and obtaining a certificate of compliance.
- Deletes previously proposed language regarding roofing materials satisfying the UL Standard 997.
- Adds new proposed language in Subsection (d) regarding the definition of “qualified person.”