

BILL ANALYSIS

Senate Research Center
83R5750 NC-F

S.B. 1081
By: Lucio
Business & Commerce
4/25/2013
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1081 creates a new certification for structural engineers under Chapter 1001 (Engineers) of the Occupations Code. The new certification will be for structural engineers trained for "significant structures," which are structures listed under the Occupancy Category III or IV under table 1604.5 of the International Building Code.

Occupancy Category III is assigned to structures that have large numbers of occupants and are designed for public assembly—structures where physical restraint or something else hinders the occupant's ability to move or evacuate, or structures that are part of the infrastructure, such as power generating stations or water treatment facilities, where a failure may not create an unusual life-safety risk, but can cause large-scale economic impact and/or mass disruption of day-to-day civilian life. Occupancy Category IV is assigned to structures designated as essential facilities that are intended to remain operational in the event of extreme loading, such as hospitals or fire stations. Also included are structures required for the operation of Occupancy Category IV facilities during an emergency, such as facilities to maintain water pressure for fire suppression. The bill provides that a person may not serve as structural engineering for a "significant structure" without this new certificate issued by the Texas Board of Professional Engineers.

As proposed, S.B. 1081 amends current law relating to the certification of structural engineers and provides for a fee.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Board of Professional Engineers in SECTION 1 (Sections 1001.374, 1001.376, and 1001.378, Occupations Code) and SECTION 2 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 1001, Occupations Code, by adding Subchapter H-1, as follows:

SUBCHAPTER H-1. CERTIFICATION OF STRUCTURAL ENGINEERS

Sec. 1001.371. DEFINITIONS. Defines "significant structure," "structural engineer," and "structural engineering" in this subchapter.

Sec. 1001.372. CERTIFICATE REQUIRED. (a) Prohibits a person from engaging in the practice of structural engineering unless the person holds a structural engineer certificate issued under this subchapter.

(b) Prohibits a person from, unless the person holds a structural engineer certificate issued under this subchapter, directly or indirectly using or causing to be used as a professional, business, or commercial identification, title, name, representation, claim, asset, or means of advantage or benefit any of, or a variation or abbreviation of, the following terms: "structural engineer"; "professional structural engineer"; "licensed structural engineer"; or "certified structural engineer."

Sec. 1001.373. CERTIFICATION REQUIREMENTS. Requires an applicant, to qualify for a structural engineer certificate, to be licensed under this chapter as an engineer and pass the structural engineering examination prescribed by the Texas Board of Professional Engineers (TBPE).

Sec. 1001.374. APPLICATION. Requires TBPE by rule to prescribe an application form for the issuance or renewal of a structural engineer certificate and determine the information to be included in the application.

Sec. 1001.375. EXAMINATION. Requires TBPE to administer a 16-hour examination to determine the qualifications of an applicant for a structural engineer certificate.

Sec. 1001.376. CERTIFICATE. Requires TBPE to issue a structural engineer certificate to an applicant who meets the qualifications prescribed by TBPE by rule and pays the required fees.

Sec. 1001.377. SEAL. (a) Requires a certificate holder, on receiving a structural engineer certificate, to obtain a seal in a design authorized by TBPE, showing the certificate holder's name and the legend "Structural Engineer."

(b) Authorizes the seal to be used in lieu of a seal obtained under Section 1001.401 (Use of Seal).

Sec. 1001.378. RENEWAL. (a) Provides that a certificate issued under this subchapter is valid for one year from the date of issuance.

(b) Authorizes the holder of a certificate to renew the certificate by paying a renewal fee and complying with other renewal requirements prescribed by TBPE rule before the expiration date.

Sec. 1001.379. FEES. Requires TBPE to establish and collect reasonable and necessary fees in amounts sufficient to cover the costs of administering this subchapter.

SECTION 2. (a) Requires TBPE, not later than May 1, 2014, to establish the qualifications for issuance and renewal of a structural engineer certificate and adopt the rules necessary to implement the changes in law made by this Act.

(b) Provides that a person is not required to obtain a structural engineer certificate under Subchapter H-1, Chapter 1001, Occupations Code, as added by this Act, before September 1, 2014.

SECTION 3. Entitles a person practicing as a licensed engineer in structural engineering on the effective date of this Act to issuance of a structural engineer certificate and to continue to practice structural engineering without fulfilling any additional education, training, or examination requirements established by TBPE under Subchapter H-1, Chapter 1001, Occupations Code, as added by this Act, if the person has the other qualifications required by TBPE and Chapter 1001 and if, before August 31, 2014, the person submits an application on a form prescribed by TBPE and an affidavit attesting to the person's experience as a structural engineer.

SECTION 4. Effective date: September 1, 2013.