

BILL ANALYSIS

S.B. 443
By: Staples
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

S.B. 443 corrects unintended consequences from changes made to Section 1202.003, Occupations Code by S.B. 279, 78(R) Legislature. The original intent was to establish a state inspection process for buildings which could be transported from one municipality to another without requiring inspection from a municipality with different building codes. However, when the definition of "industrialized buildings" changed, it had the effect of requiring every industrialized building to be built to state specifications and requiring a state inspection.

S.B. 443 meets the original intent of the retail industry, which first requested the changes in the Industrialized Housing and Building Code, without placing undue burden on the industrialized building manufacturers and adding costs to consumers. Further, S.B. 443 prevents the unnecessary expenditure of state dollars in inspecting private buildings with minimal public exposure.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 1202.001(2), Occupations Code, to define "construction site building," rather than "construction site office building," to mean a commercial structure that is used for any purpose, rather than as an office, at a commercial site by a person constructing a building, road, bridge, utility, or other infrastructure or improvement to real property.

SECTION 2. Amends Section 1202.003(d), Occupations Code, to specify that the classification of an industrialized building does not include:

- (1) a commercial structure that exceeds three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof; or
- (2) a commercial building or structure that is;
 - (A) installed in a manner other than on a permanent foundation; and
 - (B) either:
 - (i) not open to the public; or
 - (ii) less than 1,500 square feet in total area and used other than as a school or a place of religious worship.

SECTION 3. Amends Section 1202.203, Occupations Code, by amending Subsection (b) and adding Subsection (d), as follows:

- (b) Requires an approved third-party inspector to perform on-site inspections of industrialized housing, rather than housing and buildings, to be located outside the municipality.
- (d) Requires an approved third-party inspector, if required by commission rule, to perform on-site inspections of industrialized buildings to be located outside the municipality.

SECTION 4. Amends Section 1202.204(b), Occupations Code, to make a conforming change.

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SECTION 5. Repealer: Section 1202.003(c) (regarding structures not included in the definition of industrialized housing), Occupations Code.

SECTION 6. Provides that the changes in law made by this Act apply to any building or structure at a commercial site regardless of the date of installation of that building or structure.

SECTION 7. Effective date: September 1, 2005.

EFFECTIVE DATE

September 1, 2005.