

By: Wentworth

S.B. No. 1458

A BILL TO BE ENTITLED

AN ACT

relating to the adoption of a uniform commercial building code for use in the state.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 214.211, Local Government Code, is amended by adding Subdivisions (4) and (5) to read as follows:

(4) "International Building Code" means the International Building Code promulgated by the International Code Council.

(5) "Commercial" means a building for the use or occupation of people for:

(A) a public purpose or economic gain; or

(B) a residence if the building is a multifamily residence that is not defined as residential by this section.

SECTION 2. Subchapter G, Chapter 214, Local Government Code, is amended by adding Section 214.216 to read as follows:

Sec. 214.216. INTERNATIONAL BUILDING CODE. (a) To protect the public health, safety, and welfare, the International Building Code, as it existed on May 1, 2003, is adopted as a municipal commercial building code in this state.

(b) The International Building Code applies to all commercial buildings in a municipality for which construction begins on or after January 1, 2006, and to any alteration, remodeling, enlargement, or repair of those commercial buildings.

1       (c) A municipality may establish procedures:

2           (1) to adopt local amendments to the International  
3 Building Code; and

4           (2) for the administration and enforcement of the  
5 International Building Code.

6       (d) A local amendment adopted under Subsection (c) may not  
7 result in less stringent building requirements than the  
8 requirements prescribed by the International Building Code, as it  
9 existed on May 1, 2003.

10       (e) A municipality may review and consider amendments made  
11 by the International Code Council to the International Building  
12 Code after May 1, 2003. Subsection (d) does not apply to an  
13 amendment adopted by a municipality under this subsection.

14       SECTION 3. Chapter 233, Local Government Code, is amended  
15 by adding Subchapter E to read as follows:

16           SUBCHAPTER E. COMMERCIAL BUILDING CODE

17       Sec. 233.121. DEFINITIONS. In this subchapter:

18           (1) "Commercial" means a building for the use or  
19 occupation of people for:

20                   (A) a public purpose or economic gain; or

21                   (B) a residence if the building is a multifamily  
22 residence that is not defined as residential by this section.

23           (2) "International Building Code" means the  
24 International Building Code promulgated by the International Code  
25 Council.

26           (3) "Residential" means having the character of a  
27 detached one-family or two-family dwelling or a multiple

1 single-family dwelling that is not more than three stories high  
2 with separate means of egress, including the accessory structures  
3 of the dwelling, and that does not have the character of a facility  
4 used for the accommodation of transient guests or a structure in  
5 which medical, rehabilitative, or assisted living services are  
6 provided in connection with the occupancy of the structure.

7 Sec. 233.122. INTERNATIONAL BUILDING CODE. (a) To  
8 protect the public health, safety, and welfare, the International  
9 Building Code, as it existed on May 1, 2003, is adopted as a  
10 commercial building code in the unincorporated area of counties in  
11 this state.

12 (b) The International Building Code applies to all  
13 commercial buildings in the unincorporated area of a county for  
14 which construction begins on or after January 1, 2006, and to any  
15 alteration, remodeling, enlargement, or repair of those commercial  
16 buildings.

17 (c) The commissioners court of a county may establish  
18 procedures:

19 (1) to adopt local amendments to the International  
20 Building Code; and

21 (2) for the administration and enforcement of the  
22 International Building Code.

23 (d) A local amendment adopted under Subsection (c) may not  
24 result in less stringent building requirements than the  
25 requirements prescribed by the International Building Code, as it  
26 existed on May 1, 2003.

27 (e) The commissioners court may review and consider

1 amendments made by the International Code Council to the  
2 International Building Code after May 1, 2003. Subsection (d) does  
3 not apply to an amendment adopted by a county under this subsection.

4 SECTION 4. Before January 1, 2006, rules shall be  
5 established and other actions taken as necessary:

6 (1) by municipalities to implement Section 214.216,  
7 Local Government Code, as added by this Act; and

8 (2) by counties to implement Subchapter E, Chapter  
9 233, Local Government Code, as added by this Act.

10 SECTION 5. (a) Except as provided by Subsection (b) of this  
11 section, this Act takes effect January 1, 2006.

12 (b) This section and Section 4 of this Act take effect  
13 September 1, 2005.