

1-1 By: Wentworth S.B. No. 1458  
1-2 (In the Senate - Filed March 10, 2005; March 21, 2005, read  
1-3 first time and referred to Committee on Intergovernmental  
1-4 Relations; May 2, 2005, reported favorably by the following vote:  
1-5 Yeas 4, Nays 0; May 2, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the adoption of a uniform commercial building code for  
1-9 use in the state.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 214.211, Local Government Code, is  
1-12 amended by adding Subdivisions (4) and (5) to read as follows:

1-13 (4) "International Building Code" means the  
1-14 International Building Code promulgated by the International Code  
1-15 Council.

1-16 (5) "Commercial" means a building for the use or  
1-17 occupation of people for:

1-18 (A) a public purpose or economic gain; or

1-19 (B) a residence if the building is a multifamily  
1-20 residence that is not defined as residential by this section.

1-21 SECTION 2. Subchapter G, Chapter 214, Local Government  
1-22 Code, is amended by adding Section 214.216 to read as follows:

1-23 Sec. 214.216. INTERNATIONAL BUILDING CODE. (a) To protect  
1-24 the public health, safety, and welfare, the International Building  
1-25 Code, as it existed on May 1, 2003, is adopted as a municipal  
1-26 commercial building code in this state.

1-27 (b) The International Building Code applies to all  
1-28 commercial buildings in a municipality for which construction  
1-29 begins on or after January 1, 2006, and to any alteration,  
1-30 remodeling, enlargement, or repair of those commercial buildings.

1-31 (c) A municipality may establish procedures:

1-32 (1) to adopt local amendments to the International  
1-33 Building Code; and

1-34 (2) for the administration and enforcement of the  
1-35 International Building Code.

1-36 (d) A local amendment adopted under Subsection (c) may not  
1-37 result in less stringent building requirements than the  
1-38 requirements prescribed by the International Building Code, as it  
1-39 existed on May 1, 2003.

1-40 (e) A municipality may review and consider amendments made  
1-41 by the International Code Council to the International Building  
1-42 Code after May 1, 2003. Subsection (d) does not apply to an  
1-43 amendment adopted by a municipality under this subsection.

1-44 SECTION 3. Chapter 233, Local Government Code, is amended  
1-45 by adding Subchapter E to read as follows:

1-46 SUBCHAPTER E. COMMERCIAL BUILDING CODE

1-47 Sec. 233.121. DEFINITIONS. In this subchapter:

1-48 (1) "Commercial" means a building for the use or  
1-49 occupation of people for:

1-50 (A) a public purpose or economic gain; or

1-51 (B) a residence if the building is a multifamily  
1-52 residence that is not defined as residential by this section.

1-53 (2) "International Building Code" means the  
1-54 International Building Code promulgated by the International Code  
1-55 Council.

1-56 (3) "Residential" means having the character of a  
1-57 detached one-family or two-family dwelling or a multiple  
1-58 single-family dwelling that is not more than three stories high  
1-59 with separate means of egress, including the accessory structures  
1-60 of the dwelling, and that does not have the character of a facility  
1-61 used for the accommodation of transient guests or a structure in  
1-62 which medical, rehabilitative, or assisted living services are  
1-63 provided in connection with the occupancy of the structure.

1-64 Sec. 233.122. INTERNATIONAL BUILDING CODE. (a) To protect

2-1 the public health, safety, and welfare, the International Building  
2-2 Code, as it existed on May 1, 2003, is adopted as a commercial  
2-3 building code in the unincorporated area of counties in this state.

2-4 (b) The International Building Code applies to all  
2-5 commercial buildings in the unincorporated area of a county for  
2-6 which construction begins on or after January 1, 2006, and to any  
2-7 alteration, remodeling, enlargement, or repair of those commercial  
2-8 buildings.

2-9 (c) The commissioners court of a county may establish  
2-10 procedures:

2-11 (1) to adopt local amendments to the International  
2-12 Building Code; and

2-13 (2) for the administration and enforcement of the  
2-14 International Building Code.

2-15 (d) A local amendment adopted under Subsection (c) may not  
2-16 result in less stringent building requirements than the  
2-17 requirements prescribed by the International Building Code, as it  
2-18 existed on May 1, 2003.

2-19 (e) The commissioners court may review and consider  
2-20 amendments made by the International Code Council to the  
2-21 International Building Code after May 1, 2003. Subsection (d) does  
2-22 not apply to an amendment adopted by a county under this subsection.

2-23 SECTION 4. Before January 1, 2006, rules shall be  
2-24 established and other actions taken as necessary:

2-25 (1) by municipalities to implement Section 214.216,  
2-26 Local Government Code, as added by this Act; and

2-27 (2) by counties to implement Subchapter E, Chapter  
2-28 233, Local Government Code, as added by this Act.

2-29 SECTION 5. (a) Except as provided by Subsection (b) of  
2-30 this section, this Act takes effect January 1, 2006.

2-31 (b) This section and Section 4 of this Act take effect  
2-32 September 1, 2005.

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