

## **BILL ANALYSIS**

C.S.H.B. 2649  
By: Smith, Wayne  
Licensing & Administrative Procedures  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

In Texas, there are many areas with unique soil characteristics and certain areas that are subject to high winds during storms. Because of this, construction design standards are more than adequate in some areas of the state, yet problematic in others. For example, a hastily designed residential slab in highly expansive soil may last a few years without cracking, but it will inevitably be compromised. A cracked slab leads to many problems and unexpected expenses for a homeowner down the road. In high-wind areas, recent advances in design standards have made homes safer and reduced the costs of repair after a storm. The design in high-wind areas is especially important to the state due to potential financial exposure through the Texas Windstorm Insurance Association.

C.S.H.B. 2649 establishes that an exemption from licensing requirements for engineers providing specified services relating to the construction or repair of, or drawing plans or specifications for, certain types of private buildings does not apply to a person or entity that is providing services necessary to comply with windstorm certification standards for a residential dwelling or that is constructing, enlarging, altering, or repairing, or drawing plans or specifications for, a residential dwelling slab located on soil with a plasticity index of greater than 30, determined in accordance with a specified standard. The bill provides that the prohibition against the professional use of the term "engineer" does not apply to the professional use of the term "fire engineer" by a member of a fire department in certain municipalities who holds the position of fire apparatus operator and is not otherwise engaged in the practice of engineering.

### **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**

C.S.H.B. 2649 amends the Occupations Code to provide that the exemption from licensing requirements for an engineer providing specified services relating to the construction or repair of, or drawing plans or specifications for, certain types of private buildings does not apply to a person or entity that is providing services necessary to comply with windstorm certification standards for a residential dwelling or that is constructing, enlarging, altering, or repairing, or drawing plans or specifications for, a residential dwelling slab located on soil with a plasticity index of greater than 30, determined in accordance with ASTM International standard D4318-05 (Standard Test Methods for Liquid Limits, Plastic Limit, and Plasticity Index of Soils) as that standard was in effect on January 1, 2009.

C.S.H.B. 2649 provides that The Texas Engineering Practice Act does not prohibit the professional use of the term "fire engineer" by a member of a fire department in a municipality with a population of one million or more that has adopted provisions relating to municipal civil service for firefighters and police officers and to which provisions applicable to a municipality

with a population of 1.5 million or more do not generally apply, who holds the position of fire apparatus operator and is not otherwise engaged in the practice of engineering.

**EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 2649 adds a provision not included in the original regarding the use of the term "fire engineer."