

BILL ANALYSIS

Senate Research Center
81R35806 NC-D

C.S.H.B. 2649
By: Smith, Wayne, Callegari (Deuell)
Business & Commerce
5/22/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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 over time. 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.

C.S.H.B. 2649 amends current law relating to the regulation and practice of engineering and lighting design.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1001.056, Occupations Code, by adding Subsection (c), as follows:

(c) Provides that the exemption provided by this section does not apply to a person or entity that is:

(1) providing engineering design or inspection services necessary to comply with windstorm certification standards for a residential dwelling under Subchapter F (Property Inspections for Windstorm and Hail Insurance), Chapter 2210 (Texas Windstorm Insurance Association), Insurance Code; or

(2) providing engineering design relating to constructing, enlarging, altering, or repairing, or drawing plans or specifications for, a residential dwelling slab located on expansive soil that meets the expansive soil classification provisions of the International Residential Code as applied in the jurisdiction in which the residential dwelling is located, unless the construction, enlargement, alteration, repair, or drawing of plans or specifications meets the International Residential

Code requirements as applied in the jurisdiction in which the residential dwelling is located.

SECTION 2. Amends Subchapter B, Chapter 1001, Occupations Code, by adding Section 1001.067, as follows:

Sec. 1001.067. CERTAIN FIRE DEPARTMENT EMPLOYEES. Provides that this chapter 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 Chapter 143 (Municipal Civil Service for Firefighters and Police Officers), Local Government Code, and to which Subchapter G (Provisions Applicable to Municipality With Population of 1.5 Million or More and Certain Other Municipalities) of that chapter does not generally apply, who holds the position of fire apparatus operator; and is not otherwise engaged in the practice of engineering.

SECTION 3. Amends Subchapter G, Chapter 1001, Occupations Code, by adding Section 1001.3011, as follows:

Sec. 1001.3011. LIGHTING DESIGN; LICENSE OR REGISTRATION REQUIRED.
(a) Prohibits a person from performing or offering to perform lighting design service unless the person is licensed as an engineer under this chapter; registered as an architect, landscape architect, or interior designer under Subtitle B (Regulation of Architecture and Related Practices), Title 6 (Regulation of Engineering, Architecture, Land Surveying, and Related Practices); or licensed under Chapter 1305 (Electricians).

(b) Defines "lighting design services" in this section. Provides that the term does not include the preparation of shop drawings or other directions from a manufacturer for the installation or operation of lighting fixtures.

SECTION 4. Amends Section 1001.401, Occupations Code, by adding Subsection (e), to prohibit a license holder from being required to provide or hold any additional certification, other than a license issued under this chapter, to seal a plan, specification, plat, or report.

SECTION 5. Amends Subchapter F, Chapter 1051, Occupations Code, by adding Section 1051.308, as follows:

Sec. 1051.308. LIGHTING DESIGN; REGISTRATION OR LICENSED REQUIRED.
(a) Prohibits a person from performing or offering to perform lighting design service unless the person is registered as an architect, landscape architect, or interior designer under this subtitle; licensed as an engineer under Chapter 1001 (Engineers); or licensed under Chapter 1305.

(b) Defines "lighting design services" in this section. Provides that the term does not include the preparation of shop drawings or other directions from a manufacturer for the installation or operation of lighting fixtures.

SECTION 6. Amends Subchapter D, Chapter 1305, Occupations Code, by adding Section 1305.1511, as follows:

Sec. 1305.1511. LIGHTING DESIGN; LICENSE OR REGISTRATION REQUIRED.
(a) Prohibits a person from performing or offering to perform lighting design service unless the person is licensed under this chapter; licensed as an engineer under Chapter 1001; or registered as an architect, landscape architect, or interior designer under Subtitle B, Title 6.

(b) Defines "lighting design services" in this section. Provides that the term does not include the preparation of shop drawings or other directions from a manufacturer for the installation or operation of lighting fixtures.

SECTION 7. Effective date: upon passage or September 1, 2009.

