

## **BILL ANALYSIS**

H.B. 2763  
By: Kuempel  
Licensing & Administrative Procedures  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The 80th Legislature, Regular Session, 2007, amended the Education Code to require portable classrooms to be inspected when they are relocated from one location to another to ensure they comply with all mandatory building codes and approved designs, plans, and specifications. Portable classrooms are classified as industrial buildings in Texas and are under the jurisdiction of the Texas Department of Licensing and Regulation (TDLR), which ensures compliance with all applicable buildings and installation requirements.

H.B. 2763 is a cleanup bill of the provisions relating to compliance with all mandatory building codes for relocatable educational facilities (portable classrooms) when they are moved from one location to another. The bill also transfers these provisions from the Education Code to the Occupations Code. The bill removes some specific measurement requirements and re-inspection triggers from the code, which allows TDLR to use the most recently adopted mandatory building codes to ensure compliance with current specifications.

### **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**

H.B. 2763 amends the Occupations Code provision that exempts certain structures from classification as industrialized housing to remove the qualification that a residential structure or a commercial structure that exceeds three stories or 49 feet in height is as measured from the finished grade elevation at the building entrance to the peak of the roof. The bill defines "relocatable educational facility" to mean a portable, modular building capable of being relocated, regardless of whether the facility is built at the installation site, that is used primarily as an educational facility for teaching the curriculum required by state law. The bill requires a relocatable educational facility that is purchased or leased on or after January 1, 2010, to comply with all provisions applicable to industrialized buildings.

H.B. 2763 specifies that provisions relating to the effect of building code amendments for industrialized housing and buildings refer to an industrialized building designed to be transported from one commercial site to another. The bill requires the owner of such a building that has been modified or altered and meets certain other requirements to ensure that the building complies with the requirements and standards of the new building code or amendment to the extent required by the most recent edition of the International Existing Building Code adopted by the Texas Industrialized Building Code Council. The bill removes provisions that require such a building owner to ensure that the entire building or the modified or altered portion of the building complies with the mandatory building code or building code amendment under certain conditions.

H.B. 2763 repeals a provision of the Education Code that requires certain portable, modular buildings capable of being relocated to be inspected to ensure compliance with mandatory building codes or approved designs, plans, and specifications.

H.B. 2763 repeals Section 46.008(b), Education Code.

**EFFECTIVE DATE**

September 1, 2009.