

1-1 By: Kuempel (Senate Sponsor - Eltife) H.B. No. 2763
1-2 (In the Senate - Received from the House April 14, 2009;
1-3 April 15, 2009, read first time and referred to Committee on
1-4 Education; May 11, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-6 May 11, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2763 By: Van de Putte

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the regulation of industrialized housing and buildings.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 1202.002(c), Occupations Code, is
1-13 amended to read as follows:

1-14 (c) Industrialized housing does not include:

1-15 (1) a residential structure that exceeds three stories
1-16 or 49 feet in height [~~as measured from the finished grade elevation~~
1-17 ~~at the building entrance to the peak of the roof~~];

1-18 (2) housing constructed of a sectional or panelized
1-19 system that does not use a modular component; or

1-20 (3) a ready-built home constructed in a manner in
1-21 which the entire living area is contained in a single unit or
1-22 section at a temporary location for the purpose of selling and
1-23 moving the home to another location.

1-24 SECTION 2. Section 1202.003(d), Occupations Code, is
1-25 amended to read as follows:

1-26 (d) An industrialized building includes a permanent
1-27 commercial structure and a commercial structure designed to be
1-28 transported from one commercial site to another commercial site but
1-29 does not include:

1-30 (1) a commercial structure that exceeds three stories
1-31 or 49 feet in height [~~as measured from the finished grade elevation~~
1-32 ~~at the building entrance to the peak of the roof~~]; or

1-33 (2) a commercial building or structure that is:

1-34 (A) installed in a manner other than on a
1-35 permanent foundation; and

1-36 (B) either:

1-37 (i) not open to the public; or

1-38 (ii) less than 1,500 square feet in total
1-39 area and used other than as a school or a place of religious
1-40 worship.

1-41 SECTION 3. Subchapter A, Chapter 1202, Occupations Code, is
1-42 amended by adding Section 1202.004 to read as follows:

1-43 Sec. 1202.004. RELOCATABLE EDUCATIONAL FACILITIES. (a) In
1-44 this section, "relocatable educational facility" means a portable,
1-45 modular building capable of being relocated, regardless of whether
1-46 the facility is built at the installation site, that is used
1-47 primarily as an educational facility for teaching the curriculum
1-48 required under Section 28.002, Education Code.

1-49 (b) A relocatable educational facility that is purchased or
1-50 leased on or after January 1, 2010, must comply with all provisions
1-51 applicable to industrialized buildings under this chapter.

1-52 SECTION 4. Section 1202.1535(b), Occupations Code, is
1-53 amended to read as follows:

1-54 (b) The owner of an industrialized building designed to be
1-55 transported from one commercial site to another that bears an
1-56 approved decal or insignia indicating the building complies with
1-57 the mandatory building codes and that is modified or altered after
1-58 the date the council adopts a new mandatory building code or the
1-59 council approves a building code amendment must ensure that the
1-60 modified or altered building complies with the requirements and
1-61 standards of the new building code or amendment to the extent
1-62 required by the most recent edition of the International Existing
1-63 Building Code adopted by the council [+]

2-1 ~~[(1) the entire building complies with the mandatory~~
2-2 ~~building code or building code amendment if the cost of the~~
2-3 ~~modification or alteration to the building is at least 50 percent of~~
2-4 ~~the value of the modules or modular components used in the~~
2-5 ~~construction of the building; or~~

2-6 ~~[(2) the modified or altered portion of the building~~
2-7 ~~complies with the mandatory building code or building code~~
2-8 ~~amendment if the cost of the modification or alteration is less than~~
2-9 ~~50 percent of the value of the modules or modular components].~~

2-10 SECTION 5. Section 46.008(b), Education Code, is repealed.

2-11 SECTION 6. (a) Except as provided by Subsection (b) of this
2-12 section, this Act takes effect September 1, 2009.

2-13 (b) Section 5 of this Act takes effect December 31, 2009.

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