

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Smith of Harris, Callegari

H.B. No. 2649

A BILL TO BE ENTITLED

AN ACT

relating to the regulation and practice of engineering.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1001.056, Occupations Code, is amended by adding Subsection (c) to read as follows:

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

(1) providing inspection services necessary to comply with windstorm certification standards for a residential dwelling under Subchapter F, Chapter 2210, Insurance Code; or

(2) 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. Subchapter B, Chapter 1001, Occupations Code, is amended by adding Section 1001.067 to read as follows:

Sec. 1001.067. CERTAIN FIRE DEPARTMENT EMPLOYEES. 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

1 population of one million or more that has adopted Chapter 143,  
2 Local Government Code, and to which Subchapter G of that chapter  
3 does not generally apply, who:

4           (1) holds the position of fire apparatus operator; and  
5           (2) is not otherwise engaged in the practice of  
6 engineering.

7           SECTION 3. Section 1001.401, Occupations Code, is amended  
8 by adding Subsection (e) to read as follows:

9           (e) A license holder shall not be required to provide or  
10 hold any additional certification, other than a license issued  
11 under this chapter, to seal a plan, specification, plat, or report.

12           SECTION 4. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2009.

# ADOPTED

MAY 27 2009

*Atty. Gen. Paul*  
Secretary of the Senate

By: Deneel

H.B. No. 2649

Substitute the following for ~~H.B. No. 2649~~:

By: H. Newt

C.S. H.B. No. 2649

## A BILL TO BE ENTITLED

### AN ACT

1  
2 relating to the regulation and practice of engineering and lighting  
3 design.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 1001.056, Occupations Code, is amended  
6 by adding Subsection (c) to read as follows:

7 (c) The exemption provided by this section does not apply to  
8 a person or entity that is:

9 (1) providing engineering design or inspection  
10 services necessary to comply with windstorm certification  
11 standards for a residential dwelling under Subchapter F, Chapter  
12 2210, Insurance Code; or

13 (2) providing engineering design relating to  
14 constructing, enlarging, altering, or repairing, or drawing plans  
15 or specifications for, a residential dwelling slab located on  
16 expansive soil that meets the expansive soil classification  
17 provisions of the International Residential Code as applied in the  
18 jurisdiction in which the residential dwelling is located, unless  
19 the construction, enlargement, alteration, repair, or drawing of  
20 plans or specifications meets the International Residential Code  
21 requirements as applied in the jurisdiction in which the  
22 residential dwelling is located.

23 SECTION 2. Subchapter B, Chapter 1001, Occupations Code, is  
24 amended by adding Section 1001.067 to read as follows:

1           Sec. 1001.067. CERTAIN FIRE DEPARTMENT EMPLOYEES. This  
2 chapter does not prohibit the professional use of the term "fire  
3 engineer" by a member of a fire department in a municipality with a  
4 population of one million or more that has adopted Chapter 143,  
5 Local Government Code, and to which Subchapter G of that chapter  
6 does not generally apply, who:

- 7                   (1) holds the position of fire apparatus operator; and  
8                   (2) is not otherwise engaged in the practice of  
9 engineering.

10           SECTION 3. Subchapter G, Chapter 1001, Occupations Code, is  
11 amended by adding Section 1001.3011 to read as follows:

12           Sec. 1001.3011. LIGHTING DESIGN; LICENSE OR REGISTRATION  
13 REQUIRED. (a) A person may not perform or offer to perform  
14 lighting design services unless the person is:

- 15                   (1) licensed as an engineer under this chapter;  
16                   (2) registered as an architect, landscape architect,  
17 or interior designer under Subtitle B, Title 6; or  
18                   (3) licensed under Chapter 1305.

19           (b) In this section, "lighting design services" means the  
20 preparation of plans and specifications that depict the placement  
21 and direction of illumination of mounted or installed lighting  
22 fixtures in the interior or exterior of a building, including the  
23 specification of bulbs, reflectors, lens, louvers, baffles, and  
24 other hardware. The term does not include the preparation of shop  
25 drawings or other directions from a manufacturer for the  
26 installation or operation of lighting fixtures.

27           SECTION 4. Section 1001.401, Occupations Code, is amended

1 by adding Subsection (e) to read as follows:

2 (e) A license holder is not required to provide or hold any  
3 additional certification, other than a license issued under this  
4 chapter, to seal an engineering plan, specification, plat, or  
5 report.

6 SECTION 5. Subchapter F, Chapter 1051, Occupations Code, is  
7 amended by adding Section 1051.308 to read as follows:

8 Sec. 1051.308. LIGHTING DESIGN; REGISTRATION OR LICENSE  
9 REQUIRED. (a) A person may not perform or offer to perform  
10 lighting design services unless the person is:

11 (1) registered as an architect, landscape architect,  
12 or interior designer under this subtitle;

13 (2) licensed as an engineer under Chapter 1001; or

14 (3) licensed under Chapter 1305.

15 (b) In this section, "lighting design services" means the  
16 preparation of plans and specifications that depict the placement  
17 and direction of illumination of mounted or installed lighting  
18 fixtures in the interior or exterior of a building, including the  
19 specification of bulbs, reflectors, lens, louvers, baffles, and  
20 other hardware. The term does not include the preparation of shop  
21 drawings or other directions from a manufacturer for the  
22 installation or operation of lighting fixtures.

23 SECTION 6. Subchapter D, Chapter 1305, Occupations Code, is  
24 amended by adding Section 1305.1511 to read as follows:

25 Sec. 1305.1511. LIGHTING DESIGN; LICENSE OR REGISTRATION  
26 REQUIRED. (a) A person may not perform or offer to perform  
27 lighting design services unless the person is:

- 1           (1) licensed under this chapter;  
2           (2) licensed as an engineer under Chapter 1001; or  
3           (3) registered as an architect, landscape architect,  
4 or interior designer under Subtitle B, Title 6.

5           (b) In this section, "lighting design services" means the  
6 preparation of plans and specifications that depict the placement  
7 and direction of illumination of mounted or installed lighting  
8 fixtures in the interior or exterior of a building, including the  
9 specification of bulbs, reflectors, lens, louvers, baffles, and  
10 other hardware. The term does not include the preparation of shop  
11 drawings or other directions from a manufacturer for the  
12 installation or operation of lighting fixtures.

13           SECTION 7. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2009.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 27, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2649** by Smith, Wayne (Relating to the regulation and practice of engineering and lighting design.), **As Passed 2nd House**

<b>No fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 452 Department of Licensing and Regulation, 459 Board of Architectural Examiners,  
460 Board of Professional Engineers

**LBB Staff:** JOB, SZ, JRO, MW

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 23, 2009**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2649** by Smith, Wayne (Relating to the regulation and practice of engineering and lighting design.), **Committee Report 2nd House, Substituted**

<b>No fiscal implication to the State is anticipated.</b>
---

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 452 Department of Licensing and Regulation, 459 Board of Architectural Examiners,  
460 Board of Professional Engineers

**LBB Staff:** JOB, JRO, MW



**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 18, 2009**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2649** by Smith, Wayne (Relating to the regulation and practice of engineering.), As  
**Engrossed**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 460 Board of Professional Engineers

**LBB Staff:** JOB, JRO, MW

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 20, 2009**

**TO:** Honorable Edmund Kuempel, Chair, House Committee on Licensing & Administrative Procedures

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** **HB2649** by Smith, Wayne (relating to the regulation and practice of engineering. ),  
**Committee Report 1st House, Substituted**

<b>No fiscal implication to the State is anticipated.</b>
---

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 460 Board of Professional Engineers

**LBB Staff:** JOB, JRO, MW

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 7, 2009**

**TO:** Honorable Edmund Kuempel, Chair, House Committee on Licensing & Administrative Procedures

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2649** by Smith, Wayne (Relating to the regulation and practice of engineering.), **As Introduced**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 460 Board of Professional Engineers

**LBB Staff:** JOB, JRO, MW