

By: Carona

S.B. No. 1123

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of inspectors qualified to perform
windstorm inspections and to persons acting as those inspectors.

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

SECTION 1. Section 2210.254, Insurance Code, is amended by
adding Subsection (e) to read as follows:

(e) The department may establish an annual renewal period
for persons appointed as qualified inspectors.

SECTION 2. Subchapter F, Chapter 2210, Insurance Code, is
amended by adding Section 2210.2551 to read as follows:

Sec. 2210.2551. EXCLUSIVE ENFORCEMENT AUTHORITY; RULES.

(a) The department has exclusive authority over all matters
relating to the appointment and oversight of qualified inspectors
for purposes of this chapter.

(b) The commissioner by rule shall establish criteria to
ensure that a person seeking appointment as a qualified inspector
under this subchapter, including an engineer seeking appointment
under Section 2210.255, possesses the knowledge, understanding,
and professional competence to perform windstorm inspections under
this chapter and to comply with other requirements of this chapter.

SECTION 3. The heading to Section 2210.256, Insurance Code,
is amended to read as follows:

Sec. 2210.256. DISCIPLINARY PROCEEDINGS REGARDING
APPOINTED INSPECTORS AND CERTAIN OTHER PERSONS.

1 SECTION 4. Section 2210.256, Insurance Code, is amended by
2 adding Subsection (a-2) to read as follows:

3 (a-2) In addition to any other action authorized under this
4 section, the commissioner ex parte may enter an emergency cease and
5 desist order under Chapter 83 against a qualified inspector, or a
6 person acting as a qualified inspector, if:

7 (1) the commissioner believes that:

8 (A) the qualified inspector has:

9 (i) through submitting or failing to submit
10 to the department sealed plans, designs, calculations, or other
11 substantiating information, failed to demonstrate that a structure
12 or a portion of a structure subject to inspection meets the
13 requirements of this chapter and department rules; or

14 (ii) refused to comply with requirements
15 imposed under this chapter or department rules; or

16 (B) the person acting as a qualified inspector is
17 acting without appointment as a qualified inspector under Section
18 2210.254 or 2210.255; and

19 (2) the commissioner determines that the conduct
20 described by Subdivision (1) is fraudulent or hazardous or creates
21 an immediate danger to the public.

22 SECTION 5. Section 83.002, Insurance Code, is amended by
23 adding Subsection (c) to read as follows:

24 (c) This chapter also applies to:

25 (1) a person appointed as a qualified inspector under
26 Section 2210.254 or 2210.255; and

27 (2) a person acting as a qualified inspector under

1 Section 2210.254 or 2210.255 without being appointed as a qualified
2 inspector under either of those sections.

3 SECTION 6. This Act takes effect September 1, 2011.