

By: Taylor

S.B. No. 2305

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the certification of certain improvements by the Texas
3 Department of Insurance in connection with the issuance of
4 insurance by the Texas Windstorm Insurance Association;
5 authorizing a penalty.

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

7 SECTION 1. Section 2210.251(g), Insurance Code, is amended
8 to read as follows:

9 (g) A certificate of compliance issued by the department [~~or~~
10 ~~association~~] under Section 2210.2515 demonstrates compliance with
11 the applicable building code under the plan of operation. The
12 certificate is evidence of insurability of the structure by the
13 association.

14 SECTION 2. Section 2210.2515, Insurance Code, is amended by
15 amending Subsections (c) and (e) and adding Subsections (i) and (j)
16 to read as follows:

17 (c) A person may apply to the department [~~association~~] on a
18 form prescribed by the department for a certificate of compliance
19 for a completed improvement. Except as provided by Subsection (e),
20 the [~~The~~] department [~~association~~] shall issue a certificate of
21 compliance for a completed improvement if a professional engineer
22 licensed by the Texas Board of Professional Engineers inspects the
23 completed improvement in accordance with commissioner rule and
24 affirms the improvement complies[+]

1 ~~[(1) has designed the improvement, has affixed the~~
2 ~~engineer's seal on the design, and submits to the association on a~~
3 ~~form prescribed by the department an affirmation of compliance]~~
4 with the applicable building code under the plan of operation and,
5 if a design of the completed improvement affixed with the seal of a
6 licensed professional engineer was submitted, that the improvement
7 conforms to the design~~[, or~~

8 ~~[(2) completes a sealed post-construction evaluation~~
9 ~~report that confirms compliance with the applicable building code~~
10 ~~under the plan of operation].~~

11 (e) Except as otherwise provided by this subchapter, the
12 department may not issue a certificate of compliance under
13 Subsection (c) or (d) if within six months after the date of the
14 final inspection of the structure that is the subject of the
15 application, the department has not received:

16 (1) fully completed forms prescribed by the department
17 demonstrating that the improvement satisfies the requirements
18 under Subsection (c) or Subsection (d)(1) or (2), as applicable;
19 and

20 (2) payment in full of all inspection fees, including
21 fees for prior department inspections, owed to the department.

22 (i) The department may rescind a certificate of compliance
23 issued under this section if the department finds that the
24 certificate was improperly issued.

25 (j) If the department finds that a professional engineer has
26 failed to provide complete and accurate information in connection
27 with an application for a certificate of compliance under this

1 section, the department may:

2 (1) impose a reasonable penalty on the professional
3 engineer, including prohibiting the engineer from applying for
4 certificates of compliance under this section; or

5 (2) submit a formal complaint to the Texas Board of
6 Professional Engineers recommending license revocation.

7 SECTION 3. Section 2210.2515(f), Insurance Code, is
8 repealed.

9 SECTION 4. (a) Section 2210.251(g), Insurance Code, as
10 amended by this Act, does not affect the status of a certificate of
11 compliance issued by the Texas Windstorm Insurance Association
12 before January 1, 2019, or after January 1, 2019, in response to an
13 application made before that date for purposes of establishing
14 evidence of insurability.

15 (b) Section 2210.2515, Insurance Code, as amended by this
16 Act, applies only to an application for a certificate of compliance
17 made on or after January 1, 2020. An application for a certificate
18 of compliance made before January 1, 2020, is governed by the law as
19 it existed immediately before the effective date of this Act, and
20 that law is continued in effect for that purpose.

21 SECTION 5. This Act takes effect September 1, 2019.