

BILL ANALYSIS

Senate Research Center
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S.B. 365
By: Armbrister
Business & Commerce
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DIGEST AND PURPOSE

Currently, Texas cities are authorized to adopt building codes regulating construction within their jurisdiction, but the different building codes can cause confusion and delays throughout the construction process. As proposed, S.B. 365 provides for the adoption of the International Residential Code as the uniform residential building code in Texas.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 214, Local Government Code, by adding Subchapter G, as follows:

SUBCHAPTER G. BUILDING CODES

Sec. 214.211. DEFINITIONS. Defines “international residential code” and “residential.”

Sec. 214.212. INTERNATIONAL RESIDENTIAL CODE. Adopts the International Residential Code, as it existed on May 1, 2001, as a municipal residential building code in this state to protect the public health, safety, and welfare. Provides that the International Residential Code applies to all construction, alteration, remodeling, and repair of residential structures in a municipality. Authorizes a municipality to establish procedures to adopt local amendments to the International Residential Code; and for the administration and enforcement of the International Residential Code. Requires a municipality to review and consider amendments made by the International Code Council to the International Residential Code after May 1, 2001. Requires an inspection of a residential structure in a municipality to be conducted by a person who is an International Code Council certified inspector or a licensed professional engineer and who has any other qualifications established by the municipality. Authorizes a municipality to employ or contract for the services of an inspector.

SECTION 2. Amends Sections 6A(a) and (d), Article 21.49, Insurance Code, to require all structures that are constructed or repaired or to which additions are made on or after January 1, 2002, rather than January 1, 1988, to be considered insurable property for windstorm and hail insurance from the Texas Catastrophe Property Insurance Association (association) and be inspected or approved by the State Board of Insurance (board) for compliance with the building specifications in the plan of operation or the structural provisions of the International Residential Code as that code existed on May 1, 2001, and any amendments to that code adopted by the International Code Council and approved by the board. Requires that all structures that are constructed or repaired or to which additions are made on or after January 1, 1988, and before January 1, 2002, which are to be considered insurable property for windstorm and hail insurance from the association are to be inspected or approved by the board for compliance with the building specifications in the plan of operation. Provides that roofing materials satisfy the building specifications in the plan of operation if those materials pass the UL Standard 997 or

a comparable test certified by the board and are installed as required by the board to promote the wind resistance of the materials. Redefines “qualified inspector.”

SECTION 3. Makes application of this Act prospective.

Requires municipalities, before January 1, 2002, to establish rules and take other necessary actions to implement Chapter 214G, Local Government Code, as added by this Act.

SECTION 4. Effective date: January 1, 2002, except that Section 3(b) and this section take effect September 1, 2001.