

By: Ritter

H.B. No. 1039

A BILL TO BE ENTITLED

AN ACT

relating to inspection of residential construction in unincorporated areas; providing penalties.

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

SECTION 1. Title 16, Property Code, is amended by adding Subtitle F to read as follows:

SUBTITLE F. INSPECTION OF NEW RESIDENTIAL CONSTRUCTION

CHAPTER 446. RESIDENTIAL CONSTRUCTION IN UNINCORPORATED AREA

Sec. 446.001. APPLICABILITY OF CHAPTER. This chapter applies to construction described by Section 401.003(a) in an unincorporated area.

Sec. 446.002. INSPECTION REQUIRED. (a) A builder shall have a new home or other improvement to which this chapter applies inspected by a third-party inspector approved by the commission.

(b) The inspection must be performed at the time and in the manner prescribed by commission rule.

(c) The builder shall submit a written report prepared by the inspector describing the results of the inspection to:

(1) the commission; and

(2) the person purchasing the home or other improvement from the builder.

Sec. 446.003. QUALIFICATIONS OF INSPECTORS. Unless the commission by rule establishes additional qualifications for performing inspections under this chapter, a third-party inspector

1 qualified under Section 427.001(b) to inspect issues involving
2 workmanship and materials may perform an inspection under this
3 chapter.

4 Sec. 446.004. ELEMENTS OF INSPECTION. The commission by
5 rule shall:

6 (1) establish the elements of the construction that
7 must be inspected under this chapter; and

8 (2) prescribe the form in which the results of the
9 inspection will be reported in writing.

10 Sec. 446.005. CONSTRUCTION IN CERTAIN AREAS: ELIGIBILITY
11 FOR CERTAIN WINDSTORM AND HAIL INSURANCE. (a) This section applies
12 only to construction in an unincorporated area in which windstorm
13 and hail insurance coverage is available under Chapter 2210,
14 Insurance Code.

15 (b) In addition to an inspection required by Section
16 446.002, the builder must:

17 (1) obtain a certificate of compliance under Section
18 2210.251, Insurance Code, for the structure; and

19 (2) provide a copy of the certificate to:

20 (A) the commission; and

21 (B) the person purchasing the home or other
22 improvement from the builder.

23 Sec. 446.006. PENALTIES. A builder who violates this
24 chapter is subject to disciplinary action under Chapter 418 and may
25 be subject to an administrative penalty under Chapter 419.

26 SECTION 2. On or before December 1, 2007, the Texas
27 Residential Construction Commission shall adopt all rules

1 necessary to implement Subtitle F, Title 16, Property Code, as
2 added by this Act.

3 SECTION 3. The change in law made by this Act applies only
4 to construction commenced on or after January 1, 2008.
5 Construction commenced before January 1, 2008, is governed by the
6 law in effect immediately before the effective date of this Act, and
7 that law is continued in effect for that purpose.

8 SECTION 4. This Act takes effect September 1, 2007.