

1-1 By: Taylor S.B. No. 2305
 1-2 (In the Senate - Filed March 8, 2019; March 21, 2019, read
 1-3 first time and referred to Committee on Business & Commerce;
 1-4 April 8, 2019, reported favorably by the following vote: Yeas 9,
 1-5 Nays 0; April 8, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the certification of certain improvements by the Texas
 1-20 Department of Insurance in connection with the issuance of
 1-21 insurance by the Texas Windstorm Insurance Association;
 1-22 authorizing a penalty.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 2210.251(g), Insurance Code, is amended
 1-25 to read as follows:

1-26 (g) A certificate of compliance issued by the department [~~or~~
 1-27 ~~association~~] under Section 2210.2515 demonstrates compliance with
 1-28 the applicable building code under the plan of operation. The
 1-29 certificate is evidence of insurability of the structure by the
 1-30 association.

1-31 SECTION 2. Section 2210.2515, Insurance Code, is amended by
 1-32 amending Subsections (c) and (e) and adding Subsections (i) and (j)
 1-33 to read as follows:

1-34 (c) A person may apply to the department [~~association~~] on a
 1-35 form prescribed by the department for a certificate of compliance
 1-36 for a completed improvement. Except as provided by Subsection (e),
 1-37 the [The] department [~~association~~] shall issue a certificate of
 1-38 compliance for a completed improvement if a professional engineer
 1-39 licensed by the Texas Board of Professional Engineers inspects the
 1-40 completed improvement in accordance with commissioner rule and
 1-41 affirms the improvement complies[+]

1-42 [(1) has designed the improvement, has affixed the
 1-43 engineer's seal on the design, and submits to the association on a
 1-44 form prescribed by the department an affirmation of compliance]
 1-45 with the applicable building code under the plan of operation and,
 1-46 if a design of the completed improvement affixed with the seal of a
 1-47 licensed professional engineer was submitted, that the improvement
 1-48 conforms to the design[+ or

1-49 [(2) completes a sealed post-construction evaluation
 1-50 report that confirms compliance with the applicable building code
 1-51 under the plan of operation].

1-52 (e) Except as otherwise provided by this subchapter, the
 1-53 department may not issue a certificate of compliance under
 1-54 Subsection (c) or (d) if within six months after the date of the
 1-55 final inspection of the structure that is the subject of the
 1-56 application, the department has not received:

1-57 (1) fully completed forms prescribed by the department
 1-58 demonstrating that the improvement satisfies the requirements
 1-59 under Subsection (c) or Subsection (d)(1) or (2), as applicable;
 1-60 and

1-61 (2) payment in full of all inspection fees, including

2-1 fees for prior department inspections, owed to the department.

2-2 (i) The department may rescind a certificate of compliance
2-3 issued under this section if the department finds that the
2-4 certificate was improperly issued.

2-5 (j) If the department finds that a professional engineer has
2-6 failed to provide complete and accurate information in connection
2-7 with an application for a certificate of compliance under this
2-8 section, the department may:

2-9 (1) impose a reasonable penalty on the professional
2-10 engineer, including prohibiting the engineer from applying for
2-11 certificates of compliance under this section; or

2-12 (2) submit a formal complaint to the Texas Board of
2-13 Professional Engineers recommending license revocation.

2-14 SECTION 3. Section 2210.2515(f), Insurance Code, is
2-15 repealed.

2-16 SECTION 4. (a) Section 2210.251(g), Insurance Code, as
2-17 amended by this Act, does not affect the status of a certificate of
2-18 compliance issued by the Texas Windstorm Insurance Association
2-19 before January 1, 2019, or after January 1, 2019, in response to an
2-20 application made before that date for purposes of establishing
2-21 evidence of insurability.

2-22 (b) Section 2210.2515, Insurance Code, as amended by this
2-23 Act, applies only to an application for a certificate of compliance
2-24 made on or after January 1, 2020. An application for a certificate
2-25 of compliance made before January 1, 2020, is governed by the law as
2-26 it existed immediately before the effective date of this Act, and
2-27 that law is continued in effect for that purpose.

2-28 SECTION 5. This Act takes effect September 1, 2019.

2-29 * * * * *