HB 2439
Wayne Smith, P.E.
Texas State Representative
District 128

RELATING TO INSPECTIONS AND OTHER ACTIVITIES CONDUCTED BY ENGINEERS IN CONNECTION WITH THE ISSUANCE OF CERTAIN WINDSTORM AND HAIL INSURANCE; AUTHORIZING A FEE.
- Eliminates the TBPE roster of qualified engineers.

- Eliminates TDIs ability to ask for plans or calculations.

- Gives the department exclusive authority over all matters relating to the appointment and oversight of qualified inspectors.
  - Including the physical inspection of structures for the purpose of determining whether to issue a certificate of compliance under Section 2210.2525(d).
  - And including the submission of documents to the department or association regarding the physical inspection of structures.

- The commissioner may not adopt or enforce a rule that requires an engineer to affix the engineer’s seal to an inspection form submitted under this subchapter.

- Allows certain certifications (substantially completed projects) to be submitted directly to TWIA.
A person may apply to the association on a form prescribed by the department for a certificate of compliance for a completed improvement. The association shall issue a certificate of compliance for a completed improvement if a professional engineer licensed by the Texas Board of Professional Engineers:

- Has designed the improvement, has affixed the engineer's seal on the design, and submits to the association on a form prescribed by the department an affirmation of compliance with the applicable building code under the plan of operation; or

- Completes a sealed post-construction evaluation report that confirms compliance with the applicable building code under the plan of operation.

A person may apply to the department on a form prescribed by the department for a certificate of compliance for an ongoing improvement. Except as provided by Subsection (e), the department shall issue a certificate of compliance for an ongoing improvement if a qualified inspector under Section 2210.254 inspects the ongoing improvement in accordance with commissioner rule and affirms that the improvement:

- Conforms to a design of the improvement that has a seal affixed by a professional engineer licensed by the Texas Board of Professional Engineers and complies with the applicable building code under the plan of operation.
The department shall charge a reasonable fee for each inspection of each structure under this section in an amount set by the commissioner.

The commissioner of insurance shall adopt rules to implement this Act no later than December 31, 2016.

The changes in law made by this Act apply only to a Texas Windstorm Insurance Association policy delivered, issued for delivery, or renewed on or after January 1, 2017.
TDI released an informal draft of rules in Spring 2016. Which includes the adoption of both the 2015 IRC and 2015 IBC and what is generally referred to as the Texas Revisions.

“Qualified inspector” includes:

- A person determined by the department to be qualified because of training or experience to perform building inspections;
- A licensed professional engineer;
- An inspector who:
  - Is certified by the International Code Council, the Building Officials and Code Administrators International, Inc., the International Conference of Building Officials, or the Southern Building Code Congress International, Inc.;
  - Has certifications as a buildings inspector and coastal construction inspector; and
  - Complies with other requirements specified by commissioner rule.

The commissioner by rule shall establish criteria to ensure that a person seeking appointment as a qualified inspector under this subchapter possesses the knowledge, understanding, and professional competence to perform windstorm inspections for the issuance of a certificate of compliance under Section 2210.2515(d) and to comply with other requirements of this chapter.
How to get on the list of appointed inspectors:

- For a person determined by the department to be qualified because of training or experience to perform building inspections, provide (A) and (C) below.
- For a licensed professional engineer, provide (A) and (B) below.
- For an inspector meeting the requirements of 2210.254 (a)(3), Insurance Code, proved (A) and (C) below.

Information to be provided shall be:

A. The applicant’s name and contact information.
B. The applicant’s Professional Engineer number.
C. A summary of the applicant’s education and experience related to windstorm.

Orientation Program

- Within the 180-day period immediately preceding the date TDI receives the application, an applicant must have attended or viewed a TDI-sponsored orientation program on TDI procedures and rules relating to windstorm and hail inspections.
The appointed qualified inspector or employee of the appointed qualified inspector must inspect for compliance with the applicable building code standard each ongoing improvement during each major construction phase.

- Foundation stage
- Rough framing stage
- Final framing stage
- Attachment of component and cladding items
- Installation of windborne debris protection
- Installation of mechanical equipment
Texas Revisions

- Combines Inland I & II into one Inland area.

- Establishes the Inland Windspeed for category 2 residential structures regardless of where located.
  - I-135 mph
  - II-145 mph
  - III & IV-155 mph

- Establishes the Seaward Windspeed for Seaward category 2 residential structures regardless of where located.
  - I-140 mph
  - II-150 mph
  - III & IV-160 mph

- 2015 IRC & IBC-Requires windborne debris protection at wind speeds greater than 140 ultimate.
Protection of Openings: Seaward & Inland

For structures located in the Inland area as adopted by the Texas Department of Insurance, glazed exterior openings must be impact-resistant or protected with an impact-resistant covering. Exterior openings include exterior windows, exterior doors, garage doors, and skylights. For structures located in the Seaward area, as adopted by the Texas Department of Insurance, all exterior openings in buildings must be impact-resistant or protected with and impact-resistant covering meeting the requirements of an approved impact-resistant or protected with and impact-resistant covering meeting the requirements of an approved impact-resistant standard or ASTM E 1996 and ASTM E 1884 referenced herein as follows:

- Exterior openings located within 30 feet of grade shall meet the requirements of the large missile test of ASTM E 1996.
- Exterior openings located more than 30 feet above grade shall meet the previsions of the small missile test of ASTM E 1996.

For structures located in the Inland area, CDX plywood panels with a minimum thickness of 15/32 (12mm) and a maximum panel span of 8 feet (2439 mm) shall be permitted for opening protection in building with a mean roof height of 45 feet (13 716 mm) or less that are classified as a Group R-3 or R-4 occupancy.
Corrosion Resistance

Seaward Areas

Open Areas-Metal connectors and fasteners located in open areas must be either stainless steel and meet ASTM A167; hot-dip galvanized after fabrication and meet ASTM A123 or ASTM A153; or hot-dip galvanized or galvannealed prior to fabrication and meet ASTM A653.

Open Areas Include:
- Porches
- Decks
- Carports
- Exterior wall coverings
- Roof coverings
- Metal ties for stone and masonry veneer
- The underside of elevated structures
- Anchors for securing mechanical equipment
- Garage door attachments
- Skylight attachments
- Impact protective systems (shutters)
Vented or Enclosed Areas—Metal connectors and fasteners located in vented or enclosed areas may meet the requirements of Section 1716.1 or shall be hot-dip galvanized or electrogalvanized in accordance with ASTM A641; mechanically deposited zinc coatings in accordance with ASTM B695; or electrodeposited zinc coatings in accordance with ASTM B633.

Vented or Enclosed Areas Shall Include:

- Attics
- Exterior wall stud cavities
- Crawl spaces
- Window and exterior door attachments
- Roof sheathing
- Wall sheathing

EXCEPTION (Corrosion resistance not required): One-half inch diameter or greater steel bolts.

Conditioned Areas—Metal connectors and fasteners located in conditioned areas are not required to be corrosion resistant.

Conditioned areas include: heated or cooled living areas.
INLAND AREAS:

Open Areas- Metal connectors and fasteners located in open areas must be either stainless steel and meet ASTM A167; hot-dip galvanized or galvannealed prior to fabrication and meet ASTM A653; hot-dip galvanized or electrogalvanized in accordance with ASTM A641; mechanically deposited zinc coatings in accordance with ASTM B695; or electrodeposited zinc coatings in accordance with ASTM B633.

Open Areas Include:

- Porches
- Decks
- Carports
- Exterior wall coverings
- Roof coverings
- Metal ties for stone and masonry veneer
- The underside of elevated structures
- Anchors for securing mechanical equipment
- Garage door attachments
- Skylight attachments
- Impact protective systems (shutters)

EXCEPTION (Corrosion resistance not required): One-half inch diameter or greater steel bolts.
Vented or Enclosed Areas—Metal connectors and fasteners located in vented or enclosed areas may meet the requirements of Section 1710.1.2 or must be epoxy coated in accordance with ASTM A899.

Vented or Enclosed Areas Shall Include:
- Attics
- Exterior wall stud cavities
- Crawl spaces
- Window and exterior door attachments
- Roof sheathing
- Wall sheathing

EXCEPTION (Corrosion resistance not required): One-half inch diameter or greater steel bolts.

Conditioned Areas—Metal connectors and fasteners located in conditioned areas are not required to be corrosion resistant.

Conditioned areas include: heated or cooled living areas.
Oversight

Inspection oversight. An appointed qualified inspector is subject to the regulatory authority of TDI, which includes oversight inspections conducted by TDI. TDI oversees all aspects of the inspection and notification of compliance of ongoing improvements by an appointed qualified inspector under Insurance Code Chapter 2210 and this chapter.

Certificate of compliance oversight-As part of TDI’s oversight, TDI may audit the inspections on structures for which it has received an Applications for Windstorm Inspection Certificate of Compliance, Form WPI-1, or an Inspection Verification, Form WPI-2, including structures for which TDI has issued a Certificate of Compliance, Form WPI-8. If TDI determines that a structure does not meet the windstorm building code standards, TDI will now issue a Form WPI-8; or if TDI has issued a Form WPI-8 on a structure that is subsequently found not to be in compliance with the windstorm building code standards, TDI may rescind the WPI-8.
Formal draft of the rules expected to be released July or August 2016 with a 60 day public review process with hearings.

**TSPE Comments & Contacts:**
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