

AN ACT

relating to the regulation of industrialized housing and buildings.

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

SECTION 1. Section 1202.002(c), Occupations Code, is amended to read as follows:

(c) Industrialized housing does not include:

(1) a residential structure that exceeds three stories or 49 feet in height [~~as measured from the finished grade elevation at the building entrance to the peak of the roof~~];

(2) housing constructed of a sectional or panelized system that does not use a modular component; or

(3) a ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

SECTION 2. Section 1202.003(d), Occupations Code, is amended to read as follows:

(d) An industrialized building includes a permanent commercial structure and a commercial structure designed to be transported from one commercial site to another commercial site but does not include:

(1) a commercial structure that exceeds three stories or 49 feet in height [~~as measured from the finished grade elevation at the building entrance to the peak of the roof~~]; or

1 (2) a commercial building or structure that is:

2 (A) installed in a manner other than on a  
3 permanent foundation; and

4 (B) either:

5 (i) not open to the public; or

6 (ii) less than 1,500 square feet in total  
7 area and used other than as a school or a place of religious  
8 worship.

9 SECTION 3. Subchapter A, Chapter 1202, Occupations Code, is  
10 amended by adding Section 1202.004 to read as follows:

11 Sec. 1202.004. RELOCATABLE EDUCATIONAL FACILITIES. (a) In  
12 this section, "relocatable educational facility" means a portable,  
13 modular building capable of being relocated, regardless of whether  
14 the facility is built at the installation site, that is used  
15 primarily as an educational facility for teaching the curriculum  
16 required under Section 28.002, Education Code.

17 (b) A relocatable educational facility that is purchased or  
18 leased on or after January 1, 2010, must comply with all provisions  
19 applicable to industrialized buildings under this chapter.

20 SECTION 4. Section 1202.1535(b), Occupations Code, is  
21 amended to read as follows:

22 (b) The owner of an industrialized building designed to be  
23 transported from one commercial site to another that bears an  
24 approved decal or insignia indicating the building complies with  
25 the mandatory building codes and that is modified or altered after  
26 the date the council adopts a new mandatory building code or the  
27 council approves a building code amendment must ensure that the

1 modified or altered building complies with the requirements and  
2 standards of the new building code or amendment to the extent  
3 required by the most recent edition of the International Existing  
4 Building Code adopted by the council [+

5           ~~[(1) the entire building complies with the mandatory~~  
6 ~~building code or building code amendment if the cost of the~~  
7 ~~modification or alteration to the building is at least 50 percent of~~  
8 ~~the value of the modules or modular components used in the~~  
9 ~~construction of the building; or~~

10           ~~[(2) the modified or altered portion of the building~~  
11 ~~complies with the mandatory building code or building code~~  
12 ~~amendment if the cost of the modification or alteration is less than~~  
13 ~~50 percent of the value of the modules or modular components].~~

14           SECTION 5. Section 46.008(b), Education Code, is repealed.

15           SECTION 6. (a) Except as provided by Subsection (b) of this  
16 section, this Act takes effect September 1, 2009.

17           (b) Section 5 of this Act takes effect December 31, 2009.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2763 was passed by the House on April 9, 2009, by the following vote: Yeas 148, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2763 on May 25, 2009, by the following vote: Yeas 145, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2763 was passed by the Senate, with amendments, on May 21, 2009, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor