

1-1 By: Smith of Harris, Callegari H.B. No. 2649
1-2 (Senate Sponsor - Deuell)
1-3 (In the Senate - Received from the House May 8, 2009;
1-4 May 8, 2009, read first time and referred to Committee on Business
1-5 and Commerce; May 23, 2009, reported adversely, with favorable
1-6 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-7 May 23, 2009, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR H.B. No. 2649 By: Averitt

1-9 A BILL TO BE ENTITLED
1-10 AN ACT

1-11 relating to the regulation and practice of engineering and lighting
1-12 design.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 1001.056, Occupations Code, is amended
1-15 by adding Subsection (c) to read as follows:

1-16 (c) The exemption provided by this section does not apply to
1-17 a person or entity that is:

1-18 (1) providing engineering design or inspection
1-19 services necessary to comply with windstorm certification
1-20 standards for a residential dwelling under Subchapter F, Chapter
1-21 2210, Insurance Code; or

1-22 (2) providing engineering design relating to
1-23 constructing, enlarging, altering, or repairing, or drawing plans
1-24 or specifications for, a residential dwelling slab located on
1-25 expansive soil that meets the expansive soil classification
1-26 provisions of the International Residential Code as applied in the
1-27 jurisdiction in which the residential dwelling is located, unless
1-28 the construction, enlargement, alteration, repair, or drawing of
1-29 plans or specifications meets the International Residential Code
1-30 requirements as applied in the jurisdiction in which the
1-31 residential dwelling is located.

1-32 SECTION 2. Subchapter B, Chapter 1001, Occupations Code, is
1-33 amended by adding Section 1001.067 to read as follows:

1-34 Sec. 1001.067. CERTAIN FIRE DEPARTMENT EMPLOYEES. This
1-35 chapter does not prohibit the professional use of the term "fire
1-36 engineer" by a member of a fire department in a municipality with a
1-37 population of one million or more that has adopted Chapter 143,
1-38 Local Government Code, and to which Subchapter G of that chapter
1-39 does not generally apply, who:

1-40 (1) holds the position of fire apparatus operator; and
1-41 (2) is not otherwise engaged in the practice of
1-42 engineering.

1-43 SECTION 3. Subchapter G, Chapter 1001, Occupations Code, is
1-44 amended by adding Section 1001.3011 to read as follows:

1-45 Sec. 1001.3011. LIGHTING DESIGN; LICENSE OR REGISTRATION
1-46 REQUIRED. (a) A person may not perform or offer to perform
1-47 lighting design services unless the person is:

1-48 (1) licensed as an engineer under this chapter;
1-49 (2) registered as an architect, landscape architect,
1-50 or interior designer under Subtitle B, Title 6; or

1-51 (3) licensed under Chapter 1305.

1-52 (b) In this section, "lighting design services" means the
1-53 preparation of plans and specifications that depict the placement
1-54 and direction of illumination of mounted or installed lighting
1-55 fixtures in the interior or exterior of a building, including the
1-56 specification of bulbs, reflectors, lens, louvers, baffles, and
1-57 other hardware. The term does not include the preparation of shop
1-58 drawings or other directions from a manufacturer for the
1-59 installation or operation of lighting fixtures.

1-60 SECTION 4. Section 1001.401, Occupations Code, is amended
1-61 by adding Subsection (e) to read as follows:

1-62 (e) A license holder is not required to provide or hold any
1-63 additional certification, other than a license issued under this

2-1 chapter, to seal an engineering plan, specification, plat, or
2-2 report.

2-3 SECTION 5. Subchapter F, Chapter 1051, Occupations Code, is
2-4 amended by adding Section 1051.308 to read as follows:

2-5 Sec. 1051.308. LIGHTING DESIGN; REGISTRATION OR LICENSE
2-6 REQUIRED. (a) A person may not perform or offer to perform
2-7 lighting design services unless the person is:

2-8 (1) registered as an architect, landscape architect,
2-9 or interior designer under this subtitle;

2-10 (2) licensed as an engineer under Chapter 1001; or

2-11 (3) licensed under Chapter 1305.

2-12 (b) In this section, "lighting design services" means the
2-13 preparation of plans and specifications that depict the placement
2-14 and direction of illumination of mounted or installed lighting
2-15 fixtures in the interior or exterior of a building, including the
2-16 specification of bulbs, reflectors, lens, louvers, baffles, and
2-17 other hardware. The term does not include the preparation of shop
2-18 drawings or other directions from a manufacturer for the
2-19 installation or operation of lighting fixtures.

2-20 SECTION 6. Subchapter D, Chapter 1305, Occupations Code, is
2-21 amended by adding Section 1305.1511 to read as follows:

2-22 Sec. 1305.1511. LIGHTING DESIGN; LICENSE OR REGISTRATION
2-23 REQUIRED. (a) A person may not perform or offer to perform
2-24 lighting design services unless the person is:

2-25 (1) licensed under this chapter;

2-26 (2) licensed as an engineer under Chapter 1001; or

2-27 (3) registered as an architect, landscape architect,
2-28 or interior designer under Subtitle B, Title 6.

2-29 (b) In this section, "lighting design services" means the
2-30 preparation of plans and specifications that depict the placement
2-31 and direction of illumination of mounted or installed lighting
2-32 fixtures in the interior or exterior of a building, including the
2-33 specification of bulbs, reflectors, lens, louvers, baffles, and
2-34 other hardware. The term does not include the preparation of shop
2-35 drawings or other directions from a manufacturer for the
2-36 installation or operation of lighting fixtures.

2-37 SECTION 7. This Act takes effect immediately if it receives
2-38 a vote of two-thirds of all the members elected to each house, as
2-39 provided by Section 39, Article III, Texas Constitution. If this
2-40 Act does not receive the vote necessary for immediate effect, this
2-41 Act takes effect September 1, 2009.

2-42 * * * * *