



Texas Department of Insurance

Property and Casualty Section – Engineering Services Program

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Announcement on Proposed Rule Affecting Engineers Appointed as Qualified Inspectors

Summary

The Texas Department of Insurance (TDI) has proposed a rule to implement Insurance Code §2210.254. Insurance Code §2210.254 requires that an engineer be on a roster maintained by the Texas Board of Professional Engineers (TBPE) before the commissioner of insurance may appoint that engineer as a qualified inspector.

Under the proposed rule:

- an engineer must submit an ENG-2 form to TDI affirming that the engineer is on the TBPE roster.
- after December 31, 2012, TDI will not accept windstorm applications, certifications, or verifications from engineers who are not on the TBPE roster.
- after December 31, 2012, no engineer may work as a qualified inspector unless that engineer is on the TBPE roster and has filed an ENG-2 form informing TDI that the engineer is on the roster.
- engineers currently appointed as qualified inspectors who file an ENG-2 form on or before December 31, 2012, may continue their appointment without reapplying. TDI must cancel the appointments of engineers who do not file an ENG-2 form on or before December 31, 2012. Those engineers may reapply for appointment.

Background

In 2011, the legislature amended the Occupations Code by adding §1001.652, requiring the TBPE to adopt criteria for determining whether an engineer is qualified to inspect structures for insurability through the Texas Windstorm Insurance Association. Section 1001.652 requires the TBPE to prepare a roster of engineers who satisfy the criteria.

The legislature also amended Insurance Code §2210.254 to require engineers appointed as qualified inspectors to be on the TBPE roster.

Although the amendments went into effect September 28, 2011, the TBPE was not required to implement its roster until December 1, 2011. Rather than

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requiring windstorm inspections to cease, TDI has continued to accept windstorm forms from appointed engineers and to appoint engineers. Now, however, the TBPE has adopted criteria and prepared its roster. Therefore, TDI has proposed a rule requiring an engineer to be on the TBPE roster before TDI will appoint that engineer as a qualified inspector or accept windstorm applications, certifications, or verifications from that engineer.

Additional Information

TDI issues this announcement to give engineers timely notice of this action. Information on qualifying for the TBPE roster appears at: <http://engineers.texas.gov/windstorm.html>. The proposed rule was published in the Texas Register July 13, 2012. Comment period ends August 13, 2012. For more information, please see <http://www.sos.state.tx.us/texreg/pdf/currview/0713prop.pdf>