

Subchapter E. Texas Windstorm Insurance Association

Division 1. Plan of Operation 28 TAC §§5.4011, 5.4012, and 5.4013

Division 7. Inspections for Windstorm and Hail Insurance 28 TAC §§5.4601, 5.4603, 5.4622, and 5.4642

INTRODUCTION. The Texas Department of Insurance (TDI) proposes new 28 TAC §5.4013 and amendments to §§5.4011, 5.4012, 5.4601, 5.4603, 5.4622, and 5.4642, concerning the adoption of the 2024 *International Residential Code* (IRC) and 2024 *International Building Code* (IBC), to update the building standards for structures that the Texas Windstorm Insurance Association (TWIA) insures. Sections 5.4011, 5.4012, 5.4013, 5.4601, 5.4603, 5.4622, and 5.4642 implement Insurance Code §2210.251(b) and §2210.252. The 2024 editions of the IRC and IBC apply to construction, repairs, or additions that begin on or after March 1, 2026.

EXPLANATION. New §5.4013 and amendments to §§5.4011, 5.4012, 5.4601, 5.4603, 5.4622, and 5.4642 are necessary to adopt the 2024 IRC and IBC and make conforming changes to adopted forms. These amendments are also necessary to correct applicable dates for the 2006 and 2018 IRC and IBC because an emergency rule adopted under 28 TAC §35.3 in response to the coronavirus delayed the effective date. Insurance Code §2210.251(b) requires the commissioner to adopt the 2003 IRC and allows for the adoption of subsequent editions of and supplements to the IRC published by the International Code Council (ICC). Insurance Code §2210.252 allows the commissioner to supplement by rule the plan of operation building specifications with the structural provisions of the IRC, as well as to adopt by rule a subsequent edition of or supplement to the IRC.

Descriptions of the sections' proposed amendments follow.

Section 5.4011. Amendments to §5.4011 update contact information for the ICC and information on where the current IRC and IBC are published. They also correct information in the text concerning the applicable dates for the 2006 IRC and IBC by changing the applicability end date from April 1, 2020, to September 1, 2020.

Section 5.4012. Amendments to §5.4012 update and correct information in the text concerning the applicable dates for the 2018 IRC and IBC by changing the applicability start date from April 1, 2020, to September 1, 2020, and setting the applicability end date as March 1, 2026.

Section 5.4013. New §5.4013 adopts the 2024 IRC and IBC, which apply to construction that begins on or after March 1, 2026. Proposed subsection (b) of §5.4013 provides an exemption from §5.4013(a) for repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, or continued use of a historic structure. Subsection (b)(1) - (3) defines the attributes that make a structure a historic structure. These subsections are consistent with previously adopted building code requirements.

Section 5.4601. Amendments to §5.4601 update the definition of "windstorm building code standards" to include the requirements in §5.4013 and the adoption of the 2024 IRC and IBC, as well as correct the applicable dates for the 2006 and 2018 IRC and IBC.

Section 5.4603. Amendments to §5.4603 adopt by reference updated forms relevant to the 2024 IRC and IBC, as well as require certain forms be submitted to TDI electronically using the Windstorm system. The amendments also provide that reference to a form's prefix refers to all forms with that prefix unless otherwise stated.

Section 5.4622. An amendment to §5.4622 replace the reference to Form WPI-2-BC-6 with a general reference to all WPI-2 forms.

Section 5.4642. Amendments to §5.4632 replace the reference to Form WPI-2-BC-6 with reference to all WPI-2 forms.

In addition to the section-specific changes previously described, the proposal includes nonsubstantive rule drafting and formatting changes throughout for plain language and to conform the sections to the agency's current style and improve clarity. These changes include adding titles for cited Insurance Code and Administrative Code sections, removing unneeded form references, and lowercasing "commissioner."

TDI invited public comment on an informal draft posted on its website on August 8, 2025. No comments were received.

FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT. James D. "Donny" Cox, Inspections director, Property and Casualty Division, has determined that during each year of the first five years the sections as proposed are in effect, there will be no measurable fiscal impact on state and local governments as a result of enforcing or administering them, other than that imposed by statute. Mr. Cox made this determination because the sections as proposed do not add to or decrease state revenues or expenditures. Although local governments do not generally have to enforce or comply with the sections as proposed, compliance is necessary to receive TWIA coverage. Compliance is further explained in the Public Benefit and Cost Note section of this proposal.

Mr. Cox does not anticipate a measurable effect on local employment or the local economy as a result of this proposal.

PUBLIC BENEFIT AND COST NOTE. For each year of the first five years the sections as proposed are in effect, Mr. Cox expects that enforcing them will have the public benefits of ensuring that (1) TDI's rules conform to Insurance Code §2210.251(b) and §2210.252; and (2) new construction incorporates advances in technology, which enables greater understanding of wind engineering. Studies conducted after recent hurricanes have shown that construction practices required in the newer editions of the building codes result in structures that perform better in high-wind events, mitigating property damage and related risk to human life caused by wind and hail. The 2024 IRC and IBC provide current guidance and clarification for construction in the designated catastrophe areas. When the updated codes are properly employed, consistency and uniformity in the design, construction, and inspection of residences and businesses participating in the windstorm inspection process will result.

Mr. Cox expects that the sections as proposed will impose a minimal economic cost on persons required to comply with the new and amended sections. Costs include (1) purchase of the code books or online access to the code books for use as a reference, (2) labor to become familiar with the updated codes, and (3) the construction costs associated with meeting the codes' requirements. The sections as proposed modify but do not add to the current rule requirements for conducting inspections and gathering substantiating information. Thus, this cost note does not consider those costs.

Engineers and construction supervisors may need to purchase copies of the 2024 IRC and the IBC from the ICC. A copy of the 2024 IRC book costs \$203, and one month of online access costs \$10.40. A copy of the 2024 IBC book costs \$234, and one month of online access costs \$10.40.

TDI anticipates that there may be labor costs to familiarize qualified inspectors and other stakeholders with the codes' 2024 editions. Some appointed qualified inspectors are already somewhat familiar with the 2024 versions of the IRC and IBC. These codes are similar to existing adopted codes for windstorm inspections, and qualified inspectors are also familiar with codes adopted by local ordinances, including the communities that have already adopted the 2024 code versions.

According to the U.S. Bureau of Labor Statistics (BLS), the hourly mean wage in the Coastal Plains Region of Texas nonmetropolitan area is \$43.76 for civil engineers, \$33.64 for civil engineering technicians, and \$37.07 for first-line supervisors of construction trades and extraction workers (U.S. Department of Labor (DOL), BLS, Occupational Employment Statistics, May 2024 Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates, Coastal Plains Region of Texas nonmetropolitan area; see <https://data.bls.gov/oes/#/area/4800006>). The BLS shows the hourly mean wage in the Houston area is \$53.10 for civil engineers, \$39.44 for civil engineering technicians, and \$37.69 for first-line supervisors of construction trades and extraction workers (DOL, BLS, Occupational Employment Statistics, May 2024 Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates, Houston-Pasadena-The Woodlands, Texas metropolitan area; see <https://data.bls.gov/oes/#/area/0026420>). TDI estimates that affected individuals will require an average of eight hours to become familiar with the 2024 IRC and IBC. These individuals are in the best position to estimate the potential cost.

Replacement of one standardized building code by another is part of the nationwide construction industry's natural cost progression. Actual additional costs to comply with the revised standards will vary on the basis of each property's individual circumstances. Costs from slightly increased materials will be offset by greater efficiencies created by technological advances in the manufacturing and assemblage of building components, improved construction methods, and other standardization and

modernization measures. This will offer greater protection to insureds and lower repair costs resulting from a wind event.

No individual or entity is required to comply with the proposed new section; only structures that are insured through TWIA must be built in compliance with the new standards. However, in many areas of the Texas sea coast's designated catastrophe areas, voluntary wind insurance is difficult to obtain, leaving many property owners with no other option than to insure through TWIA.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS. TDI has determined that the sections as proposed may have an adverse economic effect or a disproportionate economic impact on small or micro businesses, and on rural communities. The cost analysis in the Public Benefit and Cost Note section also applies to these small and micro businesses and rural communities. TDI estimates that the sections as proposed may affect approximately 556 small or micro businesses and about 110 rural communities.

As of August 20, 2025, there were 556 appointed qualified inspectors. And there were approximately 37 professional engineers as of that date who only certify completed improvements. Almost all these inspectors and engineers will qualify as small and micro businesses. As stated in the Public Benefit and Cost Note section, TDI anticipates that each person acting as a qualified inspector or professional engineer would incur some costs because of this proposal. Those costs would result from acquiring copies of the revised adopted codes and the labor costs associated with becoming familiar with them.

Rural communities may be affected by these rules, too. There are about 110 general-law and home-rule cities in the affected coastal counties. Some rural communities may have already adopted the 2024 IRC and IBC. However, in many parts of the Texas sea coast's designated catastrophe areas, voluntary wind insurance is difficult to obtain,

leaving many property owners with no other option than to insure through TWIA. Some rural communities may have their property insured by TWIA and thus may be affected by the same costs as detailed in the Public Benefit and Cost Note section.

The proposal's primary objective is to benefit the public by ensuring that new construction incorporates advances in technology and promotes greater understanding of wind engineering. This will help reduce property damage and related risk to human life caused by wind and hail. TDI considered the following alternatives to minimize any adverse impact on small or micro businesses and rural communities while accomplishing the proposal's objectives:

- (1) not proposing the new and amended sections;
- (2) proposing a different requirement for small or micro businesses and rural communities; and
- (3) exempting small or micro businesses and rural communities from the proposed requirements that could create an adverse impact.

Not proposing the new and amended sections. This proposal's purpose is to benefit the public by ensuring that new construction incorporates advances in technology and enables greater understanding of wind engineering. Without this proposal and the adoption of amended rules for these subchapters, no one who uses a TWIA-insured structure would benefit from improved engineering requirements. Instead, they would be required to continue following outdated standards set in 2018.

Failure to propose and adopt the new and amended rules would also undermine the purpose of Insurance Code §2210.251 and §2210.252. For these reasons, TDI has rejected this option.

Proposing a different requirement for small or micro businesses and rural communities. TDI believes that proposing different standards for small and micro businesses and rural communities than those included in this proposal would not provide

a better option for these businesses. Alternative standards would be less relevant and effective and would lead to confusion. Adopting modified versions of the proposed building codes, or an earlier version of the proposed building codes, would not benefit small and micro businesses or rural communities. This option would create confusion as to which codes are applicable. The proposed buildings codes are more current, and exceptions would mean that building codes for buildings owned by small and micro businesses or in rural communities would be more vulnerable to wind and hail and lead to higher losses to TWIA. Adopting uniform building codes helps building owners, contractors, and TWIA apply consistent standards.

The potential for public harm resulting from adopting different regulatory requirements for small and micro businesses and rural communities would outweigh any potential benefit. For these reasons, TDI has rejected this option.

Excluding small or micro businesses and rural communities from the proposed requirements that could create an adverse impact. As addressed in the Public Benefit and Cost Note section, anticipated costs under the proposal are the result of adopting the 2024 editions of the IRC and the IBC. If small or micro businesses and rural communities were excluded, they would not incur the anticipated costs, but the building codes would not be uniform among TWIA's insureds. Some buildings would fall under the new standards, and others the old. Because structures built to older building codes are more vulnerable to wind and hail, it could lead to higher losses for TWIA and would make it more difficult for TWIA to predict losses.

Excluding small or micro businesses and rural communities from these provisions' applicability would create potential harm for affected persons and the public that would outweigh the potential benefits. It is also not practical to exclude them. For these reasons, TDI has rejected this option.

EXAMINATION OF COSTS UNDER GOVERNMENT CODE §2001.0045. TDI has determined that this proposal does impose a possible cost on regulated persons. However, no additional rule amendments are required under Government Code §2001.0045 because the sections as proposed are necessary to implement legislation. The proposed rulemaking implements Insurance Code §2210.251(b) and §2210.252, as added by House Bill 2017, 79th Legislature, 2015.

GOVERNMENT GROWTH IMPACT STATEMENT. TDI has determined that for each year of the first five years that the sections as proposed are in effect, the proposed rule:

- will not create or eliminate a government program;
- will not require the creation of new employee positions or the elimination of existing employee positions;
- will not require an increase or decrease in future legislative appropriations to the agency;
- will not require an increase or decrease in fees paid to the agency;
- will create a new regulation;
- will not expand, limit, or repeal an existing regulation;
- will not increase or decrease the number of individuals subject to the rule's applicability; and
- will positively affect the Texas economy.

TAKINGS IMPACT ASSESSMENT. TDI has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action. As a result, this proposal does not constitute a taking or require a takings impact assessment under Government Code §2007.043.

REQUEST FOR PUBLIC COMMENT. TDI will consider any written comments on the proposal that are received by TDI no later than 5:00 p.m., central time, on December 23, 2025. Consistent with Government Code §2001.0024(a)(8), TDI requests public comments on the proposal, including information related to the cost, benefit, or effect of the proposal, and any applicable data, research, and analysis. Send your comments to ChiefClerk@tdi.texas.gov or to the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030.

The commissioner of insurance will also consider written and oral comments on the proposal in a public hearing under Docket No. 2861 at 10:00 a.m., central time, on December 16, 2025, in Room 2.034 of the Barbara Jordan State Office Building, 1601 Congress Avenue, Austin, Texas 78701.

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Division 1. Plan of Operation
28 TAC §§5.4011, 5.4012, and 5.4013

STATUTORY AUTHORITY. TDI proposes amendments to §5.4011 and §5.4012 and new §5.4013 under Insurance Code §§2210.251(b), 2210.252, and 36.001.

Insurance Code §2210.251(b) requires the commissioner to adopt the 2003 IRC and allows for the adoption of subsequent editions and supplements to the IRC published by the ICC.

Insurance Code §2210.252 allows the commissioner to supplement by rule the plan of operation building specifications with the structural provisions of the IBC, as well as to adopt by rule a subsequent edition of the IBC.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

CROSS-REFERENCE TO STATUTE. §§5.4011, 5.4012, and 5.4013 implement Insurance Code §2210.251(b) and §2210.252.

TEXT.

§5.4011. Applicable Building Code Standards in Designated Catastrophe Areas for Structures Constructed, Repaired, or to Which Additions Are Made On and After January 1, 2008, and before September [April] 1, 2020.

(a) To be eligible for catastrophe property insurance, structures located in the designated catastrophe areas specified in §5.4008 of this title (relating to Applicable Building Code Standards in Designated Catastrophe Areas for Structures Constructed, Repaired or to Which Additions Are Made On and After September 1, 1998, and before February 1, 2003) and which are constructed, repaired, or to which additions are made on and after January 1, 2008, and before September [April] 1, 2020, must comply with the 2006 Editions of the International Residential Code and the International Building Code, as each is revised by the 2006 Texas Revisions, and all of which are adopted by reference to be effective January 1, 2008. The codes are published by and available from the International Code Council at iccsafe.org or by calling toll-free 1-888-422-7233, and the 2006 Texas Revisions to the 2006 Edition of the International Residential Code are available from the Windstorm Inspections Program of the Inspections Office at TDI and on the TDI website at www.tdi.texas.gov. [~~The codes are published by and available from the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, (Telephone: 888-422-7233), and the 2006 Texas Revisions to the~~

~~2006 Edition of the International Residential Code and the 2006 Texas Revisions to the 2006 Edition of the International Building Code are available from the Windstorm Inspections Section of the Inspections Division, Texas Department of Insurance, 333 Guadalupe, P.O. Box 149104, MC 104-INS, Austin, Texas, 78714-9104 and on the Texas Department of Insurance website at www.tdi.texas.gov.]~~ The following wind speed requirements must apply.[:]

(1) Areas seaward of the intracoastal canal. To be eligible for catastrophe property insurance, structures located in designated catastrophe areas which are seaward of the intracoastal canal and constructed, repaired, or to which additions are made on and [or] after January 1, 2008, and before September [April] 1, 2020, must be designed and constructed to resist a 3-second gust of 130 miles per hour.

(2) Areas inland of the intracoastal canal and within approximately 25 miles of the Texas coastline and east of the specified boundary line and certain areas in Harris County. To be eligible for catastrophe property insurance, structures located in designated catastrophe areas specified in §5.4008(b)(2)(A) and (B) of this title [~~(relating to Applicable Building Code Standards in Designated Catastrophe Areas for Structures Constructed, Repaired or to Which Additions Are Made On and After September 1, 1998, and before February 1, 2003)~~] and constructed, repaired, or to which additions are made on and [or] after January 1, 2008, and before September [April] 1, 2020, must be designed and constructed to resist a 3-second gust of 120 miles per hour.

(3) Areas inland and west of the specified boundary line. To be eligible for catastrophe property insurance, structures located in designated catastrophe areas specified in §5.4008(c) of this title [~~(relating to Applicable Building Code Standards in Designated Catastrophe Areas for Structures Constructed, Repaired or to Which Additions Are Made On and After September 1, 1998, and before February 1, 2003)~~] and constructed, repaired, or to which additions are made on and [or] after January 1, 2008,

and before September ~~[April]~~ 1, 2020, must be designed and constructed to resist a 3-second gust of 110 miles per hour.

(b) Repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, or continued use of a historic structure may be made without conformance to the requirements of subsection (a) of this section. ~~For [in order for]~~ a historic structure to be exempted, at least one of the following conditions must be met.[:]

(1) The structure is listed or is eligible for listing on the National Register of Historic places.

(2) The structure is a Recorded Texas Historic Landmark (RTHL).

(3) The structure has been specifically designated by official action of a legally constituted municipal or county authority as having special historical or architectural significance, is at least 50 years old, and is subject to the municipal or county requirements relative to construction, alteration, or repair of the structure, in order to maintain its historical designation.

§5.4012. Applicable Building Code Standards in Designated Catastrophe Areas for Structures Constructed, Repaired, or to Which Additions Are Made [on] On and After September [or after April] 1, 2020, and Before March 1, 2026.

(a) To be eligible for catastrophe property insurance, structures located in the designated catastrophe areas specified in paragraphs (1), (2), and (3) of this subsection that are constructed, repaired, or to which additions are made on and ~~[or]~~ after September ~~[April]~~ 1, 2020, and before March 1, 2026, must comply with the 2018 editions of the *International Residential Code* and the *International Building Code*, which are adopted by reference and applicable beginning September ~~[April]~~ 1, 2020. The codes are published by and available from the International Code Council at iccsafe.org or by calling toll-free 1-888-422-7233. The designated catastrophe areas are those areas:

(1) ~~Areas~~ seaward of the intracoastal canal;

(2) ~~Areas~~ inland of the intracoastal canal and within approximately 25 miles of the Texas coastline and east of the specified boundary line and certain areas in Harris County as described in §5.4008(b)(2)(A) and (B) of this title (relating to Applicable Building Code Standards in Designated Catastrophe Areas for Structures Constructed, Repaired or to Which Additions Are Made On and After September 1, 1998, and before February 1, 2003); and

(3) ~~Areas~~ inland and west of the specified boundary line as described in §5.4008(c) of this title.

(b) Repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, or continued use of a historic structure may be made without conformance to the requirements of subsection (a) of this section. For a historic structure to be exempted, at least one of the following conditions must apply to the structure.[:]

(1) The structure is listed or is eligible for listing on the National Register of Historic Places.

(2) The structure is a Recorded Texas Historic Landmark by the Texas Historical Commission.

(3) The structure has been designated by official action of a legally constituted municipal or county authority as having special historical or architectural significance, is at least 50 years old, and is subject to the municipal or county requirements relative to construction, alteration, or repair of the structure to maintain its historical designation.

§5.4013. Applicable Building Code Standards in Designated Catastrophe Areas for Structures Constructed, Repaired, or to Which Additions Are Made On and After March 1, 2026.

(a) To be eligible for catastrophe property insurance, structures located in the designated catastrophe areas specified in paragraphs (1), (2), and (3) of this subsection that are constructed, repaired, or to which additions are made on and after March 1, 2026, must comply with the 2024 editions of the *International Residential Code* and the *International Building Code*, which are adopted by reference and applicable beginning March 1, 2026. The codes are published by and available from the International Code Council at iccsafe.org or by calling toll-free 1-888-422-7233. The designated catastrophe areas are those areas:

(1) seaward of the intracoastal canal;

(2) inland of the intracoastal canal and within approximately 25 miles of the Texas coastline and east of the specified boundary line and certain areas in Harris County as described in §5.4008(b)(2)(A) and (B) (relating to Applicable Building Code Standards in Designated Catastrophe Areas for Structures Constructed, Repaired or to Which Additions Are Made On and After September 1, 1998, and before February 1, 2003) of this title; and

(3) inland and west of the specified boundary line as described in §5.4008(c) of this title.

(b) Repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, or continued use of a historic structure may be made without conformance to the requirements of subsection (a) of this section. For a historic structure to be exempted, at least one of the following conditions must apply to the structure.

(1) The structure is listed or is eligible for listing on the National Register of Historic Places.

(2) The structure is an RTHL by the Texas Historical Commission.

(3) The structure has been designated by official action of a legally constituted municipal or county authority as having special historical or architectural

significance, is at least 50 years old, and is subject to the municipal or county requirements relative to construction, alteration, or repair of the structure to maintain its historical designation.

Subchapter E. Texas Windstorm Insurance Association
Division 7. Inspections for Windstorm and Hail Insurance
28 TAC §§5.4601, 5.4603, 5.4622, and 5.4642

STATUTORY AUTHORITY. TDI proposes amendments to §§5.4601, 5.4603, 5.4622, and 5.4642 under Insurance Code §§2210.251(b), 2210.252, and 36.001.

Insurance Code §2210.251(b) requires the commissioner to adopt the 2003 IRC and allows for the adoption of subsequent editions and supplements to the IRC published by the ICC.

Insurance Code §2210.252 allows the commissioner to supplement by rule the plan of operation building specifications with the structural provisions of the IBC, as well as to adopt by rule a subsequent edition of the IBC.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

CROSS-REFERENCE TO STATUTE. §§5.4601, 5.4603, 5.4622, and 5.4642 implement Insurance Code §2210.251(b) and §2210.252.

TEXT.

§5.4601. Definitions.

The following definitions apply to this subchapter:

(1) Applicant--A person who submits a new or renewal application for appointment as an appointed qualified inspector.

(2) Appointed qualified inspector--An engineer licensed by the Texas Board of Professional Engineers and appointed by TDI as a qualified inspector under Insurance Code §2210.254(a)(2), concerning Qualified Inspectors.

(3) Appointed qualified inspector number--A number TDI assigns to each appointed qualified inspector.

(4) Constructed or construction--The act of building or erecting a structure or repairing (including reroofing), altering, remodeling, or enlarging an existing structure.

(5) Completed improvement--

(A) An improvement in which the original transfer of title from the builder to the initial owner of the improvement has occurred; or

(B) if a transfer under subparagraph (A) of this paragraph is not contemplated, an improvement that is substantially completed.

(6) Improvement--The construction of or repair (including reroofing), alteration, remodeling, or enlargement of a structure to which the plan of operation applies.

(7) Ongoing improvement--

(A) An improvement in which the original transfer of title from the builder to the initial owner of the improvement has not occurred; or

(B) if a transfer under subparagraph (A) of this paragraph is not contemplated, an improvement that is not substantially completed.

(8) Substantially completed--An improvement for which the final framing stage, including attachment of component and cladding items and installation of windborne debris protection, has been completed. If the improvement's windborne debris protection consists of wood structural panels, all the panels must be present at the improvement's location but need not be installed.

(9) TDI inspector--A qualified inspector authorized under Insurance Code §2210.254(a)(1) and employed by TDI.

(10) TDI--The Texas Department of Insurance.

(11) Texas Board of Professional Engineers and Land Surveyors, Texas Board of Professional Engineers, or TBPE--House Bill 1523, 86th Legislature, [~~Regular Session,~~] 2019, abolished the Texas Board of Professional Land Surveying and transferred its functions to the renamed Texas Board of Professional Engineers and Land Surveyors, effective September 1, 2019. All references to the Texas Board of Professional Engineers or the TBPE in this division are references to the Texas Board of Professional Engineers and Land Surveyors.

(12) Association--The Texas Windstorm Insurance Association.

(13) Windstorm building code standards--The requirements for building construction in §§5.4007 - ~~5.4013~~ [5.4012] of this title (relating to Applicable Building Code Standards in Designated Catastrophe Areas for Structures Constructed, Repaired or to Which Additions Are Made Prior to September 1, 1998; Applicable Building Code Standards in Designated Catastrophe Areas for Structures Constructed, Repaired or to Which Additions Are Made On and After September 1, 1998, and before February 1, 2003; Applicable Building Code Standards in Designated Catastrophe Areas for Structures Constructed, Repaired or to Which Additions Are Made On and After February 1, 2003 and before January 1, 2005; Applicable Building Code Standards in Designated Catastrophe Areas for Structures Constructed, Repaired or to Which Additions Are Made On and After January 1, 2005, and before January 1, 2008; Applicable Building Code Standards in Designated Catastrophe Areas for Structures Constructed, Repaired or to Which Additions Are Made On and After January 1, 2008, and before September [~~April~~] 1, 2020; [~~and~~] Applicable Building Code Standards in Designated Catastrophe Areas for Structures Constructed, Repaired, or to Which Additions Are Made On and After September [~~or after April~~] 1, 2020, and Before March 1, 2026; and Applicable Building

Code Standards in Designated Catastrophe Areas for Structures Constructed, Repaired, or to Which Additions Are Made On and After March 1, 2026; respectively).

§5.4603. Windstorm Inspection Forms.

(a) TDI adopts the following forms by reference and will make them available on its website.

(1) Application for Certificate of Compliance, Form WPI-1, effective April 2024, for ongoing improvements. Information requested by Form WPI-1 can be found in §5.4621(1) of this title, relating to Certification of Ongoing Improvements Inspected by Appointed Qualified Inspectors.

(2) [~~(a) Inspection Verification, Form WPI-2-BC-6. TDI adopts by reference the~~] Inspection Verification, Form WPI-2-BC-6, effective April 2021, [~~January 1, 2017,~~] for use in windstorm inspection[;] for structures constructed, repaired, or to which additions are made on and after January 1, 2008, and before September [~~April~~] 1, 2020. Information requested by Form WPI-2-BC-6 can be found in §5.4621(4) of this title.

(3) Inspection Verification, Form WPI-2-BC-7, effective January 2026, for use in windstorm inspection for structures constructed, repaired, or to which additions are made on and after September 1, 2020, and before March 1, 2026. Information requested by Form WPI-2-BC-7 can be found in §5.4621(4) of this title.

(4) Inspection Verification, Form WPI-2-BC-8, effective January 2026, for use in windstorm inspection for structures constructed, repaired, or to which additions are made on and after March 1, 2026. Information requested by Form WPI-2-BC-8 can be found in §5.4621(4) of this title.

(5) Application for Certificate of Compliance for Completed Improvement, Form WPI-2E, effective January 2026. Information requested by Form WPI-2E can be

found in §5.4604(a) and (b) of this title, relating to Certification Form for Completed Improvement.

~~[(b) Application, inspection, and renewal forms. TDI will make available the following forms on its website:]~~

~~(6) [(1)] Application for Appointment as a Qualified Inspector, Form AQI-1, effective January 2024 [January 1, 2017]. Information requested by Form AQI-1 can be found in §5.4609(b) of this title, relating to Application for Qualified Inspector Appointment.[:]~~

~~(7) [(2)] Application Renewal [Application] for Appointment as a Qualified Inspector, Form AQI-R, effective June 2025. Information requested by Form AQI-R can be found in §5.4610(b)(1) of this title, relating to Renewal of Qualified Inspector Appointment. [January 1, 2017;]~~

~~[(3) Application for Certificate of Compliance for Ongoing Improvement], Form WPI-1, January 1, 2017;]~~

~~[(4) Certification Form for Completed Improvement, Form WPI-2E, effective June 1, 2020; and]~~

~~[(5) Inspection Verification, Form WPI-2, effective April 1, 2020, for structures constructed, repaired, or to which additions are made on and after April 1, 2020.]~~

(b) [(c)] TDI inspection and certification forms. When appropriate, TDI will issue the following forms:

~~(1) Field Form, Form WPI-7_i, [effective April 1, 2020; and]~~

~~(2) Certificate of Compliance for Ongoing Improvement, Form WPI-8[, effective January 1, 2017]; and~~

~~(3) Certificate of Compliance for Completed Improvement (Engineered), Form WPI-8E.~~

(c) The information required by the forms listed in subsection (a)(1) - (5) of this section must be submitted to TDI electronically using the Windstorm system, which is available on the TDI website. TDI will accept a completed Form WPI-1 or WPI-2 emailed to windstorm@tdi.texas.gov only when the Windstorm system is nonfunctional, unless the individual submitting is not a licensed professional engineer.

(d) In this subchapter, the first four alphanumeric characters in the designation of a form listed in this section, such as "WPI-2," refer to all forms with that prefix unless otherwise specified by all the characters in the designation.

§5.4622. Inspection Verification.

In submitting an Inspection Verification, Form WPI-2, [~~or a Form WPI-2-BC-6,~~] an appointed qualified inspector verifies that:

(1) the ongoing improvement:

(A) complies with the wind load requirements of the applicable building code; or

(B) conforms to a design of the ongoing improvement that complies with the wind load requirements of the applicable building code under the plan of operation and that has a seal affixed by a professional engineer licensed by the Texas Board of Professional Engineers and Land Surveyors; or

(C) does not comply with the wind load requirements of the applicable building code; and

(2) if the ongoing improvement meets the requirements of paragraph (1)(A) or (B) of this section, the appointed qualified inspector is able to provide TDI with information and evidence substantiating compliance.

§5.4642. Disciplinary Action.

(a) Revocation or denial of appointment. After notice and opportunity for hearing, the commissioner [~~Commissioner~~] may revoke an appointed qualified inspector's appointment or deny an appointed qualified inspector's application for appointment if:

(1) the applicant or appointed qualified inspector violates or fails to comply with the Insurance Code or any rule in this chapter;

(2) the applicant has made a material misrepresentation in the appointment application;

(3) the applicant has attempted to obtain an appointment by fraud or misrepresentation; or

(4) the applicant or appointed qualified inspector has made a material misrepresentation in any form, report, or other information required to be submitted to TDI, including an Application for Certificate of Compliance for Ongoing Improvement, Form WPI-1; a construction inspection report; an Inspection Verification, Form WPI-2; [~~an Inspection Verification, Form WPI-2-BC-6;~~] or a Certification Form for Completed Improvement, Form WPI-2E.

(b) Cease and desist order. The commissioner [~~Commissioner~~], ex parte, may enter an emergency cease and desist order under Insurance Code Chapter 83, concerning Emergency Cease and Desist Orders, against an appointed qualified inspector, or a person acting as an appointed qualified inspector, if:

(1) the commissioner [~~Commissioner~~] believes that:

(A) the appointed qualified inspector has:

(i) failed to demonstrate, through submitting or failing to submit to TDI, substantiating information as described in §5.4626 of this title (relating to Substantiating Information), that an ongoing improvement or a portion of an ongoing

improvement subject to inspection meets the requirements of Insurance Code Chapter 2210, concerning Texas Windstorm Insurance Association, and TDI rules; or

(ii) refused to comply with requirements imposed under this chapter or TDI rules; or

(B) a person acting as an appointed qualified inspector is acting without appointment under Insurance Code §2210.254, concerning Qualified Inspectors, or §2210.2551, concerning Enforcement Authority; Rules [§2210.255]; and

(2) the commissioner [~~Commissioner~~] determines that the conduct described by paragraph (1) of this subsection is fraudulent, hazardous, or creates an immediate danger to the public.

(c) Alternative sanctions. Under Insurance Code §2210.2551(b) and §2210.256(b), concerning Disciplinary Proceedings Regarding Appointed Inspectors and Certain Other Persons, the commissioner [~~Commissioner~~], instead of revocation or denial, may impose one or more of the following sanctions if the commissioner [~~Commissioner~~] determines from the facts that the alternative sanction would be fair, reasonable, or equitable:

(1) suspension of the appointment for a specific period, not to exceed one year; or

(2) issuance of an order directing the appointed qualified inspector to cease and desist from the specified activity or failure to act determined to be in violation of Insurance Code Chapter 2210, Subchapter F, concerning Property Inspections for Windstorm and Hail Insurance, or rules of the commissioner [~~Commissioner~~] adopted under Insurance Code Chapter 2210, Subchapter F.

(d) Failure to comply with order. Under Insurance Code §2210.2551(b) and §2210.256(d), if the commissioner [~~Commissioner~~] finds, after notice and a hearing, that an appointed qualified inspector has failed to comply with an order issued under subsections (a), (b), or (c) of this section, the commissioner [~~Commissioner~~] will, unless the

commissioner's [~~Commissioner's~~] order is lawfully stayed, revoke the appointed qualified inspector's appointment.

(e) Informal disposition. The commissioner [~~Commissioner~~] may informally dispose of any matter under this section or under §5.4612 of this title (relating to Appointment as Qualified Inspector) by consent order or default.

(f) Automatic cancellation. If the Texas Board of Professional Engineers and Land Surveyors revokes or suspends an engineer's license, the engineer's appointment as an appointed qualified inspector is automatically canceled.

(g) Reasonable penalty. If TDI finds that a person acting as an appointed qualified inspector under Insurance Code §2210.254 has failed to provide complete and accurate information regarding an inspection for a certificate of compliance under Insurance Code §2210.2515, concerning Issuance of Certificates of Compliance, then TDI may impose a reasonable penalty on the inspector, including prohibiting the inspector from applying for certificates of compliance under Insurance Code §2210.2515.

CERTIFICATION. The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Issued in Austin, Texas, on November 10, 2025.

Signed by:
Jessica Barta
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Jessica Barta, General Counsel
Texas Department of Insurance