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Architectural Barriers Administrative Rules

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ELIMINATION OF ARCHITECTURAL BARRIERS

Administrative Rules of the Texas Department of Licensing and Regulation 16 Texas Administrative Code, Chapter 68

Effective March 15, 2012

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68.1. Authority. (Effective June 1, 1994, 19 TexReg 3485, amended effective December 5, 1999, 24 TexReg 10855; repealed effective November 5, 2001, 26 TexReg 8807; new rule section effective November 5, 2001, 26 TexReg 8807; amended effective February 1, 2005, 30 TexReg 382; amended effective March 1, 2007, 32 TexReg 884)

These rules are promulgated under the authority of Texas Government Code, Chapter 469, Elimination of Architectural Barriers, and Texas Occupations Code, Chapter 51.

68.10. Definitions. (Effective June 1, 1994, 19 TexReg 3485; amended effective December 5, 1999, 24 TexReg 10855; amended effective June 26, 2000, 25 TexReg 6122; repealed effective November 5, 2001, 26 TexReg 8807, new rule section effective November 5, 2001, 26 TexReg 8807; amended effective February 1, 2005, 30 TexReg 382; amended effective March 1, 2007, 32 TexReg 884; amended effective March 15, 2012, 37 TexReg 677)

The following words and terms, when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise.

- (1) **Act**--Texas Government Code, Chapter 469, Elimination of Architectural Barriers (the Texas Architectural Barriers Act).
- (2) **Building**--Any structure located in the State of Texas that is used and intended for supporting or sheltering any use or occupancy.
- (3) **Commencement of Construction**--The date of placement of engineering stakes, delivery of lumber or other construction materials to the job site, erection of batter boards, formwork, or other construction related work.
- (4) **Completion of Construction**--The date when a construction project results in occupancy or the issuance of a certificate of occupancy. For public roadway projects, completion of construction occurs upon final payment and release of the contractor performing the work or, if the work is performed by public employees, removal of barricades and opening of all traffic lanes for use.
- (5) **Construction Documents**--Documents used for the construction of a building or facility, including working drawings, plans, specifications, addenda, change orders, and other supplemental documents issued for the purpose of construction.
- (6) **Contract Provider**--The state agency or political subdivision under contract with the department to perform plan reviews, inspections, or both.
- (7) **Crosswalk**--That part of a roadway where motorists are required to yield to pedestrians crossing, as defined by state and local regulations, whether marked or unmarked.
- (8) **Curb Line**--A line that represents the extension of the face of the curb and marks the transition between the sidewalk and the gutter or roadway at a curb ramp or flush landing.
- (9) **Designated Agent**--An individual designated in writing by the owner to act on the owner's behalf.
- (10) **Element**--An architectural or mechanical component of a building, facility, space, or site, e.g., telephone, curb ramp, door, drinking fountain, seating, or water closet.
- (11) **Facility**--All or any portion of buildings, structures, site improvements, elements, and pedestrian routes or vehicular ways located on a site: including complexes, equipment, roads, walks, passageways, parking lots, or other real property subject to the Act.

68.80. Fees. (Effective June 1, 1994, 19 TexReg 3485; amended effective October 1, 1995, 20 TexReg 7279; amended effective May 6, 1998, 23 TexReg 4263; amended effective December 5, 1999, 24 TexReg 10855; amended effective April 18, 2000, 25 TexReg 3248; amended effective December 1, 2000, 25 TexReg 10729; amended effective September 1, 2001, 26 TexReg 6011; emergency adoption effective November 7, 2001, expiration date, March 6, 2002; amended effective May 7, 2002, 27 TexReg 4565; amended effective September 1, 2003, 28 TexReg 7364; amended effective February 1, 2005, 30 TexReg 382; amended effective March 1, 2007, 32 TexReg 884; amended effective March 15, 2012, 37 TexReg 677)

(a) Fees collected by the department will be assessed according to the fee schedule. Plan review and inspection fees collected by the department shall be determined by the estimated cost of construction for the project, not including site acquisition, architectural, engineering or consulting fees, furnishings, or equipment that is not part of the building mechanical systems. Fee Schedule:

- **Estimated Construction Cost-50,000 - 200,000** - Plan Review Fee-250; Project Filing Fee-\$175; Inspection Fee-\$350
 - **Estimated Construction Cost-200,001 - 500,000** - Plan Review Fee-\$315; Project Filing Fee-\$175; Inspection Fee-\$375
 - **Estimated Construction Cost-500,001 - 1,000,000** - Plan Review Fee-\$380; Project Filing Fee-\$175; Inspection Fee-\$400
 - **Estimated Construction Cost-1,000,001 - 5,000,000** - Plan Review Fee-\$445; Project Filing Fee-\$175; Inspection Fee-\$445
 - **Estimated Construction Cost-5,000,001 - 10,000,000** - Plan Review Fee-\$575; Project Filing Fee-\$175; Inspection Fee-\$575
 - **Estimated Construction Cost-10,000,001 - 15,000,000** - Plan Review Fee-\$620; Project Filing Fee-\$175; Inspection Fee-\$620
 - **Estimated Construction Cost-15,000,001- 25,000,000** - Plan Review Fee-\$785; Project Filing Fee-\$175; Inspection Fee-\$785
 - **Estimated Construction Cost-25,000,001 - 50,000,000** - Plan Review Fee-\$955; Project Filing Fee-\$175; Inspection Fee-\$955
 - **Estimated Construction Cost-50,000,001 - 75,000,000** - Plan Review Fee-\$1175; Project Filing Fee-\$175; Inspection Fee-\$1175
 - **Estimated Construction Cost-> 75,000,000** - Plan Review Fee - Contact TDLR; Project Filing Fee-\$175; Inspection Fee-Contact TDLR
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- **Late Project Filing Fee:** \$300
 - **Preliminary Review Fee:** \$145 each
 - **State Lease Inspection (no construction):** \$225 per lease
 - **Special Inspection Fee:** \$215 per hour, one hour minimum
 - **Variance Application Fee:** \$175 each
 - **Variance Appeal Fee:** \$200 each
 - **Texas Accessibility Academy Fee:** \$150

Registered Accessibility Specialist Fees:

- Application for Certificate of Registration: \$300
- Registration Renewal: \$250
- Wall Certificate Duplicate or Replacement: \$25
- Wallet Card Duplicate or Replacement: \$25

(b) When the estimated construction cost is less than \$50,000, and the project is registered with the department for plan review, inspection, or plan review and inspection, the following shall apply:

(1) the project filing fee and a \$200 plan review fee shall be paid for registration and review only;

(2) the project filing fee and a \$200 inspection fee shall be paid for registration and inspection only;

(3) the project filing fee, a \$200 plan review fee, and a \$200 inspection fee shall be paid for registration, plan review, and inspection; or

(4) for projects submitted to a registered accessibility specialist or a contract provider, only the project filing fee is required.

(c) When a project is not subject to the Act and is registered with the department for plan review, inspection, or for plan review and inspection, the following shall apply:

(1) the project filing fee and applicable plan review fee shall be paid for plan review services only;

(2) the project filing fee, and applicable inspection fee shall be paid for inspection services only;

(3) the project filing fee, applicable plan review fee, and applicable inspection fee shall be paid for plan review and inspection services; or

(4) for projects submitted to a registered accessibility specialist or a contract provider, only the project filing fee is required.

(d) When a project is registered with the department for preliminary review, the preliminary plan review fee shall be paid.

(e) When a project is registered with the department after completion of construction, the late project filing fee and other applicable fees shall apply. The late project filing fee is in addition to the plan review fee and is required to be paid to the department for projects submitted to the department, a registered accessibility specialist, or contract provider. This fee is applicable when projects are registered after the completion of construction and is in lieu of the project filing fee.

(f) Late renewal fees for registrations issued under this chapter are provided under §60.83 of this title (relating to Late Renewal Fees).

(g) All fees are non refundable and must be paid prior to service being performed.