

Subchapter E. Fire Extinguisher Rules
Repeal of 28 TAC §34.524

Subchapter F. Fire Alarm Rules
Repeal of 28 TAC §34.631

Subchapter G. Fire Sprinkler Rules
Repeal of 28 TAC §34.726

Subchapter H. Storage and Sale of Fireworks
Repeal of 28 TAC §34.833

INTRODUCTION. The commissioner of insurance adopts the repeals of 28 TAC §§34.524, 34.631, 34.726, and 34.833, concerning licenses issued to military service members, military veterans, and military spouses. The repeals are adopted without changes to the proposed text published in the December 1, 2023 issue of the *Texas Register* (48 TexReg 7010).

REASONED JUSTIFICATION. The repeals are necessary to implement Senate Bill 422, 88th Legislature, 2023 and Chapter 55 of the Occupations Code. Chapter 55 provides for alternative licensing procedures and requirements for military service members, military veterans, and military spouses. Before the passage of SB 422, Occupations Code §55.0041 required licensing agencies to recognize the out-of-state licenses of military spouses. SB 422 amended §55.0041 to also apply to military service members and to incorporate additional changes.

As part of the implementation of SB 422, the Texas Department of Insurance (TDI) is separately adopting new 28 TAC §1.814, which provides alternative licensing procedures and requirements for license applications by military service members, military veterans,

and military spouses, consistent with Occupations Code Chapter 55 and 50 USC §4025a. New §1.814 applies to all licenses, permits, certifications, and other authorizations issued by TDI, including those issued by the state fire marshal.

Section 34.524 addresses the waiver of application and examination fees, as well as alternative licensing options for military service members, veterans, and spouses, as it relates to fire extinguisher rules.

Section 34.631 addresses the waiver of application and examination fees, as well as alternative licensing options for military service members, veterans, and spouses, as it relates to fire alarm rules.

Section 34.726 addresses the waiver of application and examination fees, as well as alternative licensing options for military service members, veterans, and spouses, as it relates to fire sprinkler rules.

Section 34.833 addresses the waiver of application and examination fees, as well as alternative licensing options for military service members, veterans, and spouses, as it relates to the sale and storage of fireworks.

Sections 34.524, 34.631, 34.726, and 34.833 are repealed because they are made redundant by new §1.814.

SUMMARY OF COMMENTS. TDI provided an opportunity for public comment on the rule proposal for a period that ended on January 3, 2024. TDI did not receive any comments on the proposed repeals.

Subchapter E. Fire Extinguisher Rules
Repeal of 28 TAC §34.524

STATUTORY AUTHORITY. The commissioner adopts the repeal of 28 TAC §34.524 under Occupations Code §§55.004(a), 55.0041(e), and 55.008(b); Government Code §417.004(a); and Insurance Code §§6001.051(b), 6001.052(c), and 36.001.

Occupations Code §55.004(a) requires state agencies to adopt rules for the issuance of a license to certain military service members, military veterans, and military spouses.

Occupations Code §55.0041(e), which addresses recognition of out-of-state licenses of military service members and military spouses, requires state agencies to adopt rules to implement the section.

Occupations Code §55.008(b), which addresses apprenticeship requirements for certain applicants with military experience, requires state agencies to adopt rules necessary to implement the section.

Government Code §417.004(a) authorizes the commissioner to perform supervisory and rule-making functions under the subsection.

Insurance Code §6001.051(b) provides that the commissioner may issue rules necessary to administer Insurance Code Chapter 6001 through the state fire marshal.

Insurance Code §6001.052(c) requires the commissioner to prescribe requirements for applications and qualifications for licenses, permits, and certificates issued under Insurance Code Chapter 6001.

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.

TEXT.**§34.524. Military Service Members, Military Veterans, or Military Spouses.****Subchapter F. Fire Alarm Rules
Repeal of 28 TAC §34.631**

STATUTORY AUTHORITY. The commissioner adopts the repeal of 28 TAC §34.631 under Occupations Code §§55.004(a), 55.0041(e), and 55.008(b); Government Code §417.004(a); and Insurance Code §6002.051(b) and §36.001.

Occupations Code §55.004(a) requires state agencies to adopt rules for the issuance of a license to certain military service members, military veterans, and military spouses.

Occupations Code §55.0041(e), which addresses recognition of out-of-state licenses of military service members and military spouses, requires state agencies to adopt rules to implement the section.

Occupations Code §55.008(b), which addresses apprenticeship requirements for certain applicants with military experience, requires state agencies to adopt rules necessary to implement the section.

Government Code §417.004(a) authorizes the commissioner to perform supervisory and rulemaking functions under the subsection.

Insurance Code §6002.051(b) provides that the commissioner may adopt rules as necessary to administer Insurance Code Chapter 6002, including rules the commissioner considers necessary to administer the chapter through the state fire marshal.

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.

Subchapter G. Fire Sprinkler Rules
Repeal of 28 TAC §34.726

STATUTORY AUTHORITY. The commissioner adopts the repeal of 28 TAC §34.726 under Occupations Code §§55.004(a), 55.0041(e), and 55.008(b); Government Code §417.004(a); and Insurance Code §6003.051(b) and §36.001.

Occupations Code §55.004(a) requires state agencies to adopt rules for the issuance of a license to certain military service members, military veterans, and military spouses.

Occupations Code §55.0041(e), which addresses recognition of out-of-state licenses of military service members and military spouses, requires state agencies to adopt rules to implement the section.

Occupations Code §55.008(b), which addresses apprenticeship requirements for certain applicants with military experience, requires state agencies to adopt rules necessary to implement the section.

Government Code §417.004(a) authorizes the commissioner to perform supervisory and rulemaking functions under the subsection.

Insurance Code §6003.051(b) provides that the commissioner may issue rules necessary to administer Insurance Code Chapter 6003 through the state fire marshal.

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.

Subchapter H. Storage and Sale of Fireworks
Repeal of 28 TAC §34.833

STATUTORY AUTHORITY. The commissioner adopts the repeal of 28 TAC §34.833 under Occupations Code §§55.004(a), 55.0041(e), 55.008(b), and 2154.052; Government Code §417.004(a); and Insurance Code §36.001.

Occupations Code §55.004(a) requires state agencies to adopt rules for the issuance of a license to certain military service members, military veterans, and military spouses.

Occupations Code §55.0041(e), which addresses recognition of out-of-state licenses of military service members and military spouses, requires state agencies to adopt rules to implement the section.

Occupations Code §55.008(b), which addresses apprenticeship requirements for certain applicants with military experience, requires state agencies to adopt rules necessary to implement the section.

Occupations Code §2154.052 authorizes the commissioner to issue rules to administer Insurance Code Chapter 2154 requires the commissioner to adopt rules regulating issuance of licenses and permits to persons engaged in manufacturing, selling, storing, possessing, or transporting fireworks in this state and adopt rules for applications for licenses and permits.

Government Code §417.004(a) authorizes the commissioner to perform supervisory and rulemaking functions under the subsection.

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.

TEXT.

§34.833. Military Service Members, Military Veterans, or Military Spouses.

CERTIFICATION. This agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Issued at Austin, Texas, on February 9, 2024.

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

The repeals of 28 TAC §§34.524, 34.631, 34.726, and 34.833 are adopted.

DocuSigned by:
Cassie Brown
FC5D7EDDFB4F8... _____
Cassie Brown
Commissioner of Insurance

2024-8526

TITLE 28. INSURANCE
Part I. Texas Department of Insurance
Chapter 34. State Fire Marshal

Adopted Repeals
Page 8 of 8

Commissioner's Order No. 2024-8526