

**Subchapter E. Fire Extinguisher Rules**

~~[28 TAC §34.524]~~

**Subchapter F. Fire Alarm Rules**

~~[28 TAC §34.631]~~

**Subchapter G. Fire Sprinkler Rules**

~~[28 TAC §34.726]~~

**Subchapter H. Storage and Sale of Fireworks**

~~[28 TAC §34.833]~~

**INTRODUCTION.** The Texas Department of Insurance (TDI) proposes to repeal 28 TAC §§34.524, 34.631, 34.726, and 34.833, concerning licenses issued to military service members, military veterans, and military spouses. The proposed repeals implement Senate Bill 422, 88th Legislature, 2023 and Chapter 55 of the Occupations Code.

**EXPLANATION.** Chapter 55 of the Occupations Code 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, TDI has separately proposed 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. Proposed 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.

This proposal repeals these sections, which are made redundant by proposed new §1.814.

**FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT.** Jodie Delgado, director of the Agent and Adjuster Licensing Office, has determined that during each year of the first five years the proposed repeals are in effect, there will be no measurable fiscal impact on state and local governments as a result of enforcing or administering the repeals other than that imposed by the statute. Ms. Delgado made this determination because the proposed repeals do not add to or decrease state revenues or expenditures, and because local governments are not involved in enforcing or complying with the proposed repeals.

Ms. Delgado does not anticipate any 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 proposed repealed sections are in effect, Ms. Delgado expects that administering and enforcing the proposed repeals will have the public benefits of eliminating redundant sections and ensuring that TDI's rules conform to Occupations Code §55.0041 in a consistent way.

Ms. Delgado expects that the proposed repeals will not increase the cost of compliance because the repeals do not create or impose any requirements.

**ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS.** TDI has determined that the proposed repeals will not have an adverse economic effect on small or micro businesses, or on rural communities. As a result, and in accordance with Government Code §2006.002(c), TDI is not required to prepare a regulatory flexibility analysis.

**EXAMINATION OF COSTS UNDER GOVERNMENT CODE §2001.0045.** TDI has determined that the proposed repeals do not impose a possible cost on regulated persons. There are no additional costs as a result of this proposal because it only removes existing sections made redundant by a new section. No additional rule repeals are required under Government Code §2001.0045.

**GOVERNMENT GROWTH IMPACT STATEMENT.** TDI has determined that for each year of the first five years that the proposed repeals 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 not create a new regulation;
- will repeal existing regulations;
- will not increase or decrease the number of individuals subject to the rule's applicability; and
- will not positively or adversely 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 January 3, 2024. Send your comments to [ChiefClerk@tdi.texas.gov](mailto: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.

To request a public hearing on the proposal, submit a request before the end of the comment period to [ChiefClerk@tdi.texas.gov](mailto: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 request for public hearing must be separate from any comments and received by TDI no later than 5:00 p.m., central time, on January 3, 2024. If TDI holds a public hearing, TDI will consider written and oral comments presented at the hearing.

**Subchapter E. Fire Extinguisher Rules**  
**28 TAC §34.524**

**STATUTORY AUTHORITY.** TDI proposes the repeal of §34.524 under Occupations Code §§55.004(a), 55.0041(e), and 55.008(b) 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.

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.

**CROSS-REFERENCE TO STATUTE.** The repeal of §34.524 implements Occupations Code Chapter 55.

**TEXT.**

**§34.524. Military Service Members, Military Veterans, or Military Spouses.**

**Subchapter F: Fire Alarm Rules  
28 TAC §34.631**

**STATUTORY AUTHORITY.** TDI proposes the repeal of §34.631 under Occupations Code §§55.004(a), 55.0041(e), and 55.008(b) and Insurance Code §6002.051(b) and §36.001.

Occupations Code §55.004(a) requires TDI 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 §55.0041.

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.

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.

**CROSS-REFERENCE TO STATUTE.** The repeal of §34.631 implements Occupations Code Chapter 55.

**TEXT.**

**§34.631. Military Service Members, Military Veterans, or Military Spouses.**

**Subchapter G. Fire Sprinkler Rules  
28 TAC §34.726**

**STATUTORY AUTHORITY.** TDI proposes the repeal of §34.726 under Occupations Code §§55.004(a), 55.0041(e), and 55.008(b) and Insurance Code §6003.051(b) and §36.001.

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

Occupations Code §55.0041(e) requires state agencies to adopt rules to implement §55.0041.

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.

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.

**CROSS-REFERENCE TO STATUTE.** The repeal of §34.726 implements Occupations Code Chapter 55.

**TEXT.**

**§34.726. Military Service Members, Military Veterans, or Military Spouses.**

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

**STATUTORY AUTHORITY.** TDI proposes the repeal of §34.833 under Occupations Code §§55.004(a), 55.0041(e), 55.008(b), and 2154.052, 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 §55.0041.

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

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.** The repeal of §34.833 implements Occupations Code Chapter 55.

**TEXT.**

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

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

Issued in Austin, Texas, on November 14, 2023.

DocuSigned by:  
*Jessica Barta*  
5DAC5618BBC74D4... \_\_\_\_\_  
Jessica Barta, General Counsel  
Texas Department of Insurance

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