

SUBCHAPTER E. FIRE EXTINGUISHER AND INSTALLATION
28 TAC §§34.507, 34.510 and 34.515

SUBCHAPTER F. FIRE ALARM RULES
28 TAC §§34.601 – 34.607, 34.610 – 34.616, 34.625, and 34.627 – 34.630

SUBCHAPTER G. FIRE SPRINKLER RULES
28 TAC §§34.707, 34.711, and 34.714

SUBCHAPTER H. STORAGE AND SALE OF FIREWORKS
28 TAC §§34.808, 34.810, and 34.817

1. INTRODUCTION. The Texas Department of Insurance (Department) proposes amendments to §§34.507, 34.510, 34.515, 34.601 – 3.607, 34.610 – 34.616, 34.625, 34.707, 34.711, 34.714, 34.808, 34.810, and 34.817, and new §§34.627 – 34.630, concerning fire extinguisher, fire alarm, fire sprinkler, and fireworks regulations. These amendments and new sections are necessary to: (i) implement House Bill (HB) 2118, 80th Legislature, Regular Session, effective September 1, 2007, which established the licensee category of residential fire alarm technician and requires the Commissioner of Insurance (Commissioner) to adopt new requirements relating to the license; (ii) specify requirements relating to the Fire Detection and Alarm Devices Advisory Council established by the Insurance Code §6002.101; (iii) make changes necessary to licensing structures and procedures for the State Fire Marshal Office's (SFMO) upcoming implementation of the State Insurance Regulators Connection (SIRCON) licensing computer software program; (iv) adopt fire alarm application and renewal forms by reference; (v) delete unnecessary requirements; (vi) correct substantive and non-substantive errors; (vii) update obsolete statutory references; (viii) update fee payment procedures to reflect current practice; (ix) update adopted minimum

standards; and (x) make other changes deemed necessary by the Department to improve and clarify the State Fire Marshal's Office rules and effectively enforce its statutory obligations.

1. HB 2118.

The Insurance Code Chapter 6002 (formerly Article 5.43-2) outlines the Department's duties and authority relating to the regulation of the planning, certifying, leasing, selling, servicing, installing, monitoring, and maintaining of fire detection and fire alarm devices and systems. HB 2118 amended the Insurance Code Article §5.43-2 to add a new licensing category for residential fire alarm technicians. At the time of HB 2118's enactment, the Texas Legislature was in the process of recodifying the Insurance Code Article 5.43-2. Portions of Article 5.43-2 were repealed and recodified as the Insurance Code Chapter 6002 in the nonsubstantive Insurance Code revision contained in HB 2636, 80th Legislature, Regular Session, 2007. The remaining portions of Article 5.43-2, including changes made by HB 2118 relating to the new licensing category of residential fire alarm technicians, were repealed and recodified as the Insurance Code Chapter 6002 in the nonsubstantive Insurance Code revision contained in SB 1969, 81st Legislature, Regular Session, 2009.

HB 2118 specified that a residential fire alarm technician must obtain a license issued by the Department; that the amount of the initial fee for the license may not exceed \$50, and that the amount of the annual license renewal fee may not exceed \$50. The bill specified that an applicant for the residential fire alarm technician license must provide with the required license application evidence of the applicant's successful

completion of the required instruction from a training school approved by the State Fire Marshal. The bill specified that the training curriculum for a residential fire alarm technician course shall consist of at least eight hours of instruction on installing, servicing, and maintaining single-family and two-family residential fire alarm systems as defined by the National Fire Protection Association Standard Number 72.

Amendments to existing sections of Subchapter F, Fire Alarm Rules, are necessary to implement HB 2118. Proposed amendments to §34.606 add definitions for the terms *approval*, *instructor*, and *training school*. Proposed amendments to §34.611 add licensing categories for: (i) instructor approvals to provide training at residential fire alarm technician training schools; (ii) residential fire alarm technicians; and (iii) training school approvals for course training necessary to obtain a residential fire alarm technician license. Proposed new §34.611(b)(2) also requires that an instructor carry the instructor's approval while providing training in an approved training school on the installing, certifying, inspecting, and servicing of fire alarm or detection systems in single-family or two-family residences. A proposed amendment to redesignated §34.611(d) requires that a change in the licensee's name, mailing address, or a new or additional registered firm employing the licensee requires a revised license. The amendment deletes existing language specifying licensee notification requirements. Proposed new §34.611(e) specifies that a registered firm must submit notification of any licensee employment, termination, or resignation within 14 days of its occurrence. The title to §34.611(f) is changed from "Restrictions" to "Restrictions on Licensees and Registered Firms." Proposed new §34.611(g) specifies

that approvals are not transferable. Proposed new §34.611(h) requires that a change in the instructor's name or mailing address requires a revised approval. Proposed amendments to §34.613 specify requirements for the residential fire alarm technician licenses, instructor and training school approvals. Proposed new §34.613(c)(2)(B) specifies that the State Fire Marshal shall approve or deny the application for approval for a training school within 60 days following receipt of the necessary application materials and outlines the procedure for resubmitting a denied application. Amendments to §34.614 specify fees relating to the residential fire alarm technician license and training school and instructor approvals. Two new sections are also necessary to implement HB 2118. Proposed new §34.627 specifies the requirements for residential fire alarm technician course instructors and training schools. Proposed new §34.628 specifies the requirements relating to the residential fire alarm technician course.

2. Fire Detection and Alarm Device Advisory Council.

The Insurance Code §6002.101 establishes the Fire Detection and Alarm Devices Advisory Council (Alarm Advisory Council). Proposed new §34.629 is necessary to specify the composition, duties, operating procedures, and duration of the Advisory Council.

3. SIRCON Implementation.

The SFMO will begin using State Insurance Regulators Connection (SIRCON) licensing computer software program later in 2010. Because SIRCON program features and capabilities vary from the current SFMO licensing software, procedural changes are

necessary for full SIRCON implementation. Current SFMO software allows a registered firm to list numerous employees under its certificate on file with the SFMO. SIRCON offers many technological advantages and will increase uniformity in licensing processes. However, SIRCON does not have the capability to list numerous employees under a single firm certificate. The Insurance Code §6002.154 requires that each firm registered under Chapter 6002 (registered firm) employ at least one employee who is a fire alarm technician, residential fire alarm superintendent, or fire alarm planning superintendent. Therefore, to satisfy and verify compliance with this statutory requirement, the SFMO has proposed that firms submit notice of their *designated employee*. Proposed new §34.606(7) defines *designated employee*. A proposed amendment to §34.610(b) adds new language which requires that a registered firm must specify its designated employee in its initial or renewal application for a certificate of registration. The proposed amendment also requires that any change in the designated employee must be submitted in writing to the SFMO within 14 days of its occurrence and that an individual may not serve as a designated employee for more than one registered firm. To implement SIRCON and to achieve a more orderly administration of the licensing process, it is also necessary to align the certificate of registration expiration dates of registered firms' branch offices with its main office as required in proposed new §34.610(i). This requires two steps: (i) an initial alignment of expiration dates for branch offices in existence as of the effective date of the rule; and (ii) a prospective requirement that the certificate of registration for branch offices opened after the effective date of the rule will expire on the same date as the main

office. Changes implementing the initial alignment of expiration dates for branch offices in existence as of the effective date of the rule are made in proposed new §34.510(m) for fire extinguisher firms and in new proposed §34.610(i) for alarm firms. Changes implementing the prospective requirement that a certificate of registration for a branch office expires on the same date as the main office are made in §34.510(g) for fire extinguisher firms and in proposed new §34.610(f) for fire alarm firms. In accordance with the Insurance Code §6002.201(c) for registered extinguisher firms and the Insurance Code §6001.201(b) for registered alarm firms, the proposed rule specifies that fees for renewals of certificates of registration for registered firms will be prorated accordingly. However, as specified in the proposal, the initial fees for the establishment of a branch office are not prorated. As a result of the alignment of the branch offices' certificates of registration expiration dates to the main office's date, it is also necessary to simultaneously make changes to the late fee structure for fire alarm and fire extinguisher firms. Because the certificates of registration for all of a registered firms' locations will expire on the same day, it is necessary to specify how late fees will be calculated. Proposed amendments to §34.515(b)(1)(C) and (D) specify that for extinguisher firms, renewal late fees (expired 1 day to 90 days) are \$225 plus \$50 for each branch office held by the firm, and that the renewal late fee (expired 91 days to two years) is \$450 plus \$100 for each branch office operated by the firm. Existing subparagraphs (G) and (H) are proposed to be deleted because these provisions are incorporated into amendments to subparagraphs (C) and (D). Proposed amended §34.614 specifies that for fire alarm firms, late fees for renewals between one and 90

days late are \$125 plus \$37.50 for each branch office held by the firm. In addition, proposed amended §34.614 specifies that late fees for renewals between 91 days and two years late are \$500 plus \$150 for each branch office held by the firm.

4. Adoption of Fire Alarm Forms by Reference.

New §34.630 adopts by reference the following eight fire alarm application and renewal forms: (i) the License Application for Individuals For All Types of Fire Alarm Licenses, Form Number SF032, which contains instructions for completion of the form and requires information to be provided regarding the applicant and the applicant's employer; (ii) the Renewal Application For Fire Alarm Individual License, Form Number SF094, which contains instructions for completion of the form; information regarding late fees; and requires information to be provided regarding the renewing applicant; (iii) the Instructor Approval Application, Form Number SF247, which contains instructions for completion of the form and requires information to be provided regarding the applicant; (iv) the Renewal Application For Instructor Approval, Form Number SF255, which contains instructions for completion of the form and requires information to be provided regarding the applicant; (v) the Training School Approval Application, Form Number SF246, which contains instructions for completion of the form, provides information regarding necessary filing documents pursuant to business entity type, and requires information to be provided regarding the applicant and course location and schedule; (vi) the Renewal Application for Training School Approval, Form Number SF254, which contains instructions for completion of the form, provides information regarding necessary filing documents pursuant to business entity type, and requires information to

be provided regarding the applicant and course location and schedule; (vii) the Fire Alarm Certificate of Registration Application, Form Number SF031, which contains instructions for completion of the form; provides information regarding necessary filing documents pursuant to business entity type, and requires information to be provided regarding the applicant; and (viii) the Renewal Application For Fire Alarm Certificate of Registration, Form Number SF084, which contains instructions for completion of the form and requires information to be provided regarding the applicant. The proposal specifies that the adopted forms are available at the department's website at www.tdi.state.tx.us. All of the proposed forms are part of this proposal and are available for public review and comment.

5. Deletion of Unnecessary Requirements.

The Department proposes deletion of several requirements because they have found that the requirements are not useful or beneficial to the public. Section 34.510(g) requires that a fire extinguisher firm post each certificate conspicuously for public view at the business location. Section 34.610(b) requires that fire alarm companies post their certificate of registration conspicuously for public view at their business location. Section 34.611(b) requires that wall licenses must be posted conspicuously for public view at a fire alarm firm's business location. Section 34.711(b) in Subchapter G, Fire Sprinkler Rules, requires that responsible managing employee wall licenses be posted conspicuously for public view at a fire sprinkler firm's business location. These requirements were adopted so that the public would be able to verify a firm's current licensure. However, it is the Department's position that these license posting

requirements do not achieve this effect because customers very infrequently visit a firm location in person. In practice, registered firms conduct their business at the customer's location. Additionally, pursuant to §34.611(c), alarm licensees are required to carry a pocket license for identification while engaged in the business activities regulated under the subchapter. Similarly, §34.711(c) requires sprinkler responsible managing employees to carry a pocket license while engaged in the activities of a responsible managing employee. Therefore, the Department proposes deletion of these license posting requirements. The requirement for a licensee to carry a pocket license is moved from existing §34.611(c) to amended §34.611(b) and the subsequent subsections are redesignated accordingly. The Department also proposes deletion of the requirement in §34.810 that upon change of certain information requiring a revised fireworks license, the old document be surrendered to the SFMO. Similarly, §34.711 requires fire sprinkler licensees to surrender their licenses upon the change of certain information. The Department's position is that the requirement to surrender obsolete documents to the SFMO is unnecessary. The surrender requirement was initially adopted in April 1984 to prevent the unauthorized use of a licensee's license by an unauthorized user. However, since the adoption of the surrender requirement the SFMO has not encountered a single instance of the unauthorized use of another's licensing document by an unauthorized user. Further, the Department's position is that in cases in which a licensee changes their information and is subsequently unable to locate their existing license for surrender, it is an undue and unreasonable hardship to deny a new license. Therefore, the proposed amendments delete the surrender

requirement for fire sprinkler responsible managing employees in redesignated §34.711(d) and for fireworks licensees in §34.810(e).

6. Correction of Substantive and Non-substantive Errors.

The proposed amendments replace use of the word “chapter” with “subchapter” for consistency and to conform to current Department rule style. Replacements of the word “chapter” with “subchapter” have been made in §§34.601 – 34.605, 34.607, 34.613, and 34.616. A proposed amendment to §34.601 adds the word “the” before the phrase “Insurance Code” for consistency and to conform to current Department style. Proposed amendments change the phrase “Office of the State Fire Marshal” to “State Fire Marshal’s Office” for consistency and to conform to current Department style in §34.605 and §34.707. The phrase “state fire marshal’s office” is changed to “State Fire Marshal’s Office” for consistency and to conform to current Department style in §34.507 and §34.607(a). A proposed amendment to §34.613 replaces the phrase “State Fire Marshal’s office” with “State Fire Marshal’s Office” for consistency and to conform to current Department style. Sections 34.808 and 34.817 of the Storage and Sale of Fireworks rule incorrectly require that a supervisor responsible for a retail fireworks site be 16 years or older. These requirements are inconsistent with the Occupations Code §2154.254, which specifies that a person 16 years of age or older but younger than 18 years of age may be employed to sell fireworks at a retail sales location only if the person is accompanied by another person 18 years of age or older. Proposed amendments to §34.808 and §34.817 change the minimum age of a supervisor at a

retail fireworks site from age 16 to 18, in accordance with the Occupations Code §2154.254.

7. Updating of Obsolete Statutory References.

The proposed rule updates numerous obsolete statutory references. These changes are nonsubstantive and are made to reflect the Texas Legislature's ongoing recodification of the Insurance Code. Portions of Article 5.43-2 were repealed and recodified as the Insurance Code Chapter 6002 in the nonsubstantive Insurance Code revision contained in HB 2636, 80th Legislature, 2007. The remaining portions of Article 5.43-2 were repealed and recodified as the Insurance Code Chapter 6002 in the nonsubstantive Insurance Code revision contained in SB 1969, 81st Legislature, 2009. Article 5.43-1 was repealed and recodified as the Insurance Code Chapter 6001 in the nonsubstantive Insurance Code revision contained in HB 2636, 80th Legislature, 2007. Article 5.43-3 was repealed and recodified as the Insurance Code Chapter 6003 in the nonsubstantive Insurance Code revision contained in HB 2636, 80th Legislature, 2007. References to the Insurance Code Article 5.43-2 are replaced with references to the Insurance Code Chapter 6002 in the following sections: §§34.601, 34.606(14), 34.607, 34.613(a)(1) and (2), 34.613(d) and (e), 34.615, 34.616(b)(1), and 34.625(a) and (c). A reference in §34.604 to the Insurance Code Article 5.43-2 §3 is replaced with a reference to the Insurance Code §6002.155. A reference in §34.606(9) to the Insurance Code Article 5.43-2 is replaced with a reference to the Insurance Code §6002.002. A reference in §34.611(f)(3) to the Insurance Code Article 5.43-2 §3b is replaced with a reference to the Insurance Code §6002.155. A reference in §34.612 to the Insurance

Code Article 5.43-2 §10b is replaced with a reference to the Insurance Code 6002.302. A reference in redesignated §34.614(e) to the Insurance Code Article 5.43-2 §5C(c) is replaced with a reference to the Insurance Code §6002.203(g). References in §34.616(a)(1) and (2) to the Insurance Code Article 5.43-2, §3(b)(10) are replaced with references to the Insurance Code §6002.155(10). A reference in §34.616(b)(3) to the Insurance Code Article 5.43-1 is replaced with a reference to the Insurance Code Chapter 6001. A reference in §34.616(b)(3) to the Insurance Code Article 5.43-3 is replaced with a reference to the Insurance Code Chapter 6003. A reference in §34.616(c)(2)(B) to the Insurance Code Article 5.43-2 §9 is replaced with a reference to the Insurance Code §6002.251, and the phrase “Insurance Code Article 5.43-2, so long as” is deleted. A proposed amendment to §34.613(a)(2) updates an obsolete statutory citation to the Assumed Business or Professional Name Act, formerly codified in the Business and Commerce Code Chapter 36. The Business and Commerce Code Chapter 36 was repealed in the nonsubstantive Business and Commerce Code revision, Acts 2007, 80th Legislature, Chapter 885, §2.47, effective April 1, 2009. The Business and Commerce Code Chapter 36 was re-adopted as the Business and Commerce Code Chapter 71 in the same nonsubstantive Business and Commerce Code revision.

8. Updating of Fee Payment Procedures to Reflect Current Practice.

The proposal amends the section specifying fee payment procedures in three subchapters to reflect current procedure and possible future changes in online payment options: Subchapter E, Fire Extinguisher and Installation (§34.515); Subchapter F, Fire

Alarm Rules (§34.614), and; Subchapter G, Fire Sprinkler Rules (§34.714). The amendment to each of these sections is substantively identical. The amendments to fee payment procedure sections specify that except for fees that must be paid to testing authorities, all fees payable shall be submitted by check or money order made payable to the Texas Department of Insurance or the State Fire Marshal's Office, or if a license is renewable over the internet, where the renewal application is to be submitted under the Texas OnLine Project, in which case fees shall be submitted as directed by the Texas OnLine Authority. The Texas OnLine Project is the common electronic infrastructure established by the Government Code §2054.252 for state agencies and local governments, including licensing entities. The proposed new language specifies that should the Department authorize other online or electronic original applications or other transactions, persons shall submit fees with the transaction as directed by the department or the Texas OnLine Authority. The amendments eliminate cash as an acceptable payment method to reflect current Department policy. Effective August 1, 2009, the Department no longer accepts cash payments for fees, assessments, fines, or debts. A statement of this policy is posted at the Department's cashier's office. The proposed amendment to the fee payment procedure for fire alarm licensees specifies in §34.614 that the renewal fee is subject to the exceptions specified in proposed amended §34.610(i) (relating to Certificate of Registration) for the initial alignment of the expiration and renewal dates of existing branches.

9. Updating Adopted Minimum Standards.

Fire Extinguisher Standards

Proposed amendments to §34.507 update numerous National Fire Protection Association (NFPA) minimum standards relating to fire extinguisher systems. Requiring recent safety standards relating to fire extinguisher devices is necessary to protect the health and safety of the public. Proposed amendments to §34.507 make the following replacements: (i) NFPA 10-2002, Standard for Portable Fire Extinguishers, with NFPA 10-2010, Standard for Portable Fire Extinguishers; (ii) NFPA 11-2002, Standard for Low-Expansion Foam and Combined Agent Systems, and NFPA 11A-1999, Standard for Medium- and High-Expansion Foam Systems, with NFPA 11-2010, Standard for Low-, Medium-, and High-Expansion Foam and Combined Agent Systems; (iii) NFPA 12-2000, Standard on Carbon Dioxide Extinguishing Systems with NFPA 12-2008, Standard on Carbon Dioxide Extinguishing Systems; (iv) NFPA 12A-2004, Standard on Halon 1301 Fire Extinguishing Systems with NFPA 12A-2009, Standard on Halon 1301 Fire Extinguishing Systems; (v) NFPA 15-2001, Standard for Water Spray Fixed Systems for Fire Protection with NFPA 15-2007, Standard for Water Spray Fixed Systems for Fire Protection; (vi) NFPA 16-2003, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems with NFPA 16-2007, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems; (vii) NFPA 17-2002, Standard for Dry Chemical Extinguishing Systems with NFPA 17-2009, Standard for Dry Chemical Extinguishing Systems; (viii) NFPA 17A-2002, Standard for Wet Chemical Extinguishing Systems with NFPA 17A-2009, Standard for Wet Chemical Extinguishing Systems; (ix) NFPA 18-1995, Standard on Wetting Agents with NFPA 18-2006, Standard on Wetting Agents; (x) NFPA 25-2002, Standard for the Inspection,

Testing, and Maintenance of Water-Based Fire Protection Systems with NFPA 25-2008, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems; (xi) NFPA 96-2001, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations with NFPA 96-2008, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations; and (xii) NFPA 2001-2004, Standard on Clean Agent Fire Extinguishing Systems with NFPA 2001-2008, Standard on Clean Agent Fire Extinguishing Systems.

The updated fire extinguisher standards make the following changes from the currently adopted standards. NFPA 10-2010, Standard for Portable Fire Extinguishers, expands the list of obsolete fire extinguishers to be removed from service; and now includes pressurized water fire extinguishers manufactured prior to 1971, any extinguisher that needs to be inverted to operate, any stored pressure extinguisher manufactured prior to 1955, any extinguishers with 4B, 6B, 8B, 12B, and 16B fire ratings, and stored-pressure water extinguishers with fiberglass shells (pre-1976). The updated standard requires that dry chemical stored-pressure extinguishers manufactured prior to October 1984 shall be removed from service at the next six year maintenance interval or the next hydro test, whichever comes first, and establishes new intervals for the internal examination of certain extinguishers. NFPA 11-2010, Standard for Low-, Medium-, and High-Expansion Foam and Combined Agent Systems incorporates requirements previously found in NFPA 11A, Standard for Medium- and High-Expansion Foam and adds a new chapter to address compressed air foam systems. The updated standard revises some chapters to accommodate the

incorporation of medium- and high-expansion foam systems previously regulated by NFPA 11A. Updated NFPA 12-2008, Standard on Carbon Dioxide Extinguishing Systems is revised to add an emphasis on safety and match current NFPA standard formatting. The updated standard includes requirements relating to updated warning signs, evacuation procedures, and provisions prohibiting the use of total flooding systems in most normally occupied areas. NFPA 12A-2009, Standard on Halon 1301 Fire Extinguishing Systems, is revised to address testing and recharging of Halon 1301 cylinders and amends portions to conform to current standards of regulatory bodies such as the United States Department of Transportation. NFPA 15-2007, Standard for Water Spray Fixed Systems for Fire Protection, incorporates welding requirements for pipe and fittings and coordinating requirements for fire department connections with NFPA 13, Standard for the Installation of Sprinkler Systems 2010 Edition. NFPA 16-2007, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems, is revised to coordinate definitions and requirements for fire department connections and underground pipe with those of other NFPA standards. The updated standard also adds more specific proportioning system testing methods. NFPA 17-2009, Standard for Dry Chemical Extinguishing Systems, updates requirements for installing and servicing technicians, and requires that technicians have a certification document. NFPA 17A-2009, Standard for Wet Chemical Extinguishing Systems, provides clarification on inspection, service, and maintenance requirements and updated requirements for servicing personnel; makes changes regarding the necessary replacement and tagging procedure for parts discovered to be defective during system

maintenance, and the subsequent notification process upon repair; and requires system flushing after any system actuation. NFPA 18-2006, Standard on Wetting Agents, clarifies the definition of wetting agents and their use on specific types of fires. The updated standard specifies specific packaging requirements and inspection, testing, and maintenance requirements for systems using wetting agents. NFPA 25-2008, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, refines testing frequencies for water flow alarm devices; clarifies the requirements regarding the servicing of water mist systems and the test methods for microbiologically influenced corrosion. The updated standard makes additional clarifications regarding the evaluation of annual pump test data. NFPA 96-2008, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, adds requirements for downdraft appliance ventilation and clarifies requirements for cleaning and maintaining exhaust systems and diagrams detailing new arrangements for hoods with integrated supply air. The updated standard also provides clarification of the requirements for field-applied and factory-built grease duct enclosures and recognizes new technologies for venting, such as ultraviolet hoods and ventilating ceilings. NFPA 2001-2008, Standard on Clean Agent Fire Extinguishing Systems, has been revised to specify requirements for local application systems and to specify protective standards relating to clean agent systems. The updated standard includes details on pressures and pressure reliefs and discharges.

Fire Alarm Standards

Proposed amendments to §34.607 update numerous NFPA minimum standards relating to fire alarm, fire detection, or supervisory services or systems. Requiring recent safety standards relating to fire alarm and fire detection devices is necessary to protect the health and safety of the public. The proposed amendments make the following replacements: (i) NFPA 11-2002, Standard for Low-Expansion Foam and NFPA 11A-1999, Standard for Medium- and High-Expansion Foam Systems with NFPA 11-2005, Standard for Low-, Medium-, and High-Expansion Foam; (ii) NFPA 12-2000, Standard on Carbon Dioxide Extinguishing Systems with NFPA 12-2008, Standard on Carbon Dioxide Extinguishing Systems; (iii) NFPA 12A-2004, Standard on Halon 1301 Fire Extinguishing Systems with NFPA 12A-2009, Standard on Halon 1301 Fire Extinguishing Systems; (iv) NFPA 13-2002, Standard for the Installation of Sprinkler Systems with NFPA 13-2007, Standard for the Installation of Sprinkler Systems; (v) NFPA 13D-2002, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes with NFPA 13D-2007, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes; (vi) NFPA 13R-2002, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height with NFPA 13R-2007, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height; (vii) NFPA 15-2001, Standard for Water Spray Fixed Systems for Fire Protection with NFPA 15-2007, Standard for Water Spray Fixed Systems for Fire Protection; (viii) NFPA 16-2003, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems with NFPA 16-2007, Standard for the

Installation of Foam-Water Sprinkler and Foam-Water Spray Systems. (ix) NFPA 17-2002, Standard for Dry Chemical Extinguishing Systems with NFPA 17-2009, Standard for Dry Chemical Extinguishing Systems; (x) NFPA 17A-2002, Standard for Wet Chemical Extinguishing Systems with NFPA 17A-2009, Standard for Wet Chemical Extinguishing Systems; (xi) NFPA 25-2002, Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems with NFPA 25-2008, Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems; (xii) NFPA 70-2005, National Electrical Code with NFPA 70-2008, National Electrical Code; (xiii) NFPA 72-2002, National Fire Alarm Code with NFPA 72-2007, National Fire Alarm Code; (xiv) NFPA 90A-2002, Standard for the Installation of Air Conditioning and Ventilating Systems with NFPA 90A-2009, Standard for the Installation of Air Conditioning and Ventilating Systems; (xv) NFPA 101-2003, Code for Safety to Life from Fire in Buildings and Structures (Life Safety Code) with NFPA 101-2009, Life Safety Code; and (xvi) NFPA 2001-2004, Standard on Clean Agent Fire Extinguisher Systems, with NFPA 2001-2008, Standard on Clean Agent Fire Extinguisher Systems.

Proposed amendments to §34.607(b) delete the following Codes as acceptable alternative model code sets: (i) the Uniform Building Code-1991 and later editions, and the Uniform Fire Code-1991 and later editions; (ii) the SBCCI Building Code-1991 and later editions, and; (iii) the SBCCI Fire Code-1991 and later editions; and the BOCA Building Code-1991 and later editions, and the BOCA Fire Code-1991 and later editions. The deletion of these codes is necessary because they are superseded by the Local Government Code §§214.212 and 214.216. The Local Government Code

§214.212 specifies that the International Residential Code, as it existed on May 1, 2001, is adopted as the municipal residential building code in Texas. The Local Government Code §214.216 specifies that the International Building Code, as it existed on May 1, 2003, is adopted as the municipal commercial building code in Texas. Due to the deletion of existing paragraphs (1) – (3), paragraphs (4) – (6) are proposed to be redesignated as paragraphs (1) – (3). Proposed amendments to §34.607(b)(3) also update the NFPA Building Construction and Safety Code 2003 with the NFPA Building Construction and Safety Code 2009 and replaces the NFPA 1 Uniform Fire Code 2003 with the NFPA 1 Uniform Fire Code 2009.

The specific changes made by the following standards updated in the fire alarm subchapter are described in detail in the portion of the proposal specifying the updated fire extinguisher standards: NFPA 11-2010, Standard for Low-, Medium-, and High-Expansion Foam and Combined Agent Systems; NFPA 12-2008, Standard on Carbon Dioxide Extinguishing Systems; NFPA 12A-2009, Standard on Halon 1301 Fire Extinguishing Systems; NFPA 15-2007, Standard for Water Spray Fixed Systems for Fire Protection; NFPA 16-2007, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems; NFPA 17-2009, Standard for Dry Chemical Extinguishing Systems; NFPA 17A-2009, Standard for Wet Chemical Extinguishing Systems; NFPA 25-2008, Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems; and NFPA 2001-2008, Standard on Clean Agent Fire Extinguisher Systems. Changes made by updated standards in the fire alarm subchapter that are not updated and described in the fire extinguisher subchapter are

as follows. NFPA 13-2007, Standard for the Installation of Sprinkler Systems, added definitions relating to private water supply terms; clarified the requirements of Ordinary Hazard Group 1 and Group 2 Occupancies where storage is present; revised requirements relating to trapeze hangers and bracing criteria; re-organized the requirements relating to storage according to storage size, type, material, and commodity; specifies new requirements for listed expansion chambers; clarifies ceiling pocket rules; and clarifies the formulas used in calculating large antifreeze systems. NFPA 13D-2007, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes, includes new spacing and obstruction rules addressing sloped ceilings, ceiling pockets, ceiling fans, and kitchen cabinets; specifies installation, design, and acceptance requirements for pumps; clarifies the acceptability of insulation as a method of freeze protection and the acceptability of wells as a water source; specifies new requirements for listed dry pipe or preaction residential sprinkler systems, as well as clarified requirements for multipurpose combined and networked sprinkler systems; and adopts specific obstruction rules for residential sprinklers. NFPA 13R-2007, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height; includes spacing and obstruction rules addressing sloped ceilings, ceiling pockets, ceiling fans, and kitchen cabinets; clarifies the requirements for utilizing quick-response sprinklers within NFPA 13R regulations; adds new requirements addressing architectural features within dwelling units; and clarifies the requirements covering closets, including obstructions within closets and protection of mechanical closets. NFPA 70-2008, National Electrical Code, NFPA 70-

2008, National Electrical Code, requires that fire alarm system conductors use raceways or cable trays that contain electrical conductors with only electrical services; allows cable ties as a supporting means; adds requirements for certain power sources to be supplied by an individual branch circuit; and specifies requirements for certain conductors and cables. NFPA 72-2007, National Fire Alarm Code, addresses mass notification systems; revises sections addressing protection of fire alarm control units, personnel qualification, heat detector response time, smoke detector spacing, smoke detection in ducts, detectors that use multiple sensing inputs, video image smoke and flame detection, synchronization of visible notification appliances, exit marking audible notification appliances, tactile notification appliances, different types of protected premises fire alarm system, and in-building enhancement systems for firefighter radio communications. The updated standard also includes changes to the requirements for smoke alarms in residential applications, revisions to require additional smoke alarms for larger dwelling units, and revisions to allow voice messages to be included as a part of the smoke alarm notification signal. The updated standard also revises the Record of Completion Form and provides examples of filled-out forms. NFPA 90A-2009, Standard for the Installation of Air Conditioning and Ventilating Systems, recognizes new criteria in the types, quantities, and permitted use of various materials in plenum spaces. The updated standard specifies required material such as plenum cable, the type of cable, and the test protocols to determine the fire and smoke characteristics of the cable and wiring components. NFPA 101-2009, the Life Safety Code, makes the following changes: (i) new provisions relating to air traffic control towers, electrically controlled

egress doors, certain horizontal sliding doors, elevator lobby access door locking, door inspection and maintenance, emergency evacuations and escape devices and systems, the placement and usage of alcohol-based hand sanitizer in educational and day care settings, and door locking in settings where occupants need specialized protection; (ii) standardizes the usage of certain technical terms, including *stories in height*, *finished ground level*, *grade plane*, *basement*, and *level of exit discharge*; (iii) revises the situations in which public address systems are acceptable for occupant alarm notification; and (iv) amends provisions relating to fire curtains, patient sleeping room windows in health care settings, and sprinkler requirements in high-rise health care settings. Obsolete building codes are also deleted to conform with the Local Government Code §§214.212 and §214.216. The Local Government Code §214.212(a) specifies that to protect the public health, safety, and welfare, the International Residential Code, as it existed on May 1, 2001, is adopted as a municipal residential building code in this state. The Local Government Code §214.212(b) specifies that the International Residential Code applies to all construction, alteration, remodeling, enlargement, and repair of residential structures in a municipality. The Local Government Code §214.216 specifies that to protect the public health, safety, and welfare, the International Building Code, as it existed on May 1, 2003, is adopted as a municipal commercial building code in this state. The updated standards remove as acceptable building codes (1) the Uniform Building Code-1991 and later editions, and the Uniform Fire Code-1991 and later editions; (2) the Southern Building Code Congress International (SBCCI) Building Code-1991 and later editions; and (3) the

Building Officials Code Administrators Building Code-1991 and later editions, and the BOCA Fire Code-1991 and later editions.

Fire Sprinkler Standards

Proposed amended §34.707 updates numerous NFPA minimum standards relating to fire sprinklers and related fire safety issues. Requiring updated safety standards relating to fire sprinklers and related fire safety issues is necessary to protect the health and safety of the public. Proposed amended §34.707 makes the following replacements: (i) NFPA 13-2002, Standard for the Installation of Sprinkler Systems with NFPA 13-2010, Standard for the Installation of Sprinkler Systems; (ii) NFPA 25-1998, Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems with NFPA 25-2008, Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems; (iii) NFPA 13D-2002, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes with NFPA 13D-2010, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes; (iv) NFPA 13R-2002, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height with NFPA 13R-2010, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height; (v) NFPA 14-2000, Standard for the Installation of Standpipe, Private Hydrant and Hose Systems with NFPA 14-2010, Standard for the Installation of Standpipe, Private Hydrant and Hose Systems; (vi) NFPA 15-2001, Standard for Water Spray Fixed Systems for Fire Protection with NFPA 15-2007, Standard for Water Spray

Fixed Systems for Fire Protection; (vii) NFPA 16-1999, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems with NFPA 16-2007, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems; (viii) NFPA 20-1999, Standard for the Installation of Stationary Pumps for Fire Protection with NFPA 20-2008, Standard for the Installation of Stationary Pumps for Fire Protection; (ix) NFPA 22-1998, Standard for Water Tanks for Private Fire Protection with NFPA 22-2008, Standard for Water Tanks for Private Fire Protection; (x) NFPA 24-2002, Standard for the installation of Private Fire Service Mains and Their Appurtenances with NFPA 24-2010, Standard for the Installation of Private Fire Service Mains and Their Appurtenances; (xi) NFPA 30-2000, Flammable and Combustible Liquids Code with NFPA 30-2008, Flammable and Combustible Liquids Code; (xii) NFPA 30B-2002, Code for the Manufacture and Storage of Aerosol Products with NFPA 30B-2011, Code for the Manufacture and Storage of Aerosol Products; (xiii) NFPA 307-2000, Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves with NFPA 307-2011, Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves; (xiv) NFPA 214-2000, Standard on Water-Cooling Towers with NFPA 214-2005, Standard on Water-Cooling Towers; and (xv) NFPA 409-2001, Standard on Aircraft Hangars with NFPA 409-2004, Standard on Aircraft Hangars.

The specific changes made by the following standards updated in the fire sprinkler subchapter are described in the portion of the proposal specifying the updated fire extinguisher standards: NFPA 15-2007, Standard for Water Spray Fixed Systems for Fire Protection; NFPA 16-2007, Standard for the Installation of Foam-Water

Sprinkler and Foam-Water Spray Systems; and NFPA 25-2008, Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems. The specific changes made by the following standards updated in the fire sprinkler subchapter are described in the portion of the proposal specifying the updated fire alarm standards: NFPA 13-2007, Standard for the Installation of Sprinkler Systems; NFPA 13D-2007, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes; and NFPA 13R-2007, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height. The changes made by the standards updated in the fire sprinkler subchapter not updated and described in either the fire extinguisher subchapter are as follows. NFPA 14-2010, Standard for the Installation of Standpipe, Private Hydrant and Hose Systems, includes guidance on the use of pressure-regulating devices and roof outlets for standpipe systems; permits express mains supplying higher zone standpipes to be designed with pressures in excess of 350 psi; revises the requirements for standpipe system zones; deletes the requirements for pipe schedule design requires all standpipe systems to be hydraulically calculated; deletes the requirement to balance hydraulic junction points; and adds new requirements to address standpipe systems risers that terminate at different floor levels. NFPA 20-2008, Standard for the Installation of Stationary Pumps for Fire Protection, updates the standard to conform with the latest edition of the *Manual of Style for NFPA Technical Committee Documents*; adds provisions addressing the use of fire pump drivers using variable speed pressure limiting control; adds acceptance test criteria for replacement of critical path

components of a fire pump installation; refines requirements for variable speed drives were refined; adds requirements for break tanks and component replacement testing tables; and adds requirements on fire pumps for high-rise buildings and for pumps arranged in series. NFPA 22-2008, Standard for Water Tanks for Private Fire Protection; addresses the use of fiberglass-reinforced plastic tanks and consolidates the requirements relating to acceptance test requirements into a single new chapter. NFPA 24-2010, Standard for the Installation of Private Fire Service Mains and Their Appurtenances, establishes leakage test criteria; updates requirements for thrust blocks and restrained joints; and adds additional specifications for recommended practice for fire flow testing and for hydrant marking; revises provisions for location and identification of fire department connections, valves controlling water supply, and protection of fire. NFPA 30-2008, Flammable and Combustible Liquids Code makes changes in separation distance requirements for protected aboveground tanks and tanks in vaults; adds requirements for shop-fabricated aboveground tanks with abnormally long vertical piping for fill or vent lines; adds maximum allowable storage container sizes; adds fire protection design criteria for unsaturated polyester resins; adds fire protection design criteria using high-expansion foam systems for protection of liquids in 1-gallon plastic containers; revises spacing requirements and construction requirements for process buildings; adds requirements for insulated piping for recirculating heat transfer systems; prohibits permanent interconnections between fire water systems and process water systems; adds new corrosion protection requirements for nonmetallic tanks; clarifies the requirements for construction of vaults; adds requirements for fire-resistant tanks;

revises the maximum capacity for secondary containment-type tanks storing certain liquids; adds requirements for periodic testing, maintenance, inspection, and repair of aboveground storage tanks have been added; revises overfill prevention requirements so that they apply to all tanks larger than 1320 gallons of capacity; adds requirements for marine piping systems; and expands the fire protection design criteria for inside storage areas to include additional varieties of containers and cartons. NFPA 30B-2011, Code for the Manufacture and Storage of Aerosol Products, clarifies the requirements for aisle widths in storage facilities and revises the definition of aerosol container to allow the use of certain plastic aerosol containers. NFPA 307-2011, Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves, has been revised in accordance with the *Manual of Style for NFPA Technical Committee Documents*; amends fire protection requirements for certain marine terminal buildings; revises the definition for hazardous materials; adds requirements for wood and unprotected substructures, and piles and stiffening members of piers and wharves; and permits the use of corrosion-resistant types of pipes, fitting, hangers, or listed protective corrosion-resistant coatings on fixed extinguishing system components that are subject to corrosion in a marine environment. NFPA 214-2005, Standard on Water-Cooling Towers, adds requirements for pilot line detectors. NFPA 409-2004, adds requirements for paint hangars.

10. Other Necessary Changes.

The proposal makes other necessary changes to improve the clarity and consistency of the sections. A proposed amendment to §34.605 replaces a reference to

“provisions of the statutes” with a reference to “the Insurance Code Chapter 6002.” A proposed amendment to §34.606(9) replaces the phrase “A person” with the phrase “An individual.” A proposed amendment to §34.606(13) deletes the phrase “As used in the Texas Insurance Code, Article 5.43-2 §9(c), means a” before the definition of *local authority having jurisdiction*. The word “Texas” preceding the phrase “Insurance Code” is deleted from proposed amended §34.607(a). The title to §34.611 is proposed to be changed from “Licenses” to “Licenses and Approvals” to reflect the revised content of that section. The title to proposed amended §34.611(b) is changed from “Pocket license” to “Pocket License and Approval” for the same reason. The title to proposed amended §34.611(c) is changed from “Duplicate license” to “Duplicate License” and the title to redesignated §34.611(d) is changed from “Revised licenses” to “Licensee Responsibilities Relating to Revised Licenses” to reflect the content of that section. The title to §34.612 is changed from “Alteration of Certificates or Licenses” to “Alteration of Certificates, Licenses, or Approvals” to reflect the addition of approvals. The text of §34.612 is also amended to include the category of approvals. The title to §34.613(a) is changed from “Certificates of registration” to “Approvals and Certificates of Registration.” Section 34.613(a)(5) is amended to change “Insurance required.” to “Insurance is required as follows:”. The phrase “these sections” is replaced with the phrase “this subchapter” in §34.613(a)(5)(A). Section §34.613(a)(7) is amended to add a sentence specifying that a fire alarm licensee serving in a monitoring capacity for a firm applying for a certificate of registration may not serve in that capacity for a registered firm other than the firm applying for the certificate of registration. Section

34.613(a)(7) is also amended to add the phrase “as adopted in §34.607 of this subchapter (relating to Adopted Standards)” after a reference to the NFPA 72. The title to §34.613(b) is proposed to be changed from “Fire alarm licenses” to “Fire Alarm Licenses” and the title to redesignated §34.613(d) is proposed to be changed from “Renewal applications.” to “Renewal Applications.” for consistency. A proposed amendment to redesignated §34.613(d)(1) adds instructor and training school approvals to the list of potential renewal application categories. A proposed amendment to redesignated §34.613(e) replaces the title “Complete applications.” with “Complete Applications.”, adds instructor and training school approvals to the list of complete applications required, and replaces a reference to the “department” with a reference to the “State Fire Marshal’s Office.” An amendment to the title of §34.616(a) changes “Residential alarms (single station).” to “Residential Alarms (Single Station).” An amendment to the title of §34.616(b) changes “Fire detection and fire alarm devices or systems other than residential single station” to “Fire Detection and Fire Alarm Devices or Systems Other than Residential Single Station.” Proposed amendments to §§34.616(b)(1) and (2) add the category of residential fire alarm technicians to the listing of licensees subject to those sections and specify that all supervised work must be overseen by a licensee with the appropriate licensure for the work overseen. A proposed amendment to §34.616(b)(1) specifies that the installation of all fire detection and alarm devices must be performed by or under the direct on-site supervision of an appropriate licensee for the work performed. The requirement that the supervision be “on-site” was added for consistency with the Insurance Code §6002.154(d-1) which

requires that supervision be “on-site.” Proposed amendments to §34.616(b)(4) add the phrase “planning and” before the word “installation” to clarify that the planning of fire alarm devices must be completed in accordance with the minimum standards adopted in §34.607, and change the reference “§34.607 of this title” to “§34.607 of this chapter.” The title to §34.616(c) is proposed to be changed from “Monitoring requirements.” to “Monitoring Requirements.” for consistency. The requirements relating to monitoring services and registered firms in proposed amended §34.616(c)(2)(A) are changed to reflect that the registration must occur under the Insurance Code Chapter 6002. Proposed amended §34.625(a) adds the word “the” before the phrase “Insurance Code” and proposed amended §34.625(c) adds the word “the” before the phrase “Government Code.” A proposed amendment to §34.810(e) requires that licensees submit written notification within 14 days of a change in the licensee’s name, business location, residence, or mailing address. This change is necessary so that the SFMO may be informed in a timely manner of changes relating to licensees and is consistent with the other licensee notice requirements under Chapter 34.

Subchapter E, Fire Extinguisher and Installation

Proposed amendments to §34.507 update minimum safety standards adopted pursuant to the Texas Insurance Code §6001.052. The proposed amendments update numerous National Fire Protection Association (NFPA) minimum standards relating to fire extinguisher systems. The following replacements are made: (i) NFPA 10-2002, Standard for Portable Fire Extinguishers and its specified exceptions, with NFPA 10-2010, Standard for Portable Fire Extinguishers; (ii) NFPA 11-2002, Standard for Low-

Expansion Foam and Combined Agent Systems, and NFPA 11A-1999, Standard for Medium- and High-Expansion Foam Systems, with NFPA 11-2010, Standard for Low-, Medium-, and High-Expansion Foam and Combined Agent Systems; (iii) NFPA 12-2000, Standard on Carbon Dioxide Extinguishing Systems with NFPA 12-2008, Standard on Carbon Dioxide Extinguishing Systems; (iv) NFPA 12A-2004, Standard on Halon 1301 Fire Extinguishing Systems with NFPA 12A-2009, Standard on Halon 1301 Fire Extinguishing Systems; (v) NFPA 15-2001, Standard for Water Spray Fixed Systems for Fire Protection with NFPA 15-2007, Standard for Water Spray Fixed Systems for Fire Protection; (vi) NFPA 16-2003, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems with NFPA 16-2007, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems; (vii) NFPA 17-2002, Standard for Dry Chemical Extinguishing Systems and its specified exceptions with NFPA 27-2009, Standard for Dry Chemical Extinguishing Systems; (viii) NFPA 17A-2002, Standard for Wet Chemical Extinguishing Systems and its specified exceptions with NFPA 17A-2009, Standard for Wet Chemical Extinguishing Systems; (ix) NFPA 18-1995, Standard on Wetting Agents with NFPA 18-2006, Standard on Wetting Agents; (x) NFPA 25-2002, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems with NFPA 25-2008, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems; (xi) NFPA 96-2001, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations with NFPA 96-2008 and its specified exceptions, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations; and (xii)

NFPA 2001-2004, Standard on Clean Agent Fire Extinguishing Systems with NFPA 2001-2008, Standard on Clean Agent Fire Extinguishing Systems.

Proposed new language added to §34.510(g) specifies the initial fees and expiration date for an extinguisher branch office certificate of registration. The subsection specifies that the initial fee for a branch office certificate of registration is \$100 and is not prorated. The amended subsection also specifies that branch office certificates of registration expire and renew on the same date as the certificate of registration for the registered firm's main office. The proposed amendment also deletes the requirement that each certificate shall be posted conspicuously for public view at the business location.

Proposed new §34.510(m) specifies the procedure for the initial alignment of the expiration and renewal dates of existing extinguisher branch offices. The subsection specifies that for branch offices in existence as of the effective date of this rule, branch office certificates of registration shall expire and renew on the same date as the certificate of registration issued to the main office for that firm. The subsection specifies that all fees associated with the initial alignment of expiration and renewal dates for branch office certificates of registration shall be prorated accordingly.

A proposed amendment to §34.515(a) sets out the fee payment procedure for fire extinguisher licensees and specifies that except for fees that must be paid to testing authorities, all fees payable shall be submitted by check or money order made payable to the Texas Department of Insurance or the State Fire Marshal's Office, or if the license is renewable over the internet, where the renewal application is to be submitted under

the Texas OnLine Project, in which case fees shall be submitted as directed by the Texas OnLine Authority. The proposed new language in the subsection specifies that should the Department authorize other online or electronic original applications or other transactions, persons shall submit fees with the transaction as directed by the department or the Texas OnLine Authority. Another proposed amendment to §34.515(a) eliminates cash as an acceptable payment method. A proposed amendment deletes the language in §34.515(b) relating to fee payment procedure and redesignates the remaining subsections. Proposed amendments to redesignated §34.515(b)(1)(C) and (D) specify the new late fee structure for branch offices and provides that the renewal late fee for certificates of registration expired 1 day to 90 days is \$225 plus \$50 for each branch office operated by the registered firm—and that the renewal late fee for certificates of registration expired from 91 days to two years is \$450 plus \$100 for each branch officer operated by the registered firm. Existing subparagraphs (G) and (H) are proposed to be deleted because these provisions are incorporated in amendments to subparagraphs (C) and (D).

Subchapter F. Fire Alarm Rules

Proposed amendments to §34.601 replace the word “chapter” with “subchapter;” add the word “the” before the phrase “Insurance Code;” and replace a reference to the Insurance Code Article 5.43-2 with a reference to the Insurance Code Chapter 6002.

A proposed amendment to §34.602 replaces the word “chapter” with the word “subchapter.”

A proposed amendment to §34.603 replaces the word “chapter” with the word “subchapter.”

Proposed amendments to §34.604 replace a reference to the Insurance Code Article 5.43-2 §3 with a reference to the Insurance Code §6002.155 and replace the word “chapter” with the word “subchapter.”

A proposed amendment to §34.605 replaces the phrase “provisions of the statutes” with the phrase “the Insurance Code Chapter 6002.” The proposed amendments replace the word “chapter” with the word “subchapter” and the phrase “Office of the State Fire Marshal” with the phrase “State Fire Marshal’s Office.”

Proposed new §34.606(1) adds a definition for *approval*, which is defined as the document issued by the State Fire Marshal’s Office to an individual or entity acknowledging that the individual or entity meets the requirements to perform the functions of an approved instructor or approved training school under the Insurance Code Chapter 6002 and Subchapter F. The remaining paragraphs in the section are proposed to be redesignated. Proposed new §34.606(7) defines *designated employee* as an individual specified by a registered firm as a full-time employee and a licensee under Subchapter F. Proposed amendments to §34.606(9) replace the phrase “a person” with the phrase “an individual” and replace a reference to the Insurance Code Article 5.43-2 with a reference to the Insurance Code §6002.002. Proposed new §34.606(12) defines *instructor* as an individual approved under the Insurance Code Chapter 6002 and Subchapter F to provide training in installing, servicing, inspecting, and certifying fire alarm or detection systems in single-family or two-family residences.

A proposed amendment to §34.606(13) amends the definition of *local authority having jurisdiction* to delete the phrase “As used in the Texas Insurance Code, Article 5.43-2, §9(c), means a.” A proposed amendment to §34.606(14) replaces a reference to the Insurance Code Article 5.43-2 with a reference to the Insurance Code Chapter 6002. Proposed new §34.606(22) defines *training school* as an entity that is approved under the Insurance Code Chapter 6002 and Subchapter F to provide approved training in installing, certifying, inspecting, and servicing fire alarm or detection systems in single-family or two-family residences by approved instructors for the purpose of meeting the training requirements of an applicant for a residential fire alarm technician license issued under the applicable statutes and the subchapter.

A proposed amendment to §34.607(a) replaces the word “chapter” with the word “subchapter” and replaces a reference to the Insurance Code Article 5.43-2 with a reference to the Insurance Code Chapter 6002. Another proposed amendment to §34.607(a) deletes the word “Texas” before the phrase “Insurance Code” and replaces the phrase “state fire marshal’s office” with the phrase “State Fire Marshal’s Office.” The adopted standards specified in §34.607(a)(1) – (17) are updated to reflect current standards. Proposed amendments to §34.607(a) replace (i) NFPA 11-2002, Standards for Low-Expansion Foam and NFPA 11A-1999, Standard for Medium- and High-Expansion Foam Systems with NFPA 11-2005, Standard for Low-, Medium-, and High-Expansion Foam; (ii) replace NFPA 12-2000, Standard on Carbon Dioxide Extinguishing Systems, with NFPA 12-2008, Standard on Carbon Dioxide Extinguishing Systems; (iii) NFPA 12A-2004, Standard on Halon 1301 Fire Extinguishing Systems,

with NFPA 12A-2009, Standard on Halon 1301 Fire Extinguishing Systems; (iv) NFPA 13-2002, Standard for the Installation of Sprinkler Systems, with NFPA 13-2007, Standard for the Installation of Sprinkler Systems; (v) NFPA 13D-2002, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwelling and Manufactured Homes, with NFPA 13D-2007, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwelling and Manufactured Homes; (vi) NFPA 13R-2002, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and including Four Stories in Height with NFPA 13R-2007, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and including Four Stories in Height; (vii) NFPA 15-2001, Standard for Water Spray Fixed Systems for Fire Protection with NFPA 15-2007, Standard for Water Spray Fixed Systems for Fire Protection; (viii) NFPA 16-2003, Standard for the Installation of Foam-Water Sprinkler and Foam Water Spray Systems with NFPA 16-2007, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems; (ix) NFPA 17A-2002, Standard for Dry Chemical Extinguishing Systems with NFPA 17-2009, Standard for Dry Chemical Extinguishing Systems; (x) NFPA 17A-2002, Standard for Wet Chemical Extinguishing Systems with NFPA 17A-2009, Standard for Wet Chemical Extinguishing Systems; (xi) NFPA 25-2002, Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems with NFPA 25-2008, Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems; (xii) NFPA 70-2005, National Electrical Code with NFPA 70-2008, National Electrical Code; (xiii) replace NFPA 72-2002, National Fire Alarm Code with NFPA 72-2007, National Fire Alarm

Code; (xiv) NFPA 90A-2002, Standard for the Installation of Air Conditioning and Ventilating Systems with NFPA 90A-2009, Standard for the Installation of Air Conditioning and Ventilating Systems; (xv) NFPA 101-2003, Life Safety Code with NFPA 101-2009, Life Safety Code; (xvi) NFPA 2001-2004, Standard on Clean Agent Fire Extinguisher Systems with NFPA 2001-2008, Standard on Clean Agent Fire Extinguisher Systems. Proposed §34.607(b) is amended to delete the following alternative acceptable model code sets: the Uniform Building Code 1991 and later editions, and the Uniform Fire Code 1991 and later editions; the SBCCI Building Code 1991 and later editions, and the SBCCI Fire Code 1991 and later editions; or the BOCA Building Code 1991 and later editions, and the BOCA Fire Code 1991 and later editions. Proposed §34.607(b) replaces NFPA 5000, Building Construction and Safety Code-2003 with NFPA 5000, Building Construction and Safety Code-2009. Proposed §34.607(b) replaces the NFPA 1 Uniform Fire Code 2003 with the NFPA 1 Uniform Fire Code 2009.

A proposed amendment to §34.610(b) deletes the requirement that each certificate of registration must be posted conspicuously for public view at a registered firm's business location and adds new language specifying that in an application or renewal for a certificate of registration, each registered firm must specify one full-time employee holding a license under the subchapter as the firm's designated employee. The proposed new subsection also specifies that any change in the designated employee under this section must be submitted in writing to the State Fire Marshal's Office within 14 days of its occurrence, and that an individual may not serve as a

designated employee for more than one registered firm. Proposed new §34.610(f) specifies that the initial fee for a branch office certificate of registration is \$150 and is not prorated. The subsection also specifies that branch office certificates of registration expire and renew on the same date as the certificate of registration for the registered firm's main office. Subsections (f) and (g) are proposed to be redesignated as (g) and (h). Proposed new §34.610(i) specifies that for branch offices in existence as of the effective date of the rule, branch officer certificates of registration shall expire and renew on the same date as the certificate of registration issued to the main office for that firm. The new subsection also specifies that all fees associated with the initial alignment of expiration and renewal dates for the branch office certificate of registration shall be prorated accordingly.

A proposed amendment to §34.611(a) adds new language which states that the licenses specified in §34.611(a)(1) – (8) are issued by the State Fire Marshal's Office in accordance with the Insurance Code Chapter 6002 and Subchapter F, and specifies that, as required by the Insurance Code Chapter 6002, only licensed or approved entities may engage in specific functions. Proposed new §34.611(a)(3) adds an approval category for instructors, and specifies that the approval is for providing training at an approved training school in installing, certifying, inspecting, and servicing fire alarm or detection systems in single-family or two-family residences. Paragraphs (3) – (5) are proposed to be redesignated as paragraphs (4) – (6). Proposed new §34.611(a)(7) adds a license for residential fire alarm technicians and specifies that the license is for installing, certifying, inspecting, and servicing, but not planning, fire alarm

or fire detection devices and systems in single-family or two-family residences. Proposed new §34.611(a)(8) adds an approval for training schools, and specifies that the approval is for conducting required training necessary for obtaining a residential fire alarm technician license. An amendment to §34.611(b) deletes the requirement that wall licenses must be posted conspicuously for public view at a registered firm's business location. The remaining subsections are proposed to be redesignated. Proposed new §34.611(b)(2) specifies that an instructor must carry their approval while providing training in an approved training school on the installing, certifying, inspecting and servicing of fire alarm or detection systems in single-family or two-family residences. Proposed amendments to redesignated §34.611(d) set out licensee responsibilities relating to revised licenses, specifying that a change in the licensee's name, licensee's mailing address, or a new or additional registered firm employee the licensee requires a revised license. Proposed new §34.611(e) specifies registered firms' responsibilities relating to licensees and specifies that a registered firm must submit notification of any licensee employment, termination, or resignation within 14 days of its occurrence. A proposed amendment to §34.611(f) changes the name of the subsection from "Restrictions" to "Restrictions on Licensees and Registered Firms." Proposed new §34.611(g) specifies that approvals are not transferable. Proposed new §34.611(h) requires that a change in the instructor's name or mailing address requires a revised approval.

A proposed amendment to §34.612 specifies that the alteration of an approval renders it invalid and may be the basis for disciplinary action. Another amendment

replaces a reference to the Insurance Code Article 5.43-2, §10(b) with a reference to the Insurance Code §6002.302.

Section 34.613(a)(1) is amended to add *approvals* to the list that must be submitted on the forms adopted by reference in §34.630 of the subchapter and be accompanied by all necessary fees, documents, and information. Other amendments replace (i) a reference to the Insurance Code Article 5.43-2 with a reference to the Insurance Code Chapter 6002; (ii) the phrase “the sections of this chapter” with the phrase “this subchapter”; and (iii) the phrase “State Fire Marshal’s office” with the phrase “State Fire Marshal’s Office.” A proposed amendment to §34.613(a)(2) replaces a reference to the Business and Commerce Code Chapter 36 with a reference to the Business and Commerce Code Chapter 71. Another proposed amendment replaces a reference to the Insurance Code Article 5.43-2 with a reference to the Insurance Code Chapter 6002. Another proposed amendment replaces the phrase “the sections of this chapter” with the phrase “this subchapter.” Proposed §34.613(a)(5) replaces the phrase “Insurance required.” with the phrase “Insurance is required as follows:”. The phrase “State Fire Marshal’s office” is replaced with the phrase “State Fire Marshal’s Office” in proposed §34.613(a)(5)(A) and (B). A proposed amendment to §34.613(a)(7) adds a sentence specifying that a fire alarm licensee designated by a monitoring company as its employee may not serve in a similar capacity for another company. Section 34.613(a)(7) is also amended to replace the phrase “adopted NFPA 72” with the phrase “NFPA 72 as adopted in §34.607 of this subchapter (relating to Adopted Standards.” New proposed §34.613(b)(7) specifies that an applicant for a residential fire alarm

technician license must provide evidence of the applicant's successful completion of the required residential fire alarm technician training course from a training school approved by the State Fire Marshal's Office. Proposed new §34.613(c) specifies the requirements for instructor and training school approvals. Proposed new §34.613(c)(1) specifies that an applicant for approval as an instructor must hold a current fire alarm planning superintendent's license issued by the State Fire Marshal's Office; submit a completed Instructor Approval Application, Form No. SF247, signed by the applicant, that is accompanied by all fees; and furnish written documentation of a minimum of three years of experience in fire alarm installation, service, or monitoring of fire alarm systems, unless the applicant has held a fire alarm planning superintendent's license for three or more years. Proposed new §34.613(c)(2) specifies the requirements for training school approvals. Proposed new §34.613(c)(2) specifies that an applicant for approval of a training school must submit a completed Training School Approval Application, Form No. SF 246, signed by the applicant, the sole proprietor, each partner of a partnership, or by an officer of a corporation or organization as applicable; accompanied by a detailed outline of the proposed subjects to be taught at the training school and the number and location of all training courses to be held within one year following approval of the application; and accompanied by all required fees. Proposed new §34.613(c)(2) also specifies that after review of the application for approval for a training school, the State Fire Marshal shall approve or deny the application within 60 days following receipt of the materials, and requires that a letter of denial shall state the specific reasons for the denial and that an applicant that is denied approval may reapply

at any time within 180 days, in accordance with §34.613(e), by submitting a completed application that includes the changes necessary to address the specific reason for denial. Existing subsections (c) and (d) are proposed to be redesignated as subsections (d) and (e). Proposed redesignated §34.613(d) is amended to specify that in order to be complete, renewal applications for instructor approvals and training school approvals must be submitted on forms adopted by reference in §34.630 of the subchapter and be accompanied by all necessary fees. The proposed amendment replaces a reference to the Insurance Code Article 5.43-2 with a reference to the Insurance Code Chapter 6002. An amendment to redesignated §34.613(e) specifies that the application form for an instructor approval and training school approval must be accompanied by the required fee and must, within 180 days of receipt by the State Fire Marshal's Office of the initial application, be complete and accompanied by all other required information, or a new application must be submitted including all applicable fees. Other proposed amendments to §34.613(e) replace a reference to "the department" with a reference to "the State Fire Marshal's Office" and replace a reference to the Insurance Code Article 5.43-2 with a reference to the Insurance Code Chapter 6002.

Proposed amendments to §34.614 outlines the fee payment procedure. Proposed §34.614(a) specifies that except for fees that must be paid to testing authorities, all fees payable shall be submitted by check or money order made payable to the Texas Department of Insurance or the State Fire Marshal's Office, or if the license is renewable over the internet, where the renewal application is to be submitted under

the Texas OnLine Project, in which case fees shall be submitted as directed by the Texas OnLine Authority. The proposed new language in the section specifies that should the Department authorize other online or electronic original applications or other transactions, persons shall submit fees with the transaction as directed by the department or the Texas OnLine Authority. Another proposed amendment to §34.614(a) eliminates cash as an acceptable payment method. Existing text in §34.614(b) is proposed to be deleted and the text of existing subsection(c) is moved to (b). The remaining subsections are proposed to be redesignated. Proposed redesignated §34.614(c) specifies that the renewal fee for a certificate of registration remains valid for two years and is subject to the exceptions specified in §34.610(i) (relating to Certificate of Registration) for the initial alignment of the expiration and renewal dates of existing branches. Proposed redesignated §34.614(c) also amends the late fee structure to reflect the alignment of main office and branch certificate of registration expirations. Section 34.614(c)(1)(C) specifies that the renewal late fee for expirations of one to 90 days is \$125 plus \$37.50 for each branch office operated by the registered firm and §34.614(c)(1)(D) that the renewal late fee for expirations of 91 days to two years is \$500 plus \$150 for each branch office operated by the registered firm. Existing subparagraphs (G) and (H) are proposed to be deleted because these provisions are incorporated in amendments to subparagraphs (C) and (D). Proposed new §34.614(c)(4) specifies the fee structure for the new residential fire alarm technician license. The proposed fees are as follows: initial fee (for one year)--\$50; renewal fee (for two years)--\$100; renewal late fee (expired one day to 90 days)--

\$12.50; and renewal late fee (expired 91 days to two years)--\$50. Proposed new §34.614(c)(5) specifies the fee structure for the new training school approval. The proposed fees are: initial fee (for one year)--\$500; and renewal fee (for one year)--\$500. Proposed new §34.614(c)(6) specifies the fee structure for the new instructor approval. The proposed fees are: initial fee (for one year)--\$50; and renewal fee (for one year)--\$50. Proposed redesignated §34.614(e) replaces a reference to the Insurance Code Article 5.43-2 §5C(c) with a reference to the Insurance Code §6002.203(g).

A proposed amendment to §34.615 replaces a reference to the Insurance Code Article 5.43-2 with a reference to the Insurance Code Chapter 6002.

Proposed amendments to §34.616(a)(1) and (2) replace references to the Insurance Code Article 5.43-2, §3(b)(10) with references to the Insurance Code §6002.155(10). Proposed amendments to §34.616(a)(2) replace a reference to Article 5.43-2 with a reference to the Insurance Code Chapter 6002 and replace the word “chapter” with the word ‘subchapter.’ Proposed amendments to §34.616(b)(1) replace a reference to the Insurance Code Article 5.43-2 with a reference to the Insurance Code Chapter 6002, and add the phrase “on-site” to the requirement that certain work be performed under the direct supervision of a licensee. Proposed amendments to §§34.616(b)(1) and (2) add residential fire alarm technicians among the listed licensees and specify that the licensee supervising the work must oversee work permitted by the licensee. A proposed amendment to §34.616(b)(2) also specifies that the licensee attaching a label must be licensed under the ACR number of the primary registered firm.

A proposed amendment to §34.616(b)(3) replaces the phrase “the licensing requirements of the appropriate Insurance Code, Article 5.43-1 or 5.43-3, must be satisfied” with the phrase “the licensing requirements of Insurance Code Chapters 6001 and 6003 must be satisfied, as appropriate.” A proposed amendment to §§34.616(b)(4) specifies that the planning and installation of fire detection or fire alarm devices or systems, including monitoring equipment, must be in accordance with standards adopted in §34.607 (relating to Adopted Standards) except when the planning and installation complies with a more recent edition of an adopted standard or a Tentative Interim Amendment published as effective by the NFPA. Proposed amendments to amended §34.616(c) add a reference to the Insurance Code Chapter 6002 and replace the phrase “licensing requirements of Insurance Code Article 5.43-2, so long as” with the phrase “licensing requirements of that chapter; and” and also replace a reference to the Insurance Code Article 5.43-2 §9 with a reference to the Insurance Code §6002.251.

Proposed amendments to §34.625(a) and (c) replace references to the Insurance Code Article 5.43-2 with references to the Insurance Code Chapter 6002.

Proposed new §34.627 specifies the requirements for instructors and training schools. Proposed new §34.627(a) specifies that all training provided by an instructor must be conducted through an approved training school and that the instructor must teach the subjects in the outline of the training course submitted by the training school and approved by the State Fire Marshal’s Office. Proposed new §34.627(b) specifies training schools must only use instructors who hold an approval issued by the State Fire

Marshal's Office to provide training in installing, certifying, inspecting, and servicing fire alarm or detection systems in single-family or two-family residences. The subsection also specifies that the entity responsible for the training school must obtain approval of the outline of each residential fire alarm technician training course from the State Fire Marshal's Office before conducting a class. Proposed new §34.627(b) specifies that the entity responsible for the training school may not be a firm registered through the State Fire Marshal's Office or an affiliate of a registered firm. The subsection specifies that a training school may not provide training for a residential fire alarm technician license without being approved by the State Fire Marshal, and that training school approvals are not transferable and apply only to the entity specified as the responsible entity on the application for approval. The subsection specifies that the training school may not change the entity responsible for the training school without first applying for and receiving a new approval. Proposed §34.627(b) further specifies that the training school must conduct two or more classes, open to the public, within 125 miles of each county in the state that has a population in excess of 500,000 people according to the last decennial census, within each calendar year from the date the approval is issued. Proposed new §34.627(c) specifies that any individual or entity that provides general training or instruction relating to fire alarm or detection systems, but whose training is not specific to fulfill a requirement to obtain a license, is not required to have an approval.

Proposed new §34.628 specifies the requirements for the residential fire alarm technician training course. The section specifies that the training curriculum for a

residential fire alarm technician training course shall consist of at least eight hours of instruction on installing, servicing, and maintaining single-family and two-family residential fire alarm systems as defined by National Fire Protection Association Standard No. 72. The section specifies that the training curriculum for a residential fire alarm technician training course must include the following minimum instruction time for the following subjects: (i) one hour of instruction on the Insurance Code Chapter 6002 and the Fire Alarm Rules; (ii) one hour of instruction pertaining to the equipment, system, and other hardware relating to household fire alarms; (iii) one hour of instruction on the National Electric Code, NFPA 70; (iv) four and one-half hours of total combined instruction on NFPA 72; NFPA 101, the Life Safety Code; and the International Residential Code for One- and Two-Family Dwellings; and (v) one-half hour of instruction on the monitoring of household fire alarm systems.

Proposed new §34.629(a) states that the purpose of the new section is to specify the purpose, member composition, member terms, and reporting requirements of the Fire Detection and Alarm Devices Advisory Council and states that the Fire Detection and Alarm Devices Advisory Council will be referred to as the Fire Alarm Advisory Council. Proposed new §34.629(b) specifies that the purpose of the Fire Alarm Advisory Council is to review rules implementing the Insurance Code Chapter 6002, and, as necessary, recommend rule amendments to the commissioner. Proposed new §34.629(c) specifies that the Fire Alarm Advisory Council shall be composed of seven members, as follows: three individuals who are employed by a registered firm in the fire protection industry and who have at least three years experience in the sale,

installation, maintenance, or manufacture of fire alarm or fire detection devices; two individuals who are experienced in the engineering of fire prevention services or members of a fire protection association; one individual who is an experienced fire prevention officer employed by a municipality or county; and one individual who is employed by a registered firm and has at least three years experience in the operation of a central fire alarm monitoring station. Proposed new §34.629(d) specifies that the Fire Alarm Advisory Council members shall serve at the will of the Commissioner and that the Commissioner shall replace any member who resigns from the advisory council or whose membership is otherwise terminated. Proposed new §34.629(e) specifies that after completing review of proposed rules implementing the Insurance Code Chapter 6002 and developing recommendations relating to the rules, the Fire Alarm Advisory Council shall submit a report of its findings and recommendations to the Commissioner. Proposed new §34.629(f) specifies that the advisory council is established to operate for four years from the effective date of its adoption unless abolished earlier or extended to a later date by the Commissioner, in accordance with §2110.008 of the Government Code.

Proposed new §34.630 adopts by reference application and renewal forms necessary under the subchapter. Proposed new §34.630(a) adopts by reference the License Application for Individuals For All Types of Fire Alarm Licenses, Form Number SF032, which contains instructions for completion of the form and requires information to be provided regarding the applicant and the applicant's employer. Proposed new §34.630(b) adopts by reference the Renewal Application For Fire Alarm Individual

License, Form Number SF094, which contains instructions for completion of the form; information regarding late fees; and requires information to be provided regarding the renewing applicant. Proposed new §34.630(c) adopts by reference the Instructor Approval Application, Form Number SF247, which contains instructions for completion of the form and requires information to be provided regarding the applicant. Proposed new §34.630(d) adopts by reference the Renewal Application For Instructor Approval, Form Number SF255, which contains instructions for completion of the form and requires information to be provided regarding the applicant. Proposed new §34.630(e) adopts by reference the Training School Approval Application, Form Number SF246, which contains instructions for completion of the form, provides information regarding necessary filing documents pursuant to business entity type, and requires information to be provided regarding the applicant and course location and schedule. Proposed new §34.630(f) adopts by reference the Renewal Application for Training School Approval, Form Number SF254, which contains instructions for completion of the form, provides information regarding necessary filing documents pursuant to business entity type, and requires information to be provided regarding the applicant and course location and schedule. Proposed new §34.630(g) adopts by reference the Fire Alarm Certificate of Registration Application, Form Number SF031, which contains instructions for completion of the form; provides information regarding necessary filing documents pursuant to business entity type, and requires information to be provided regarding the applicant. Proposed new §34.630(h) adopts by reference the Renewal Application For Fire Alarm Certificate of Registration, Form Number SF084, which contains instructions

for completion of the form and requires information to be provided regarding the applicant. Proposed new §34.630(i) specifies that the forms adopted by reference in the proposed new section are available at the Department's website.

Subchapter G, Fire Sprinkler Rules

Proposed amendments to §34.707 update minimum safety standards adopted pursuant to the Texas Insurance Code §6003.052. The proposed amendments update numerous National Fire Protection Association (NFPA) minimum standards relating to fire sprinklers and related fire safety issues and make the following replacements: (i) NFPA 13-2002, Standard for the Installation of Sprinkler Systems with NFPA 13-2010, Standard for the Installation of Sprinkler Systems; (ii) NFPA 25-1998, Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems with NFPA 25-2008, Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems; (iii) NFPA 13D-2002, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes with NFPA 13D-2010, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes; (iv) NFPA 13R-2002, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height with NFPA 13R-2010, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height; (v) NFPA 14-2000, Standard for the Installation of Standpipe, Private Hydrant and Hose Systems with NFPA 14-2010, Standard for the Installation of Standpipe, Private Hydrant and Hose Systems; (vi) NFPA 15-2001, Standard for Water Spray Fixed Systems for Fire

Protection with NFPA 15-2007, Standard for Water Spray Fixed Systems for Fire Protection; (vii) NFPA 16-1999, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems with NFPA 16-2007, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems; (viii) NFPA 20-1999, Standard for the Installation of Stationary Pumps for Fire Protection with NFPA 20-2008, Standard for the Installation of Stationary Pumps for Fire Protection; (ix) NFPA 22-1998, Standard for Water Tanks for Private Fire Protection with NFPA 22-2008, Standard for Water Tanks for Private Fire Protection; (x) NFPA 24-2002, Standard for the installation of Private Fire Service Mains and Their Appurtenances with NFPA 24-2010, Standard for the Installation of Private Fire Service Mains and Their Appurtenances; (xi) NFPA 30-2000, Flammable and Combustible Liquids Code with NFPA 30-2008, Flammable and Combustible Liquids Code; (xii) NFPA 30B-2002, Code for the Manufacture and Storage of Aerosol Products with NFPA 30B-2011, Code for the Manufacture and Storage of Aerosol Products; (xiii) NFPA 307-2000, Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves with NFPA 307-2011, Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves; (xiv) NFPA 214-2000, Standard on Water-Cooling Towers with NFPA 214-2005, Standard on Water-Cooling Towers; and (xv) NFPA 409-2001, Standard on Aircraft Hangars with NFPA 409-2004, Standard on Aircraft Hangars.

A proposed amendment to redesignated §34.711(d) deletes the requirement that licenses requiring changes must be surrendered to the State Fire Marshal within 14 days of the change requiring the revision. The proposed amendment specifies that the

licensee must submit written notification of the necessary change within 14 days of the change accompanied by the required fee.

A proposed amendment to §34.714(a) specifies the fee payment procedure for fire sprinkler licensees. Proposed §34.714(a) specifies that except for fees that must be paid to testing authorities, all fees payable shall be submitted by check or money order made payable to the Texas Department of Insurance or the State Fire Marshal's Office, or if the license is renewable over the internet, where the renewal application is to be submitted under the Texas OnLine Project, in which case fees shall be submitted as directed by the Texas OnLine Authority. The proposed new language in the subsection specifies that should the Department authorize other online or electronic original applications or other transactions, persons shall submit fees with the transaction as directed by the department or the Texas OnLine Authority. Another proposed amendment to §34.714(a) eliminates cash as an acceptable payment method. A proposed amendment to §34.714(b) deletes language relating to fee payment procedure. The remaining subsections in the section are proposed to be redesignated.

Subchapter H, Storage and Sale of Fireworks

A proposed amendment to §34.808(41) changes the definition of *supervisor* to mean a person 18 years or older who is responsible for the retail fireworks site during operating hours.

A proposed amendment to §34.810(e) deletes the requirement that documents requiring changes must be surrendered to the State Fire Marshal within 30 days of the change, with written notification of the necessary change and adds language specifying

that licensees must submit written notification within 14 days of a change of a licensee's name, business location, residence, or mailing address.

A proposed amendment to §34.817(a) changes the age of the supervisor that must be on duty during all phases of retail operation from 16 years of age or older to 18 years of age or older.

2. FISCAL NOTE. Paul Maldonado, State Fire Marshal, has determined that for each year of the first five years the proposed amendments and new rules are in effect, although the proposed new rules will decrease licensing fees collected by the Department, because of the Department's self-leveling method of finance there will be no fiscal implications to state or local government as a result of the enforcement and administration of the proposal. There will be no measurable effect on local employment or the local economy as a result of the proposal.

The proposed new rules will result in a decrease in the amount of licensing fees collected by the Department. It is anticipated that the rule proposal will decrease licensing costs for alarm, extinguisher, and sprinkler licensees that work for more than one employer. The existing licensing structure requires licensees working for more than one employer: to (1) notify the State Fire Marshal's Office of additional employers upon initial employment and pay a \$20 licensing fee (\$35 for sprinkler licensees) for each additional employer, and; (2) upon subsequent renewal, pay the \$20 (\$35 for sprinkler licensees) licensing fee for each additional employer. Under the new proposed licensing structure, licensees will still be required to provide notification of additional

employers upon initial employment, accompanied with the required licensing fee per each additional employer. However, under the new proposed licensing structure, this fee will be a one-time cost to update the licensee's records and will not be required subsequently upon renewal. Therefore, the proposed licensing structure will decrease costs upon renewal for alarm, extinguisher, and sprinkler licensees by \$20 (or \$35 for sprinkler licensees) for each additional employer they work for on a biennial basis. Based on an analysis of existing alarm, extinguisher, and sprinkler licensing records, the anticipated annual decrease in licensing fees collected is approximately \$6,560. This estimate was calculated by adding the dollar amounts derived from duplicate alarm licenses (518 duplicate licenses x \$20 = \$10,360), duplicate extinguisher licenses (110 duplicates x \$20 = \$2,200), and duplicate sprinkler licenses (16 duplicates x \$35 = \$560) for a total of \$13,120. Because the renewal cycle for these licenses is set for 24 months, this amount was halved to calculate the annual decrease in licensing fees of \$6,560. However, because of the Department's self-leveling method of financing, this will not result in any fiscal impact or change in operating revenue to the Department.

The Department's funding comes from a self-leveling method of finance comprised primarily of maintenance taxes, fees and assessments collected from its licensees. A similar process applies to the State Fire Marshal's Office. Any decrease in licensing fees collected would be offset by a corresponding need to increase the amount of licensing and registration fees collected from its licensees and registrants. Therefore, due to the nature of the Department's self-leveling funding, the proposal will

not result in any fiscal impact to the Department or any other entity within state or local government.

3. PUBLIC BENEFIT/COST NOTE. Mr. Maldonado also has determined that for each year of the first five years the proposal is in effect, there is an anticipated public benefit of more orderly administration of the licensing process and increased clarity in regulatory requirements, as well as potential costs for persons required to comply with the proposal. The Department, however, drafted the proposed rules to maximize public benefits while mitigating costs. Additionally, as discussed in the Fiscal Note portion of this proposal, it is anticipated that the rule proposal will decrease licensing costs for alarm, extinguisher, and sprinkler licensees that work for more than one employer. The existing licensing structure requires licensees working for more than one employer to: (i) notify SFMO of additional employers upon initial employment and pay a \$20 licensing fee (\$35 for sprinkler) for each additional employer; and (ii) upon subsequent renewal, pay the \$20 licensing fee (\$35 for sprinkler) for each additional employer. Under the new proposed licensing structure, licensees will still be required to provide notification of additional employers upon initial employment, accompanied with a \$20 or \$35 licensing fee per each additional employer. Upon changing employers, the new employer must pay the new licensing fee; the old employer will not be required to pay the fee for that licensee. However, under the new proposed licensing structure, this fee will be a one-time cost to update the licensee's records and will not be required subsequently upon renewal. Therefore, the proposed licensing structure will decrease

costs upon renewal for alarm and extinguisher licensees by \$20 and \$35 for sprinkler licenses for each additional employer they work for on a biennial basis.

The alignment of expiration dates for certificates of registration for main and branch offices will streamline and simplify the licensing process for registered firms and the State Fire Marshal's Office by designating a single expiration date for the firm, rather than numerous expiration dates. Therefore, the requirements relating to the alignment of expiration dates for certificates of registration will allow for the more orderly and efficient administration of licensing procedures. However, the requirements in the proposal will result in some costs to alarm and extinguisher firms. The anticipated cost elements for alarm and extinguisher firms include: (i) costs relating to the initial alignment of the expiration and renewal dates for existing branches; (ii) costs relating to the alignment of the expiration and renewal dates for branches established after the effective date of the rule; (iii) costs relating to the changes in late fee structures, and; (iv) costs relating to the fees for residential fire alarm technician licenses, training school approvals, and instructor approvals.

1. Costs Relating to the Initial Alignment of the Expiration and Renewal Dates for Existing Branches. Proposed §34.610(i) specifies that the certificate of registration for fire alarm branch offices and fire extinguisher branch offices in existence as of the effective date of the rule will expire and renew on the same date as the certificate of registration issued to the main office for that firm. However, any fees associated with this requirement will be offset by the prorating of fees. The Insurance Code §6002.201(c) specifies that the Commissioner by rule may adopt a system under which

fire alarm and detection device registration certificates and licenses expire on various dates during the year, and that for the year in which an expiration date of a registration certificate or license is less than one year from its issuance or anniversary date, the fee shall be prorated on a monthly basis so that each holder of a registration certificate or license pays only that portion of the renewal fee that is allocable to the number of months during which the registration certificate or license is valid. In accordance with the Insurance Code §6002.201(c), proposed amended §34.610(i) specifies that all fees associated with the initial alignment of expiration and renewal dates for the branch office certificate of registration shall be prorated accordingly. Similarly, the Insurance Code §6001.201(c) has a similar provision for fire extinguisher licensees. Section 6001.201(c) specifies that the Commissioner by rule may adopt a system under which registration certificates, licenses, and permits relating to fire extinguishers expire on various dates during the year. The section specifies that for the year in which an expiration date of a registration certificate, license, or permit is less than one year from its issuance or anniversary date, the fee shall be prorated on a monthly basis so that each holder of a registration certificate, license, or permit pays only that portion of the renewal fee that is allocable to the number of months during which the registration certificate, license, or permit is valid. In accordance with the Insurance Code §6001.201(c), proposed amended §34.510 specifies that all fees associated with the initial alignment of expiration and renewal dates for extinguisher branch officer certificates of registration shall be prorated accordingly. Therefore, because fees will be prorated accordingly for extinguisher and alarm licensees, the requirement that branch

office certificates of registration expire and renew on the same date as the registered firm's main office certificate of registration is not anticipated to result in additional costs.

2. *Costs Relating to the Alignment of the Expiration and Renewal Dates for Branches Established After the Effective Date of the Rule.* The proposal's requirement that the certificate of registration for alarm and extinguisher branch offices established after the effective date of the rule expire and renew on the same date is expected to result in additional costs. This will be a one-time cost incurred by firms establishing branch offices. The cost will be incurred for each branch office opened after the effective date of the rule. Although the initial fee cost will always remain the same, the amount of time that the initial certificate of registration will remain valid will vary based on when the branch office is established in relation to when the firm's main office certificate of registration expires and renews. For example, the certificate of registration for a branch office (costing \$150 for alarm branch offices and \$100 for extinguisher branch offices) that opens during the same month as the main office's certificate of registration expires will expire a full year later. However, the certificate of registration for a branch office that opens a month before the certificate of registration for the main office expires will also expire one month after it is paid for. The initial fees for a certificate of registration for a branch office will not be prorated. Therefore, although the initial fee for a branch office certificate of registration will remain the same in all instances, the rule proposal will represent an additional cost because the proposal changes the amount of time that the initial certificate of registration remains valid. This one-time cost will be up to \$150 for each alarm branch offices and up to \$100 for each

extinguisher branch office opened after the effective date of the rule. Registered firms will be able to offset these costs to the extent that they are able to open branch offices in a time frame corresponding to the expiration and renewal date for the certificate of registration for their main office

3. *Costs Relating to the Changes in Late Fee Structures.* Because the proposal requires the alignment of the expiration and renewal dates for certificates of registration for alarm and extinguisher main and branch offices, it is necessary to specify the manner in which late fees will be calculated. The proposal requires that late fees will consist of the specified late fee for the main office plus the specified late fee for each branch office the registered firm operates. This change in methodology will not result in any additional cost for a registered firm that operates only a single main office. The change in late fee structure will represent an additional cost to registered firms that operate branch offices. The potential additional cost depends on the number of branch offices operated by the registered firm. The proposal's change in late fee structure will result in an increased cost for a registered firm of \$37.50 (expired one to 90 days) or \$150 (expired 91 days to two years) for each alarm branch office and \$50 (expired one to 90 days) or \$100 (expired 91 days to two years) for each extinguisher branch office operated by the registered firm. However, this analysis assumes that absent the proposed change in late fee structure, a registered firm would not have been late in renewing the certificates of registration for any of their respective branch offices. To the extent that a registered firm would have not timely renewed branch office certificates of registration, the proposal represents no additional costs. The actual costs of the late

fees for each branch office have not been changed by the proposal.

4. *Costs Relating to the Fees for Residential Fire Alarm Technician Licenses, Training School Approvals, and Instructor Approvals.* The rule specifies the following fees for residential fire alarm technician licenses: initial fee (for one year)--\$50; renewal fee (for two years)--\$500; renewal late fee (expired one to 90 days)--\$12.50; and renewal late fee (expired 91 days to two years)--\$50. The rule specifies the training school approval initial fee (for one year) is \$500 and the renewal fee (for one year) is also \$500. The rule specifies that the instructor approval initial fee (for one year) is \$50 and the renewal fee (for one year) is also \$50. However, the initial and renewal fees are specified by the Insurance Code §6002.054, and the renewal late fees are specified by the Insurance Code §6002.203. Therefore, because these fees are required by statute, they are not attributable to the proposed rule.

All of the analyses in this cost note are equally applicable to and do not vary for small or micro businesses. However, as noted in the cost note, certain costs will be incurred on the basis of the number of branch offices by a registered firm. These costs will not be incurred by small or micro businesses to the extent that small or micro registered firms do not operate branch offices or operate fewer branch offices.

4. ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS FOR SMALL AND MICRO BUSINESSES. The Government Code §2006.002(c) requires that if a proposed rule may have an economic impact on small businesses, state agencies must prepare as part of the rulemaking process an economic impact

statement that assesses the potential impact of the proposed rule on small businesses and a regulatory flexibility analysis that considers alternative methods of achieving the purpose of the rule. The Government Code §2006.001(2) defines “small business” as a legal entity, including a corporation, partnership, or sole proprietorship, that is formed for the purpose of making a profit, is independently owned and operated, and has fewer than 100 employees or less than \$6 million in annual gross receipts. The Government Code §2006.001(1) defines “micro business” similarly to “small business” but specifies that such a business may not have more than 20 employees. The Government Code §2006.002(f) requires a state agency to adopt provisions concerning micro businesses that are uniform with those provisions outlined in the Government Code §2006.002(b) - (d) for small businesses.

As required by the Government Code §2006.002(c), the Department has determined that the proposal may have an adverse economic effect on approximately 1,230 to 1,530 small or microbusinesses that are required to comply with the proposed rules. Although the Department is aware that the large majority of fire alarm and fire extinguisher firms are small or micro businesses, the Department does not have precise information regarding the number of small or micro alarm or extinguisher registered firms. However, for the purpose of this estimate, the Department assumes that between 850 to 1,050 of the 1,199 registered alarm firms and between 380 and 480 of the 535 registered extinguisher firms are small or microbusinesses. This information is based on data collected from registered firms upon certificate of registration renewal regarding the number of individuals employed by the firm; the firm’s annual gross receipts and

whether the firm is independently owned and operated. The cost of compliance with the proposal will not vary between large businesses and small or microbusinesses, and the Department's cost analysis and resulting estimated costs for insurers in the Public Benefit/Cost Note portion of this proposal is equally applicable to small or microbusinesses. However, as noted in the Public Benefit/Cost Note portion of this proposal, because the costs attributable to the rule result from a registered firm's operation of branch offices, it is anticipated that the proposal is less likely to have a cost impact on small or micro businesses because such businesses are less likely to operate branch offices.

In accordance with the Government Code §2006.002(c-1), the Department has determined that even though the proposal may have an adverse economic effect on small or microbusinesses that are required to comply with the proposal, the proposal does not require a regulatory flexibility analysis that is mandated by §2006.002(c)(2) of the Government Code. Section 2006.002(c)(2) requires that a state agency, before adopting a rule that may have an adverse economic effect on small businesses, prepare a regulatory flexibility analysis that includes the agency's consideration of alternative methods of achieving the purpose of the proposed rule. Section 2006.002(c-1) of the Government Code requires that the regulatory flexibility analysis "... consider, if consistent with the health, safety, and environmental and economic welfare of the state, using regulatory methods that will accomplish the objectives of applicable rules while minimizing adverse impacts on small businesses." Therefore, an agency is not required to consider alternatives that, while possibly minimizing adverse impacts on small and

microbusinesses, would not be protective of the health, safety, and environmental and economic welfare of the state.

The purpose of this proposal's requirements relating to licensing procedure is to facilitate the SFMO's efficient and orderly administration of the licensing, oversight, and regulation of the fire alarm and fire extinguisher industries. The efficient and orderly regulation of the fire alarm and fire extinguisher industries is necessary to protect the health and safety of the citizens of Texas. Therefore, the Department has determined in accordance with §2006.002(c-1) of the Government Code, that because the proposal substantially contributes to the health and safety of Texas citizens by facilitating the orderly administration of the licensing process for the fire extinguisher and fire alarm industries, there are no regulatory alternatives to the changes in the licensing process in this proposal that will sufficiently protect the health and safety of Texas citizens who are using the services of small or micro fire extinguisher or fire alarm firms.

5. TAKINGS IMPACT ASSESSMENT. The Department 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 and, therefore, does not constitute a taking or require a takings impact assessment under the Government Code §2007.043.

6. REQUEST FOR PUBLIC COMMENT. To be considered, written comments on the proposal must be submitted no later than 5:00 p.m. on January 18, 2011, to Gene C.

Jarmon, General Counsel and Chief Clerk, Mail Code 113-2A, Texas Department of Insurance, P. O. Box 149104, Austin, Texas 78714-9104. An additional copy of the comment must be simultaneously submitted to State Fire Marshal Paul Maldonado, State Fire Marshal's Office, Mail Code 112-FM, Texas Department of Insurance, P.O. Box 149221, Austin, Texas 78714-9221. Any request for a public hearing should be submitted separately to the Office of the Chief Clerk before the close of the public comment period. If a hearing is held, written and oral comments presented at the hearing will be considered.

7. STATUTORY AUTHORITY.

The sections are proposed under the Government Code §417.004 and §417.005; the Occupations Code §2154.052; and the Insurance Code §§6001.051, 6001.052, 6001.201, 6002.051, 6002.052, 6002.201, 6003.051, 6003.052, 6003.054, 6003.201, and 36.001.

The Government Code §417.004 specifies that the Commissioner of Insurance shall perform the rulemaking functions previously performed by the Texas Commission on Fire Protection. The Government Code §417.005 specifies that the Commissioner of Insurance may, after consulting with the State Fire Marshal, adopt necessary rules to guide the State Fire Marshal in the investigation of arson, fire, and suspected arson and in the performance of other duties for the Commissioner of Insurance. The Occupations Code §2154.052(b) specifies that the Commissioner shall adopt and the State Fire Marshal shall administer rules the Commissioner considers necessary for the

protection, safety, and preservation of life and property, including rules regulating: (i) the issuance of licenses and permits to persons engaged in manufacturing, selling, storing, possessing, or transporting fireworks in this state; (ii) the conduct of public fireworks displays; and (iii) the safe storage of Fireworks 1.3G and Fireworks 1.4G. The Occupations Code §2154.052(c) specifies that the Commissioner shall adopt rules for applications for licenses and permits. The Insurance Code §6001.051(a) specifies that the Department shall administer the Insurance Code Chapter 6001. The Insurance Code §6001.051(b) specifies that the Commissioner may issue rules the Commissioner considers necessary to administer Chapter 6001 through the State Fire Marshal. The Insurance Code §6001.052(a) specifies that in adopting necessary rules, the Commissioner may use recognized standards, including standards published by the National Fire Protection Association; recognized by federal law or regulation; published by any nationally recognized standards-making organization; or contained in the manufacturer's installation manuals. The Insurance Code §6001.052(b) specifies that the Commissioner shall adopt and administer rules determined essentially necessary for the protection and preservation of life and property regarding: (i) registration of firms engaged in the business of installing or servicing portable fire extinguishers or planning, certifying, installing, or servicing fixed fire extinguisher systems or hydrostatic testing of fire extinguisher cylinders; (ii) the examination and licensing of individuals to install or service portable fire extinguishers and plan, certify, install, or service fixed fire extinguisher systems; and (iii) requirements for installing or servicing portable fire extinguishers and planning, certifying, installing, or servicing fixed fire extinguisher

systems. The Insurance Code §6001.052(c) specifies that the Commissioner by rule shall prescribe requirements for applications and qualifications for licenses, permits, and certificates issued under this chapter. The Insurance Code §6001.201(c) specifies (i) that the Commissioner by rule may adopt a system under which registration certificates, licenses, and permits expire on various dates during the year; (ii) that for the year in which an expiration date of a registration certificate, license, or permit is less than one year from its issuance or anniversary date, the fee shall be prorated on a monthly basis so that each holder of a registration certificate, license, or permit pays only that portion of the renewal fee that is allocable to the number of months during which the registration certificate, license, or permit is valid; and (iii) that on each subsequent renewal, the total renewal fee is payable. The Insurance Code §6002.051(a) specifies that the Department shall administer Chapter 6002. The Insurance Code §6002.051(b) specifies that the Commissioner may adopt rules as necessary to administer Chapter 6002, including rules the Commissioner considers necessary to administer Chapter 6002 through the State Fire Marshal. The Insurance Code §6002.052(a) specifies that in adopting necessary rules, the Commissioner may use: (i) recognized standards, such as, but not limited to standards of the National Fire Protection Association; standards recognized by federal law or regulation; or standards published by a nationally recognized standards-making organization; (ii) the National Electrical Code; or (iii) information provided by individual manufacturers. The Insurance Code §6002.052(b) specifies that under rules adopted under Section 6002.051, the Department may create specialized licenses or registration certificates for an

organization or individual engaged in the business of planning, certifying, leasing, selling, servicing, installing, monitoring, or maintaining fire alarm or fire detection devices or systems, and that the rules must establish appropriate training and qualification standards for each kind of license and certificate. The Insurance Code §6002.052(c) specifies that the Commissioner shall also adopt standards applicable to fire alarm devices, equipment, or systems regulated under this chapter, and that in adopting standards, the Commissioner may allow the operation of a fire alarm monitoring station that relies on fire alarm devices or equipment approved or listed by a nationally recognized testing laboratory without regard to whether the monitoring station is approved or listed by a nationally recognized testing laboratory if the operator of the station demonstrates that the station operating standards are substantially equivalent to those required to be approved or listed. The Insurance Code §6002.201(b) specifies that: (i) the Commissioner by rule may adopt a system under which registration certificates and licenses expire on various dates during the year; (ii) that for the year in which an expiration date of a registration certificate or license is less than one year from its issuance or anniversary date, the fee shall be prorated on a monthly basis so that each holder of a registration certificate or license pays only that portion of the renewal fee that is allocable to the number of months during which the registration certificate or license is valid; and (iii) that the total renewal fee is payable on renewal on the new expiration date. The Insurance Code §6003.051(a) specifies that the Department shall administer Chapter 6003. The Insurance Code §6003.051(b) specifies that the Commissioner may issue rules necessary to administer Chapter 6003 through the

State Fire Marshal. The Insurance Code §6003.052(a) specifies that in adopting necessary rules, the Commissioner may use recognized standards, including standards adopted by federal law or regulation; standards published by a nationally recognized standards-making organization; or standards developed by individual manufacturers. The Insurance Code §6003.054(a) specifies that the Commissioner may delegate authority to exercise all or part of the Commissioner's functions, powers, and duties under Chapter 6003, including the issuance of licenses and registration certificates, to the State Fire Marshal. Section 6003.054(a) further specifies that the State Fire Marshal shall implement the rules adopted by the commissioner for the protection and preservation of life and property in controlling: (i) the registration of an individual or an organization engaged in the business of planning, selling, installing, maintaining, or servicing fire protection sprinkler systems; and (ii) the requirements for the plan, sale, installation, maintenance, or servicing of fire protection sprinkler systems by determining the criteria and qualifications for registration certificate and license holders; evaluating the qualifications of an applicant for a registration certificate to engage in the business of planning, selling, installing, maintaining, or servicing fire protection sprinkler systems; conducting examinations and evaluating the qualifications of a license applicant; and issuing registration certificates and licenses to qualified applicants. The Insurance Code §6003.201(c) specifies that (i) the Commissioner by rule may adopt a system under which registration certificates and licenses expire on various dates during the year; (ii) that for the year in which an expiration date of a registration certificate or license is less than one year from its issuance or anniversary date, the fee shall be

prorated on a monthly basis so that each holder of a registration certificate or license pays only that portion of the renewal fee that is allocable to the number of months during which the registration certificate or license is valid; and that (iii) on renewal on the new expiration date, the total renewal fee is payable. The Insurance Code §36.001 provides that the Commissioner of Insurance may adopt any rules necessary and appropriate to implement the powers and duties of the Texas Department of Insurance under the Insurance Code and other laws of this state.

8. CROSS REFERENCE TO STATUTE.

The following statutes are affected by this proposal:

<u>Rule Number</u>	<u>Statute</u>
§34.507	Insurance Code §6001.052
§34.510	Insurance Code §§6001.151, 6001.152, 6001.201, and 6001.203
§34.515	Insurance Code §6001.055
§§34.601 – 34.603	Insurance Code §6002.051
§34.604	Insurance Code 6002.155
§34.605	Insurance Code §6002.202
§34.606	Insurance Code §6002.051
§34.607	Insurance Code §6002.052
§34.610	Insurance Code §§6001.151, 6001.152, and 6001.201

§34.611	Insurance Code §6002.154 and §6002.301
§34.612	Insurance Code §6002.302
§34.613	Insurance Code §§6002.151 – 6002.154
§34.614	Insurance Code §6002.054 and §6002.201
§34.615	Insurance Code §6002.156
§34.616	Insurance Code §6002.154 and §6002.155
§34.625	Insurance Code §6002.302 and §6002.303 and Government Code §417.010
§§34.627 – 34.628	Insurance Code 6002.158
§§34.629 – 34.630	Insurance Code §§6002.101 – 6002.102
§34.707	Insurance Code §6003.052
§34.711	Insurance Code §6003.051 and §6003.153
§34.714	Insurance Code §6003.155
§34.808	Occupations Code §2154.254
§34.810	Occupations Code §2154.051 and §2154.052
§34.817	Occupations Code §2154.254

9. TEXT.

SUBCHAPTER E. FIRE EXTINGUISHER AND INSTALLATION

§34.507. Adopted Standards. The commissioner adopts by reference in their entirety, except as noted, the following copyrighted standards and recommendations in this subchapter. If a standard refers to a provision in a specific edition of another standard,

the provision is applicable only if it does not conflict with the adopted standard shown in this section. The standards are published by and available from the National Fire Protection Association, Inc., (NFPA), Batterymarch Park, Quincy, Massachusetts 02269. A copy of the standards shall be kept available for public inspection in the State Fire Marshal's Office [~~state fire marshal's office~~].

(1) NFPA 10-2010 [~~10-2002~~], Standard for Portable Fire Extinguishers[, except that the date, June 30, 1998, in paragraph 4.3.2.1 shall be deleted and the following date substituted: "January 1, 2006].

(2) NFPA 11-2010 [~~11-2002~~], Standard for Low-, Medium-, and High- [~~Low~~] Expansion Foam and Combined Agent Systems.

~~[(3)] [NFPA 11A-1999, Standard for Medium and High Expansion Foam Systems.]~~

(3) [(4)] NFPA 12-2008 [~~12-2000~~], Standard on Carbon Dioxide Extinguishing Systems.

(4) [(5)] NFPA 12A-2009 [~~12A-2004~~], Standard on Halon 1301 Fire Extinguishing Systems.

(5) [(6)] NFPA 15-2007 [~~15-2004~~], Standard for Water Spray Fixed Systems for Fire Protection.

(6) [(7)] NFPA 16-2007 [~~16-2003~~], Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems.

(7) [(8)] NFPA 17-2009 [~~17-2002~~], Standard for Dry Chemical Extinguishing Systems[, except that paragraph 9.3.2 in conjunction with 1.3.2 shall only

~~apply to new or modified installations after July 1, 1996, in accordance with §34.517(f) of this subchapter (relating to Installation and Service)].~~

(8) ~~[(9)]~~ NFPA 17A-2009 ~~[17A-2002]~~, Standard for Wet Chemical Extinguishing Systems~~[, except that paragraph 5.1.1 in conjunction with 1.4.1 shall only apply to new or modified installations after July 1, 1996, in accordance with §34.517(f) of this subchapter].~~

(9) ~~[(10)]~~ NFPA 18-2006 ~~[18-1995]~~, Standard on Wetting Agents.

(10) ~~[(11)]~~ NFPA 25-2008 ~~[25-2002]~~, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems.

(11) ~~[(12)]~~ NFPA 96-2008 ~~[96-2004]~~, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations~~[, except that paragraph 7-2.2 shall only apply to new or modified installations after July 1, 1996, in accordance with §34.517(f) of this subchapter].~~

(12) ~~[(13)]~~ NFPA 2001-2008 ~~[2001-2004]~~, Standard on Clean Agent Fire Extinguishing Systems.

§34.510. Certificates of Registration.

(a) - (f) (No change.)

(g) Branch Office Initial Certificate of Registration Fees and Expiration Dates.

The initial fee for a branch office certificate of registration is \$100 and is not prorated.

Branch office certificates of registration expire and renew on the same date as the

certificate of registration for the registered firm's main office. [~~Posting. Each certificate shall be posted conspicuously for public view at the business location.~~]

(h) – (l) (No change.)

(m) Initial Alignment of the Expiration and Renewal Dates of Existing Branches.

For branch offices in existence as of the effective date of this rule, branch office certificates of registration shall expire and renew on the same date as the certificate of registration issued to the main office for that firm. All fees associated with the initial alignment of expiration and renewal dates for the branch office certificate of registration shall be prorated accordingly.

§34.515. Fees.

(a) Except for fees specified in subsection (d) of this section, all fees payable shall be submitted by check or money order made payable to the Texas Department of Insurance or the State Fire Marshal's Office, or if the license is renewable over the internet, where the renewal application is to be submitted under the Texas OnLine Project, in which case fees shall be submitted as directed by the Texas OnLine Authority. Should the department authorize other online or electronic original applications or other transactions, persons shall submit fees with the transaction as directed by the department or the Texas OnLine Authority. [~~Every fee payable to the department and required in accordance with the provisions of the Insurance Code, Article 5.43-1, and this subchapter must be paid by cash, money order, or check. Money orders and checks must be made payable to the Texas Department of~~

~~Insurance.] Except for overpayments resulting from mistakes of law or fact, all fees are non-refundable.~~

~~[(b)] [Fees payable to the department must be paid at the Office of the State Fire Marshal in Austin, or mailed to an address specified by the state fire marshal.]~~

(b) ~~[(e)]~~ Fees are as follows.

(1) Certificates of registration:

(A) initial fee--\$450;

(B) renewal fee (for two years)--\$600;

(C) renewal late fee (expired 1 day to 90 days)--\$225 plus \$50 for each branch office operated by the registered firm;

(D) renewal late fee (expired 91 days to two years)--\$450 plus \$100 for each branch office operated by the registered firm;

(E) branch office initial fee--\$100;

(F) branch office renewal fee (for two years)--\$200~~[-]~~.

~~[(G) branch office late fee (expired 1 day to 90 days)--\$50;]~~

~~[(H) branch office late fee (expired 91 days to two years)--\$100.]~~

(2) Certificate of registration (Type C):

(A) initial fee--\$250;

(B) renewal fee (for two years)--\$300;

(C) renewal late fee (expired 1 day to 90 days)--\$125;

(D) renewal late fee (expired 91 days to two years)--\$250.

(3) Fire extinguisher license (Type A, B, R and K):

- (A) initial fee--\$70;
- (B) renewal fee (for two years)--\$100;
- (C) renewal late fee (expired 1 day to 90 days)--\$35;
- (D) renewal late fee (expired 91 days to two years)--\$70.

(4) Fire extinguisher license (Type PL):

- (A) initial fee--\$70;
- (B) renewal fee (for two years)--\$100;
- (C) renewal late fee (expired 1 day to 90 days)--\$35;
- (D) renewal late fee (expired 91 days to two years)--\$70.

(5) Apprentice permit fee--\$30.

(6) Duplicate or revised certificates, licenses, permits, or other requested changes to certificates, licenses, or permits--\$20.

(7) Initial test fee (if administered by the SFMO)--\$20.

(8) Retest fee (if administered by the SFMO)--\$20.

(c) [~~(d)~~] Fees for tests administered by an outsource testing service are payable to the testing service in the amount and manner required by the testing service.

(d) [~~(e)~~] Late fees are required of all certificate or license holders who fail to submit complete renewal applications before the expiration of the certificate or license.

SUBCHAPTER F. FIRE ALARM RULES

§34.601. Purpose. The purpose of this subchapter [~~chapter~~] is to administer through the state fire marshal the law set forth in the Insurance Code Chapter 6002 [~~Article~~

~~5.43-2]~~ regarding inspecting, planning, certifying, leasing, selling, servicing, testing, installing, monitoring, and maintaining fire alarm or fire detection devices and systems in the interest of safeguarding lives and property.

§34.602. Title. The sections of this subchapter [~~chapter~~] shall be known as and may be cited as the Fire Alarm Rules.

§34.603. Applicability of Sections. The sections of this subchapter [~~chapter~~] shall apply to persons and organizations engaged in the business of inspecting, planning, certifying, leasing, selling, servicing, testing, installing, monitoring, and maintaining fire alarm or fire detection devices and systems, and not to the general public.

§34.604. Exceptions. The exceptions of the Insurance Code §6002.155 [~~Article 5.43-2, §3,~~] are applicable to the sections of this subchapter [~~chapter~~].

§34.605. Notices. Notice by the state fire marshal, as required by the Insurance Code Chapter 6002 [~~provisions of the statutes~~] or of this subchapter [~~chapter~~], may be given by personal service or mail, postage prepaid, addressed to the person to be notified at the last known address of the person's residence or business as it appears on the records in the [~~Office of the~~] State Fire Marshal's Office [~~Marshal~~].

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

(1) Approval--The document issued by the State Fire Marshal's Office to an individual or entity acknowledging that the individual or entity meets the requirements to perform the functions of an approved instructor or approved training school under this subchapter and the Insurance Code Chapter 6002.

(2) [(4)] Business--Inspecting, planning, certifying, leasing, selling, servicing, testing, installing, monitoring, or maintaining of fire alarm or fire detection devices and systems.

(3) [(2)] Certificate--The certificate of registration issued by the state fire marshal.

(4) [(3)] Certify--To attest to the proper planning or servicing, installing, or maintaining of fire detection and fire alarm devices and systems, including monitoring equipment, by attaching a completed installation/service record label and completing an installation certificate form or other additional form required by a governmental authority.

(5) [(4)] Commissioner--The commissioner of insurance.

(6) [(5)] Department--The Texas Department of Insurance.

(7) Designated employee--an individual specified by a registered firm as a full-time employee and a licensee under this subchapter.

(8) [(6)] Direct supervision--The control of work, excluding the installation of conduit, raceways, junction boxes, back boxes, or similar electrical enclosures, as it

is being performed on fire detection or fire alarm devices and systems by a licensed fire alarm technician or a licensed fire alarm planning superintendent.

(9) [(7)] Firm--An individual [A person] or an organization, as defined in the Insurance Code §6002.002 [~~Article 5.43-2~~].

(10) [(8)] Full-time--The number of hours that represents the regular, normal, or standard amount of time per week each employee of the firm devotes to work-related activities.

(11) [(9)] Full-time employment--An employee is considered to work on a full-time basis if the employee works per week at least the average number of hours worked per week by all other employees of the firm.

(12) Instructor--An individual approved under the Insurance Code Chapter 6002 and this subchapter to provide training in installing, servicing, inspecting, and certifying fire alarm or detection systems in single-family or two-family residences.

13 [(10)] Local authority having jurisdiction--~~[As used in the Texas Insurance Code, Article 5.43-2, §9(c), means a]~~ A fire chief, fire marshal, or other designated official having statutory authority.

(14) [(11)] Monitoring equipment--Equipment used to transmit and receive fire alarm, trouble, and supervisory signals from protected premises to a firm registered to monitor or one exempt from licensing by the Insurance Code Chapter 6002 [~~Article 5.43-2~~].

(15) [(12)] NFPA--National Fire Protection Association, a nationally recognized standards-making organization.

(16) [(13)] NICET--National Institute for Certification in Engineering Technologies.

(17) [(14)] Outsource testing service--The testing service selected by the state fire marshal to administer certain designated qualifying tests for licenses under this subchapter.

(18) [(15)] Plan--To lay out, detail, draw, calculate, devise, or arrange an assembly of fire alarm or detection devices, equipment, and appurtenances, including monitoring equipment, in accordance with standards adopted in this subchapter.

(19) [(16)] Primary registered firm--The registered fire alarm company with the responsibility for the fire alarm system certification.

(20) [(17)] Repair--To restore to proper operating condition.

(21) [(18)] Test--The act of subjecting a fire detection or alarm device or system, including monitoring equipment, to any procedure required by applicable standards or manufacturers' recommendations to determine whether it is properly installed or operates correctly.

(22) Training school--An entity that is approved under the Insurance Code Chapter 6002 and this subchapter to provide approved training in installing, certifying, inspecting, and servicing fire alarm or detection systems in single-family or two-family residences by approved instructors for the purpose of meeting the training requirements of an applicant for a residential fire alarm technician license issued under the applicable statutes and this subchapter.

§34.607. Adopted Standards.

(a) The commissioner adopts by reference those sections of the following copyrighted minimum standards, recommendations, and appendices concerning fire alarm, fire detection, or supervisory services or systems, except to the extent they are at variance to sections of this subchapter [~~chapter~~], the [~~Texas~~] Insurance Code Chapter 6002, [~~Article 5.43-2~~] or other state statutes. The standards are published by and are available from the National Fire Protection Association, Quincy, Massachusetts. A copy of the standards shall be kept available for public inspection at the State Fire Marshal's Office [~~state fire marshal's office~~].

(1) NFPA 11-2005 [~~11-2002~~], Standard for Low-, Medium-, and High-Expansion Foam.

(2) [~~NFPA 11A-1999, Standard for Medium- and High-Expansion Foam Systems.~~]

[(3)] NFPA 12-2008 [~~12-2000~~], Standard on Carbon Dioxide Extinguishing Systems.

(3) [(4)] NFPA 12A-2009 [~~12A-2004~~], Standard on Halon 1301 Fire Extinguishing Systems.

(4) [(5)] NFPA 13-2007 [~~13-2002~~], Standard for the Installation of Sprinkler Systems.

(5) [(6)] NFPA 13D-2007 [~~13D-2002~~], Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes.

(6) [~~(7)~~] NFPA 13R-2007 [~~13R-2002~~], Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height.

(7) [~~(8)~~] NFPA 15-2007 [~~15-2004~~], Standard for Water Spray Fixed Systems for Fire Protection.

(8) [~~(9)~~] NFPA 16-2007 [~~16-2003~~], Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems.

(9) [~~(10)~~] NFPA 17-2009 [~~17-2002~~], Standard for Dry Chemical Extinguishing Systems.

(10) [~~(11)~~] NFPA 17A-2009 [~~17A-2002~~], Standard for Wet Chemical Extinguishing Systems.

(11) [~~(12)~~] NFPA 25-2008 [~~25-2002~~], Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems.

(12) [~~(13)~~] NFPA 70-2008 [~~70-2005~~], National Electrical Code.

(13) [~~(14)~~] NFPA 72-2007 [~~72-2002~~], National Fire Alarm Code.

(14) [~~(15)~~] NFPA 90A-2009 [~~90A-2002~~], Standard for the Installation of Air Conditioning and Ventilating Systems.

(15) [~~(16)~~] NFPA 101®-2009 [~~101®-2003~~], or later editions, Code for Safety to Life from Fire in Buildings and Structures (Life Safety Code)®, or a local jurisdiction may adopt one set of the model codes listed in subsection (b) of this section in lieu of NFPA 101.

(16) ~~[(47)]~~ UL 827 October 1, 1996, Standard for Central Station Alarm Services.

(17) ~~[(48)]~~ NFPA 2001-2008 ~~[2001-2004]~~, Standard on Clean Agent Fire Extinguisher Systems.

(b) The acceptable alternative model code sets are:

~~[(1) the Uniform Building Code-1991 and later editions, and the Uniform Fire Code-1991 and later editions; or]~~

~~[(2) the SBCCI Building Code-1991 and later editions, and the SBCCI Fire Code-1991 and later editions; or]~~

~~[(3) the BOCA Building Code-1991 and later editions, and the BOCA Fire Code-1991 and later editions; or]~~

(1) ~~[(4)]~~ the International Building Code®-2003 or later editions, and the International Fire Code-2003 or later editions; or

(2) ~~[(5)]~~ the International Residential Code® for One- and Two-Family Dwellings-2003 or later editions; or

(3) ~~[(6)]~~ NFPA 5000 ~~[5000TM]~~, Building Construction and Safety Code-2009 ~~[CodeTM-2003]~~ or later editions, and NFPA 1 Uniform Fire Code 2009 ~~[CodeTM-2003]~~ or later editions.

§34.610. Certificate of Registration.

(a) (No change.)

(b) Designated Employee. Each registered firm must specify one full-time employee holding a license under this subchapter as the firm's designated employee on their Fire Alarm Certificate of Registration Application, Form No. SF031, and on their Renewal Application for Fire Alarm Certificate of Registration, Form No. SF084. Any change in the designated employee under this section must be submitted in writing to the State Fire Marshal's Office within 14 days of its occurrence. An individual may not serve as a designated employee for more than one registered firm. ~~[Posting. Each certificate must be posted conspicuously for public view at the business location.]~~

(c) – (e) (No change.)

(f) Branch Office Initial Certificate of Registration Fees and Expiration Dates. The initial fee for a branch office certificate of registration is \$150 and is not prorated. Branch office certificates of registration expire and renew on the same date as the certificate of registration for the registered firm's main office.

(g) ~~[(f)]~~ Duplicate certificates. A duplicate certificate must be obtained from the state fire marshal to replace a lost or destroyed certificate. The certificate holder must submit written notification of the loss or destruction without delay, accompanied by the required fee.

(h) ~~[(g)]~~ Revised certificates. The change of a firm's name, location, or mailing address requires a revised certificate. Within 14 days after the change requiring the revision, the certificate holder must submit written notification of the necessary change accompanied by the required fee.

(i) Initial Alignment of the Expiration and Renewal Dates of Existing Branches.

For branch offices in existence as of the effective date of this rule, branch office certificates of registration shall expire and renew on the same date as the certificate of registration issued to the main office for that firm. All fees associated with the initial alignment of expiration and renewal dates for the branch office certificate of registration shall be prorated accordingly.

§34.611. Licenses and Approvals.

(a) Types of Licenses [~~licenses~~] and Approvals. The following licenses and approvals are issued by the State Fire Marshal's Office in accordance with the Insurance Code Chapter 6002 and this subchapter. As required by the Insurance Code Chapter 6002, an individual or entity must be licensed or approved in order to lawfully perform the functions for which the license or approval is issued.

(1) - (2) (No change.)

(3) Instructor approval--For providing training at an approved training school in installing, certifying, inspecting, and servicing fire alarm or detection systems in single-family or two-family residences.

(4) [~~(3)~~] Residential fire alarm superintendent single station license--For planning, installing, certifying, inspecting, testing, servicing, and maintaining to single station smoke or heat detectors which are not a part of or connected to any other detection device or system in single-family or two-family residences.

(5) ~~[(4)]~~ Residential fire alarm superintendent license--For planning, installing, certifying, inspecting, testing, servicing, monitoring, and maintaining fire alarm or fire detection devices and systems in single-family or two-family residences.

(6) ~~[(5)]~~ Fire alarm planning superintendent license--For planning, installing, certifying, inspecting, testing, servicing, monitoring, and maintaining fire alarm or fire detection devices.

(7) Residential fire alarm technician license--For installing, certifying, inspecting, and servicing, but not planning, fire alarm or fire detection devices and systems in single-family or two-family residences.

(8) Training school approval--For conducting required training necessary for obtaining a residential fire alarm technician license.

~~(b) [Posting. Wall licenses must be posted conspicuously for public view at the firm's business location].~~

~~[(e)]~~ Pocket License ~~[license]~~ and Approval.

(1) A licensee must carry a pocket license for identification while engaged in the activities of the business.

(2) An instructor must carry the instructor's approval while providing training in an approved training school on the installing, certifying, inspecting, and servicing of fire alarm or detection systems in single-family or two-family residences.

(c) ~~[(d)]~~ Duplicate License ~~[license]~~. A duplicate license must be obtained from the state fire marshal to replace a lost or destroyed license. The license holder or

registered firm must submit written notification of the loss or destruction without delay, accompanied by the required fee.

(d) [(e)] Licensee Responsibilities Relating to Revised Licenses [licenses]. A change in the licensee's name, the licensee's mailing address, or a new or additional registered firm employing the licensee requires a revised license. [The change of a licensee's registered firm or mailing address requires a revised license.] Within 14 days after the change requiring the revision, the license holder [~~or registered firm~~] must submit written notification of the necessary change accompanied by the required fee.

(e) Registered Firms' Responsibilities Relating to Licensees. A registered firm must submit notification of any licensee employment, termination, or resignation within 14 days of its occurrence.

(f) Restrictions on Licensees and Registered Firms.

(1) A licensee must not engage in any act of the business unless employed by or as an agent of a registered firm.

(2) A registered firm must notify the state fire marshal within 14 days after termination of employment of a licensee.

(3) Each person who engages in the activities of the business must have the appropriate license issued by the state fire marshal unless excepted from the licensing provisions by the Insurance Code §6002.155 [~~, Article 5.43-2, §3(b)~~].

(g) Restrictions on Approval Holders. Approvals are not transferable.

(h) Responsibilities Relating to Revised Approvals. A change in an instructor's name or mailing address requires a revised approval. The change in the mailing

address of a fire alarm training school requires a revised approval. Within 14 days after the change requiring the revision, the approval holder must submit written notification of the necessary change accompanied by the required fee.

§34.612. Alteration of Certificates, ~~[or]~~ Licenses, or Approvals. The alteration of certificates, ~~[or]~~ licenses, or approvals renders them invalid and is the basis for administrative action pursuant to the Insurance Code §6002.302~~[, Article 5.43-2, §10(b)]~~.

§34.613. Applications.

(a) Approvals and Certificates of Registration ~~[registration]~~.

(1) Applications for approvals, certificates, and branch office certificates must be submitted on the forms adopted by reference in §34.630 of this subchapter (relating to Application and Renewal Forms) ~~[provided by the state fire marshal]~~ and be accompanied by all fees, documents, and information required by the Insurance Code Chapter 6002 ~~[, Article 5.43-2,]~~ and ~~[the sections of]~~ this subchapter ~~[chapter]~~. An application will not be deemed complete until all required forms, fees, and documents have been received in the State Fire Marshal's Office ~~[office]~~.

(2) Applications must be signed by the sole proprietor, or by each partner of a partnership, or by an officer of a corporation. For applicants using an assumed name, the application must also be accompanied by evidence of compliance with the Assumed Business or Professional Name Act, Texas Business and Commerce Code~~[,]~~

Chapter 71 [~~36~~]. The application must also include written authorization by the applicant permitting the state fire marshal or his representative to enter, examine, and inspect any premises, building, room, or establishment used by the applicant while engaged in the business to determine compliance with the provisions of the Insurance Code Chapter 6002 [~~Article 5.43-2,~~] and [~~the sections of~~] this subchapter [~~chapter~~].

(3) – (4) (No change.)

(5) Insurance is required as follows:~~[-]~~

(A) The state fire marshal will not issue a certificate of registration under this subchapter [~~these sections~~] unless the applicant files with the State Fire Marshal's Office [~~office~~] evidence of an acceptable general liability insurance policy.

(B) Each registered firm must maintain in force and on file in the State Fire Marshal's Office [~~office~~] a certificate of insurance identifying the insured and the exact nature of the business insured. In identifying the named insured, the certificate of insurance must include either an assumed name or the name of the corporation, partners, if any, or sole proprietor, if applicable.

(6) (No change.)

(7) Applicants for a certificate of registration who engage in monitoring must provide the specific business location(s) where monitoring will take place and the name and license number of the fire alarm licensee(s) at each business location. A fire alarm licensee may not serve in this capacity for a registered firm other than the firm applying for a certificate of registration. In addition, the applicants must provide evidence of listing or certification as a central station by a testing laboratory approved

by the commissioner and a statement that the monitoring service is in compliance with ~~[adopted]~~ NFPA 72 as adopted in §34.607 of this subchapter (relating to Adopted Standards).

(8) (No change.)

(b) Fire Alarm Licenses ~~[alarm licenses]~~.

(1) - (6) (No change.)

(7) An applicant for a residential fire alarm technician license must provide evidence of the applicant's successful completion of the required residential fire alarm technician training course from a training school approved by the State Fire Marshal's Office.

(c) Instructor and Training School Approvals.

(1) Instructor approvals. An applicant for approval as an instructor must:

(A) hold a current fire alarm planning superintendent's license issued by the State Fire Marshal's Office;

(B) submit a completed Instructor Approval Application, Form No. SF247, signed by the applicant, that is accompanied by all fees; and

(C) furnish written documentation of a minimum of three years of experience in fire alarm installation, service, or monitoring of fire alarm systems, unless the applicant has held a fire alarm planning superintendent's license for three or more years.

(2) Training school approvals.

(A) An applicant for approval of a training school must submit a completed Training School Approval Application, Form No. SF 246, to the State Fire Marshal's Office. To be complete, the application must be:

(i) signed by the applicant, the sole proprietor, by each partner of a partnership, or by an officer of a corporation or organization as applicable;

(ii) accompanied by a detailed outline of the proposed subjects to be taught at the training school and the number and location of all training courses to be held within one year following approval of the application; and

(iii) accompanied by all required fees.

(B) After review of the application for approval for a training school, the state fire marshal shall approve or deny the application within 60 days following receipt of the materials. A letter of denial shall state the specific reasons for the denial. An applicant that is denied approval may reapply at any time by submitting a completed application that includes the changes necessary to address the specific reasons for denial.

(d) [(e)] Renewal Applications [applications].

(1) In order to be complete, renewal applications for certificates, ~~and~~ licenses, instructor approvals, and training school approvals must be submitted on the forms adopted by reference in §34.630 of this subchapter ~~[provided by the state fire marshal]~~ and be accompanied by all fees, documents, and information required by the Insurance Code Chapter 6002 ~~[, Article 5.43-2,]~~ and this subchapter. A complete renewal application deposited with the United States Postal Service is deemed to be

timely filed, regardless of actual date of delivery, when its envelope bears a postmark date which is before the expiration of the certificate or license being renewed.

(2) A licensee with an unexpired license who is not employed by a registered firm at the time of the licensee's renewal may renew that license; however, the licensee may not engage in any activity for which the license was granted until the licensee is employed and qualified by a registered firm.

(e) ~~(d)~~ Complete Applications ~~[applications]~~. The application form for a license, ~~[or]~~ registration, instructor approval, and training school approval must be accompanied by the required fee and must, within 180 days of receipt by the State Fire Marshal's Office ~~[department]~~ of the initial application, be complete and accompanied by all other information required by the Insurance Code Chapter 6002 ~~[Article 5.43-2]~~ and this subchapter, or a new application must be submitted including all applicable fees.

§34.614. Fees.

(a) Except for fees specified in subsection (c) of this section, all fees payable shall be submitted by check or money order made payable to the Texas Department of Insurance or the State Fire Marshal's Office, or if the license is renewable over the internet, where the renewal application is to be submitted under the Texas OnLine Project, in which case fees shall be submitted as directed by the Texas OnLine Authority. Should the department authorize other online or electronic original applications or other transactions, persons shall submit fees with the transaction as directed by the department or the Texas OnLine Authority. ~~[Every fee payable to the~~

~~department and required in accordance with the provisions of the Insurance Code, Article 5.43-2, and this subchapter must be paid by cash, money order, or check. Money orders and checks must be made payable to the Texas Department of Insurance.]~~ Except for overpayments resulting from mistakes of law or fact, all fees are non-refundable.

(b) ~~[Fees payable to the department must be paid at the Office of the State Fire Marshal in Austin, Texas, or mailed to an address specified by the state fire marshal].~~

~~[(e)]~~ Fees for tests administered by an outsource testing service are payable to the testing service in the amount and manner required by the testing service.

(c) ~~[(d)]~~ Fees are as follows:

(1) Certificates of registration:

(A) Initial fee--\$500;

(B) renewal fee (for two years, subject to the exceptions specified in §34.610(i) of this subchapter (relating to Certificate of Registration) for the initial alignment of the expiration and renewal dates of existing branches)--\$1,000;

(C) renewal late fee (expired 1 day to 90 days)--\$125 plus \$37.50 for each branch office operated by the registered firm;

(D) renewal late fee (expired 91 days to two years)--\$500 plus \$150 for each branch office operated by the registered firm;

(E) branch office initial fee--\$150;

(F) branch office renewal fee (for two years)--\$300;

~~[(G) branch office late fee (expired 1 day to 90 days)--\$37.50;]~~

~~[(H) branch office late fee (expired 91 days to two years)--\$150;]~~

(2) Certificates of registration—Single Station:

(A) initial fee--\$250;

(B) renewal fee (for two years)--\$500;

(C) renewal late fee (expired 1 day to 90 days)--\$62.50;

(D) renewal late fee (expired 91 days to two years)--\$250;

(E) branch office initial fee--None;

(F) branch office renewal fee (for two years)--None;

(3) Fire Alarm licenses (Fire alarm technician license, Fire alarm monitoring technician license, Residential fire alarm superintendent (single station) license; Residential fire alarm superintendent license, Fire alarm planning superintendent license):

(A) initial fee--\$120;

(B) renewal fee (for two years)--\$200;

(C) renewal late fee (expired 1 day to 90 days)--\$30;

(D) renewal late fee (expired 91 days to two years)--\$120;

(4) Residential fire alarm technician licenses:

(A) initial fee (for one year)--\$50;

(B) renewal fee (for two years)--\$100;

(C) renewal late fee (expired 1 day to 90 days)--\$12.50;

(D) renewal late fee (expired 91 days to two years)--\$50;

(5) Training school approval:

(A) initial fee (for one year)--\$500;

(B) renewal fee (for one year)--\$500;

(6) Instructor approval:

(A) initial fee (for one year)--\$50;

(B) renewal fee (for one year)--\$50;

(7) [(4)] Duplicate or revised certificate or license or other requested changes to certificates, approvals, or licenses--\$20;

(8) [(5)] Initial test fee (if administered by the State Fire Marshal's Office)--\$20;

(9) [(6)] Retest fee (if administered by the State Fire Marshal's Office)--\$20.

(d) [(e)] All fees are forfeited if the applicant does not appear for the scheduled test.

(e) [(f)] Late fees are required of all certificate or license holders who fail to submit complete renewal applications before the expiration of the certificate or license except as provided in the Insurance Code §6002.203(g) [~~Article 5.43-2, §5C(c)~~].

(f) [(g)] Fees for certificates and licenses which have been expired for less than two years include both renewal and late fees.

§34.615. Test.

(a) Each applicant for a license must pass the appropriate tests. Tests may be supplemented by practical tests or demonstrations necessary to determine the applicant's knowledge and ability.

(1) The license test will include a section on this subchapter and the Insurance Code Chapter 6002 [~~Article 5.43-2,~~] and a technical qualifying test to be conducted by:

(A) - (C) (No change.)

(2) (No change.)

(b) - (e) (No change.)

§34.616. Sales, Installation, and Service.

(a) Residential Alarms (Single Station) [~~alarms (single station)~~].

(1) Registered firms may employ persons exempt from the licensing provisions of the Insurance Code §6002.155(10) [~~Article 5.43-2, §3(b)(10),~~] to sell, install, and service residential, single station alarms. Exempted persons must be under the supervision of a residential fire alarm superintendent (single station), residential fire alarm superintendent, or fire alarm planning superintendent.

(2) Each registered firm that employs persons exempt from licensing provisions of the Insurance Code §6002.155(10) [~~Article 5.43-2, §3(b)(10),~~] is required to maintain documentation to include lesson plans and annual test results demonstrating competency of said employees regarding the provisions of the Insurance

Code Chapter 6002 [~~Article 5.43-2~~], adopted standards, and this subchapter [~~chapter~~] applicable to single station devices.

(b) Fire Detection and Fire Alarm Devices or Systems Other than Residential Single Station [~~detection and fire alarm devices or systems other than residential single station~~].

(1) The installation of all fire detection and fire alarm devices or systems, including monitoring equipment, subject to the Insurance Code Chapter 6002 [~~Article 5.43-2~~] must be performed by or under the direct on-site supervision of a licensed fire alarm technician, residential fire alarm technician, residential fire alarm superintendent, or a fire alarm planning superintendent, for the work permitted by the license. The certifying licensee must be licensed under the ACR number of the primary registered firm and must be present for the final acceptance test prior to certification.

(2) The maintenance or servicing of all fire detection and fire alarm devices or systems must be performed by or under the direct on-site supervision of a licensed fire alarm technician, residential fire alarm technician, residential fire alarm superintendent or a fire alarm planning superintendent, for the work permitted by the license. The licensee attaching a label must be licensed under the ACR number of the primary registered firm.

(3) If the installation or servicing of a fire alarm system also includes installation or servicing of any part of a fire protection sprinkler system and/or a fire extinguisher system other than inspection and testing of detection or supervisory

devices, the licensing requirements of the ~~[appropriate]~~ Insurance Code Chapters 6001 and 6003 ~~[, Article 5.43-1 or 5.43-3,]~~ must be satisfied, as appropriate.

(4) The planning and installation ~~[Installation]~~ of fire detection or fire alarm devices or systems, including monitoring equipment, must be in accordance with standards adopted in §34.607 of this chapter ~~[title]~~ (relating to Adopted Standards) except when the planning and installation complies with a more recent edition of an adopted standard or a Tentative Interim Amendment published as effective by the NFPA.

(5) - (6) (No change.)

(c) Monitoring Requirements ~~[requirements]~~.

(1) (No change.)

(2) A registered firm may not connect a fire alarm system to a monitoring service unless:

(A) the monitoring service is registered under the Insurance Code Chapter 6002 or is exempt from the licensing requirements of that chapter; and

(B) ~~[Insurance Code Article 5.43-2, so long as]~~ the monitoring equipment being used is in compliance with the Insurance Code §6002.251 ~~[Article 5.43-2, §9]~~.

(3) - (6) (No change.)

§34.625. Enforcement.

(a) The state fire marshal, or the state fire marshal's representative, may conduct investigations of registered firms to determine compliance with the Insurance Code Chapter 6002 [~~Article 5.43-2~~] and this subchapter. An investigation may be initiated on the written complaint of any party or by the department on its own motion.

(b) (No change.)

(c) The failure to comply with the provisions of this subchapter and the provisions of Insurance Code Chapter 6002 [~~Article 5.43-2~~] by certificate holders or licensees may subject them, as provided in the Government Code §417.010, to administrative action including, but not limited to, suspension, revocation, or refusal to issue or renew a license or a certificate of registration or issuance of a cease and desist order and/or administrative penalty and/or order for restitution to persons harmed.

§34.627. Requirements for Instructors and Training Schools.

(a) An instructor must comply with the following requirements:

(1) All training provided by an instructor must be conducted through an approved training school.

(2) The instructor must teach the subjects in the outline of the training course submitted by the training school and approved by the State Fire Marshal's Office.

(b) A training school must comply with the following requirements:

(1) The training school must only use instructors who hold an approval issued by the State Fire Marshal's Office to provide the training in installing, certifying,

inspecting, and servicing fire alarm or detection systems in single-family or two-family residences.

(2) The entity responsible for the training school must obtain approval of the outline of each residential fire alarm technician training course from the State Fire Marshal's Office before conducting a class.

(3) The entity responsible for the training school may not be a firm registered through the State Fire Marshal's Office or an affiliate of a registered firm.

(4) A training school may not provide training for a residential fire alarm technician license without being approved by the State Fire Marshal. Training school approvals are not transferable and apply only to the entity specified as the responsible entity on the completed Training School Approval Application, Form No. SF246. The training school may not change the entity responsible for the training school without first applying for and receiving a new approval.

(5) The training school must conduct two or more classes, open to the public, within 125 miles of each county in the state that has a population in excess of 500,000 people according to the last decennial census, within each calendar year from the date the approval is issued.

(c) Any individual or entity that provides general training or instruction relating to fire alarm or detection systems not specific to fulfill a requirement to obtain a license is not required to have an approval.

§34.628. Requirements for Residential Fire Alarm Technician Training Course.

The training curriculum for a residential fire alarm technician training course shall consist of at least eight hours of instruction on installing, servicing, and maintaining single-family and two-family residential fire alarm systems as defined by National Fire Protection Association Standard No. 72. The training curriculum for a residential fire alarm technician training course must include the following minimum instruction time for the following subjects:

(1) one hour of instruction on the Insurance Code Chapter 6002 and the Fire Alarm Rules;

(2) one hour of instruction pertaining to the equipment, system, and other hardware relating to household fire alarms;

(3) one hour of instruction on the National Electric Code, NFPA 70;

(4) four and one-half hours of total combined instruction on:

(A) NFPA 72;

(B) NFPA 101, the Life Safety Code; and

(C) the International Residential Code for One- and Two-Family

Dwellings; and

(5) one-half hour of instruction on the monitoring of household fire alarm systems.

§34.629. Advisory Council.

(a) The purpose of this section is to specify the purpose, member composition, member terms, and reporting requirements of the Fire Detection and Alarm Devices Advisory Council. The Fire Detection and Alarm Devices Advisory Council shall be referred to in this subchapter as the Fire Alarm Advisory Council.

(b) The purpose of the Fire Alarm Advisory Council is to:

(1) review rules implementing the Insurance Code Chapter 6002; and

(2) as necessary, recommend rule amendments to the commissioner.

(c) The Fire Alarm Advisory Council shall be composed of seven members, as follows:

(1) three individuals who are employed by a registered firm in the fire protection industry and who have at least three years experience in the sale, installation, maintenance, or manufacture of fire alarm or fire detection devices;

(2) two individuals who are:

(A) experienced in the engineering of fire prevention services; or

(B) members of a fire protection association;

(3) one individual who is an experienced fire prevention officer employed by a municipality or county; and

(4) one individual who:

(A) is employed by a registered firm; and

(B) has at least three years experience in the operation of a central fire alarm monitoring station.

(d) The Fire Alarm Advisory Council members shall serve at the will of the commissioner. The commissioner shall replace any member who resigns from the advisory council or whose membership is otherwise terminated.

(e) After completing review of proposed rules implementing the Insurance Code Chapter 6002 and developing recommendations relating to the rules, the Fire Alarm Advisory Council shall submit a report of its findings and recommendations to the commissioner.

(f) Duration. The advisory council is established to operate for four years from the effective date of the adoption of this section unless abolished earlier or extended to a later date by the commissioner of insurance. Such abolishment or extension shall be by amendment of this section as required by the Government Code §2110.008.

§34.630. Application and Renewal Forms.

(a) The commissioner adopts by reference the License Application for Individuals For All Types of Fire Alarm Licenses, Form Number SF032, which contains instructions for completion of the form and requires information to be provided regarding the applicant and the applicant's employer.

(b) The commissioner adopts by reference the Renewal Application For Fire Alarm Individual License, Form Number SF094, which contains instructions for completion of the form; information regarding late fees; and requires information to be provided regarding the renewing applicant.

(c) The commissioner adopts by reference the Instructor Approval Application, Form Number SF247, which contains instructions for completion of the form and requires information to be provided regarding the applicant.

(d) The commissioner adopts by reference the Renewal Application For Instructor Approval, Form Number SF255, which contains instructions for completion of the form and requires information to be provided regarding the applicant.

(e) The commissioner adopts by reference the Training School Approval Application, Form Number SF246, which contains instructions for completion of the form, provides information regarding necessary filing documents pursuant to business entity type, and requires information to be provided regarding the applicant and course location and schedule.

(f) The commissioner adopts by reference the Renewal Application for Training School Approval, Form Number SF246, which contains instructions for completion of the form, provides information regarding necessary filing documents pursuant to business entity type, and requires information to be provided regarding the applicant and course location and schedule.

(g) The commissioner adopts by reference the Fire Alarm Certificate of Registration Application, Form Number SF031, which contains instructions for completion of the form; provides information regarding necessary filing documents pursuant to business entity type, and requires information to be provided regarding the applicant.

(h) The commissioner adopts by reference the Renewal Application For Fire Alarm Certificate of Registration, Form Number SF031, which contains instructions for completion of the form and requires information to be provided regarding the applicant.

(i) The forms adopted by reference in this section are available at the department's website at www.tdi.state.tx.us.

SUBCHAPTER G. FIRE SPRINKLER RULES

§34.707. Adopted Standards. The Commissioner adopts by reference in their entirety the following copyrighted standards and recommended practices published by and available from the National Fire Protection Association, Inc. (NFPA), Batterymarch Park, Quincy, Massachusetts 02269. A copy of the standards shall be kept available for public inspection in the ~~[Office of]~~ the State Fire Marshal's Office ~~[Marshal]~~.

(1) NFPA 13-2010 [~~13-2002~~], Standard for the Installation of Sprinkler Systems;

(2) NFPA 25-2008 [~~25-1998~~], Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems;

(3) NFPA 13D-2010 [~~13D-2002~~], Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes;

(4) NFPA 13R-2010 [~~13R-2002~~], Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height;

(5) NFPA 14-2010 [~~14-2000~~], Standard for the Installation of Standpipe, Private Hydrant and Hose Systems;

(6) NFPA 15-2007 [~~15-2004~~], Standard for Water Spray Fixed Systems for Fire Protection;

(7) NFPA 16-2007 [~~16-1999~~], Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems;

(8) NFPA 20-2008 [~~20-1999~~], Standard for the Installation of Stationary Pumps for Fire Protection;

(9) NFPA 22-2008 [~~22-1998~~], Standard for Water Tanks for Private Fire Protection;

(10) NFPA 24-2010 [~~24-2002~~], Standard for the installation of Private Fire Service Mains and Their Appurtenances;

(11) NFPA 30-2008 [~~30-2000~~], Flammable and Combustible Liquids Code;

(12) NFPA 30B-2011 [~~30B-2002~~], Code for the Manufacture and Storage of Aerosol Products;

(13) NFPA 307-2011 [~~307-2000~~], Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves;

(14) NFPA 214-2005 [~~214-2000~~], Standard on Water-Cooling Towers;
and

(15) NFPA 409-2004 [~~409-2004~~], Standard on Aircraft Hangars.

§34.711. Responsible Managing Employee (RME) License.

(a) (No change.)

(b) [~~Posting. Wall licenses must be posted conspicuously for public view at the firm's business location.~~]

(e) Pocket License [~~license~~]. An RME must carry a pocket license for identification while engaged in the activities of an RME.

(c) [~~(d)~~] Duplicate License [~~license~~]. A duplicate license must be obtained from the state fire marshal to replace a lost or destroyed license. The license holder must submit written notification of the loss or destruction without delay, accompanied by the required fee.

(d) [~~(e)~~] Revised Licenses [~~licenses~~]. The change of licensee's employer, home address, or mailing address requires a revised license. [~~Licenses requiring changes must be surrendered to the state fire marshal within 14 days after the change requiring the revision.~~] The license holder must submit written notification of the necessary change within 14 days of the change [~~with the surrendered license,~~] accompanied by the required fee.

(e) [~~(f)~~] Restrictions.

(1) A licensee shall not engage in any act of the business unless employed by a registered firm.

(2) A registered firm must notify the state marshal within 14 days after termination of employment of an RME.

(3) A license is neither temporarily nor permanently transferable from one person to another.

(f) [~~(g)~~] Types.

(1) RME-General--A license issued to an individual who is designated by a registered firm to assure that any fire protection sprinkler system, as planned, installed, maintained, or serviced, meets the standards provided by law.

(2) RME-Dwelling--A license issued to an individual who is designated by a registered firm to assure that the fire protection sprinkler system for a one- and two-family dwelling, as planned, installed, maintained, or serviced, meets the standards provided by law.

(3) RME-Underground Fire Main--A license issued to an individual who is designated by a registered firm to assure that the underground fire main for a fire protection sprinkler system, as installed, maintained, or serviced, meets the standards provided by law.

(4) RME-General Inspector--A license issued to an individual who is designated by a registered firm to perform the inspection, test and maintenance service for a fire protection sprinkler system in accordance with the standards adopted in this subchapter.

§34.714. Fees.

(a) Except for fees specified in subsection (b) of this section, all fees payable shall be submitted by check or money order made payable to the Texas Department of Insurance or the State Fire Marshal's Office, or if the license is renewable over the internet, where the renewal application is to be submitted under the Texas OnLine Project, in which case fees shall be submitted as directed by the Texas OnLine

Authority. Should the department authorize other online or electronic original applications or other transactions, persons shall submit fees with the transaction as directed by the department or the Texas OnLine Authority. ~~[Every fee payable to the department and required in accordance with the provisions of the Insurance Code, Article 5.43-3, and this subchapter must be paid by cash, money order, or check. Money orders and checks must be made payable to the Texas Department of Insurance.]~~
Except for overpayments resulting from mistakes of law or fact, all fees are nonrefundable and non-transferable.

(b) ~~[Fees payable to the department shall be paid at the Office of the State Fire Marshal in Austin or mailed to an address specified by the state fire marshal.]~~

~~[(e)]~~ Fees for tests administered by an outsource testing service are payable to the testing service in the amount and manner required by the testing service.

(c) ~~[(d)]~~ Fees are as follows:

(1) Certificates of registration:

- (A) all initial applications shall include an application fee of--\$50;
- (B) initial fee--\$900;
- (C) renewal fee (for two years)--\$1,800;
- (D) renewal late fee (expired 1 day to 90 days)--\$450;
- (E) renewal late fee (expired 91 days to two years)--\$900;

(2) Certificates of registration--(Dwelling or Underground fire main):

- (A) all initial applications shall include an application fee of--\$50;
- (B) initial fee--\$300;

- (C) renewal fee (for two years)--\$600;
- (D) renewal late fee (expired 1 day to 90 days)--\$150;
- (E) renewal late fee (expired 91 days to two years)--\$300;
- (3) Responsible managing employee license (General):
 - (A) initial fee--\$200;
 - (B) renewal fee (for two years)--\$350;
 - (C) renewal late fee (expired 1 day to 90 days)--\$100;
 - (D) renewal late fee (expired 91 days to two years)--\$200;
- (4) Responsible managing employee licenses (Dwelling, or Underground fire main):
 - (A) initial fee--\$150;
 - (B) renewal fee (for two years)--\$200;
 - (C) renewal late fee (expired 1 day to 90 days)--\$75;
 - (D) renewal late fee (expired 91 days to two years)--\$150;
- (5) Responsible managing employee license (General Inspector):
 - (A) initial fee--\$50;
 - (B) renewal fee (for two years)--\$100;
 - (C) renewal late fee (expired 1 day to 90 days)--\$25;
 - (D) renewal late fee (expired 91 days to two years)--\$50;
- (6) Duplicate or revised certificate or license or other requested changes to certificates or licenses--\$35;
- (7) Test fee (if administered by the State Fire Marshal's Office)--\$50.

(d) [~~(e)~~] Late fees are required of all certificate or license holders who fail to submit renewal applications before their expiration dates.

(e) [~~(f)~~] A license or registration shall expire at 12:00 midnight on the date printed on the license or registration. A renewal application and fee for license or registration must be postmarked on or before the date of expiration to be accepted as timely. If a renewal application is not complete but there has been no lapse in the required insurance, the applicant shall have 30 days from the time the applicant is notified by the State Fire Marshal's Office of the deficiencies in the renewal application to submit any additional requirement. If an applicant fails to respond and correct all deficiencies in a renewal application within the 30-day period, a late fee may be charged.

(f) [~~(g)~~] Holders of certificates and licenses which have been expired for less than two years cannot be issued new certificates or licenses.

(g) [~~(h)~~] Fees for certificates and licenses which have been expired for less than two years include both renewal and late fees.

SUBCHAPTER H. STORAGE AND SALE OF FIREWORKS

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

(1) - (40) (No change.)

(41) Supervisor--A person 18 [46] years or older who is responsible for the retail fireworks site during operating hours.

(42) (No change.)

§34.810. Requirements, Licensees.

(a) - (d) (No change.)

(e) The change of a licensee's name, business location, residence, or mailing address requires a revised license document. Licensees must submit written notification within 14 days of the change. [~~Documents requiring changes must be surrendered to the state fire marshal within 30 days after the change, with written notification of the necessary change.~~]

§34.817. Retail Sales General Requirements.

(a) A supervisor, 18 [~~16~~] years of age or older, shall be on duty during all phases of operation. It shall be the responsibility of the permit holder as well as the supervisor to comply with or require compliance with the fireworks rules.

(b) – (q) (No change.)