

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, 34.627, 34.628, and 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 Commissioner of Insurance (Commissioner) adopts 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, 34.628, and 34.630, concerning fire extinguisher, fire alarm, fire sprinkler, and fireworks regulations. Section 34.607 is adopted with a change to the proposed text published in the December 17, 2010 issue of the *Texas Register* (35 TexReg 11168). Sections 34.507, 34.510, 34.515, 34.601 – 3.606, 34.610 – 34.616, 34.625, 34.707, 34.711, 34.714, 34.808, 34.810, 34.817, and 34.627, 34.628, and 34.630 are adopted without changes. Section 34.629 is not adopted.

2. REASONED JUSTIFICATION. 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 to adopt new requirements relating to the license; (ii) make changes necessary to licensing structures and procedures for the State Fire Marshal Office's (SFMO) upcoming

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implementation of the State Insurance Regulators Connection (SIRCON) licensing computer software program; (iii) adopt fire alarm application and renewal forms by reference; (iv) delete unnecessary requirements; (v) correct substantive and non-substantive errors; (vi) update obsolete statutory references; (vii) update fee payment procedures to reflect current practice; (viii) update adopted minimum standards; and (ix) 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.

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.

Amendments to existing sections of Subchapter F, Fire Alarm Rules, as well as the addition of two new sections, are necessary to implement HB 2118. The affected sections are: §§34.606, 34.611, 34.613, 34.614, 34.627, and 34.628. 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.

Fire Detection and Alarm Device Advisory Council

Due to legislative developments, proposed §34.629, concerning the Fire Detection and Alarm Devices Advisory Council, is not adopted.

SIRCON Implementation

The SFMO has begun using State Insurance Regulators Connection (SIRCON) licensing computer software program. 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, firms will submit notice of their *designated employee*. A designated employee is a full-time employee holding a license under Chapter 6002, Subchapter F, specified as such by a registered firm on its Fire Alarm Certificate of Registration Application, Form No. SF031, and on its Renewal Application for Fire Alarm Certificate of Registration, Form No. SF084.

To implement SIRCON and to achieve a more orderly administration of the licensing process, amendments to §§34.606, 34.610, 34.510, 34.515, and 34.614 are necessary. 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 rule specifies that fees for renewals of certificates of registration for registered firms will be prorated accordingly. However, 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.

Adoption of Fire Alarm Forms by Reference

Adoption of new §34.630 is necessary to put into use 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.

Deletion of Unnecessary Requirements

Several requirements are deleted because the Department has 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, deletion of these license posting requirements is adopted. 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. 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 is also adopted. 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 amendments delete the surrender requirement for fire sprinkler responsible managing employees in redesignated §34.711(d) and for fireworks licensees in §34.810(e).

Correction of Substantive and Non-substantive Errors

The non-substantive amendments to §§34.507, 34.601-34.605, 34.607, 34.613, 34.616, and 34.707 are necessary to enhance consistency and to conform to current Department rule style.

The substantive amendments to §§34.808 and 34.817 of the Storage and Sale of Fireworks rule change the minimum age of a supervisor at a retail fireworks site from age 16 to 18, thereby making the rule consistent 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.

Updating of Obsolete Statutory References

The 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. The Business and Commerce Code Chapter 36, which codified the Assumed Business or Professional

Name Act, 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. The affected sections are §§34.601; 34.604; 34.606(14); 34.607; 34.606(9); 34.611(f)(3); 34.612; 34.613(a)(1) and (2); 34.613(d) and (e); 34.615; 34.616(a)(1), (a)(2), (b)(1), (b)(3), (c)(2)(B); 34.625(a) and (c); and redesignated §34.614(e).

Updating of Fee Payment Procedures to Reflect Current Practice

The amendments to the sections specifying fee payment procedures in three subchapters are necessary to reflect current procedure and possible future changes in online payment options. The affected sections are §§34.515, 34.614, and 34.714. The amendment to each of these sections is substantively identical, and 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 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 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 amended §34.610(i) (relating to Certificate of Registration) for the initial alignment of the expiration and renewal dates of existing branches.

Updating Adopted Minimum Standards

Fire Extinguisher Standards

The 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. 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,

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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

The 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 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

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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 redesignated as paragraphs (1) – (3). The 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.

Several of the specific changes are described in detail in the portion of this order specifying the updated fire extinguisher standards. 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

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.

Several of the specific changes made are described in the portion of this order specifying the updated fire extinguisher standards. 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

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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.

Other Necessary Changes

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This order makes other necessary changes to improve the clarity and consistency of the sections. Nonsubstantive changes are made to the following sections: §§34.601, 34.602, 34.603, 34.604, 34.605, 34.606, 34.607, 34.611, 34.612, 34.613, 34.616, 34.625, and 34.810.

Amendments to §34.507 update minimum safety standards adopted pursuant to the Texas Insurance Code §6001.052. New language added to §34.510(g) specifies the initial fees and expiration date for an extinguisher branch office certificate of registration, and 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 amendment also deletes the requirement that each certificate be posted conspicuously for public view at the business location. 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.

An 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 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 amendment to §34.515(a) eliminates cash as an acceptable payment method. An amendment deletes the language in §34.515(b) relating to fee payment procedure and redesignates the remaining subsections. 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 deleted because these provisions are incorporated in amendments to subparagraphs (C) and (D).

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 redesignated. 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. Amendments to

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§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. 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. An 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.” An 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. 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.

The adopted standards specified in §34.607(a)(1) – (17) are updated to reflect current standards.

An 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 new

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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.

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 redesignated as (g) and (h). 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.

An 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. 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 redesignated as paragraphs (4) – (6).

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.

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 redesignated.

New §34.611(b)(2) specifies that an instructor must carry a copy of the 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.

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.

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.

An amendment to §34.611(f) changes the name of the subsection from "Restrictions" to "Restrictions on Licensees and Registered Firms." New §34.611(g) specifies that approvals are not transferable. New §34.611(h) requires that a change in the instructor's name or mailing address requires a revised approval.

An 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 obsolete references and terms for clarity and consistency.

New §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.

New §34.613(c) specifies the requirements for instructor and training school approvals.

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.

New §34.613(c)(2) specifies the requirements for training school approvals. 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 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. 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 redesignated as subsections (d) and (e).

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 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 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.

The amendments to §34.614 outline the fee payment procedure. Section 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 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 amendment to §34.614(a) eliminates cash as an acceptable payment method. Existing text in §34.614(b) is deleted, and the text of existing subsection(c) is moved to (b). The remaining subsections are redesignated.

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. 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 deleted because these provisions are incorporated in amendments to subparagraphs (C) and (D).

New §34.614(c)(4) specifies the fee structure for the new residential fire alarm technician license. The new 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.

New §34.614(c)(5) specifies the fee structure for the new training school approval. The new fees are: initial fee (for one year)--\$500; and renewal fee (for one year)--\$500.

New §34.614(c)(6) specifies the fee structure for the new instructor approval. The new fees are: initial fee (for one year)--\$50; and renewal fee (for one year)--\$50. 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).

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

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). 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.’ 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. 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. An 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. An amendment to §34.616(b)(3) replaces the phrase “the licensing requirements of the appropriate Insurance Code, Article 5.43-1 or

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5.43-3, must be satisfied” with the phrase “the licensing requirements of Insurance Code Chapters 6001 and 6003 must be satisfied, as appropriate.” An 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. 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.

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.

New §34.627 specifies the requirements for instructors and training schools. 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. 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. 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. Section 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. 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.

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.

New §34.630 adopts by reference application and renewal forms necessary under the subchapter. 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. 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. 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. 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.

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. 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. 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. 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. New §34.630(i) specifies that the forms adopted by reference in the new section are available at the Department's website.

Subchapter G, Fire Sprinkler Rules

The amendments to §34.707 are necessary to update minimum safety standards adopted pursuant to the Texas Insurance Code §6003.052. The amendments update numerous National Fire Protection Association (NFPA) minimum standards relating to fire sprinklers and related fire safety issues.

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

An amendment to §34.714(a) specifies the fee payment procedure for fire sprinkler licensees. Section 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 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 amendment to §34.714(a) eliminates cash as an acceptable payment method. The amendment to §34.714(b) deletes language relating to fee payment procedure. The remaining subsections in the section are redesignated.

Subchapter H, Storage and Sale of Fireworks

An 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.

An 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.

An 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.

In response to comments, the Department has deleted the reference to NFPA 5000 in proposed §34.607(b)(3).

3. HOW THE SECTIONS WILL FUNCTION.

HB 2118

The amendments to §34.606 add definitions for the terms *approval*, *instructor*, and *training school*. The 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. 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. The 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. 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." New §34.611(g) specifies that approvals are not transferable. New §34.611(h) requires that a change in the instructor's name or mailing address requires a revised approval. The amendments to §34.613 specify requirements for the residential fire alarm technician licenses, instructor and training school approvals. 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. New §34.627 specifies the requirements for residential fire alarm technician course instructors and training schools. New §34.628 specifies the requirements relating to the residential fire alarm technician course.

SIRCON Implementation

New §34.606(7) defines *designated employee*. The 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 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 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 new §34.510(m) for fire extinguisher firms and in new §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 new §34.610(f) for fire alarm firms. The 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 deleted because these provisions are incorporated into amendments to subparagraphs (C) and (D). 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, 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.

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; (ii) the Renewal Application For Fire Alarm Individual License, Form Number SF094; (iii) the Instructor Approval Application, Form Number SF247; (iv) the Renewal Application For Instructor Approval, Form Number SF255; (v) the Training School Approval Application, Form Number SF246; (vi) the Renewal Application for Training School Approval, Form Number SF254; (vii) the Fire Alarm Certificate of Registration Application, Form Number SF031; and (viii) the Renewal Application For Fire Alarm Certificate of Registration, Form Number SF084. The adopted forms are available at the Department's website at www.tdi.state.tx.us.

Deletion of Unnecessary Requirements

The requirements in the following sections are no longer useful, and, as such, are deleted: §34.510(g) (requiring that a fire extinguisher firm post each certificate conspicuously for public view at the business location); §34.610(b) (requiring that fire alarm companies post certificates of registration conspicuously for public view at each business location); §34.611(b) (requiring that wall licenses be posted conspicuously for public view at a fire alarm firm's business location); §34.711(b) (requiring that responsible managing employee wall licenses be posted conspicuously for public view at a fire sprinkler firm's business location); redesignated §34.711(d) (requiring fire

sprinkler licensees to surrender their licenses upon the change of certain information for responsible managing employees); and §34.810(e) (requiring that upon change of certain information requiring a revised fireworks license, the old document be surrendered to the SFMO).

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.

Correction of Substantive and Non-substantive Errors

The 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. The amendment to §34.601 adds the word “the” before the phrase “Insurance Code” for consistency and to conform to current Department style. The 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). The 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. The 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.

Updating of Obsolete Statutory References

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. The 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, by changing the citation to the Business and Commerce Code Chapter 71.

Updating of Fee Payment Procedures to Reflect Current Practice

The rule 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 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 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 amended §34.610(i) (relating to Certificate of Registration) for the initial alignment of the expiration and renewal dates of existing branches.

Updating Adopted Minimum Standards

Fire Extinguisher Standards

The 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. The 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

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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

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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-

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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

The 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 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-

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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

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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. The 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 redesignated as paragraphs (1) – (3). The 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 this order 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

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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

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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

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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) (add one space) 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

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. 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,

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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

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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 this order 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 this order 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

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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

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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.

Other Necessary Changes.

This order makes other necessary changes to improve the clarity and consistency of the sections. An amendment to §34.605 replaces a reference to “provisions of the statutes” with a reference to “the Insurance Code Chapter 6002.” An amendment to §34.606(9) replaces the phrase “A person” with the phrase “An individual.” An 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 amended §34.607(a). The title to §34.611 is changed from “Licenses” to “Licenses and Approvals” to reflect the revised content of that section. The title to amended §34.611(b) is changed from “Pocket license” to “Pocket License and Approval” for the same reason. The title to 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

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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 changed from “Fire alarm licenses” to “Fire Alarm Licenses” and the title to redesignated §34.613(d) is changed from “Renewal applications.” to “Renewal Applications.” for consistency. An amendment to redesignated §34.613(d)(1) adds instructor and training school approvals to the list of potential renewal application categories. An 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.”

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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. An 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.” 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 changed from “Monitoring requirements.” to “Monitoring Requirements.” for consistency. The requirements relating to monitoring services and registered firms in amended §34.616(c)(2)(A) are changed to reflect that the registration must occur under the Insurance Code Chapter 6002. Amended §34.625(a) adds the word “the” before the phrase “Insurance Code” and amended §34.625(c) adds the word “the” before the phrase “Government Code.” An 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

Amendments to §34.507 update minimum safety standards adopted pursuant to the Texas Insurance Code §6001.052. The 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;

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(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.

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 amendment also deletes the requirement that each certificate shall be posted conspicuously for public view at the business location.

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.

An 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 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 amendment to §34.515(a) eliminates cash as an acceptable payment method. An amendment deletes the language in §34.515(b) relating to fee payment procedure and redesignates the remaining subsections. 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 deleted because these provisions are incorporated in amendments to subparagraphs (C) and (D).

Subchapter F. Fire Alarm Rules

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.

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

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

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.”

An amendment to §34.605 replaces the phrase “provisions of the statutes” with the phrase “the Insurance Code Chapter 6002.” The 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.”

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 redesignated. 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. Amendments to

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§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. 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. An 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.” An 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. 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.

An 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 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. Amendments to §34.607(a) replace (i) NFPA 11-2002, Standards for Low-Expansion

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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

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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. Section 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. Section 34.607(b) replaces the NFPA 1 Uniform Fire Code 2003 with the NFPA 1 Uniform Fire Code 2009.

An 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 new subsection also specifies that any change in the designated employee under this

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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. 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 redesignated as (g) and (h). 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.

An 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. 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 redesignated as paragraphs (4) – (6). New §34.611(a)(7) adds a license for residential fire alarm technicians and specifies that the license is for installing, certifying,

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inspecting, and servicing, but not planning, fire alarm or fire detection devices and systems in single-family or two-family residences. 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 redesignated. 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. 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. 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. An amendment to §34.611(f) changes the name of the subsection from "Restrictions" to "Restrictions on Licensees and Registered Firms." New §34.611(g) specifies that approvals are not transferable. New §34.611(h) requires that a change in the instructor's name or mailing address requires a revised approval.

An 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.” An 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 amendment replaces a reference to the Insurance Code Article 5.43-2 with a reference to the Insurance Code Chapter 6002. Another amendment replaces the phrase “the sections of this chapter” with the phrase “this subchapter.” Section 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 Section 34.613(a)(5)(A) and (B). An 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 §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. New §34.613(c) specifies the requirements for instructor and training school approvals. 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. New §34.613(c)(2) specifies the requirements for training school approvals. 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 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. 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 redesignated as subsections (d) and (e). 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 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 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.

The amendments to §34.614 outline the fee payment procedure. Section 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 new language in the section specifies that should the

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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 amendment to §34.614(a) eliminates cash as an acceptable payment method. Existing text in §34.614(b) is deleted, and the text of existing subsection(c) is moved to (b). The remaining subsections are redesignated. 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. 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 deleted because these provisions are incorporated in amendments to subparagraphs (C) and (D). New §34.614(c)(4) specifies the fee structure for the new residential fire alarm technician license. The new 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. New §34.614(c)(5) specifies the fee structure for the new training school approval. The new fees are: initial fee (for one year)--\$500; and renewal fee (for one year)--\$500. New §34.614(c)(6) specifies the fee

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structure for the new instructor approval. The new fees are: initial fee (for one year)--\$50; and renewal fee (for one year)--\$50. 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).

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

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). 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.’ 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. 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. An 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. An 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.” An amendment to §§34.616(b)(4) specifies that the planning and installation of fire detection or fire alarm

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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. 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.

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.

New §34.627 specifies the requirements for instructors and training schools. 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. 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. 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. Section 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. 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.

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

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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.

New §34.630 adopts by reference application and renewal forms necessary under the subchapter. 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. 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. 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. 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. 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. 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. 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. 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. New §34.630(i) specifies that the forms adopted by reference in the new section are available at the Department's website.

Subchapter G, Fire Sprinkler Rules

The amendments to §34.707 update minimum safety standards adopted pursuant to the Texas Insurance Code §6003.052. The 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

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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

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

An amendment to §34.714(a) specifies the fee payment procedure for fire sprinkler licensees. Section 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 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 amendment to §34.714(a) eliminates cash as an acceptable payment method. The amendment to §34.714(b) deletes language relating to fee payment procedure. The remaining subsections in the section are redesignated.

Subchapter H, Storage and Sale of Fireworks

An 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.

An 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.

An 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.

4. STATUTORY AUTHORITY. The sections are adopted pursuant to 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

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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.

5. SUMMARY OF COMMENTS AND AGENCY RESPONSE. The Department received one comment:

Comment: A commenter stated that providing for the 2009 editions of NFPA 5000 as “acceptable alternative model code sets” in proposed Subchapter F, §34.607(b)(3) would only create confusion in the regulatory industry, since NFPA 5000 is not recognized by Texas as an acceptable construction code. The commenter stated that Chapter 214 of the Local Government Code recognizes the International Residential Code (§214.212) and the International Building Code (§214.216) as municipal construction codes in the incorporated areas and the extraterritorial jurisdiction areas of municipalities; and that Chapter 233 of the Local Government Code recognizes the International Residential Code (§233.153) as the construction code for residential construction in unincorporated areas of a county. The commenter requested that the reference to NFPA 5000 be removed.

Agency Response: The Department concurs with the commenter’s request and has deleted the reference to NFPA 5000.

6. NAMES OF THOSE COMMENTING FOR AND AGAINST THE SECTION.

For: None.

For with changes: Building Officials Association of Texas.

Against: None.

7. 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.

(1) NFPA 10-2010, Standard for Portable Fire Extinguishers.

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

(3) NFPA 12-2008, Standard on Carbon Dioxide Extinguishing Systems.

(4) NFPA 12A-2009, Standard on Halon 1301 Fire Extinguishing Systems.

(5) NFPA 15-2007, Standard for Water Spray Fixed Systems for Fire Protection.

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

(7) NFPA 17-2009, Standard for Dry Chemical Extinguishing Systems.

(8) NFPA 17A-2009, Standard for Wet Chemical Extinguishing Systems.

(9) NFPA 18-2006, Standard on Wetting Agents.

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

(11) NFPA 96-2008, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations.

(12) NFPA 2001-2008, Standard on Clean Agent Fire Extinguishing Systems.

§34.510. Certificates of Registration.

(a) Required. Each firm and each branch office engaged in the business must obtain a certificate of registration from the state fire marshal.

(b) Properly equipped licensed person. Before engaging in the business, each registered firm must have at least one licensed person who shall be properly equipped to perform the act or acts authorized by its certificate.

(c) Types of certificates. The business activity authorized by the certificate is limited to the business activity(ies) authorized under the license of its employees. A separate Type C registration is required to engage in the business of hydrostatic testing of DOT specification fire extinguisher cylinders.

(d) Business location. A specific business location must be maintained by each registered firm, the location of which must be indicated on the certificate.

(e) Shop. A registered firm must establish and maintain a shop whether at a specific location or in a mobile unit designed so that servicing, repairing, or hydrostatic

testing can be performed. The shop must be adequately equipped to service or test all fire extinguishers or systems the registered firm installs and services. At a minimum a firm shall maintain the following:

- (1) a copy of the most recently adopted edition of NFPA 10;
- (2) a copy of the most recently adopted Texas Insurance Code Article 5.43-1 and this chapter;
- (3) a list of manufacturers and/or types of portable extinguishers serviced with their respective manuals and/or part lists;
- (4) portable weight scale to accurately measure extinguisher gross weights;
- (5) seals or tamper indicators;
- (6) temporary fire extinguishers replacements;
- (7) if performing annual maintenance on carbon dioxide extinguishers, at a minimum, the following additional items are required:
 - (A) conductivity tester, and
 - (B) conductivity test label.
- (8) if performing internal maintenance for portable extinguishers, a written notice shall be kept on file indicating the registered firm performing the maintenance or, at a minimum, the following additional items are required:
 - (A) appropriate tools to remove and reinstall a valve head;
 - (B) charging adapters;
 - (C) Teflon tape, silicone grease, solvent or other lubricant used;

(D) supply of spare parts for respective manufacturers and type of fire extinguishers serviced;

(E) appropriate recharge agents;

(F) agent fill funnels;

(G) light designed to be used for internal inspections;

(H) dry chemical closed recovery system or sufficient new dry chemical;

(I) leak test equipment;

(J) dry nitrogen cylinders, regulator and calibrated gauges for pressurizing cylinders;

(K) verification collar rings; and

(L) six year maintenance labels.

(9) if performing hydrostatic testing for portable extinguishers, a written notice shall be kept on file indicating the registered firm performing the test or, at a minimum, the following additional items are required:

(A) working hydrostatic test pump, with flexible connection, check valves and fittings;

(B) protective cage or barrier;

(C) calibrated gauges;

(D) drying equipment;

(E) hydrostatic test log; and

(F) hydrostatic test labels.

(10) if performing maintenance for DOT specification portable fire extinguishers, a written notice shall be kept on file indicating the registered firm which would perform the hydrostatic test when required or, at a minimum, the following additional items are required:

(A) a current Type C registration issued through the State Fire Marshal's Office; and

(B) verification of registration through the US DOT.

(11) if installing or servicing a fixed fire extinguisher system, at a minimum, the following additional items are required:

(A) copy of the latest adopted edition of applicable NFPA standards with respect to the type of system installed or serviced;

(B) applicable manufacturer's service manuals for the type of system; and

(C) any special tools or parts as required by the manufacturer's manual.

(f) Display of registration information. All vehicles used in installation, service, maintenance, testing, or certification activities must prominently display the company name, telephone number, and certificate-of-registration number. The numbers and letters must be permanently affixed or magnetically attached to a side panel and/or a front-door panel in a color contrasting with the background color of the vehicle. The certificate-of-registration number must be designated as: Tex: ECR (number).

(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.

(h) Change of ownership.

(1) The total change of a firm's ownership invalidates the current certificate. To assure continuance of the business, a new application for a new certificate should be submitted to the state fire marshal 14 days prior to such change.

(2) A partial change in a firm's ownership will require a revised certificate if it affects the firm's name, location, or mailing address.

(i) Change of corporate officers. Any change of corporate officers must be reported in writing to the state fire marshal within 14 days. This change does not require a revised certificate.

(j) 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.

(k) 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 registered firm must submit written notification of the necessary change accompanied by the required fee to the State Fire Marshal's Office.

(l) Nontransferable. A certificate is neither temporarily nor permanently transferable from one firm to another.

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

(b) Fees are as follows.

(1) Certificates of registration:

(A) initial fee--\$450;

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(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.

(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) 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) 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 is to administer through the state fire marshal the law set forth in the Insurance Code Chapter 6002 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 shall be known as and may be cited as the Fire Alarm Rules.

§34.603. Applicability of Sections. The sections of this subchapter 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 are applicable to the sections of this subchapter.

§34.605. Notices. Notice by the state fire marshal, as required by the Insurance Code Chapter 6002 or of this subchapter, 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 State Fire Marshal's Office.

§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) Business--Inspecting, planning, certifying, leasing, selling, servicing, testing, installing, monitoring, or maintaining of fire alarm or fire detection devices and systems.

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

(4) 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) Commissioner--The commissioner of insurance.

(6) 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) 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) Firm--An individual or an organization, as defined in the Insurance Code §6002.002.

(10) 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) 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 Local authority having jurisdiction--A fire chief, fire marshal, or other designated official having statutory authority.

(14) 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.

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

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

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

(18) 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) Primary registered firm--The registered fire alarm company with the responsibility for the fire alarm system certification.

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

(21) 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, the Insurance Code Chapter 6002, 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.

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

(2) NFPA 12-2008, Standard on Carbon Dioxide Extinguishing Systems.

(3) NFPA 12A-2009, Standard on Halon 1301 Fire Extinguishing Systems.

(4) NFPA 13-2007, Standard for the Installation of Sprinkler Systems.

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

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

(7) NFPA 15-2007, Standard for Water Spray Fixed Systems for Fire Protection.

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

(9) NFPA 17-2009, Standard for Dry Chemical Extinguishing Systems.

(10) NFPA 17A-2009, Standard for Wet Chemical Extinguishing Systems.

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

(12) NFPA 70-2008, National Electrical Code.

(13) NFPA 72-2007, National Fire Alarm Code.

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

(15) NFPA 101®-2009, 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) UL 827 October 1, 1996, Standard for Central Station Alarm Services.

(17) NFPA 2001-2008, Standard on Clean Agent Fire Extinguisher Systems.

(b) The acceptable alternative model code sets are:

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

(2) the International Residential Code® for One- and Two-Family Dwellings-2003 or later editions.

§34.610. Certificate of Registration.

(a) Business location. A specific business location must be maintained by each registered firm. The location must be indicated on the certificate.

(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.

(c) Business vehicles. All vehicles regularly used in installation, service, maintenance, testing, or certification activities must prominently display the company

name, telephone number, and certificate number. The numbers and letters must be at least one inch high and permanently affixed or magnetically attached to each side of the vehicle in a color contrasting with the background color of the vehicle. The certificate number must be designated in the following format: TX ACR-(number).

(d) Change of ownership.

(1) The total change of a firm's ownership invalidates the current certificate. To assure continuance of the business, a complete application for a new certificate must be submitted to the state fire marshal at least 14 days prior to such change.

(2) A partial change in a firm's ownership requires a revised certificate if it affects the firm's name, location, or mailing address.

(e) Change of corporate officers. Any change of corporate officers must be reported in writing to the state fire marshal within 14 days. This change does not require a revised certificate.

(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) 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) 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 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) Fire alarm technician license--For installing, inspecting, servicing, testing, maintaining, monitoring, and certifying fire alarm or fire detection devices and systems.

(2) Fire alarm monitoring technician license--For the monitoring of fire alarm or fire detection devices and systems.

(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) 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) 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) 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) Pocket 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) Duplicate 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) Licensee Responsibilities Relating to Revised 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. Within 14 days after the change requiring the revision, the license holder 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.

(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, Licenses, or Approvals. The alteration of certificates, licenses, or approvals renders them invalid and is the basis for administrative action pursuant to the Insurance Code §6002.302.

§34.613. Applications.

(a) Approvals and Certificates of 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) and be accompanied by all fees, documents, and information required by the Insurance Code Chapter 6002 and this subchapter. An application will not be deemed complete until all required forms, fees, and documents have been received in the State Fire Marshal's 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. 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 and this subchapter.

(3) For corporations, the application must also include the name of each shareholder owning more than 25% of the shares issued by the corporation, the corporate taxpayer identification number, the charter number, a copy of the corporate charter of a Texas corporation, or, in the case of a foreign corporation, a copy of the Texas certificate of authority to do business, and a copy of the corporation's current franchise tax certificate of good standing issued by the State Comptroller's office.

(4) A registered firm must employ at least one full-time licensed individual at each location of a main or branch office.

(5) Insurance is required as follows:

(A) The state fire marshal will not issue a certificate of registration under this subchapter unless the applicant files with the State Fire Marshal's 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 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) A firm billing a customer for monitoring is engaged in the business of monitoring and must comply with the insurance requirements of this subchapter for a monitoring firm.

(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 NFPA 72 as adopted in §34.607 of this subchapter (relating to Adopted Standards).

(8) Applicants for a certificate of registration--single station must provide a statement, signed by the sole proprietor, a partner of a partnership, or by an officer of the corporation, indicating that the firm exclusively engages in the business of planning, certifying, leasing, selling, servicing, installing, monitoring, or maintaining single station devices.

(b) Fire Alarm Licenses.

(1) In order to be complete, applications for a license from an employee or agent of a registered firm must be submitted on forms provided by the state fire marshal and be accompanied by all fees, documents, and information required by the Insurance Code, Article 5.43-2, and this subchapter. Applications must be signed by the applicant and by a person authorized to sign on behalf of the registered firm. All applicants for any type of license must successfully complete a qualifying test regarding Insurance Code, Article 5.43-2, and the Fire Alarm Rules as designated by the State Fire Marshal's Office.

(2) Applicants for fire alarm technician licenses must:

(A) furnish notification from NICET confirming the applicant's successful completion of the test requirements in work elements pertaining to fire alarm systems, as determined by the state fire marshal; or

(B) successfully complete a technical qualifying test as designated by the State Fire Marshal's Office.

(3) Applicants for a fire alarm monitoring technician license must successfully complete a technical qualifying test as designated by the State Fire Marshal's Office or provide evidence of current registration in Texas as a registered engineer.

(4) Applicants for a residential fire alarm superintendent (single station) license must successfully complete a technical qualifying test as designated by the State Fire Marshal's Office.

(5) Applicants for a residential fire alarm superintendent license must:

(A) furnish notification from NICET confirming the applicant's successful completion of the test requirements in work elements pertaining to fire alarm systems, as determined by the state fire marshal; or

(B) successfully complete a technical qualifying test as designated by the State Fire Marshal's Office.

(6) Applications for a fire alarm planning superintendent license must be accompanied by one of the following documents as evidence of technical qualifications for a license:

(A) proof of registration in Texas as a professional engineer; or

(B) a copy of NICET's notification letter confirming the applicant's successful completion of the test requirements for NICET certification at Level III for fire alarm systems.

(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) Renewal Applications.

(1) In order to be complete, renewal applications for certificates, licenses, instructor approvals, and training school approvals must be submitted on the forms adopted by reference in §34.630 of this subchapter and be accompanied by all fees, documents, and information required by the Insurance Code Chapter 6002 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) Complete Applications. The application form for a license, 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 of the initial application, be complete and accompanied by all other information required by the Insurance Code Chapter 6002 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

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

(b) 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) 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;

(2) Certificates of registration—Single Station:

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

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

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

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

(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 except as provided in the Insurance Code §6002.203(g).

(f) 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 and a technical qualifying test to be conducted by:

(A) the State Fire Marshal's Office;

(B) NICET; or

(C) an outsource testing service.

(2) The standards used in tests will be those adopted in §34.607 of this title (relating to Adopted Standards).

(b) Examinees who fail must file a retest application accompanied by the required fee in order to be retested on the next scheduled test date.

(c) A person whose license has been expired for two years or longer who makes application for a new license must take and pass another test. No test is required for a licensee whose license is renewed within two years of expiration.

(d) An applicant may only schedule each type of test three times within a twelve-month period.

(e) An applicant for a license must complete and submit all application requirements within one year of the successful completion of any test required for a license; otherwise, the test is voided and the individual will have to pass the test again.

§34.616. Sales, Installation, and Service.

(a) Residential Alarms (Single Station).

(1) Registered firms may employ persons exempt from the licensing provisions of the Insurance Code §6002.155(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) 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, adopted standards, and this subchapter applicable to single station devices.

(b) Fire 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 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 Insurance Code Chapters 6001 and 6003 must be satisfied, as appropriate.

(4) 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 of this chapter (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) Fire alarm system equipment replaced in the same location with the same or similar electrical and functional characteristics and listed to be compatible with the existing equipment, as determined by a fire alarm planning superintendent, may be considered repair. The equipment replaced shall comply with the current adopted standards but the entire system is not automatically required to be modified to meet the applicable adopted code. The local authority having jurisdiction shall be consulted to determine whether to update the entire system to comply with the current code and if plans or a permit is required prior to making the repair.

(6) Upon request of the owner of the fire alarm system, a registered firm must provide all passwords, including those for the site specific software, but the registered firm may refrain from providing that information until the system owner signs a liability waiver provided by the registered firm.

(c) Monitoring Requirements.

(1) A registered firm may not monitor a fire alarm system located in the State of Texas for an unregistered firm.

(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) the monitoring equipment being used is in compliance with the Insurance Code §6002.25.

(3) A registered firm must employ at least one technician licensee at each central station location. Each dispatcher at the central station is not required to be a fire alarm technician licensee.

(4) A registered firm subcontracting monitoring services to another registered firm must advise the monitoring services subscriber of the identity and location of the registered firm actually providing such services unless the registered firm's contract with the subscriber contains a clause giving the registered firm the right, at the registered firm's sole discretion, to subcontract any or all of the work or service.

(5) A registered monitoring firm, reporting an alarm or supervisory signal to a municipal or county emergency services center, shall provide, at a minimum, the type of alarm, address of alarm, name of subscriber, dispatcher's identification and call-back phone number. If requested, the firm shall also provide the name, registration number, and call-back phone number of the firm contracted with the subscriber to provide monitoring service if other than the monitoring station.

(6) If the monitoring service provided under this subchapter is discontinued before the end of the contract with the subscriber, the monitoring firm, central station, and/or service provider shall notify the owner or owner's representative of the monitored property and the local authority having jurisdiction, a minimum of seven days before terminating the monitoring service. If the monitored property is a one- or two-family-dwelling, notification of the local authority having jurisdiction is not required.

§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 and this subchapter. An investigation may be initiated on the written complaint of any party or by the department on its own motion.

(b) When an investigation reveals noncompliance, the firm and any licensee responsible for the work shall be notified in writing of the noncompliance upon completion of the investigation report.

(c) The failure to comply with the provisions of this subchapter and the provisions of Insurance Code Chapter 6002 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.

§34.630. 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 State Fire Marshal's Office.

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

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

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

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

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

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

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

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

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

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

(11) NFPA 30-2008, Flammable and Combustible Liquids Code;

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

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

(14) NFPA 214-2005, Standard on Water-Cooling Towers; and

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

§34.711. Responsible Managing Employee (RME) License.

(a) Required. Each person designated as a responsible managing employee by a registered firm must have a license issued by the state fire marshal.

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

(c) Duplicate 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) Revised Licenses. The change of licensee's employer, home address, or mailing address requires a revised license. The license holder must submit written notification of the necessary change within 14 days of the change accompanied by the required fee.

(e) 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) 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. Except for overpayments resulting from mistakes of law or fact, all fees are nonrefundable and non-transferable.

(b) 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) 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):

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

(e) 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) Holders of certificates and licenses which have been expired for less than two years cannot be issued new certificates or licenses.

(g) 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) Acceptor building--A building which is exposed to embers and debris emitted from a donor building.

(2) Agricultural, industrial, or wildlife control permits--Permits authorizing the holder to use Fireworks 1.3G for specified purposes in these business activities.

(3) Bare wiring--Any electrical cable or cord any part of which has the insulating cover broken or removed, exposing bare wire.

(4) Barricade--A natural or artificial barrier that will effectively screen a magazine, building, railway, or highway from the effects of an explosion in a magazine or building containing explosives. It shall be of such height that a straight line from the top of any side wall of a building, or magazine containing explosives to the eave line of any magazine, or building, or to a point 12 feet above the center of a railway or highway, will pass through such natural or artificial barrier.

(5) Barricade, artificial--An artificial mound or revetted wall of earth of a minimum thickness of one foot.

(6) Barricade, natural--Natural features of ground, such as hills, or timber of sufficient density that the surrounding exposures that require protection cannot be seen from the magazine or building containing explosives when the trees are bare of leaves.

(7) Barricade, screen type--Any of several barriers for containing embers and debris from fires and deflagrations in process buildings that could cause fires and explosions in other buildings. Screen type barricades shall be constructed of metal roofing, inch or 1/2 inch mesh screen or equivalent material. A screen type barricade extends from the floor level of the donor building to such height that a straight line from the top of any side wall of the donor building to the eave line of the acceptor building will go through the screen at a point not less than five feet from the top of the screen. The top five feet of the screen are inclined at an angle of between 30 and 45 degrees, toward the donor building.

(8) Breakaway construction--A general term which applies to the principle of purposely providing a weak wall so that the explosive effects can be directed and minimized. The term "weak wall" as used in these sections refers to a weak wall and roof, or weak roof. The term "weak wall" is used in a relative sense as compared to the construction of the entire building. The design strength of the weak wall will vary as to the building construction, as well as to the type and quantity of explosive or pyrotechnic materials in the building. The materials used for weak wall construction are usually light gauge metal, plywood, hardboard, or equivalent lightweight material, and the material is purposely selected to minimize the danger from flying missiles. Method of attachment of the weak wall shall be such as to aid the relief of blast pressure and fireball.

(9) Bulk storage, Fireworks 1.4G--The storage of 500 or more cases of Fireworks 1.4G.

(10) Business--The manufacturing, importing, distributing, jobbing, retailing of permissible fireworks, acting as a pyrotechnic operator, the conducting of multiple public fireworks displays, using fireworks for agricultural, wildlife, or industrial purposes.

(11) Buyer--Any person or group of persons offering an agreed upon sum of money or other considerations to a sales person for fireworks.

(12) CFR--The Code of Federal Regulations, a codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government. The Code is divided into 50 titles. The titles are divided into chapters, which are further subdivided into parts.

(13) Commissioner--The Commissioner of Insurance.

(14) Department--The Texas Department of Insurance.

(15) Donor building--A process building from which embers and burning debris are emitted during a fire.

(16) DOT--The United States Department of Transportation.

(17) Fireworks plant--All lands, and building thereon, used for or in connection with the manufacture processing of fireworks. It includes storage facilities used in connection with plant operation.

(18) Firm--A person, partnership, corporation, or association.

(19) Flame effects operator--An individual who, by experience, training, or examination, has demonstrated the skill and ability to safely assemble, conduct, or supervise flame effects in accordance with §2154.253, Occupations Code.

(20) Generator--Any device driven by an engine and powered by gasoline or other fuels to generate electricity for use in a retail fireworks stand.

(21) Highway--The paved surface, or where unpaved, the edge of a graded or maintained public street, public alley, or public road.

(22) Indoor retail fireworks site--A retail fireworks site other than a retail stand which sells Fireworks 1.4G from a building or structure.

(23) License--The license issued by the state fire marshal to a person or a fireworks firm authorizing same to engage in the business.

(24) Licensed firm--A person, partnership, corporation, or association holding a current license.

(25) Magazine--Any building or structure, other than a manufacturing building, used for storage of Fireworks 1.3G.

(26) Manufacturing--The preparation of fireworks mixes and the charging and construction of all unfinished fireworks, except pyrotechnic display items made on site by qualified personnel for immediate use when such operation is otherwise lawful.

(27) Master electric switch--Manually operated device designed to interrupt the flow of electricity.

(28) Mixing building--A manufacturer's building used for mixing and blending pyrotechnic composition, excluding wet sparkler mixes.

(29) Multiple public display permit--A permit issued for the purpose of conducting multiple public displays at a single approved location.

(30) Non-process building--Office buildings, warehouses, and other fireworks plant buildings where no explosive compositions are processed or stored. A finished firework is not considered an explosive composition.

(31) Open flame--Any flame that is exposed to direct contact.

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

(33) Process building--A manufacturer's mixing building or any building in which pyrotechnic or explosive composition is pressed or otherwise prepared for finishing and assembling.

(34) Public display permit--A permit authorizing the holder to conduct a public fireworks display using Fireworks 1.3G, on a single occasion, at a designated location and during a designated time period.

(35) Retail fireworks site--The structure from which Fireworks 1.4G are sold and in which Fireworks 1.4G are held pending retail sale.

(36) Retail stand--A retail site which sells Fireworks 1.4G over the counter to the general public who always remain outside the structure.

(37) Safety container--A container especially designed, tested, and approved for the storage of flammable liquids.

(38) School--Any inhabited building used as a classroom or dormitory for a public or private primary or secondary school, or institution of higher education.

(39) Selling opening--An open area including the counter, through which fireworks are viewed and sold at retail.

(40) Storage facility--Any building, structure, or facility in which finished Fireworks 1.4G are stored, but in which no manufacturing is performed.

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

(42) Walk door--An opening through which retail stand attendants can freely move and which can be secured to keep the public from the interior of the stand.

§34.810. Requirements, Licensees.

(a) Licensees shall keep a record of all fireworks sales.

(b) The change of a nonincorporated firm's ownership invalidates the current license. A change of ownership must be reported to the state fire marshal within 14 days of such change.

(c) Any change of corporate officers must be reported in writing to the state fire marshal at the time of license renewal. This change does not require a revised license document.

(d) A duplicate license document must be obtained from the state fire marshal to replace a lost or destroyed document. The licensee must submit written notification of the loss or destruction without delay.

(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.

§34.817. Retail Sales General Requirements.

(a) A supervisor, 18 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) A building with more than 350 linear feet of fireworks counter display or containing a total of 500 or more cases of Fireworks 1.4G for sales or storage by a retailer shall comply with §34.823 of this title (relating to Bulk Storage of Fireworks 1.4G), except as provided by §34.832, of this subchapter (related to Specific Requirements for Retail Fireworks Sites Other Than Stands).

(c) Heat-sealing of packages within retail fireworks sites is prohibited.

(d) Each retail fireworks site determined to have fire danger external of the sales area shall be provided with equipment or facilities that are capable of extinguishing small exterior fires that would threaten the retail stand. Retail sales in other than a stand shall have a fire extinguisher rated not less than 2-A. An extinguisher shall be located within 75 feet walking distance from any point in the building, and each extinguisher shall cover a floor area not greater than 1000 square feet per unit of "A" rating.

(e) An unobstructed pathway to walk doors shall be maintained within the retail fireworks site during selling operation.

(f) The display, offer for sale, or sales of fireworks from tents and motor vehicles is prohibited.

(g) Smoking shall not be permitted in the retail fireworks site. The presence of lighted cigars, cigarettes, or pipes within 10 feet of any site where fireworks are sold or stored is prohibited. "Fireworks" and "No Smoking" signs in letters not less than four inches high shall be conspicuously posted on the inside and outside of each entrance door and at several locations inside the building.

(h) The consumption or possession of alcoholic beverages in any retail fireworks site is prohibited. No retail sales personnel inside the facility or any supervisor shall be under the influence of or consume alcoholic beverages while on duty.

(i) A retail fireworks site may only sell fireworks, fireworks promotional items and accessories and those items listed in the Occupations Code §2154.002(4). The display and offer for sale, or sales of fireworks within any structure or building where any other business or any other merchandise is sold is prohibited.

(j) A retail permit shall be required for each retail fireworks site offering fireworks for sale during selling season and shall be posted in the sales area.

(k) The display or offer for sale or sales of fireworks from single or multifamily residential structures is prohibited.

(l) All retail fireworks sites must furnish parking off the highway.

(m) An area of at least 10 feet in width on all sides of a retail fireworks site shall be kept free of high grass, empty cardboard boxes and trash.

(n) Fireworks shall not be displayed or stored behind glass through which direct sunlight will shine on the fireworks.

(o) Fireworks offered for sale to the general public in this state shall conform to the labeling requirements of the United States Consumer Product Safety Commission and the United States Department of Transportation. Only labeling specifications or requirements mandated by either of these agencies shall be required for the labeling of items offered for sale in Texas.

(p) Internal combustion engines shall not be operated inside a retail fireworks sales site.

(q) Prior to the issuance of a retail permit, the applicant must present evidence of a valid current sales tax permit issued by the comptroller of public accounts, and the sales tax permit number must be entered on the retail fireworks permit by the person issuing the permit.

CERTIFICATION. This agency hereby certifies that the adopted sections have been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Gene C. Jarmon
General Counsel and Chief Clerk
Texas Department of Insurance

11-0501

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

Adopted Sections
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IT IS THEREFORE THE ORDER of the Commissioner of Insurance that the 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, 34.628, and 34.630 specified herein, concerning fire extinguisher, fire alarm, fire sprinkler, and fireworks regulations, are adopted to be effective on July 5, 2011.

AND IT IS SO ORDERED.

MIKE GEESLIN
COMMISSIONER OF INSURANCE

ATTEST:
Gene C. Jarmon
General Counsel and Chief Clerk

COMMISSIONER'S ORDER NO. 11-0501