

SUBCHAPTER E. FIRE EXTINGUISHER AND INSTALLATION

**§§34.501, 34.504, 34.506, 34.510, 34.513, 34.514, 34.516, 34.517, 34.519, 34.520,
and 34.521**

SUBCHAPTER F. FIRE ALARM RULES

§§34.607, 34.611, 34.613, 34.619 34.620, 34.623, 34.628, and 34.630

SUBCHAPTER G. FIRE SPRINKLER RULES

**§§34.701, 34.704, 34.706, 34.707, 34.712, 34.713, 34.715, 34.716, 34.721, 34.723,
and 34.724**

SUBCHAPTER H. STORAGE AND SALE OF FIREWORKS

§§34.811, 34.815, and 34.817

SUBCHAPTER L. FIRE STANDARD COMPLIANT CIGARETTES

§34.1203 and §34.1212

1. INTRODUCTION. The Texas Department of Insurance adopts amendments to 28 Texas Administrative Code Chapter 34, Subchapter E, Fire Extinguisher and Installation §§34.501, 34.504, 35.506, 34.510, 34.513, 34.514, 34.516, 34.517, 34.519, 34.520, and 34.521; Subchapter F, Fire Alarm Rules, §§34.607, 34.611, 34.613, 34.619, 34.620, 34.623, 34.628, and 34.630; Subchapter G, Fire Sprinkler Rules, §§34.701, 34.704, 34.706, 34.707, 34.712, 34.713, 34.715, 34.716, 34.721, 34.723, and 34.724; Subchapter H, Storage and Sale of Fireworks, §§34.811, 34.815, and 34.817; and Subchapter L, Fire Standard Compliant Cigarettes, §34.1203 and §34.1212. Sections 34.501, 34.504, 35.506, 34.510, 34.513, 34.514, 34.516, 34.517, 34.519, 34.520, 34.521, 34.607, 34.611, 34.613, 34.619, 34.620, 34.623, 34.628, 34.630, 34.701, 34.704, 34.706, 34.707, 34.712, 34.713, 34.715, 34.716, 34.721, 34.723, 34.724, 34.811, 34.815, 34.817, 34.1203 and 34.1212 are adopted without changes to the proposed text published in the November 23, 2012, issue of the *Texas Register* (37

TexReg 9301) and will not be republished. Sections 34.519, 34.716, and 34.721 are adopted with changes from the proposed text.

2. REASONED JUSTIFICATION. The amendments are necessary to make substantive changes to §§34.506, 34.519, 34.521, 34.623, 34.706, 34.721, 34.815, and 34.817 to clarify the intent of the rule or to better reflect the statutory purpose. Additionally, §§34.516, 34.715, and 34.811 are amended to conform to similar testing requirements in §34.615. The amendments also implement House Bill (HB) 1951, enacted by the 82nd Legislature, Regular Session, amending Insurance Code §6002.158. Other amendments implement portions of Senate Bill (SB) 14, enacted by the 78th Legislature, Regular Session, repealing Insurance Code Article 5.33C. The amendments also adopt certain updated National Fire Protection Association (NFPA) codes applicable to the fire alarm and fire sprinkler rules. Finally, the amendments update numerous obsolete statutory references and make nonsubstantive editorial changes to improve readability and consistency, and conform to current agency style.

Substantive Changes

Several minor but substantive changes clarify the intent of the rule and better reflect the statutory purpose.

Amendments to §34.506(19) of the fire extinguisher rules clarify the definition of “direct supervision” so that the definition agrees with the language used in §34.517(e) of this subchapter. The word “installation” replaces “work” so that the term is less general and more applicable to the actual installation of engineered fixed fire extinguisher systems. The final sentence of the definition is amended to read: “The licensee

performing the direct supervision of an engineered fixed fire extinguisher system is not required to be on-site at all times when the installation is performed.”

An amendment to §34.516 adds new subsection (g) to require that any non-National Institute for Certification in Engineering Technologies (NICET) test required for a license must have been completed in the last year. An amendment to §34.715 adds new subsection (f) to require that any non-NICET test required for a license must have been completed in the last year. A similar change is made to add new §34.811(d) and also redesignates existing subsections (d) - (g) as subsections (e) - (h). These amendments ensure that the knowledge demonstrated by passing the test is current. These amendments bring the testing requirements for the fire extinguisher, fire sprinkler, and fireworks rules up to the standard for fire alarm licensure testing requirements in §34.615(e).

Amendments to §34.519 eliminate an unnecessary and redundant task. The amended section no longer requires the submission of certificates of installation to the State Fire Marshal’s Office (SFMO). In Figure 28 TAC §34.519(b) the existing installation label is deleted and replaced with an updated label. New §34.519(d) provides directions to clarify who should receive copies of the certificate of installation. Additionally, the certificate of installation in Figure 28 TAC §34.519(c) is deleted and replaced with a new certificate to make conforming changes. Finally, a change to proposed §34.519(d)(3) is made to add a missing “to” so that the paragraph reads “(3) a copy to certifying firm to retain in their office for access by SFMO.”

Clarifications to §34.521(a) are made so that a red tag is required for a portable extinguisher or fixed system where an impairment exists. This change clarifies that

ignorance of impairment is not an excuse for failing to identify and properly tag an impaired fire extinguisher or fixed system. The first sentence is amended to state: "If impairments exist which make a portable extinguisher or fixed system unsafe or inoperable, the owner or the owner's representative must be notified in writing of all impairments."

An amendment to §34.611 adds language to §34.611(a)(5) so a residential fire alarm superintendent may act as a fire alarm technician. This amendment makes the section consistent with Insurance Code §6002.154(d). Another amendment deletes §34.611(f)(2) and redesignates the remainder of the paragraphs in that subsection because of redundancy with §34.611(e).

An amendment to §34.619(b) allows a local authority having jurisdiction to waive the requirement that fire alarm and detection system plans be signed and dated with an original signature. The existing section already allows a local authority having jurisdiction to waive the requirement of having plans submitted. The change allows local authorities having jurisdiction to waive the original signature requirement on submitted plans. In 2006, TDI amended §34.717(c) to make a similar change with respect to fire sprinkler system plans.

TDI adds additional language for §34.623(a) of the fire alarm rules to require yellow labels to identify systems where required inspection, testing, and maintenance services are not being performed. This change clarifies that a fire alarm and fire detection system must be both installed and maintained in compliance with applicable codes and standards. With the change, §34.623(a) states: "If, after any service, inspection or test, a system does not comply with applicable codes and standards

adopted at the time the system was installed or is not being tested or maintained in accordance with those standards, a completed yellow label must be attached to the outside of the control panel cover or, if the system has no panel, in a permanent location to indicate that corrective action is necessary.”

An amendment to §34.706 of the fire sprinkler rules adds a definition of “employee” and redesignates existing paragraphs (6) - (21) as paragraphs (7) - (22). The term is defined as, “An individual that performs tasks assigned by the employer. The employee’s pay is subject to the deduction of social security and federal income tax. The employee may be full time, part time, or seasonal. For the purposes of this section, employees of a registered firm who are paid through a staff leasing company are considered to be employees of the registered firm.” This additional definition clarifies the nature and role of an employee and is consistent with Labor Code Chapter 91.

An amendment to §34.721 clarifies that a yellow tag is appropriate if the fire protection sprinkler system is found to be noncompliant with the applicable NFPA standard at the time it was installed. The additional language adds the limiting language: “at the time it was installed,” to §34.721(a). Additionally, a nonsubstantive change is made by inserting “found” to the proposed language to improve readability as a result of the change to §34.721(a). The sentence now reads: “If a fire protection sprinkler system is found to be noncompliant with the applicable NFPA standards at the time it was installed or found to contain equipment that has been recalled by the manufacturer, but the noncompliance or recalled equipment does not constitute an emergency condition, a completed yellow tag must be attached to the respective riser of

each system to permit convenient inspection, to not hamper the system's actuation or operation, and also to indicate that corrective action is necessary.” The yellow tag in Figure 28 TAC §34.721(g) is deleted and replaced with a tag containing instructions that more closely mirror the text of §34.721(a). Additionally, the new figure updates the inspection dates.

Two new paragraphs are added to §34.815(b). The first addition is to move the language in §34.817(q) regarding sales tax permit requirements to a more appropriate location in the rules. The second addition clarifies that retail permits cannot be sold to a non-retailer. Resale of a retail permit to a non-retailer would otherwise allow the purchase of fireworks year round in violation of Occupations Code Chapter 2154.

A change is made to §34.817(f) to address the appropriate storage of fireworks. The language, “Fireworks must not be sold or stored for future sale at any inhabited dwelling, house, apartment, or other structure used in whole or in part as a home or place of abode by any person or persons,” is added to §34.817(f) to ensure the protection, safety, and preservation of life and property. Additionally, in connection with the new §34.815(b)(5) regarding sales tax permits, §34.817(q) is deleted.

Update Minimum Standards

Amendments to §34.607 update four applicable NFPA code standards. In Subchapter F, Fire Alarm Rules, amendments to §34.607 update the adopted NFPA standards for NFPA 11, Standard for Low-, Medium-, and High-Expansion Foam; NFPA 13, Standard for the Installation of Sprinkler Systems; NFPA 13D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes; and NFPA 13R, Standard for the Installation of Sprinkler Systems in Residential

Occupancies up to and Including Four Stories in Height. These four amendments ensure that Texas code standards are brought up to the 2010 versions of the NFPA codes. Amending these NFPA standards makes the applicable standards for the fire alarm rules consistent with those already adopted in §34.707 for the fire sprinkler rules.

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.

NFPA 13-2010, Standard for the Installation of Sprinkler Systems, adds definitions relating to private water supply terms; clarifies the requirements of Ordinary Hazard Group 1 and Group 2 Occupancies where storage is present; revises requirements relating to trapeze hangers and bracing criteria; re-organizes 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-2010, 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 clarifies requirements for multipurpose combined and networked sprinkler systems; and adopts specific obstruction rules for residential sprinklers.

NFPA 13R-2010, 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.

An amendment to §34.707 updates the NFPA 20, Standard for the Installation of Stationary Pumps for Fire Protection. Revised NFPA 20-2010, 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; 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.

Copies of the standards are available for public inspection in the SFMO. The NFPA also makes available codes for read-only inspection online through their website at www.nfpa.org. To view the NFPA codes on the NFPA website, users must create a free account and agree to certain terms and conditions.

Nonsubstantive Amendments

The rule updates numerous obsolete statutory references. These changes are nonsubstantive and are made to reflect the Texas Legislature's recodification of the Insurance Code. Article 5.43-1 was repealed and recodified as Insurance Code Chapter 6001 in HB 2636, 80th Legislature, Regular Session, 2007.

Portions of Article 5.43-2 were repealed and recodified as Insurance Code Chapter 6002 contained in HB 2636,. The remaining portions of Article 5.43-2, including changes made by HB 2118, 80th Legislature, Regular Session, 2007, relating to the new licensing category of residential fire alarm technicians, were repealed and recodified as Insurance Code Chapter 6002 in the nonsubstantive Insurance Code revision contained in SB 1969, 81st Legislature, Regular Session, 2009. Article 5.43-3 was repealed and recodified as Insurance Code Chapter 6003 in the Insurance Code revision contained in HB 2636. The affected sections are §§34.501, 34.504, 34.510, 34.513, 34.514, 34.516, 34.517, 34.613, 34.620, Figure: 28 TAC §34.620(g), 34.701, 34.704, 34.706, 34.712, 34.713, 34.715, 34.716, 34.723, and 34.724. Finally, §34.713(b)(2)(A) is amended so that the language tracks the changed NICET terminology which has replaced "fire protection automatic sprinkler" with "water-based fire protection."

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. 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 §34.514 and §34.713.

The service tag in Figure 28 TAC §34.520(g) is deleted and replaced with a new tag that updates the part of the tag showing the date of last service.

The adopted rules also make numerous nonsubstantive editorial changes to reflect agency style and improve readability. These changes replace “shall” with “must” or “will” and amend inconsistent capitalization.

The amended rules also update obsolete web addresses in §§34.630, 34.1203, and 34.1212.

The adopted rules make a change to §34.716. The former §34.716(g), now renumbered 34.716(f) is changed to replace “therein” with “by the firm” to reflect agency style and improve readability.

HB 1951 – 28 TAC §34.628 and §34.630.

Section 34.630 is changed so that subsection (f) refers to Renewal Application for Training School Approval form, and deletes the form number, consistent with new agency style.

Article 15 of HB 1951 amended Insurance Code §6002.158, related to residential fire alarm technicians. The amendment reduced the curriculum requirement for the residential fire alarm technician course from eight to seven hours. An amendment to §34.628 makes the corresponding change to the rule that implements §6002.158.

SB 14 – 28 TAC §34.716(f).

What is now §34.716(f) was adopted in 1996 to implement Art. 5.33C, in 21 Tex Reg 7663. In 2003, SB 14 repealed Insurance Code Articles 5.33A and 5.33C,

providing for certificates used for premium credits and discounts on insurance rates.

Section 34.716 was formerly 37 TAC §541.14. Section 34.716(f) is obsolete and deleted.

The adopted rules amend §34.1212 to delete form numbers from the Certification by Manufacturer for Fire Standard Compliant Cigarette (FSCC) and Application for Fire Standard Compliant Cigarette Marking Approval forms, consistent with agency style.

None of the changes made to the proposed text materially alter issues raised in the proposal, introduce new subject matter, or affect persons other than those previously on notice.

3. HOW THE SECTIONS WILL FUNCTION.

Section 34.501 provides the purpose of the Fire Extinguisher Rules subchapter. The change to this section updates the Insurance Code citation.

Section 34.504 provides the exceptions to the subchapter. The change to this section updates the Insurance Code citation.

Section 34.506 provides the definitions applicable to the subchapter. A nonsubstantive word change is made to delete the word “shall.” Additionally, the definition of “direct supervision” is changed so that the definition agrees with the language used in §34.517(e) of this subchapter.

Section 34.510 provides requirements for certificates of registration. Nonsubstantive editorial changes reflect agency style and improve readability. Changes update obsolete statutory references.

Section 34.513 specifies the consequences of alternations of certificates, licenses, or permits. Nonsubstantive editorial changes reflect agency style and improve readability. Changes update obsolete statutory references.

Section 34.514 establishes the applications requirements. Nonsubstantive editorial changes reflect agency style and improve readability. Changes update obsolete statutory references.

Section 34.516 specifies the test requirements. Nonsubstantive editorial changes are made to reflect agency style and improve readability. Changes update obsolete statutory references. Additionally, changes to the section add a requirement that any non-NICET test required for a license must have been completed in the last year to conform with similar testing requirements in §34.615.

Section 34.517 specifies the fire extinguisher system installation and service requirements. Nonsubstantive editorial changes reflect agency style and improve readability. Changes update obsolete statutory references.

Section 34.519 establishes the requirements for installation labels for fixed extinguisher systems. Nonsubstantive editorial changes reflect agency style and improve readability. The amended section no longer requires the submission of certificates of installation to the SFMO. New Figure 28 TAC §34.519(b) updates the required label. New §34.519(d) clarifies the directions on who should receive copies of the certificate of installation. Conforming changes are made to the certificate of installation in Figure 28 TAC §34.519(c).

Section 34.520 provides the required service tag. The tag itself in Figure 28 TAC §34.520(g) is updated.

Section 34.521 provides the required red tag. Nonsubstantive editorial changes are made to reflect agency style and improve readability.

Section 34.607 adopts the applicable standards for the fire alarm rules. Four of the NFPA standards are updated to more current editions. Nonsubstantive editorial changes reflect agency style and improve readability.

Section 34.611 specifies the requirements for licenses and approvals. The changes add language to §34.611(a)(5) so a residential fire alarm superintendent may act as a fire alarm technician. Another amendment deletes §34.611(f)(2) and redesignates the remainder of the paragraphs in that subsection because of redundancy with §34.611(e). Nonsubstantive editorial changes reflect agency style and improve readability.

Section 34.613 establishes the applications requirements for the subchapter. Nonsubstantive editorial changes reflect agency style and improve readability. Changes update obsolete statutory references.

Section 34.619 contains the requirements for fire alarm and detection system plans and drawings. The amendment allows local authorities having jurisdiction to waive the original signature requirement on submitted plans.

Section 34.620 provides the installation label requirements. Nonsubstantive editorial changes reflect agency style and improve readability. Changes update obsolete statutory references. Nonsubstantive changes to Figure 28 TAC §34.620(g) are adopted.

Section 34.623 provides the required yellow labels. An amendment adds language to require yellow labels to identify systems where required inspection, testing, and maintenance services are not being performed.

Section 34.628 establishes the requirements for a residential fire alarm technician training course. Nonsubstantive editorial changes reflect agency style and improve readability. Changes to the section reflect recent amendments to Insurance Code §6002.158.

Section 34.630 adopts the application and renewal forms. Nonsubstantive editorial changes are made to reflect agency style, improve readability, and update the web address.

Section 34.701 provides the purpose for the fire sprinkler rules. Nonsubstantive editorial changes reflect agency style and improve readability. Changes update obsolete statutory references.

Section 34.704 specifies the exception applicable to the subchapter. Changes update obsolete statutory references.

Section 34.706 provides the definitions applicable to the subchapter. A definition of “employee” is added. Nonsubstantive editorial changes reflect agency style and improve readability.

Section 34.707 adopts the standards applicable to the fire sprinkler rules. NFPA 20, Standard for the Installation of Stationary Pumps for Fire Protection, is updated to the 2012 edition. Nonsubstantive editorial changes reflect agency style and improve readability.

Section 34.712 specifies the consequences of altering certificates or licenses.

An obsolete statutory reference is corrected.

Section 34.713 provides the application requirements. Nonsubstantive editorial changes reflect agency style and improve readability. Changes update obsolete statutory references.

Section 34.715 specifies the testing requirements. A change to the section adds a requirement that any non-NICET test required for a license must have been completed in the last year to conform with similar testing requirements in §34.615. Nonsubstantive editorial changes reflect agency style and improve readability. Changes update obsolete statutory references.

Section 34.716 establishes requirements for installation, maintenance and service. Subsection (f) is obsolete and deleted. Nonsubstantive editorial changes reflect agency style and improve readability. Changes update obsolete statutory references.

Section 34.721 specifies the required yellow tag. Changes to the section clarify that a yellow tag is appropriate if the fire protection sprinkler system is found to be noncompliant with the applicable NFPA standard at the time it was installed. The yellow tag in Figure 28 TAC §34.721(g) is deleted and replaced with a tag containing instructions that more closely mirror the text of §34.721(a). Additionally, the new Figure 28 TAC §34.721(g) updates the inspection dates.

Section 34.723 establishes how the subchapter will be enforced. Nonsubstantive editorial changes reflect agency style and improve readability. Changes update obsolete statutory references.

Section 34.724 establishes the potential administrative actions for failure to comply with the subchapter. Nonsubstantive editorial changes reflect agency style and improve readability. Changes update obsolete statutory references.

Section 34.811 specifies the requirements for pyrotechnic operator licenses, pyrotechnic special effects operations licenses, and flame effects operation licenses. Changes to the section add a requirement that any non-NICET test required for a license must have been completed in the last year to conform with similar testing requirements in §34.615. Nonsubstantive editorial changes are made to reflect agency style and improve readability.

Section 34.815 establishes requirements for fireworks retail permits. Two new paragraphs are added. The first paragraph adds language from §34.817(q) regarding sales tax permit requirements to a more appropriate location in the rules. The second new paragraph clarifies that retail permits cannot be sold along with fireworks to a non-retailer. Nonsubstantive editorial changes are made to reflect agency style and improve readability.

Section 34.817 establishes retail sales general requirements. The language "Fireworks may not be sold or stored for future sale at any inhabited dwelling, house, apartment, or other structure used in whole or in part as a home or place of abode by any person or persons" is added to §34.817(f). The subsection regarding sales tax permit requirements is moved to a more appropriate location in the rules, at §34.815.

Section 34.1203 sets forth the general provisions regarding required and voluntary submissions of fire safe cigarettes. Nonsubstantive editorial changes reflect

agency style and improve readability. The web address is updated to reflect the agency's new domain name.

Section 34.1212 promulgates certification forms and marking applications.

Nonsubstantive editorial changes reflect agency style and improve readability. The web address is updated to reflect the agency's new domain name.

4. SUMMARY OF COMMENTS AND AGENCY RESPONSE. TDI did not receive any comments on the published proposal.

5. STATUTORY AUTHORITY. The amendments are adopted pursuant to Government Code §417.004 and §417.005; Insurance Code §§6001.051, 6001.052, 6002.051, 6002.052, 6003.051, 6003.052, 6003.054, and §36.001; Occupations Code §2154.051 and §2154.052; and Health & Safety Code §796.008. Government Code §417.004 specifies that the commissioner of insurance shall perform the rulemaking functions previously performed by the Texas Commission on Fire Protection. 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.

Insurance Code §6001.051(a) specifies that the department shall administer Insurance Code Chapter 6001. 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. Insurance Code §6001.052(a) specifies

that in adopting necessary rules, the commissioner may use recognized standards, including standards published by the National Fire Protection Association; recognized by federal law or regulation; published by any nationally recognized standards-making organization; or contained in the manufacturer's installation manuals. 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. 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.

Insurance Code §6002.051(a) specifies that the department shall administer Chapter 6002. 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. 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. Insurance Code §6002.052(b) specifies that rules adopted under Section 6002.051 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. 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.

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

Occupations Code §2154.051 states that the commissioner shall determine reasonable criteria and qualifications for licenses and permits pertaining to the regulation of fireworks and fireworks displays. Section 2154.052 provides 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. Under §2154.052(e), a rule may not be adopted under Occupations Code Chapter 2154 that is more restrictive than a rule in effect on September 1, 1998, without specific statutory authority.

Health and Safety Code §796.008 states that the state fire marshal may adopt rules to administer the cigarette fire safety standards chapter.

Insurance Code §36.001 provides that the commissioner 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.

7. TEXT.

SUBCHAPTER E. FIRE EXTINGUISHER AND INSTALLATION

§34.501. Purpose. The purpose of this subchapter is to regulate the business of leasing, renting, selling, installing, and servicing of portable fire extinguishers and the planning, certifying, installing, or servicing of fixed fire extinguisher systems and to prohibit portable fire extinguishers, fixed fire extinguisher systems, and extinguisher equipment not labeled or listed by a testing laboratory approved by the commissioner of insurance in the interests of protecting and preserving lives and property pursuant to Insurance Code Chapter 6001.

§34.504. Exceptions. The exceptions of Insurance Code §6001.156 are applicable to the sections of this subchapter.

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

(1) **Apprentice**--A person to whom a permit has been issued by the state fire marshal to perform various acts of service or installation while under the direct supervision of a person working for the same firm and holding a valid fire extinguisher service license to perform such acts.

(2) **Business**--The planning, certifying, installing, leasing, renting, selling, or servicing of portable fire extinguishers or fixed fire extinguisher systems.

- (3) Certificate--The certificate of registration issued by the state fire marshal.
- (4) Certify--To attest to the proper planning, installing, or servicing of portables and systems by attaching a completed service tag or other form required by a governmental authority.
- (5) Commissioner--The commissioner of insurance.
- (6) Department--The Texas Department of Insurance.
- (7) DOT Specification Fire Extinguisher Cylinder--All fire extinguisher cylinders manufactured, tested and stamped with the specification number as required by the United States Department of Transportation.
- (8) DOT Nonspecification Fire Extinguisher Cylinder--All fire extinguisher cylinders manufactured and tested but not stamped with a specification number as required by the United States Department of Transportation. These cylinders may be marked by a label with the words "Meets DOT Requirements."
- (9) Installation--The initial placement of a portable or fixed fire extinguisher system or an extension or alteration after initial placement.
- (10) License--The license issued by the state fire marshal to an employee of a registered firm.
- (11) NFPA--The National Fire Protection Association, Inc., a nationally recognized standards-making organization.
- (12) NICET--National Institute for the Certification in Engineering Technologies.

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

(14) Person--A natural person.

(15) Plan--To lay out, detail, draw, calculate, devise, or arrange an assembly of detection or suppression devices and appurtenances in accordance with either fire protection standards adopted in this subchapter or specifications specially designed by a Texas registered professional engineer acting solely in his professional capacity.

(16) Registered firm--A person, partnership, corporation, or association holding a current certificate of registration.

(17) Shop--A facility, whether at a specific location or in a mobile unit, of a registered firm where servicing, repairing, or hydrostatic testing is performed and where parts and equipment, which are required by this subchapter or in the adopted standards, are maintained.

(18) Test--The act of subjecting a portable or fixed system to any procedure necessary to determine whether it is properly installed or operates correctly.

(19) Direct supervision--The oversight by a licensee of the services performed by another licensee or permittee. The licensee, performing the direct supervision at the shop, must be present at all times on the premises where the supervised licensee or permittee is performing the service. When not at the shop, the individual being supervised must be within sight of the licensee performing the direct supervision when installing or servicing portable fire extinguishers or pre-engineered

fixed fire extinguisher systems. The licensee performing the direct supervision of an engineered fixed fire extinguisher system is not required to be on-site at all times when the installation is performed.

§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 must maintain the following:

- (1) a copy of the most recently adopted edition of NFPA 10;

(2) a copy of the most recently adopted Insurance Code Chapter 6001

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 must 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 must 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 must 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.

§34.513. Alterations of Certificates, Licenses, or Permits. Alteration of such documents renders them invalid and is the basis for administrative action pursuant to Insurance Code §6001.252.

§34.514. Applications.

(a) Certificates of registration.

(1) Applications for certificates and branch office certificates must be submitted on forms provided by the state fire marshal and accompanied by all other information required by Insurance Code Chapter 6001 and this subchapter. An application will not be deemed complete until all required forms 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 corporations, the application must be accompanied by 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. 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 the state fire marshal's 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 Insurance Code Chapter 6001 and this subchapter.

(3) For corporations, the application must also include the corporate taxpayer identification number, the charter number, and a copy of the corporation's current franchise tax "Certificate of Good Standing" issued by the state comptroller's office.

(4) Applications for Type C certificates must be accompanied by a copy of the DOT letter registering the applicant's facility which awards a registration number to the facility.

(5) The applicant must comply with the following requirements concerning liability insurance.

(A) The state fire marshal must not issue a certificate of registration under this subchapter unless the applicant files with the state fire marshal's office proof of liability insurance. The insurance must include products and completed operations coverage.

(B) Each registered firm must maintain in force and on file in the state fire marshal's office the certificate of insurance as required.

(C) Evidence of public liability insurance, as required by Insurance Code §6001.154, must be in the form of a certificate of insurance executed by an insurer authorized to do business in this state.

(D) If a certificate of registration is to be issued in the name of a corporation, the corporate name must be used on the applicable insurance forms. If the corporation is obtaining a certificate of registration in an assumed name, the insurance must be issued to the corporation doing business as (dba) the assumed name.

Example: XYZ Corporation dba XXX Extinguisher Service.

(E) Insurance issued for a partnership must be issued to the name of the partnership or to the names of all the individual partners.

(F) Insurance for a proprietorship must be issued to the individual owner. If an assumed name is used, the insurance must be issued to the individual doing business as (dba) the assumed name. Example: William Jones dba XXX Extinguisher Service.

(b) Fire extinguisher licenses.

(1) Original applications for a license from an employee of a firm engaged in the business must be submitted on forms provided by the state fire marshal and accompanied by all other information required by Insurance Code Chapter 6001 and this subchapter.

(2) Applications for Type A and Type K licenses must be accompanied by a written statement from the certificate holder (employer) certifying that the applicant meets the minimum requirements of §34.511(f)(4) of this subchapter (relating to Fire Extinguisher Licenses) and is competent to install or service fixed systems.

(3) Applications for Type PL licenses must be accompanied by one of the following documents to evidence technical qualifications for a license:

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

(B) a copy of NICET's notification letter regarding the applicant's successful completion of examination requirements for certification at Level III for Special Hazard Systems Layout or Special Hazard Suppression Systems.

(4) All applications must indicate if the individual is an employee or agent of the registered firm.

(A) If the individual is an employee of the registered firm, the State Fire Marshal's Office may request from the registered firm verification of employment of the individual.

(B) If the individual is an agent of the fire extinguisher firm, the State Fire Marshal's Office may request the firm to provide a letter or other document acceptable to the State Fire Marshal's Office issued by the firm's insurance company, verifying the policy number and that the acts of the individual are covered by the same insurance policy required by this subchapter to obtain the firm's registration. If required, the verifying document must be submitted to the State Fire Marshal's Office before a license will be issued or when there is a change in the licensee's registered firm. Unless otherwise required by the State Fire Marshal's Office, renewal of a license does not require insurance verification unless there has been a change in the insurance carrier.

(c) Complete application required for renewal. Renewal applications for certificates of registration and licenses must be submitted on forms provided by the state fire marshal and accompanied by all other information required by Insurance Code Chapter 6001 and this subchapter. An application will not be deemed complete until all required forms and documents have been received in the state fire marshal's office.

(d) Timely filed. A license or registration will 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 will 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.

(e) Requirements for applicants holding licenses from other states. An applicant holding a valid license in another state who desires to obtain a Texas license through reciprocity must submit the following documentation with the application in addition to all other information required by Insurance Code Chapter 6001 and this subchapter:

(1) a letter of certification from the licensing entity of another state certifying the applicant holds a valid license in that state; and

(2) additional information from the state detailing material content of any required examination used to qualify for license, including NFPA or other standards, if applicable.

(f) Apprentice permits. Each person employed as an apprentice by a firm engaged in the business must make application for a permit on a form provided by the state fire marshal and accompanied by the required fee.

(g) Complete applications. The application form for a license or registration must be accompanied by the required fee and must, within 180 days of receipt by the department of the initial application, be complete and accompanied by all other information required by Insurance Code Chapter 6001 and this subchapter, or a new application must be submitted, including all applicable fees.

§34.516. Tests.

(a) Applicants for licenses are required to take a test and obtain a grade of at least 70 percent on the test. Tests may be supplemented by practical tests or demonstrations deemed necessary to determine the applicant's knowledge and ability. The test content, frequency, location, and outsource testing service must be designated by the state fire marshal.

(1) The Type B license test will include questions on the following:

- (A) this subchapter and Insurance Code Chapter 6001; and
- (B) installing and servicing of portables.

(2) The Type A license test will include questions on the following:

- (A) this subchapter and Insurance Code Chapter 6001;
- (B) installing and servicing of portables;
- (C) fixed systems; and
- (D) installing and servicing pre-engineered fixed fire extinguisher

systems for the protection of cooking areas.

(3) The Type K license test will include questions on the following:

- (A) this subchapter and Insurance Code Chapter 6001;
- (B) installing and servicing of portables; and
- (C) installing and servicing pre-engineered fixed fire extinguisher

systems for the protection of cooking areas.

(4) The Type PL license test will include questions on the following:

- (A) this subchapter and Insurance Code Chapter 6001; and
- (B) a technically qualifying test to be conducted through NICET.

- (5) The Type R license test will include questions on this subchapter and Insurance Code Chapter 6001.
- (b) The standards used in the tests will be adopted by the State Fire Marshal's Office.
- (c) Examinees who fail any topic on the test must file a retest application accompanied by the required fee.
- (d) 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.
- (e) An examinee who is scheduled for a test to be conducted on a religious holy day by the State Fire Marshal's Office and who wishes to observe the religious holy day may request the rescheduling of the test to an alternate date.
- (f) An applicant may only schedule each type of test three times within a twelve-month period.
- (g) 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, except for testing conducted through NICET; otherwise, the test is voided and the individual will have to pass the test again.

§34.517. Installation and Service.

- (a) The following requirements are applicable to all portable extinguishers.

(1) Portable extinguishers must be installed, serviced, and maintained in compliance with the manufacturer's instructions and with the applicable standards adopted in this subchapter.

(2) A service tag certifying the work performed must be securely attached by the licensee to the portable extinguisher upon completion of the work.

(3) When requested in writing by the owner, a portable fire extinguisher of the type described in subparagraphs (A), (B), and (C) of this paragraph may be serviced in accordance with the requirement of this subchapter, regardless of whether it carries the label of approval or listing of a testing laboratory approved in accordance with this subchapter.

(A) All portable fire extinguishers that are serviced in accordance with the requirements of the United States Coast Guard and installed for use in foreign shipping vessels;

(B) All portable carbon dioxide fire extinguishers that are serviced in accordance with the requirements of the United States Department of Transportation;
or

(C) Cartridge actuated portable fire extinguishers used exclusively by employees of the firm owning the extinguishers.

(4) A licensee who services portable fire extinguishers in accordance with paragraph (3) of this subsection, shall comply with the following:

(A) The back of the service tag shall be plainly marked with the words "No Listing Mark".

(B) All missing markings, code symbols, instructions and information, required by the applicable performance standard and fire test standard specified in §34.507(1) of this subchapter (relating to Adopted Standards), except for the approving or listing mark of the testing laboratory, shall be affixed to each extinguisher in the form of a label designated in the standard.

(b) The following requirements are applicable to all fixed fire extinguisher systems.

(1) Fixed systems must be planned, installed, and serviced in compliance with the manufacturer's installation manuals and specifications or the applicable standards adopted in this subchapter.

(2) Upon completion of the installation of a pre-engineered fixed fire extinguisher system, a licensee authorized to certify pre-engineered fixed fire extinguishing systems under the provisions of this subchapter, must place an installation label on the system to certify that the system was installed in compliance with the manufacturer's installation manuals and specifications or standards adopted by the commissioner in this subchapter. The licensee whose signature appears on the installation label must be present for the final test of the system prior to certification.

(3) Upon completion of the installation of a fixed fire extinguisher system other than a pre-engineered system, a Type A or Type PL licensee must place an installation label on the system to certify that the system was installed in compliance with the manufacturer's installation manuals and specifications, plans developed by a Type PL licensee or professional engineer, or standards adopted by the commissioner

in this subchapter. The licensee whose signature appears on the installation label must be present for the final test of the system prior to certification.

(4) A service tag certifying the work performed must be securely attached by the licensee to the system upon completion of servicing.

(c) Pre-engineered fixed fire extinguisher systems must be installed and serviced by a licensee authorized to install or service pre-engineered fixed fire extinguishing systems under the provisions of this subchapter.

(d) A pre-engineered fixed fire extinguisher system, except those covered by subsection (f) of this section, which has been previously installed in one location may be reinstalled in another location if:

- (1) the system is of the size and type necessary to protect all hazards;
- (2) all parts and equipment, when installed, will function as designed by the manufacturer; and
- (3) the system shall comply with all applicable adopted standards.

(e) Fixed fire extinguisher systems other than pre-engineered systems must be planned, installed, or serviced by a Type PL licensee or professional engineer. Installation and servicing of such a system may also be performed by or supervised by a Type A licensee. An employee of the registered firm may install such systems, under the direct supervision of a Type A or PL licensee, without obtaining a license or permit.

(f) All pre-engineered fixed fire extinguishing systems, installed or modified after July 1, 1996, in accordance with NFPA 17 or NFPA 17A or NFPA 96 of the adopted standards, for the protection of commercial cooking areas, must meet the minimum requirements of Underwriters Laboratories, Inc., Standard 300, "Fire Testing of Fire

Extinguishing Systems for Protection of Restaurant Cooking Area" (UL 300). After January 1, 2008 all existing pre-engineered fixed fire extinguishing systems, installed in accordance with NFPA 17 or NFPA 17A or NFPA 96 of the adopted standards, for the protection of commercial cooking areas, must meet the minimum requirements of Underwriters Laboratories, Inc., Standard 300, "Fire Testing of Fire Extinguishing Systems for Protection of Restaurant Cooking Area" (UL 300) or a red tag shall be attached following the procedures in §34.521 of this subchapter (relating to Red Tags).

(g) If the installation or servicing of a fixed fire extinguishing system includes the installation or servicing of any part of a fire alarm or detection system or a fire sprinkler system other than the installation and servicing of mechanical or pneumatic detection or actuation devices in connection with the fire extinguishing system, the licensing requirements of the appropriate Insurance Code Chapters 6002 or 6003 must be satisfied.

(h) The fixed temperature-sensing elements of the fusible metal alloy type, replaced while servicing a kitchen hood fire extinguishing system, must bear the manufacturer's date stamp which must be within one year of the date of the replacement.

(i) The disposable actuation cartridge, replaced while servicing a kitchen hood fire extinguisher system, must bear the date of replacement.

(j) After operating the pull pin or locking device during maintenance of a portable fire extinguisher, the flag of the new seal or tamper indicator shall bear the year it was attached.

(k) All pre-engineered dry chemical fixed fire extinguishing systems, installed in new, remodeled or relocated protected areas after January 1, 2006, must meet the minimum requirements of the second edition (1996) or more recent edition of Underwriters Laboratories, Inc., Standard 1254, "Pre-engineered Dry Chemical Extinguishing System Units".

§34.519. Installation Labels for Fixed Extinguisher Systems.

(a) After an installation has been completed, an installation label must be affixed to the control head or panel of the fixed fire extinguisher system. The signature of the licensee on the label certifies that the system has been installed according to law. Labels must be five inches in height and four inches in width and must be of the gum label type. They must not be red in color. Installation labels must contain only the following information in the format of the label shown in subsection (b) of this section:

(1) the inscription "DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL--SYSTEM INSTALLATION RECORD" (all in capital letters, at least 10-point boldface type);

(2) the firm's name, address, and telephone number;

(3) the firm's certificate-of-registration number;

(4) the signature and license number of the licensee authorized to certify a fixed fire extinguishing system (a stamped signature is prohibited);

(5) the date of installation; and

(6) identification of the manufacturer's manual(s) used for installation.

(b) Installation Label.

Figure: 28 TAC §34.519(b):

DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL SYSTEM INSTALLATION RECORD	
Firm Name	_____
Firm Address	_____
City	_____
Telephone	_____
Cert. of Registration No.	_____
Name of Licensee	_____
License Number	_____
(Signature of Licensee)	
Installation Date	_____
Manufacturer's Installation Manual	_____

(c) Certificate of Installation.

Figure: 28 TAC §34.519(c):

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

Figure: 28 TAC §34.519(c)



Texas Department of Insurance

State Fire Marshal's Office Mail Code 112-FM
333 Guadalupe • P. O. Box 149221, Austin, Texas 78714-9221
512-305-7900 • 512-305-7910 fax • www.tdi.texas.gov

INSTALLING COMPANY
Address: _____
City: _____ Zip: _____
Phone: _____
Company Certificate of Registration Number: _____

PROTECTED PROPERTY

Name: _____
Street Address: _____
City: _____ Zip: _____
Owner or Owner's representative instructed on system operation & maintenance: Yes No
Owners Rep. if applicable: _____
LOCAL AUTHORITY HAVING JURISDICTION
Name: _____
Street Address: _____ City: _____ Zip: _____

HAZARD ANALYSIS

Name of area, room, building or hazard protected _____

Primary Class of Protected Hazard

- Class A - Wood, paper, etc.
- Class B - Flammable liquids
- Class C - Electrical equipment
- Class D - Combustible metals
- Explosives

SYSTEM INFORMATION

System Manufacturer's Name: _____ Date: _____
Installation Manual: _____ U.I. Number: _____
Design type: _____ Pre-engineered: _____ Engineered: _____
If Pre-engineered, Model Number _____
Coverage Type: _____ Total Flooding: _____ Local App: _____
System Actuation: _____ Automatic: _____ Manual: _____
Air/Fan shutdown on actuation? Yes: _____ No: _____
Design discharge rate or concentration level: _____
Design discharge time: _____ Seconds: _____

AGENT INFORMATION

Type of agent provided: _____
Qty Storage cylinder _____ Manufacturer _____ Part No. _____ Amount of agent _____

EQUIPMENT INFORMATION

Initiating Devices		Qty	Item	Manufacturer	Part No.	Temperature
<input type="checkbox"/>	Fusible Links					
<input type="checkbox"/>	Sprinkler Heads					
<input type="checkbox"/>	Heat Detectors					
<input type="checkbox"/>	Smoke Detectors					
<input type="checkbox"/>	Other Fire Detectors					
<input type="checkbox"/>	Manual Pull Stations					
<input type="checkbox"/>	Nozzles					
<input type="checkbox"/>	Interlock					
<input type="checkbox"/>	Fan or A/C Shutdown					
<input type="checkbox"/>	Gas line Shut-off					
<input type="checkbox"/>	Electric Shut-off					

TESTING

Method system was tested: _____

I certify that this fixed fire extinguishing system has been tested and complies with the requirements of Chapter 6001 of the Texas Insurance Code, as amended, and the fire extinguisher rules and adopted NFPA Standards.

Reproduce Form & Distribute
Original to Protected Premise
Copy 1 to Authority having Jurisdiction
Copy 2 Certifying Firm for
access by SFMO
Form # FML 010 October 2012
SF205 Rev. 10/12

Kitchen Hoods & Appliance System				Other Type Hazards				
Overall Hood	Height	Length	Width	Is hazard normally occupied?	Size of Hazard	Height	Length	Width
Plenum	ft x	ft x	ft	<input type="checkbox"/> Yes <input type="checkbox"/> No	ft x ft x	ft	ft x	ft
Exhaust duct perimeter	ft x	ft x	ft	<input type="checkbox"/> Yes <input type="checkbox"/> No	ft x ft x	ft	ft x	ft
Qty	ft x	ft x	ft	<input type="checkbox"/> Yes <input type="checkbox"/> No	ft x ft x	ft	ft x	ft
Appliances	Gas or	Elect	Length	Area sealed to prevent agent loss?	Number of room air changes per minute?	Warning & instruction signs posted?		
Deep Fat Fryer	in x	in x	in	<input type="checkbox"/> Yes <input type="checkbox"/> No	/min.	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Range	in x	in x	in	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No		
Griddle	in x	in x	in	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No		
Char Broiler	in x	in x	in	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No		
Radiant Broiler	in x	in x	in	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No		
Upright Broiler	in x	in x	in	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No		
	in x	in x	in	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No		
	in x	in x	in	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No		

This system was installed in accordance with the following codes:

NFPA _____ Year _____
NFPA _____ Year _____
NFPA _____ Year _____

Signature of Licensee & License Number _____
Completion Date _____

Planning Superintendent & License Number _____
Completion Date _____

(d) After completion of the installation, modification, or addition of a fixed fire extinguisher system, the licensee must complete an installation certificate in the format provided by the state fire marshal (see Certificate of Installation). When an installation certificate has been completed, legible copies must be distributed as follows:

- (1) original to owner or posted on site at control head or panel;
- (2) a copy to main authority having jurisdiction, if required; and
- (3) a copy to certifying firm to retain in their office for access by SFMO.

§34.520. Service Tags.

(a) After any service, a service tag must be completed in detail, indicating all work that has been done, and then attached to the portable or fixed system in such a position as to permit convenient inspection and not hamper its actuation or operation. The signature of the licensee on the service tag certifies that the service performed complies with requirements of law.

(b) A new service tag, yellow tag or red tag, as applicable, must be attached each time service is performed.

(c) Service tags must bear the following information in the format of the tag shown in subsection (g) of this section:

- (1) "DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL"

(all capital letters, at least 10-point boldface type);

- (2) firm's name, address, and telephone number;
- (3) firm's certificate-of-registration number;
- (4) licensee's name and license number;

- (5) licensee's signature (a stamped signature is prohibited);
- (6) month and year (to be punched);
- (7) type of work (to be punched);
- (8) service performed;
- (9) name and address of owner or occupant; and
- (10) extinguisher type, size, and location.

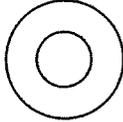
(d) Tags must be 5 1/4 inches in height and 2 5/8 inches in width. Service tags must not be red in color.

(e) Tags may be printed and established for any five-year period.

(f) A service tag may be removed only by an authorized employee of a registered firm, an employee of the state fire marshal's office, or an authorized representative of a governmental agency with regulatory authority.

(g) Service tag:

Figure 28 TAC §34.520(g):



**DO NOT REMOVE BY ORDER OF
 TEXAS STATE FIRE MARSHAL**

*Name & Address and Telephone
 Number of Fire Protection Firm*

Certificate of Registration Number

Name of Licensee

License Number

Signature

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	2016
												2015
												2014
												2013
												2012

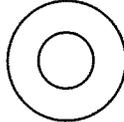
TYPE OF WORK

MAINTENANCE

NEW EXTINGUISHER

SERVICE (List on back)

DATE OF LAST SERVICE



**EXTINGUISHER TYPE, SIZE and
 LOCATION:**

OWNER'S NAME and ADDRESS

LIST SERVICE PERFORMED:

(Monthly Inspection – Initial and date below)

§34.521. Red Tags.

(a) If impairments exist which make a portable extinguisher or fixed system unsafe or inoperable, the owner or the owner's representative must be notified in writing of all impairments. The registered firm must notify the owner or the owner's

representative immediately and must also notify the local authority having jurisdiction (AHJ) when available within 24 hours by phone, fax, or email describing the impairments or deficiencies. A copy of the written notice to the owner must be submitted to the AHJ within three business days. A completed red tag must be attached to indicate that corrective action or replacement is necessary. The signature of the licensee on the tag certifies that the impairments listed indicate that the equipment is unsafe or inoperable. A service tag must not be attached until the impairments have been corrected or the portable extinguisher or fixed system replaced and the extinguisher or fire extinguisher system reinspected and found to be in good operating condition.

(b) Red tags must be the same size as service tags.

(c) Red tags must bear the following information in the format of the tag shown in subsection (e) of this section:

(1) "DO NOT REMOVE--EQUIPMENT IMPAIRED" (all capital letters, at least 10-point boldface type);

(2) firm's name and address;

(3) firm's certificate-of-registration number;

(4) licensee's name and license number;

(5) licensee's signature (a stamped signature is prohibited);

(6) date;

(7) list of impairments; and

(8) name and address of owner or occupant.

(d) A red tag may be removed only by an authorized employee of a registered firm who has corrected the impairments and certified the service, an employee of the state fire marshal's office, or an employee of another governmental agency with regulatory authority.

(e) Red tag:

Figure: 28 TAC §34.521(e):

The figure shows two red tag forms side-by-side. Both tags have a circular hole at the top for a string. The left tag is titled "DO NOT REMOVE EQUIPMENT IMPAIRED" and contains the following fields: "Name, Address, & Telephone Number of Fire Protection Firm", "Certificate of Registration Number", "Name of Licensee", "Signature", "License Number", and "Date". The right tag is titled "OWNER'S NAME and ADDRESS:" and "LIST of IMPAIRMENTS:", with multiple horizontal lines for text entry.

§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 with sections of this subchapter, 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 will be kept available for public inspection at the State Fire Marshal's Office.

- (1) NFPA 11-2010, 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 13-2010, Standard for the Installation of Sprinkler Systems.
- (5) NFPA 13D-2010, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes.
- (6) NFPA 13R-2010, 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.

§34.611. 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 Insurance Code Chapter

6002 and this subchapter. As required by Insurance Code Chapter 6002, an individual or entity must be licensed or approved 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. A residential fire alarm superintendent may act as a fire alarm technician.

(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) 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 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.

§34.613. 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) 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 Insurance Code Chapter 6002 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 Chapter 6002 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.

§34.619. Fire Alarm and Detection System Plans and Record Drawings.

(a) Each fire alarm system or modification to an existing system must be planned by a person holding a fire alarm planning superintendent license or a residential fire alarm superintendent license, as applicable, or a Texas registered professional engineer.

(b) Except for plans sealed by a Texas registered engineer or where specifically waived by the local authority having jurisdiction, at least one set of plans submitted for review, rating, permit, or record purposes must be dated and signed with an original signature, unless waived by the local authority having jurisdiction, by the applicable licensed planner, certifying that the plans meet the applicable codes and standards or

were copied from sealed engineering plans with any violations of the applicable codes and standards noted. In addition, the plans must contain the license number of the licensee, the name, address, phone number, and the certificate of registration number of the registered firm. This information may be in the form of a stamp as shown in subsection (d) of this section.

(c) Record drawings showing details, in accordance with applicable codes and standards, including the sequence of operation, must be provided to the building owner or his representative and shall comply with the requirements of subsection (b) of this section. Subsequent modifications, additions, or alterations must be legibly noted on the record drawings and provided to the owner or his representative.

(d) Plan review and record drawings stamp:

Figure: 28 TAC §34.619(d):

<input type="checkbox"/> FOR SUBMITTAL	<input type="checkbox"/> RECORD DRAWINGS
I have reviewed these plans and	
<input type="checkbox"/> certify that they comply with the applicable codes and standards;	
Or	
<input type="checkbox"/> certify they were copied from sealed engineering plans and any violations of the applicable codes or standards are specifically noted on these plans.	
<i>Registered Firm's Name</i>	
<i>Street Address</i>	
<i>City, State, Zip</i>	
<i>Phone Number</i>	ACR- <i>(number)</i>
<hr/>	
APS Licensee Signature	License #
<hr/>	
APS Printed name	Date

(e) Fire alarm plans, manuals, and documents shall not be stored inside fire alarm panels.

(f) Scale or non-scale drawings for one-or-two-family residences, showing locations of fire detection devices, fire alarm notification devices and the fire alarm system control panel shall be maintained by the installing registered firm for a period of not less than one year after completion of the installation, and shall contain the registered firm's name, phone number, date the installation was completed, certificate of registration number, name and signature of the licensed fire alarm planning superintendent, residential fire alarm superintendent or Texas registered professional engineer. Electronically archived drawings that are reproducible are acceptable. Drawings shall be made available to the residential property owner and local authority having jurisdiction upon request.

§34.620. Installation Labels.

(a) After the completion of an installation of new fire alarm equipment or a new system, or the extension, alteration, or modification to a fire alarm system already in place, an installation label must be affixed to the inside of the control panel cover, or, if the system has no panel, in a permanent location. Yellow or red labels must not be attached for the installation of a new system or new equipment used in the extension, alteration, or modification to an existing fire alarm system. Attachment of the installation label for a one- or two-family residence certifies that the fire alarm equipment or system has been tested and complies with the requirements of Insurance Code Chapter 6002,

this subchapter, the adopted codes and standards, and the manufacturer's requirements.

(b) Installation labels must be white with black lettering.

(c) Installation labels must be approximately three inches in height and approximately three inches in width and must have an adhesive on the back.

(d) Installation labels for commercial building or non-one-or-two-family residence shall contain the following information in the format of the label as indicated in subsection (e) of this section:

(1) DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL
(all capital letters in at least 10-point bold face type);

(2) INSTALLATION RECORD (all capital letters in at least 10-point bold face type);

(3) the registered firm's name, address, telephone number and certificate of registration number (either main office or branch office) of the firm performing the installation;

(4) the installation date, the licensee's signature (a stamped signature is prohibited) and license number; and

(5) the name of the fire alarm planning superintendent and license number or professional engineer's name and license number who planned the system.

(e) Commercial building or non-one-or-two-family residence installation label:

Figure: 28 TAC §34.620(e):

<p style="text-align: center;">DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL (for life of system) COMMERCIAL or non-1-or-2 family residence fire detection and fire alarm devices or system INSTALLATION RECORD (Post inside panel)</p> <p style="text-align: center;"><i>Registered Firm's Name</i> <i>Street Address</i> <i>City, State, Zip</i> <i>Phone Number</i> ACR- (<i>number</i>)</p> <hr/> <p>Installation Date - Licensee Signature - License #</p> <hr/> <p>Alarm Planning Superintendent (printed name)-License # or Professional Engineer's name and License Number copied from record drawings used to install the system.</p>
--

(f) Installation labels for one-or-two-family residence must contain the following information in the format of the label as set forth in subsection (g) of this section:

- (1) **DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL**
(all capital letters in at least 10-point bold face type);
- (2) **INSTALLATION RECORD** (all capital letters in at least 10-point bold face type);
- (3) the registered firm's name, address, telephone number and certificate of registration number (either main office or branch office) of the firm performing the installation;

(4) the installation date, the licensee's signature (a stamped signature is prohibited) and license number; and

(5) the inscription "I certify, on behalf of the registered firm, that the fire alarm equipment or system has been tested and complies with the requirements of Insurance Code Chapter 6002, the Fire Alarm Rules, the adopted codes and standards, and the manufacturer's requirements."

(g) One-or-two-family residence installation label:

Figure: 28 TAC §34.620(g):

<p style="text-align: center;">DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL (for life of system) 1 or 2 family fire alarm/detection devices or system INSTALLATION RECORD (Post inside panel or if no panel in a permanent location)</p> <p style="text-align: center;"><i>Registered Firm's Name</i> <i>Street Address</i> <i>City, State, Zip</i> <i>Phone Number ACR-(number)</i></p> <hr/> <p>Installation Date - Licensee Signature - License #</p> <p>I hereby certify, on behalf of the registered firm, that the fire alarm equipment or system has been tested and complies with the requirements of Insurance Code Chapter 6002, the Fire Alarm Rules, the adopted codes and standards, and the manufacturer's requirements.</p>
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§34.623. Yellow Labels.

(a) If, after any service, inspection, or test, a system does not comply with applicable codes and standards adopted at the time the system was installed or is not

being tested or maintained in accord with those standards, a completed yellow label must be attached to the outside of the control panel cover or, if the system has no panel, in a permanent location to indicate that corrective action is necessary.

(b) The signature of the licensee on a yellow label certifies that the conditions listed on the label cause the system to be out of compliance with applicable codes and standards.

(c) After attaching a yellow label, the licensee or the registered firm must notify the property owner, occupant or their representative and the local authority having jurisdiction in writing indicating the conditions with which the system does not comply with the applicable codes and standards. The notification must be postmarked, e-mailed, faxed or hand delivered within five business days of the attachment of the yellow label.

(d) Yellow labels shall remain in place until the conditions are corrected and a service label is attached certifying that the corrections were made. The yellow label may be removed by a licensed employee or agent of a registered firm, an employee of the State Fire Marshal's Office or an authorized representative of a governmental agency with appropriate regulatory authority.

(e) Yellow labels must be approximately three inches in height and three inches in width and must have an adhesive on the back that allows for label removal.

(f) Labels must be yellow in color with printed black lettering.

(g) Yellow labels must bear the following information in the format of the label as set forth in subsection (h) of this section:

(1) **DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL**

(all capital letters in at least 10-point bold face type);

(2) **SYSTEM DOES NOT COMPLY WITH APPLICABLE CODES & STANDARDS** (all capital letters in at least 10-point bold face type);

(3) the registered firm's name, address, telephone number (either main office or branch office) and certificate of registration number of the firm attaching the yellow label;

(4) the date the label was attached, the licensee's signature (a stamped signature is prohibited) and license number; and

(5) a list of conditions resulting in the yellow label;

(h) Yellow label:

Figure: 28 TAC §34.623(h):

DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL (until all conditions are corrected) SYSTEM DOES NOT COMPLY WITH APPLICABLE CODES & STANDARDS (at the time the system was installed)		
<i>Registered Firm's Name</i> <i>Street Address, City, State, Zip</i> <i>Phone Number ACR-(number)</i>		
Date	-	Licensee Signature - License #
List Conditions: _____		

REPORT STATUS TO OWNER & AHJ
(in writing within 5 business days)

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

The training curriculum for a residential fire alarm technician training course must consist of at least seven 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 Insurance Code Chapter 6002 and the Fire Alarm Rules;
- (2) one hour of instruction on the National Electric Code, NFPA 70;
- (3) 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

(4) 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, 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.texas.gov.

SUBCHAPTER G. FIRE SPRINKLER RULES

§34.701. Purpose. The purpose of this subchapter is to regulate persons engaged in the business of planning, selling, installing, maintaining, or servicing fire protection sprinkler systems in the interest of safeguarding lives and property pursuant to Insurance Code Chapter 6003.

§34.704. Exceptions. The exceptions of Insurance Code §6003.002 are applicable to the sections of this subchapter.

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

- (1) Business--Planning, selling, installing, maintaining, or servicing fire protection sprinkler systems.
- (2) Certificate--The certificate of registration issued by the state fire marshal.
- (3) Certify--To attest to the proper planning, installing, maintaining, or servicing of fire protection sprinkler systems by executing a contractor's material and test certificate or other form required by a governmental authority or by attaching a completed service tag.
- (4) Department--The Texas Department of Insurance.
- (5) Emergency impairment--A condition where a water-based fire protection system or portion thereof is out of order due to an unexpected occurrence, such as ruptured pipe, an operated sprinkler, or an interruption of the water supply to the system.
- (6) Employee—An individual that who performs tasks assigned by the employer. The employee's pay is subject to the deduction of social security and federal income tax. The employee may be full time, part time, or seasonal. For the purposes of this section, employees of a registered firm who are paid through a staff leasing company are considered to be employees of the registered firm.

(7) Firm--A person or organization as defined in this section.

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

(9) Full-time employment basis--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.

(10) Inspection--A visual examination of a system or portion thereof to verify that it appears to be in operating condition and is free of physical damage.

(11) Inspection, testing, and maintenance service--A service program provided by a qualified contractor in which all components unique to the property's systems are inspected and tested at the required times and necessary maintenance is provided and/or recommended. This program includes logging and retention of relevant records.

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

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

(14) Organization--A corporation, partnership or other business association, or governmental entity.

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

(16) Person--A natural person.

(17) Plan--To lay out, detail, draw, calculate, devise, or arrange an assembly of underground and overhead piping and appurtenances in accordance with either adopted fire protection standards or specifications especially designed by an engineer.

(18) Registered firm--A person or organization holding a current certificate of registration.

(19) Repair--Any work performed after initial installation on fire protection sprinkler systems, not including inspecting or testing.

(20) Responsible managing employee--A responsible managing employee, as defined in Insurance Code §6003.001(10), and also referenced within this subchapter as an RME.

(21) Sprinkler system--A sprinkler system, for fire protection purposes which:

(A) is an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards;

(B) is an installation including a water supply such as a gravity tank, fire pump, reservoir, or pressure tank, or connection by underground piping to a city main from the point of connection or valve where the primary purpose of the water is for a fire protection sprinkler system;

(C) includes, as the portion of the sprinkler system aboveground, a network of specially sized or hydraulically designed piping installed in a building,

structure, or area, generally overhead, and to which sprinklers are connected in a systematic pattern;

(D) includes a controlling valve and a device for actuating an alarm when the system is in operation; and

(E) is usually activated by heat from a fire and discharges water over the fire area.

(22) Testing--A procedure used to determine the status of a system as intended by conducting periodic physical checks on water-based fire protection systems such as water-flow tests, fire pump tests, alarm tests, and trip tests of dry pipe, deluge, or preaction valves. These tests follow up on the original acceptance test at intervals specified in the applicable adopted standard.

§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 will 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 (20-2010), 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.

§34.712. Alterations of Certificates or Licenses. Alteration of certificates or licenses renders them invalid and is the basis for administrative action pursuant to Insurance Code §6003.251.

§34.713. Applications.

(a) Certificates of registration.

(1) Applications for certificates must be submitted on forms provided by the state fire marshal and must be accompanied by all other information required by Insurance Code Chapter 6003 and this subchapter. An application will not be deemed complete until all required forms 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 corporations, the application must be accompanied by 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. For applicants using an assumed name, the application must also be accompanied by evidence of compliance with the Assumed Business or Professional Name Act, Business and Commerce Code Chapter 71. The application must also include written authorization by the applicant permitting the state fire marshal or the state fire marshal's 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 Insurance Code Chapter 6003 and this subchapter.

(3) For corporations, the application must also include the corporate taxpayer identification number, the charter number, and a copy of the corporation's current franchise tax certificate of good standing issued by the state comptroller.

(4) An applicant must not designate as its full-time responsible managing employee (RME) a person who is the designated full-time RME of another registered firm.

(5) A registered firm must not conduct any business as a fire protection sprinkler contractor until a full-time RME, as applicable to the business conducted, is employed. An individual with an RME-General Inspector's license does not constitute compliance with the requirements of this subsection.

(6) A certificate of registration may not be renewed unless the firm has at least one licensed RME as a full-time employee before the expiration of the certificate of registration to be renewed. If an applicant for renewal does not have an RME as a full-time employee as a result of death or disassociation of an RME within 30 days preceding the expiration of the certificate of registration, the renewal applicant must inform the license section of the state fire marshal's office of the employment of a full-time RME before the certificate of registration will be renewed.

(7) Insurance required.

(A) The state fire marshal must not issue a certificate of registration under this subchapter unless the applicant files with the state fire marshal's office a proof of liability insurance. The insurance must include products and completed operations coverage.

(B) Each registered firm must maintain in force and on file in the state fire marshal's office the 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, as applicable. Failure to do so will be cause for administrative action.

(C) Evidence of public liability insurance, as required by Insurance Code §6001.152, must be in the form of a certificate of insurance executed by an insurer authorized to do business in this state, or a certificate of insurance for surplus lines coverage, secured in compliance with Insurance Code Chapter 981, as contemplated by Insurance Code §6001.152(c).

(b) Responsible managing employee licenses.

(1) Original and renewal applications for a license from an employee of a firm engaged in the business must be submitted on forms provided by the state fire marshal and accompanied by all other information required by Insurance Code Chapter 6003 and this subchapter.

(2) The following documents must accompany the application as evidence of technical qualifications for a license:

(A) RME-General:

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

(ii) a copy of NICET's notification letter confirming the applicant's successful completion of the test requirements for certification at Level III for water-based fire protection systems layout.

(B) RME-Dwelling:

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

(ii) a copy of the notification letter confirming at least a 70 percent grade on the test covering dwelling fire protection sprinkler systems, administered by the State Fire Marshal's Office or an outsource testing service, and one of the following:

(I) proof of license as an "RME-General"; or

(II) a copy of NICET's notification letter confirming the applicant's successful completion of the test requirements for certification at Level II for fire protection automatic sprinkler system layout and evidence of a current Texas master plumber license; or

(III) a copy of NICET's notification letter confirming the applicant's successful completion of the test requirements for certification at Level II for fire protection automatic sprinkler system layout and evidence of current employment by a registered fire sprinkler contractor.

(C) RME-Underground Fire Main:

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

(ii) a copy of the notification letter confirming at least a 70% grade on the test covering underground fire mains for fire protection sprinkler systems, administered by the State Fire Marshal's Office or an outsource testing service.

(D) RME-General Inspector:

(i) a copy of NICET's notification letter confirming the applicant's successful completion of the examination requirements for certification at Level II for Inspection and Testing of Water-Based Systems; and

(ii) evidence of current employment by a registered fire protection sprinkler system contractor.

(c) Complete applications. The application form for a license or registration must be accompanied by the required fee and must, within 180 days of receipt by the department of the initial application, be complete and accompanied by all other information required by Insurance Code Chapter 6003 and this subchapter, or a new application must be submitted including all applicable fees.

§34.715. Tests.

(a) Each applicant for a license must take and pass with at least a 70 percent grade, a test covering this subchapter and Insurance Code Chapter 6003 and if applicable, a technical qualifying test as specified in §34.713(b) of this title (relating to Applications). The content, frequency, and location of the test must be designated by the State Fire Marshal's Office.

(b) Examinees who fail must file a retest application accompanied by the required fee.

(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 examinee who is scheduled for a test to be conducted on a religious holy day by the State Fire Marshal's Office and who wishes to observe the religious holy day may request the rescheduling of the test to an alternate date.

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

(f) 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, except for testing conducted by NICET; otherwise, the test is voided and the individual will have to pass the test again.

§34.716. Installation, Maintenance, and Service.

(a) All fire protection sprinkler systems installed under Insurance Code Chapter 6003 must be installed under the supervision of the appropriate licensed responsible managing employee.

(1) An "RME-General" may supervise the installation of any fire protection sprinkler system including one- and two-family dwellings.

(2) An "RME-Dwelling" may only supervise the installation of a fire protection sprinkler system in one- and two-family dwellings.

(3) An "RME-Underground Fire Main" may only supervise the installation of an assembly of underground piping or conduits, that conveys water with or without other agents, used as an integral part of any type of fire protection sprinkler system.

(b) Upon completion of the installation, the licensed responsible managing employee must have affixed a contractor's material and test certificate for aboveground and/or underground piping on or near the system riser. If the adopted installation standard does not require testing, all other sections except the testing portion of the contractor's material and test certificate must still be completed. The contractor's material and test certificate must be obtained from the State Fire Marshal's Office. The certificate must be distributed as follows:

(1) original copy kept at the site after completion of the installation;

(2) second copy retained by the installing company at its place of business in a separate file used exclusively by that firm to retain all "Contractor's Material and Test Certificates." The certificates must be available for examination by the state fire marshal or the state fire marshal's representative upon request. The certificates must be retained for the life of the system; and

(3) third copy to be sent to the local authority having jurisdiction within 10 days after completion of the installation.

(c) Service, maintenance, or testing, when conducted by someone other than an owner, must be conducted by a registered firm and in compliance with the appropriate adopted standards. After January 1, 2009, the inspection, test and maintenance service of a fire protection sprinkler system, except a one- and two-family dwelling or an underground fire main, must be performed by an individual holding a current RME-

General Inspector or RME-General license. A visual inspection not accompanied by service, maintenance, testing, or certification does not require a certificate of registration.

(d) Complete records must be kept of all service, maintenance, testing, and certification operations of the firm. The records must be available for examination by the state fire marshal or the state fire marshal's representative.

(e) All vehicles used in 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 at least two inches in height and must be permanently affixed or magnetically attached to a side panel or front door panel in a color contrasting with the background color of the vehicle. The certificate of registration number must be designated as: Texas Fire Sprinkler Registration (number) or it may be abbreviated to Tex: SCR (number).

(f) Each registered firm must employ at least one full-time RME-General or RME-Dwelling licensee at each business office where fire protection sprinkler system planning is performed, who is appropriately licensed to conduct the business performed by the firm.

(g) The planning of an automatic fire protection sprinkler system must be performed under the direct supervision of the appropriately licensed RME.

(h) The planning, installation, or service of a fire protection sprinkler system must be in accord with the minimum requirements of the applicable adopted standards in §34.707 of this title (relating to Adopted Standards) except when the plan, installation or

service complies with a more recent edition of the standard that has been adopted by the political subdivision in which the system is installed.

§34.721. Yellow Tags.

(a) If a fire protection sprinkler system is found to be noncompliant with the applicable NFPA standards at the time it was installed or found to contain equipment that has been recalled by the manufacturer, but the noncompliance or recalled equipment does not constitute an emergency condition, a completed yellow tag must be attached to the respective riser of each system to permit convenient inspection, to not hamper the system's actuation or operation, and also to indicate that corrective action is necessary.

(b) The signature of the service person on a yellow tag certifies the impairments listed on the tag cause the system to be out of compliance with NFPA standards.

(c) After attaching a yellow tag, the inspector must notify the building owner or the building owner's representative and the authority having jurisdiction in writing of all impairments. The notification must be postmarked, e-mailed, faxed or hand delivered within five business days of the attachment of the yellow tag.

(d) A yellow tag may only be removed by a licensed employee of a registered firm or an authorized representative of a governmental agency with appropriate regulatory authority after the employee or representative completes and attaches a service tag that indicates the impaired conditions were corrected.

(e) Yellow tags may be printed for a multiple period of years.

(f) Yellow tags must be the same size as service tags, and must contain the following information in the format of the tag as set forth in subsection (g) of this section:

(1) "DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL"

(all capital letters, at least 10-point boldface type);

(2) firm's name, address and phone number;

(3) firm's certificate of registration number;

(4) license number of RME;

(5) printed name of service person or inspector;

(6) signature of service person or inspector;

(7) day, month, and year (to be punched);

(8) name and address of owner or occupant;

(9) building number, location or system number; and

(10) list of impairments not compliant with NFPA standards.

(g) Sample yellow tag:

Figure: 28 TAC §34.721(g):

**DO NOT REMOVE BY ORDER OF
TEXAS STATE FIRE MARSHAL**

YELLOW TAG

16	1
17	2
18	3
19	4
20	5
21	6
22	7
23	8
24	9
25	10
26	11
27	12
28	13
29	14
30	15
31	

*Name & Address
of Sprinkler Firm
Phone Number
SCR-Number*

RME's License Number

Printed name of
serviceperson / inspector

Signature of authorized
serviceperson / inspector

**REPORT STATUS TO
OWNER AND AHJ
IN WRITING
(within 5 business
days)**

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	2017
												2016
												2015
												2014
												2013
												2012

The system has been found to be noncompliant with applicable NFPA standards, at the time it was installed – or contains equipment recalled by the manufacturer. An authorized individual may remove this tag after a service tag has been attached indicating the condition has been corrected.

Name of Owner or Occupant

Address

Building No. or Location or System No.

List items not compliant with NFPA standards:

§34.723. Enforcement.

(a) The state fire marshal is authorized and directed to enforce the provisions of Insurance Code Chapter 6003 and this subchapter. The state fire marshal must make, or cause to be made, inspections from time to time and as circumstances dictate to

determine that licensed firms and persons engaged in the business act in conformity with the requirements of the law and this subchapter.

(b) Such inspections shall be made by the state fire marshal or the state fire marshal's representative. When an inspection discloses violations of the law or this subchapter, the firm or person responsible for correcting the violation shall be notified within 30 days after completion of the inspection report. In all cases in which a violation is not corrected within a reasonable time, the state fire marshal shall take such steps as may be necessary to enforce correction of the violation and may initiate appropriate administrative action.

§34.724. Administrative Actions. The failure to comply with the provisions of this subchapter and the provisions of Insurance Code Chapter 6003 by certificate holders or licensees may subject them, as provided in 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, administrative penalty, order for restitution to persons harmed, or combination of them.

SUBCHAPTER H. STORAGE AND SALE OF FIREWORKS

§34.811. Requirements, Pyrotechnic Operator License, Pyrotechnic Special Effects Operator License, and Flame Effects Operator License.

(a) Applicants for a pyrotechnic operator license, pyrotechnic special effects operator license or flame effects operator license must take a written test and obtain at

least a passing grade of 70 percent. Written tests may be supplemented by practical tests or demonstrations deemed necessary to determine the applicant's knowledge and ability. The content, frequency, and location of the tests must be designated by the state fire marshal.

(b) Examinees who fail may file a retest application accompanied by the required fee.

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

(d) 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.

(e) The state fire marshal may waive a test requirement for an applicant with a valid license from another state having license requirements substantially equivalent to those of this state.

(f) A licensee whose license has been expired for two years or longer and makes application for a new license must pass another test.

(g) A pyrotechnic operator license will not be issued to any person who fails to meet the requirements of subsection (a) of this section and the following:

(1) assisted in conducting at least five permitted or licensed public displays in Texas under the direct supervision of and verified in writing by a pyrotechnic operator licensed in Texas;

(2) be at least 21 years of age.

(h) The pocket license document issued along with the regular license document is for identification purposes only and must be carried by the licensee when engaged in the business.

§34.815. Retail Permits.

(a) A retail permit is required for each retail stand or other retail sales location.

(b) Retail permits may be obtained at any time from any participating manufacturer, distributor, or jobber holding a valid license to do business in Texas or from the state fire marshal, and must be signed by the applicant prior to the permit becoming effective.

(1) A retail permittee must purchase Fireworks 1.4G only from a distributor or jobber licensed in this state.

(2) Bulk storage of Fireworks 1.4G by a retail permittee must be in compliance with §34.823 of this title (relating to Bulk Storage of Fireworks 1.4G).

(3) Fireworks 1.4G must be sold to the general public only at legally permitted retail fireworks sites and during the legal selling periods defined in the Occupations Code §2154.202.

(4) A copy of Occupations Code Chapter 2154 and the fireworks rules, or a condensed version thereof, must be provided to the purchaser of a retail permit by the participating licensee at the time the permit is issued. Copies of Occupations Code Chapter 2154 and the fireworks rules will be made available through the State Fire Marshal's Office.

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

(6) Retail permits may only be issued to individuals or groups engaged in the retail sales of fireworks.

(c) Any licensee purchasing books of permits for sale to retail operators shall properly account for all permits received.

(1) The licensee who issues retail permits shall return books containing duplicate copies of each issued permit to the State Fire Marshal's Office within a week from the time the last permit in each book has been issued. All used and unused permits shall be returned no later than March 1 of each year.

(2) The returned copies in each book are considered the official record of retail permits sold.

(3) A licensee may exchange any unissued retail permit which has not been voided or otherwise rendered unusable for a new permit at the end of each year following expiration.

§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. Fireworks may not be sold or stored for future sale at any inhabited dwelling, house, apartment, or other structure used in whole or in part as a home or place of abode by any person or persons.

(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.

SUBCHAPTER L. FIRE STANDARD COMPLIANT CIGARETTES
28 TAC §34.1203, §34.1212

§34.1203. General Provisions Regarding Required and Voluntary Submissions.

(a) Applicability. Except as otherwise provided in this subchapter, this section applies to each:

- (1) certification form and marking application, including those submitted in an alternate form in accordance with §34.1212(c) of this subchapter (relating to Promulgated and Alternate Certification Forms and Marking Applications);
- (2) request for an alternate certification or marking application form;
- (3) request for an alternative test method and performance standard; and
- (4) applicable fee required to be submitted to the SFMO under the Health and Safety Code §796.005(e) and §34.1211 of this subchapter (relating to Certification Filing Fees).

(b) Submissions.

(1) Promulgated certification forms and marking applications. The certification form and marking application form specified in §34.1212 of this title (relating to Promulgated and Alternate Certification Forms and Marking Applications) may be obtained from the State Fire Marshal's Office, Mail Code 112-FM, Texas Department of Insurance, P.O. Box 149221, Austin, Texas 78714-9221 or the department's website at www.tdi.texas.gov/forms/forms18.html.

(2) Alternate certification form or marking application. A manufacturer may submit a request to the SFMO to use an alternate form as specified in §34.1212(c)

of this subchapter in lieu of the promulgated certification form or marking application specified in §34.1212(a) and (b) of this subchapter. A manufacturer may request to use an alternate certification form or an alternate marking application, or both an alternate certification form and an alternate marking application. The request to use an alternate form should be submitted to the address specified in paragraph (1) of this subsection.

(3) Manner of submission.

(A) All certification forms, marking applications, including those submitted in an alternate form, requests for an alternative test method and performance standard, and applicable fees required to be submitted pursuant to the Health and Safety Code Chapter 796 and this subchapter must be submitted to the Fire Standard Compliant Cigarette Program Coordinator, State Fire Marshal's Office, Mail Code 112-FM, Texas Department of Insurance, P.O. Box 149221, Austin, Texas 78714-9221, or to the extent that the SFMO and department determine an acceptable means of electronic submission, a certification form, marking application, request for an alternate certification or marking application form, request for an alternative test method and performance standard, or applicable fee may be submitted electronically.

(B) Each certification form and marking application or approved-for-use alternate certification or marking application form submitted to the SFMO must be fully completed before it will be accepted and the filing will be considered for the purpose it was submitted. A completed certification form or marking application or completed alternate certification or marking application form is one that provides all required information and is accompanied by all required fees.

(4) SFMO initial actions on initial submissions.

(A) If the SFMO determines the submitted marking application is incomplete, the SFMO shall provide the manufacturer with written notice stating the reasons why the submitted marking application is incomplete. If this notification is not postmarked within 10 business days following the receipt of the marking application, the marking application is deemed approved as provided in §34.1210(c)(2) (relating to Marking of Package).

(B) A certification that includes payment of all required fees is considered valid until the SFMO disapproves the certification submission in writing.

(C) The SFMO will provide written notice as specified in subsection (c) of this section that:

(i) the certification form or marking application has been accepted as complete or that the request for an alternative testing method or request for an alternate certification or marking application form has been approved; or

(ii) the submission has been disapproved. Disapprovals shall state in writing the reason the submission was not approved and that the person may take action as provided under paragraph (5) of this subsection.

(5) Resubmissions. If the submission is disapproved, the person making the submission may complete or correct the submission and resubmit it.

(A) If the corrected or completed submission is resubmitted to the SFMO within 180 days of receipt by the SFMO of the initial submission, the corrected or completed submission may be submitted without payment of additional fees.

(B) If the corrected or completed submission is not submitted within the 180-day time period, the corrected or completed submission constitutes a

new submission and must be submitted with an additional payment to the SFMO of all required fees as specified in §34.1211 of this subchapter (relating to Certification Filing Fees).

(C) If the person chooses not to correct and resubmit the submission, the person shall have 30 days from the date of the last disapproval notice to make a written request for hearing to the SFMO. If a hearing is requested, the hearing will be granted, and the procedures for a contested case under the Administrative Procedure Act, Government Code Chapter 2001, shall apply.

(c) Written Notice from the SFMO. Notice by the SFMO, as required by provisions of this subchapter, shall be given by personal service or mailed, postage prepaid, to the mailing address of record for the submitting entity.

§34.1212. Promulgated and Alternate Certification Forms and Marking

Applications.

(a) Promulgated Certification by Manufacturer for Fire Standard Compliant Cigarette. The commissioner adopts by reference the Certification by Manufacturer for Fire Standard Compliant Cigarette (FSCC), which contains instructions for completion of the form; information regarding certification fees; requires information to be provided regarding the certification type, cigarette manufacturer, testing entity, test method, testing and quality assurance program, and cigarette variety information required by Health and Safety Code §796.005. The form is available at the department's website at www.tdi.texas.gov/forms/forms18.html.

(b) Promulgated Application for Fire Standard Compliant Cigarette Marking

Approval. The commissioner adopts by reference the Application for Fire Standard Compliant Cigarette Marking Approval, which contains instructions for completion of the form and requires information to be provided regarding the cigarette manufacturer, marking approval, and a certification that the manufacturer will or has provided required information to cigarette wholesale dealers and agents. The form is available at the department's website at www.tdi.texas.gov/forms/forms18.html.

(c) Alternate Certification Form or Marking Application. The information required by the promulgated certification form or marking application may be submitted in an alternate form in lieu of the promulgated certification form or marking application.

(1) Manufacturers may submit either an alternate form in lieu of the promulgated certification form or an alternate form in lieu of the promulgated marking application or both an alternate certification form and alternate marking application. Manufacturers may submit an alternate certification form in conjunction with the promulgated Application for Fire Standard Compliant Cigarette Marking Approval. Manufacturers may submit an alternate marking application in conjunction with the promulgated Certification by Manufacturer for Fire Standard Compliant Cigarette (FSCC).

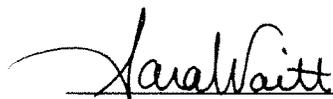
(2) The alternate form must be approved by the SFMO before the form may be used to file the information required in the promulgated certification form or marking application.

(3) A manufacturer may submit a request to the SFMO to use an alternate form in accordance with §34.1203 of this title (relating to General Provisions Regarding Required and Voluntary Submissions).

(4) Submission of an alternate form in lieu of the promulgated certification or marking application is not required and is at the option of the manufacturer.

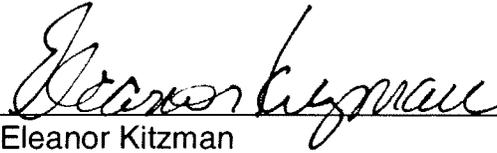
CERTIFICATION. This agency certifies that legal counsel has reviewed the adopted sections and found them to be a valid exercise of the agency's legal authority.

Issued at Austin, Texas, on January 23, 2013.



Sara Waitt
General Counsel
Texas Department of Insurance

The commissioner adopts the amendments to 28 Texas Administrative Code Chapter 34, Subchapter E, Fire Extinguisher and Installation §§34.501, 34.504, 35.506, 34.510, 34.513, 34.514, 34.516, 34.517, 34.519, 34.520, and 34.521; Subchapter F, Fire Alarm Rules, §§34.607, 34.611, 34.613, 34.619, 34.620, 34.623, 34.628, and 34.630; Subchapter G, Fire Sprinkler Rules, §§34.701, 34.704, 34.706, 34.707, 34.712, 34.713, 34.715, 34.716, 34.721, 34.723, and 34.724; Subchapter H, Storage and Sale of Fireworks, §§34.811, 34.815, and 34.817; and Subchapter L, Fire Standard Compliant Cigarettes, §34.1203 and §34.1212.



Eleanor Kitzman
Commissioner of Insurance

COMMISSIONER'S ORDER NO. 2237