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[SF041](#) - Contractor’s Material and Test Certificate for Aboveground Piping

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Texas Insurance Code
Title 20. Regulation of Other Occupations
Chapter 6003. Fire Protection Sprinkler System Service
and Installation

Subchapter A. General Provisions

Section 6003.001 Definitions

In this chapter:

(1) "Fire protection sprinkler system" means an assembly of underground or overhead piping or conduits that conveys water with or without other agents to dispersal openings or devices to:

- (A) extinguish, control, or contain fire; and
- (B) provide protection from exposure to fire or the products of combustion.

(2) "Fire protection sprinkler system contractor" means an individual or organization that offers to undertake, represents itself as being able to undertake, or undertakes the plan, sale, installation, maintenance, or servicing of:

- (A) a fire protection sprinkler system; or
- (B) any part of a fire protection sprinkler system.

(3) "Individual" means a natural person, including an owner, manager, officer, employee, or occupant.

(4) "Installation" means:

- (A) the initial placement of equipment; or
- (B) the extension, modification, or alteration of equipment after initial placement.

(5) "Insurance agent" means:

- (A) an individual, firm, or corporation licensed under:
 - (i) Subchapter E, Chapter [981](#); or
 - (ii) Subchapter A, B, C, D, E, or G, Chapter [4051](#); or
- (B) an individual authorized to represent an insurance fund or pool created by a municipality, county, or other political subdivision of this state under Chapter [791](#), Government Code.

(6) "License" means the document issued to a responsible managing employee authorizing the employee to engage in the fire protection sprinkler system business in this state.

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(7) "Maintenance" means the maintenance of a fire protection sprinkler system or any part of a fire protection sprinkler system in the condition of repair that provides performance as originally planned.

(8) "Organization" means a corporation, a partnership or other business association, a governmental entity, or any other legal or commercial entity.

(9) "Registration certificate" means the document issued to a fire protection sprinkler system contractor authorizing the contractor to engage in business in this state.

(10) "Responsible managing employee" means an individual designated by a company that plans, sells, installs, maintains, or services fire protection sprinkler systems to ensure that each fire protection sprinkler system, as installed, maintained, or serviced, meets the standards for the system as provided by law.

(11) "Service" means maintenance, repair, or testing.

Added by Acts 2007, 80th Leg., R.S., Ch. 730 (H.B. [2636](#)), Sec. 1J.001, eff. April 1, 2009.

Section 6003.002 Applicability of Chapter

(a) This chapter does not apply to:

(1) an employee of the United States, this state, or any political subdivision of this state who acts as a fire protection sprinkler system contractor for the employing governmental entity;

(2) the plan, sale, installation, maintenance, or servicing of a fire protection sprinkler system in any property owned by the United States or this state;

(3) an individual or organization acting under court order as authorization;

(4) an individual or organization that sells or supplies products or materials to a registered fire protection sprinkler system contractor;

(5) an installation, maintenance, or service project for which the total contract price for labor, materials, and all other services is less than \$100, if:

(A) the project is not a part of a complete or more costly project, whether the complete project is to be undertaken by one or more fire protection sprinkler system contractors;
or

(B) the project is not divided into contracts of less than \$100 for the purpose of evading this chapter;

(6) an engineer licensed under Chapter [1001](#), Occupations Code, acting solely in the engineer's professional capacity;

(7) a regular employee of a registered fire protection sprinkler system contractor; or

(8) an owner or lessee of property that:

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(A) installs a fire protection sprinkler system on the owned or leased property for the owner's or lessee's own use or for family members' use; and

(B) does not offer the property for sale or lease before the first anniversary of the date of installation of the fire protection sprinkler system.

(b) This chapter does not authorize an individual or organization to practice professional engineering other than in compliance with Chapter [1001](#), Occupations Code.

Added by Acts 2007, 80th Leg., R.S., Ch. 730 (H.B. [2636](#)), Sec. 1J.001, eff. April 1, 2009.

Section 6003.003 Effect on Local Regulation

(a) This chapter and the rules adopted under this chapter have uniform force and effect throughout this state. A municipality or county may not enact an order, ordinance, or rule requiring a fire protection sprinkler system contractor to obtain a registration certificate from the municipality or county. A municipality or county may not impose on a fire protection sprinkler system contractor qualification or financial responsibility requirements other than proof of a registration certificate.

(b) Notwithstanding any other provision of this chapter, a municipality or county may require a fire protection sprinkler system contractor to obtain a permit and pay a permit fee for the installation of a fire protection sprinkler system and require the installation of a fire protection sprinkler system to conform to the building code or other construction requirements of the municipality or county.

(c) A municipal or county order, ordinance, or rule in effect on September 1, 1983, is not invalidated because of any provision of this chapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 730 (H.B. [2636](#)), Sec. 1J.001, eff. April 1, 2009.

Subchapter B. Powers and Duties of Commissioner, Department, and State Fire Marshal

Section 6003.051 Administration of Chapter

- (a) The department shall administer this chapter.
- (b) The commissioner may issue rules necessary to administer this chapter through the state fire marshal.

Added by Acts 2007, 80th Leg., R.S., Ch. 730 (H.B. [2636](#)), Sec. 1J.001, eff. April 1, 2009.

Section 6003.052 Adoption of Rules

- (a) In adopting necessary rules, the commissioner may use recognized standards, including standards:
 - (1) adopted by federal law or regulation;
 - (2) published by a nationally recognized standards-making organization; or
 - (3) developed by individual manufacturers.
- (b) Under rules adopted under Section [6003.051](#)(b), the department may create a specialized licensing or registration program for fire protection sprinkler system contractors.

Added by Acts 2007, 80th Leg., R.S., Ch. 730 (H.B. [2636](#)), Sec. 1J.001, eff. April 1, 2009.

Section 6003.053 Rules Restricting Advertising or Competitive Bidding

- (a) The commissioner may not adopt rules restricting advertising or competitive bidding by the holder of a license or registration certificate issued under this chapter except to prohibit false, misleading, or deceptive practices.
- (b) In the commissioner's rules to prohibit false, misleading, or deceptive practices, the commissioner may not include a rule that:
 - (1) restricts the use of any medium for advertising;
 - (2) restricts the use of a license or registration certificate holder's personal appearance or voice in an advertisement;
 - (3) relates to the size or duration of an advertisement by the license or registration certificate holder; or
 - (4) restricts the license or registration certificate holder's advertisement under a trade name.

Added by Acts 2007, 80th Leg., R.S., Ch. 730 (H.B. [2636](#)), Sec. 1J.001, eff. April 1, 2009.

Section 6003.054 General Powers and Duties of Commissioner, State Fire Marshal, and Department

(a) The commissioner may delegate authority to exercise all or part of the commissioner's functions, powers, and duties under this chapter, including the issuance of licenses and registration certificates, to the state fire marshal. The state fire marshal shall implement the rules adopted by the commissioner for the protection and preservation of life and property in controlling:

- (1) the registration of an individual or an organization engaged in the business of planning, selling, installing, maintaining, or servicing fire protection sprinkler systems; and
- (2) the requirements for the plan, sale, installation, maintenance, or servicing of fire protection sprinkler systems by:
 - (A) determining the criteria and qualifications for registration certificate and license holders;
 - (B) 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;
 - (C) conducting examinations and evaluating the qualifications of a license applicant; and
 - (D) issuing registration certificates and licenses to qualified applicants.

(b) The commissioner shall establish a procedure for reporting and processing complaints relating to the business of planning, selling, installing, maintaining, or servicing fire protection sprinkler systems in this state.

Added by Acts 2007, 80th Leg., R.S., Ch. 730 (H.B. [2636](#)), Sec. 1J.001, eff. April 1, 2009.

Section 6003.055 Fees

(a) The commissioner shall set the fee for:

- (1) a registration certificate application in an amount not to exceed \$100;
- (2) an initial or renewal registration certificate in an amount not to exceed \$1,200 annually; and
- (3) an initial or renewal responsible managing employee license fee in an amount not to exceed \$200 annually.

(b) Unless the examination for a responsible managing employee license is administered by a testing service, the commissioner shall set a nonrefundable fee for each examination in an amount not to exceed \$100.

(c) The commissioner shall set a fee in an amount not to exceed \$70 for:

- (1) a duplicate registration certificate or license issued under this chapter; or

(2) any request requiring changes to a registration certificate or license.

Added by Acts 2007, 80th Leg., R.S., Ch. 730 (H.B. [2636](#)), Sec. 1J.001, eff. April 1, 2009.

Section 6003.056 Deposit in Operating Account

All fees collected under this chapter shall be deposited in the state treasury to the credit of the Texas Department of Insurance operating account for use in administering this chapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 730 (H.B. [2636](#)), Sec. 1J.001, eff. April 1, 2009.

Subchapter D. Registration and License Requirements

Section 6003.151 Fire Protection Sprinkler System Contractor; Registration Certificate Required

- (a) Unless the individual or organization holds a registration certificate issued by the department, an individual or organization may not plan, sell, install, maintain, or service a fire protection sprinkler system.
- (b) An applicant for a registration certificate must apply to the department on a form prescribed by the commissioner.
- (c) An organization that is a partnership or joint venture is not required to register under the name of the organization if each partner or joint venturer holds a registration certificate.

Added by Acts 2007, 80th Leg., R.S., Ch. 730 (H.B. [2636](#)), Sec. 1J.001, eff. April 1, 2009.

Section 6003.152 Required Insurance Coverage for Registration Certificate

- (a) The department may not issue a registration certificate under this chapter unless the applicant files with the department evidence of a general liability insurance policy that includes products and completed operations coverage. The policy must be conditioned to pay on behalf of the insured those amounts that the insured becomes legally obligated to pay as damages because of bodily injury and property damage caused by an occurrence involving the insured or the insured's officer, agent, or employee in the conduct of any activity that requires a registration certificate or license under this chapter.
- (b) Unless the commissioner, after notice and an opportunity for a hearing, increases or decreases the limits, the limits of insurance coverage required by Subsection (a) must be at least:
- (1) \$100,000 combined single limits for bodily injury and property damage for each occurrence; and
 - (2) \$300,000 aggregate for all occurrences for each policy year.
- (c) The evidence of insurance required by this section must be in the form of a certificate of insurance executed by an insurer authorized to engage in the business of insurance in this state and countersigned by an insurance agent licensed in this state. A certificate of insurance for surplus lines coverage procured in compliance with Chapter [981](#) through a surplus lines agent that is licensed under Subchapter E, Chapter [981](#), and resident in this state may be filed with the department as evidence of the coverage required by this section.
- (d) An insurance certificate executed and filed with the department under this section remains in force until the insurer has terminated future liability by the notice required by the department.

(e) Failure to maintain the liability insurance required by this section constitutes grounds for the denial, suspension, or revocation, after notice and opportunity for hearing, of a registration certificate issued under this chapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 730 (H.B. [2636](#)), Sec. 1J.001, eff. April 1, 2009.

Section 6003.153 Responsible Managing Employee: License Required

(a) Each fire protection sprinkler system contractor must employ at least one licensed responsible managing employee on a full-time basis.

(b) A person may not act as a responsible managing employee unless the person holds a license issued by the department, conditioned on the successful completion of the license examination and compliance with the requirements of the rules adopted under this chapter.

(c) Notwithstanding Subsection (a), an individual or organization with a current registration certificate may act as a fire protection sprinkler system contractor for 30 days after the death or dissociation of its licensed responsible managing employee or for a longer period approved by the commissioner under the rules adopted under this chapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 730 (H.B. [2636](#)), Sec. 1J.001, eff. April 1, 2009.

Section 6003.154 Posting of License or Certificate Required

Each registration certificate and license issued under this chapter must be posted in a conspicuous place in the fire protection sprinkler system contractor's place of business.

Added by Acts 2007, 80th Leg., R.S., Ch. 730 (H.B. [2636](#)), Sec. 1J.001, eff. April 1, 2009.

Section 6003.155 Display of Registration Certificate Number on Certain Documents Required

Each bid, proposal, offer, and installation drawing for a fire protection sprinkler system must prominently display the registration certificate number of the fire protection sprinkler system contractor.

Added by Acts 2007, 80th Leg., R.S., Ch. 730 (H.B. [2636](#)), Sec. 1J.001, eff. April 1, 2009.

Section 6003.156 License Examination

(a) The state fire marshal shall establish the scope and type of an examination required by this chapter.

(b) The state fire marshal may administer the examination or may enter into an agreement with a testing service.

(c) If a testing service is used, the state fire marshal may contract with the testing service regarding requirements for the examination, including:

- (1) examination development;
- (2) scheduling;
- (3) site arrangements;
- (4) grading;
- (5) reporting;
- (6) analysis; or
- (7) other administrative duties.

(d) The state fire marshal may require the testing service to:

- (1) correspond directly with an applicant regarding the administration of the examination;
- (2) collect a reasonable fee from an applicant for administering the examination; or
- (3) administer the examination at a specific location or time.

(e) The state fire marshal shall adopt rules as necessary to implement examination requirements under this chapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 730 (H.B. [2636](#)), Sec. 1J.001, eff. April 1, 2009.

Section 6003.157 Examination Results

(a) Not later than the 30th day after the date on which an examination is administered under this chapter, the state fire marshal shall send notice to each examinee of the results of the examination.

(b) If an examination is graded or reviewed by a testing service, the state fire marshal shall send notice to each examinee of the results of the examination not later than the 14th day after the date on which the state fire marshal receives the results from the testing service.

(c) If the notice of the examination results will be delayed for more than 90 days after the examination date, the state fire marshal, before the 90th day, shall send notice to the examinee of the reason for the delay.

(d) The state fire marshal may require a testing service to notify an examinee of the results of the examinee's examination.

(e) If requested in writing by an individual who fails the examination administered under this chapter, the state fire marshal shall send to the individual an analysis of the individual's performance on the examination.

Added by Acts 2007, 80th Leg., R.S., Ch. 730 (H.B. [2636](#)), Sec. 1J.001, eff. April 1, 2009.

Section 6003.158 **Continuing Education Requirements**

- (a) The commissioner may adopt procedures for certifying and may certify continuing education programs.
- (b) Participation in the continuing education programs is voluntary.

Added by Acts 2007, 80th Leg., R.S., Ch. 730 (H.B. [2636](#)), Sec. 1J.001, eff. April 1, 2009.

Section 6003.159 **Reciprocal License**

The department may waive any license requirement for an applicant who holds a license issued by another state that has license requirements substantially equivalent to the license requirements of this state.

Added by Acts 2007, 80th Leg., R.S., Ch. 730 (H.B. [2636](#)), Sec. 1J.001, eff. April 1, 2009.

Section 6003.160 **Not Transferable**

A registration certificate or license issued under this chapter is not transferable.

Added by Acts 2007, 80th Leg., R.S., Ch. 730 (H.B. [2636](#)), Sec. 1J.001, eff. April 1, 2009.

Subchapter E. Renewal of Registration Certificate or License

Section 6003.201 Renewal Required; Fee

(a) Except as otherwise provided by this subsection, an initial registration certificate or license is valid for a period of one year from the date of issue and is renewable on payment of the renewal fee. An initial registration certificate or license issued on or after September 1, 1983, may be issued for a period of less than one year and the renewal fee shall be prorated proportionally.

(b) A renewal of a registration certificate or license issued under this chapter is valid for a period of two years. The license or registration fee for each year of the two-year period is payable on renewal.

© The commissioner by rule may adopt a system under which registration certificates and licenses expire on various dates during the year. For the year in which an expiration date of a registration certificate or license is less than one year from its issuance or anniversary date, the fee shall be prorated on a monthly basis so that each holder of a registration certificate or license pays only that portion of the renewal fee that is allocable to the number of months during which the registration certificate or license is valid. On renewal on the new expiration date, the total renewal fee is payable.

Added by Acts 2007, 80th Leg., R.S., Ch. 730 (H.B. [2636](#)), Sec. 1J.001, eff. April 1, 2009.

Section 6003.202 Notice of Expiration

At least 30 days before the expiration date of a registration certificate or license, the department shall send written notice of the impending expiration to the holder of the registration certificate or license at the holder's last known address.

Added by Acts 2007, 80th Leg., R.S., Ch. 730 (H.B. [2636](#)), Sec. 1J.001, eff. April 1, 2009.

Section 6003.203 Renewal Procedures

(a) The holder of an unexpired registration certificate or license may renew the certificate or license by paying the required renewal fee to the department before the expiration date of the certificate or license.

(b) An individual or organization whose registration certificate or license has been expired for 90 days or less may renew the certificate or license by paying to the department:

- (1) the required renewal fee; and
- (2) a fee equal to one-half of the initial fee for the certificate or license.

© An individual or organization whose registration certificate or license has been expired for more than 90 days but less than two years may renew the certificate or license by paying to the department:

- (1) all unpaid renewal fees; and
- (2) a fee that is equal to the initial fee for the certificate or license.

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(d) An individual or organization whose registration certificate or license has been expired for two years or longer may not renew the certificate or license. The individual or organization may obtain a new registration certificate or license by complying with the requirements and procedures for obtaining an initial registration certificate or license.

(e) This section may not be construed to prevent the department from denying or refusing to renew a license under applicable law or commissioner rules.

Added by Acts 2007, 80th Leg., R.S., Ch. 730 (H.B. [2636](#)), Sec. 1J.001, eff. April 1, 2009.

Subchapter F. Prohibited Practices and Disciplinary Procedures

Section 6003.251 Prohibited Practices

An individual or organization may not:

- (1) obtain or attempt to obtain a registration certificate or license by fraudulent representation; or
- (2) plan, sell, install, maintain, or service a fire protection sprinkler system in violation of this chapter or the rules adopted under this chapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 730 (H.B. [2636](#)), Sec. 1J.001, eff. April 1, 2009.

Section 6003.252 Disciplinary Actions

The state fire marshal may suspend, revoke, or refuse to issue or renew a registration certificate or license if, after notice and hearing, the state fire marshal finds that the applicant, registrant, or license holder has engaged in acts that:

- (1) violate this chapter;
- (2) violate rules or standards adopted under this chapter; or
- (3) constitute misrepresentation made in connection with:
 - (A) the sale of products; or
 - (B) services rendered.

Added by Acts 2007, 80th Leg., R.S., Ch. 730 (H.B. [2636](#)), Sec. 1J.001, eff. April 1, 2009.

Section 6003.253 Disciplinary Hearing

(a) If the state fire marshal proposes to suspend, revoke, or refuse to renew a license or registration certificate issued under this chapter, the holder of the license or certificate is entitled to a hearing conducted by the State Office of Administrative Hearings.

(b) Rules of practice adopted by the commissioner applicable to the proceedings for a disciplinary action may not conflict with rules adopted by the State Office of Administrative Hearings.

Added by Acts 2007, 80th Leg., R.S., Ch. 730 (H.B. [2636](#)), Sec. 1J.001, eff. April 1, 2009.

Section 6003.254 Applicability of Administrative Procedure Act

Proceedings for the denial, suspension, or revocation of a registration certificate or license, appeals from those proceedings, and any other proceedings for a disciplinary action are governed by Chapter [2001](#), Government Code.

Added by Acts 2007, 80th Leg., R.S., Ch. 730 (H.B. [2636](#)), Sec. 1J.001, eff. April 1, 2009.

Section 6003.255 Reapplication Requirements

(a) An applicant or holder of a registration certificate or license whose certificate or license has been denied, refused, or revoked under this chapter, other than for failure to pass a required written examination, may not file another application for a registration certificate or license before:

- (1) the first anniversary of the effective date of the denial, refusal, or revocation; or
- (2) if judicial review of the denial, refusal, or revocation is sought, before the first anniversary of the date of the final court order or decree affirming the action.

(b) The commissioner may deny an application described by Subsection (a) unless the applicant shows good cause why the denial, refusal, or revocation of the registration certificate or license should not be considered a bar to the issuance of a new registration certificate or license.

Added by Acts 2007, 80th Leg., R.S., Ch. 730 (H.B. [2636](#)), Sec. 1J.001, eff. April 1, 2009.

Subchapter G. Criminal Penalty

Section 6003.301 Criminal Penalty

(a) A person commits an offense if the person knowingly violates Section [6003.151](#)(a), [6003.153](#), or [6003.251](#).

(b) An offense under this section is a Class B misdemeanor.

(c) Venue for an offense under this section is in Travis County or the county in which the offense is committed.

Added by Acts 2007, 80th Leg., R.S., Ch. 730 (H.B. [2636](#)), Sec. 1J.001, eff. April 1, 2009.

Texas Administrative Code
Title 28. Insurance
Part 1. Texas Department of Insurance
Chapter 34. State Fire Marshal
Subchapter G. Fire Sprinkler Rules

Rule §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.

Rule §34.702 Title

The sections of this subchapter shall be known and may be cited as the sprinkler rules and shall be administered by and through the state fire marshal.

Rule §34.703 Applicability of Subchapter

This subchapter shall apply to all firms and persons engaged in the business of planning, selling, installing, maintaining, or servicing fire protection sprinkler systems, and not to the general public.

Rule §34.704 Exceptions

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

Rule §34.705 Notices

Notice by the state fire marshal as required by any provision of statute or of this subchapter may be given by personal service or mail, postage prepaid, addressed to the person to be notified at his last known address of residence or business as it appears on the records in the Office of the State Fire Marshal.

Rule §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.

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- (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.

Rule §34.707 Adopted Standards

(a) 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), on the NFPA website at www.nfpa.org. ~~[Batterymarch Park, Quincy, Massachusetts 02269. A copy of the standards will be available for public inspection in the State Fire Marshal's Office.]~~

- (1) NFPA 13-2019 ~~[2013]~~, Standard for the Installation of Sprinkler Systems;
- (2) NFPA 25-2020 ~~[2014]~~, Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems;
- (3) NFPA 13D-2019 ~~[2013]~~, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes;

- (4) NFPA 13R-~~2019~~ ~~[2013]~~, Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies;
- (5) NFPA 14-~~2019~~ ~~[2013]~~, Standard for the Installation of Standpipe and Hose Systems;
- (6) NFPA 15-~~2017~~ ~~[2012]~~, Standard for Water Spray Fixed Systems for Fire Protection;
- (7) NFPA 16-~~2019~~ ~~[2011]~~, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems;
- (8) NFPA 20-~~2019~~ ~~[2013]~~, Standard for the Installation of Stationary Pumps for Fire Protection;
- (9) NFPA 22-~~2018~~ ~~[2013]~~, Standard for Water Tanks for Private Fire Protection;
- (10) NFPA 24-~~2019~~ ~~[2013]~~, Standard for the installation of Private Fire Service Mains and Their Appurtenances;
- (11) NFPA 30-~~2021~~ ~~[2012]~~, Flammable and Combustible Liquids Code;
- (12) NFPA 30B-~~2019~~ ~~[2011]~~, Code for the Manufacture and Storage of Aerosol Products;
- (13) NFPA 307-~~2021~~ ~~[2011]~~, Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves;
- (14) NFPA 214-~~2021~~ ~~[2011]~~, Standard on Water-Cooling Towers;
- (15) NFPA 409-~~2016~~ ~~[2011]~~, Standard on Aircraft Hangars; and
- (16) NFPA 750-~~2019~~ ~~[2010]~~, Standard on Water Mist Fire Protection Systems.

Rule §34.708 Approved Testing Laboratories

The commission approves an organization as an approved testing laboratory which lists equipment and appurtenances for use in compliance with standards adopted in §34.707 of this title (relating to Adopted Standards) if the organization meets the requirements of an approved testing laboratory in accordance with Subchapter D of this chapter (relating to Testing Laboratory Rules).

Rule §34.709 Approved Certification Organization

The commission approves the National Institute for Certification in Engineering Technologies (NICET) as a nationally recognized testing standards organization for testing license applicants.

Rule §34.710 Certificates of Registration

(a) Required. Each person or organization, before engaging in business in this state as an independent fire protection sprinkler contractor on or for any fire protection sprinkler system, must obtain a certificate of registration from the state fire marshal. A registered firm may not subcontract with an unregistered firm to allow the unregistered firm as an independent contractor to perform any act of a fire protection sprinkler contractor.

- (b) Business location. A specific business location must be maintained by each registered firm at a location that must be indicated on the certificate. The business location must be a physical address, not a mailing address or P.O. Box.
- (c) Posting. Each certificate must be posted conspicuously for public view at the business location.
- (d) Change of ownership.
- (1) The total change of a firm's ownership invalidates the current certificate. To ensure continuance of the business, a new application for a new certificate should be submitted to the state fire marshal 14 days before the 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.
- (e) Change of corporate officers. Any change of corporate officers must be reported in writing to the state fire marshal within 14 days. This change does not require a revised certificate.
- (f) 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.
- (g) Revised certificates. The change of a firm's name, location, or mailing address requires a revised certificate. Within 14 days after the change requiring the revision the certificate holder must submit written notification of the necessary change, accompanied by the required fee.
- (h) Nontransferable. A certificate is neither temporarily nor permanently transferable from one firm to another.
- (i) Types.
- (1) General--This certificate permits a fire protection sprinkler system contractor to conduct the planning, sales, installation, maintenance, or servicing of any fire protection sprinkler system or any part of such a system.
 - (2) Dwelling--This certificate permits the fire protection sprinkler system contractor to conduct the planning, sales, installation, maintenance, or servicing of a one- or two-family dwelling fire protection sprinkler system or any part of such a system.
 - (3) Underground Fire Main--This certificate permits a fire protection sprinkler system contractor to conduct the sales, installation, maintenance, or servicing, but not the planning, 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.

Rule §34.711 Responsible Managing Employee (RME) License

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

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(b) Proof of licensure. An RME must be able to show proof of licensure while engaged in the activities of an RME.

(c) Duplicate License. An RME must obtain a duplicate license from the state fire marshal to replace a lost or destroyed license. The license holder must submit written notification of the loss or destruction without delay, accompanied by the required fee.

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

(e) Restrictions.

(1) A licensee must not engage in any act of the business unless employed by a registered firm and holding an unexpired license.

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

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

(f) Types.

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

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

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

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

Rule §34.712 Alteration of Certificates or Licenses

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

Rule §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, concerning Fire Protection Sprinkler System Service and Installation, 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, 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 Business and Commerce Code Chapter 71, Assumed Business or Professional Name Act. The application must also include written authorization by the applicant that permits 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 so the state fire marshal can determine whether the applicant is in 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 from the State Comptroller's Office that shows the corporation is in active status.

(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 Marshall'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 §6003.152, concerning Required Insurance Coverage for Registration Certificate, 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, concerning Surplus Lines Insurance, as contemplated by Insurance Code §6003.152(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, along with a criminal history report from the Texas Department of Public Safety and accompanied by all other information required by Insurance Code Chapter 6003 and this subchapter. For a natural person to be eligible for a responsible managing employee license, the natural person must start the application or registration process by submitting a formal request for a fingerprint service code by completing the fingerprinting process information required on the department's website at www.tdi.texas.gov/fire/fingerprinting-process.html. The requesting natural person must submit information necessary to complete the fingerprint service code request, including the natural person's name, natural person's state of residence, natural person's email address, and license type the natural person is applying for.

(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 the NICET 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 NICET 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 % ~~[percent]~~ 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 the NICET 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.

Rule §34.714 Fees

(a) Except for fees specified in subsection (b) of this section, all fees payable must be submitted by check or money order made payable to the Texas Department of Insurance or the State Fire Marshal's Office, or by online payment. Should the department authorize other online or electronic original applications or other transactions, applicants must submit fees with the transaction as directed by the department, ~~[or]~~ the Texas OnLine Authority, or other online provider. Except for overpayments resulting from mistakes of law or fact, all fees are nonrefundable and non-transferable.

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

(c) Fees are as follows:

(1) Certificates of registration:

- (A) all initial applications must include an application fee of--\$50;
- (B) initial fee--\$900;
- (C) renewal fee (for two years)--\$1,800;

(D) renewal late fee (expired 1 day to 90 days)--\$450;

(E) renewal late fee (expired 91 days to two years)--\$900;

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

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

(B) initial fee--\$300;

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

(D) renewal late fee (expired 1 day to 90 days)--\$150;

(E) renewal late fee (expired 91 days to two years)--\$300;

(3) Responsible managing employee license (General):

(A) initial fee--\$200;

(B) renewal fee (for two years)--\$350;

(C) renewal late fee (expired 1 day to 90 days)--\$100;

(D) renewal late fee (expired 91 days to two years)--\$200;

(4) Responsible managing employee licenses (Dwelling, or Underground fire main):

(A) initial fee--\$150;

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

(C) renewal late fee (expired 1 day to 90 days)--\$75;

(D) renewal late fee (expired 91 days to two years)--\$150;

(5) Responsible managing employee license (General Inspector):

(A) initial fee--\$50;

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

(C) renewal late fee (expired 1 day to 90 days)--\$25;

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

(6) Duplicate or revised certificate or license or other requested changes to certificates or licenses--\$35;

(7) Test fee (if administered by the State Fire Marshal's Office)--\$50.

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

(e) A license or registration expires 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.

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

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

Rule §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.

Rule §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 and used as an integral part of any type of fire protection sprinkler system.

(b) On completion of the installation, the licensed RME type G, D, or U (as applicable) must have affixed a contractor's material and test certificate for aboveground 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 on request. The certificates must be retained for the life of the system; and

(3) third copy to be sent to the local AHJ 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. The inspection, test, and maintenance service of a fire protection sprinkler system, except in a one- and two-family dwelling, 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) The firm must keep complete records of all service, maintenance, testing, and certification operations. The records must be available for examination by the state fire marshal or the state fire marshal's representative.

(e) All vehicles regularly 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 one-inch high and must be permanently affixed or magnetically attached to each side of the vehicle in a color contrasting with the background color of the vehicle. The certificate of registration number must be designated in the following format TX: 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 performed in accordance 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 standard that has been adopted by the political subdivision in which the system is installed.

Rule §34.717 Sprinkler System Plans

(a) A set of as-built plans and hydraulic calculations, showing details of system piping, calculations, and alarm configurations, must be provided to the building owner or his representative when installation is complete. The firm must also maintain a set of as-built plans for the life of the sprinkler system.

(b) Subsequent alterations or additions must be legibly noted on updated plans and provided to the owner. When an alteration consists of 20 sprinklers or less and all floor areas were protected prior to the alteration, updated plans are not required. Updated plans are required for all alterations consisting of more than 20 sprinklers. Updated plans must be maintained by the firm for the life of the sprinkler system.

(c) All plans must contain the name and license number of the licensed responsible managing employee, the name, address, phone number, and the certificate of registration number of the registered firm.

(1) At least one set of the as-built plans specified in subsection (a) of this section must be signed with an original signature, dated by the RME, and certified that they are in compliance with the adopted NFPA standards. In addition, the plans must contain the license number of the RME; the date of installation, alteration, or addition; the name, address, phone number, and the certificate of registration number of the registered firm. This information shall be in a form of the stamp as set forth in subsection (d) of this section.

(2) At least one set of plans submitted to an authority having jurisdiction, for review, rating, permit, or record purposes must be signed with an original signature, unless waived by the local authority having jurisdiction, dated by the RME, and certified that the plans comply with the adopted NFPA standards. In addition, the plans must contain the license number of the RME, the name, address, phone number, and the certificate of registration number of the registered firm. This information shall be in the form of the stamp as set forth in subsection (d) of this section.

(d) Sample RME plan stamp:

[See Figure 1 – page 40](#)

Rule §34.718 Installation Tags

(a) On completion of the installation of a fire protection sprinkler system, all information for an installation tag must be completed in detail to indicate the water supply test data obtained during the time of installation. The tag must be securely attached by a durable method to the riser of each system. The fire protection system must not be tagged until the system complies with the applicable NFPA installation standard, including freeze protection methods.

(b) On completion of the installation of a fire protection sprinkler system and after performing the required initial tests and inspections, an ITM tag, in addition to the installation tag, must be attached to each riser in accordance with the procedures in this subchapter for completing and attaching ITM tags.

(c) A new installation tag must be attached, in addition to the existing installation tag, each time more than twenty sprinkler heads are added to a system.

(d) Installation tags must remain on the system for the life of the system.

(e) Installation tags may be printed for multiple years.

(f) Installation tags must be white in color, 5-1/4 inches in height, and 2-5/8 inches in width. The tag and attaching mechanism must be sufficiently durable to remain attached to the system for the life of the system.

(g) Installation tags must contain the following information in the format of the sample tag in subsection (h) 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, phone number, and certificate of registration number;
- (3) day, month, and year (to be punched);
- (4) "THIS TAG CONTAINS IMPORTANT INFORMATION ABOUT THIS SPRINKLER SYSTEM AND MUST REMAIN ATTACHED TO THE SYSTEM FOR THE LIFE OF THE SYSTEM." (All capital letters, at least 10-point boldface type.);
- (5) name and address of owner or occupant;
- (6) building number, location, or system number;
- (7) static and flowing pressure of the main drain test taken at the riser or lead-in;
- (8) static and residual pressure with the measured in gallons per minute flowing of the water supply flow test used to hydraulically design the system;
- (9) signature of RME-G or D; and
- (10) license number of RME-G or D.

(h) Sample installation tag:

[See Figure 2 – page 41](#)

Rule §34.719 Service Tags

(a) After any service, all sections of a service tag must be completed in detail, indicating all the services that have been performed, and then the tag must be attached to the respective riser of each system.

(b) After any service, if noncompliant conditions or impairments exist, the service person must attach, in addition to attaching a service tag, the appropriate yellow tag or red tag according to the procedures in this subchapter for completing and attaching yellow and red tags.

(c) A new service tag must be attached each time service is performed.

(d) Service tags must remain on the system for five years, after which they may only be removed 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 appropriate regulatory authority may remove excess tags at any time.

(e) Tags may be printed for multiple years.

(f) Tags must be white, 5-1/4 inches in height, and 2-5/8 inches in width.

(g) Service tags must contain the following information in the format of the sample tag as set forth in subsection (h) 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) applicable RME's name and license number;
- (5) signature of service person;
- (6) day, month, and year (to be punched);
- (7) type of work (to be punched);
- (8) name and address of owner or occupant;
- (9) building, location or system number;
- (10) a list of services performed;
- (11) date any yellow tag conditions were corrected (punch if applicable); and
- (12) date any red tag conditions were corrected (punch if applicable).

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(h) Sample service tag:

[See Figure 3 – page 42](#)

Rule §34.720 Inspection, Test and Maintenance Service (ITM) Tag

(a) After a new installation or a scheduled inspection, testing and maintenance (ITM) service, all portions of an ITM tag must be completed in detail, indicating the ITM service was performed according to the adopted standards, and the tag must be attached to the respective riser of each system.

(b) After any ITM service, the inspector must complete and attach an ITM tag, and if impairments are found, the inspector must attach the appropriate yellow or red tag in accordance with the procedures in this subchapter.

(c) A new ITM tag must be attached each time an inspection, testing and maintenance service is performed.

(d) ITM tags shall remain on the system for five years after which time they may only be removed 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 appropriate regulatory authority may remove excess tags at any time.

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

(f) ITM tags must be light blue in color, 5 1/4 inches in height, and 2 5/8 inches in width.

(g) ITM tags shall contain the following information in the format of the sample tag in subsection (h) of this section:

- (1) "DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL" (all capital letters, at least 10-point boldface type);
- (2) type of ITM: initial installation, monthly, quarterly, annual, third year, or fifth year (to be punched);
- (3) system status after ITM: acceptable, yellow tag attached, or red tag attached (to be punched);
- (4) license number;
- (5) name of inspector;
- (6) signature of inspector;
- (7) day, month, and year (to be punched);
- (8) firm's name, address, phone number and registration number;
- (9) name and address of owner or occupant;
- (10) building, location or system number; and

(11) the static and flowing pressure of the main drain test, taken at the time the inspection, testing and maintenance service was performed.

(h) Sample ITM tag:

[See Figure 4 – page 43](#)

Rule §34.721 Yellow Tags

(a) If a fire protection sprinkler system is found to be noncompliant with applicable NFPA standards, is not being tested or maintained according to adopted standards, or found to contain equipment that has been recalled by the manufacturer, but the noncompliance or recalled equipment does not constitute an emergency impairment, 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 to indicate that corrective action is necessary.

(b) The signature of the service person or inspector on a yellow tag certifies the conditions that caused the system to be out of compliance with NFPA standards.

(c) After attaching a yellow tag, the service person or inspector must notify the building owner or the building owner's representative and the local AHJ in writing of all noncompliant conditions. The notification must be postmarked, emailed, faxed, or hand delivered within five business days of the attachment of the yellow tag.

(d) A yellow tag may only be removed by an authorized 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 noncompliant conditions were corrected. The local AHJ must be notified when corrections are made and a yellow tag is removed or revised. The notification must be postmarked, emailed, faxed, or hand delivered within five business days of the date on which the yellow tag is removed.

(e) Yellow tags may be printed for multiple 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);

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- (8) name and address of owner or occupant;
- (9) building number, location, or system number; and
- (10) list of items not compliant with NFPA standards.

(g) Sample yellow tag:

[See Figure 5 – page 44](#)

Rule §34.722 Reg Tags

(a) If a fire protection sprinkler system has an impairment which constitutes an emergency impairment, as defined in the adopted edition of NFPA 25, the service person or inspector must complete and attach a red tag to the respective riser of each system to indicate corrective action is necessary.

(b) Immediately after attaching a red tag, the inspector or service person must orally notify the building owner or the building owner's representative and, where available, the local AHJ all impairments. The inspector or service person must also provide written notice to the building owner or the building owner's representative and, where available, the local AHJ of all impairments, and the written notice must be postmarked, emailed, faxed, or hand delivered within 24 hours of the attachment of the red tag.

(c) The signature of the service person or inspector on the red tag certifies the impairments listed constitute an emergency impairment.

(d) A red tag may only be removed by an authorized 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. The local AHJ must be notified when corrections are made and a red tag is removed or revised. The notification must be postmarked, emailed, faxed, or hand delivered within five business days of the removal of the red tag.

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

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

(g) Red tags must contain the following information in the format of the sample tag as set forth in subsection (h) of this section:

- (1) "DO NOT REMOVE BY ORDER OF THE 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;

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- (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 emergency impairments.

(h) Sample red tag:

[See Figure 6 – page 45](#)

Rule §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.

Rule §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.

Rule §34.725 Severability

If any provision of this subchapter or the application thereof to any person or circumstance is held invalid for any reason, the invalidity shall not affect the other provisions or any other application of this subchapter which can be given effect without the invalid provisions or application. To this end, all provisions of this subchapter are declared to be severable.

Rule §34.726 Military Service Members, Military Veterans, or Military Spouses

(a) Waiver of licensed application and examination fees. TDI will waive the license application and examination fees for an applicant who is:

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(1) a military service member or military veteran whose military service, training, or education substantially meets all of the requirements for the license; or

(2) a military service member, military veteran, or military spouse who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state.

(b) Apprenticeship requirements. Verified military service, training, or education that is relevant to the occupation are credited toward the apprenticeship requirements for the license.

(c) Extension of license renewal deadlines. A military service member who holds a license is entitled to two years additional time to complete any continuing education requirements; and any other requirement related to the renewal of the military service member's license.

(d) Alternative licensing. The state fire marshal, after reviewing the applicant's credentials, may waive any prerequisite to obtaining a license for a military service member or military veteran who:

(1) holds a current license issued by another jurisdiction that has licensing requirements substantially equivalent to the requirements for the license in this state; or

(2) within the five years preceding the application date, held the license in this state.

(e) Alternative licensing for military spouses. A military spouse who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state is eligible for a license under this subsection for a period of three years. The military spouse must be married to a military service member that is stationed at a military installation in Texas. The three-year period begins from the date the spouse receives confirmation from TDI that the following elements have been fulfilled. In order for the military spouse to obtain a license under this subsection, the military spouse must:

(1) submit an application notifying TDI of the military spouse's intent to engage under the specific license in Texas;

(2) submit proof of the military spouse's residency in Texas and a copy of the military identification card; and

(3) submit evidence of good standing from the jurisdiction with substantially equivalent requirements to the requirements of this state.

Figure 1 - Section 34.717(d)

I have reviewed these plans and certify that they comply with the adopted NFPA standards.

Firm's name
Street address
City, State Zip Code
Phone Number
SCR - number


RME-Signature: _____

Printed RME Name: _____

RME - (number) Date: _____

AS-BUILT **SUBMITTAL** **OTHER**

Figure 2 - Section 34.718(h)



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


**ORIGINAL
INSTALLATION
TAG**

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

**THIS TAG
CONTAINS
IMPORTANT
INFORMATION
ABOUT THIS
SPRINKLER
SYSTEM AND
MUST REMAIN
ATTACHED TO
THE SYSTEM
FOR THE LIFE
OF THE SYSTEM.**

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	

DEC	2019
NOV	
OCT	2018
SEP	
AUG	2017
JUL	
JUN	2016
MAY	
APR	2015
MAR	
FEB	2014
JAN	



After an installation, conduct a MAIN DRAIN TEST at the system lead-in or riser and record the information on this tag and the Contractor's Material and Test Certificate. Also copy the original flow test results, used to design the system, as noted on the plans.

Name of Owner or Occupant

Address

Building No. or Location or System No.

MAIN DRAIN TEST at lead-in or riser

Static: _____ psi

Flowing: _____ psi

WATER SUPPLY FLOW TEST (i.e. at street)


Static: _____ psi

Residual: _____ psi

with: _____ GPM Flowing

Signature of RME-G or D / License No.

Figure 3 - Section 34.719(h)



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

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	

SERVICE TAG

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

RME's Name

RME's License No.

Signature of Service
Person


TYPE OF WORK

Service

Remodel

Other

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2005		2006		2007		2008		2009		2010	



After any service or addition, attach this service tag to the applicable system riser. Also attach or remove a yellow or red tag if appropriate. Tags shall be retained on the riser for five years.

Name of Owner or Occupant

Address

Building No. or Location or System No.

List Services:

Corrected all **YELLOW TAG** conditions from tag dated _____

Corrected all **RED TAG** conditions from tag dated _____

Figure 4 - Section 34.720(h)

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

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	

ITM TAG
Inspection, Test & Maintenance Tag

TYPE of ITM

Initial Installation

Monthly

Quarterly

ANNUAL

Third Year

Fifth Year

SYSTEM STATUS AFTER ITM

Acceptable

Yellow Tag (attached)

Red Tag (attached)

License Number after 1-2008 _____

Name of Inspector _____

Signature of Inspector _____

TYPE OF WORK

DEC	2010
NOV	
OCT	2009
SEP	
AUG	2008
JUL	
JUN	2007
MAY	
APR	2006
MAR	
FEB	2005
JAN	

After an inspection, test and maintenance service, attach this ITM tag to the applicable system riser. Also attach a yellow or red tag if appropriate. Tags shall be retained on the riser for five years.

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

Name of Owner or Occupant _____

Address _____

Building No. or Location or System No. _____

Note: _____

MAIN DRAIN TEST at lead-in or riser

Static: _____psi Flowing: _____psi

Figure 5 - Section 34.721(g)

DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL																																	
YELLOW TAG																																	
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)																																	
16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	DEC	NOV	OCT	SEP	AUG	JUL	JUN	MAY	APR	MAR	FEB	JAN	2019	2018	2017	2016	2015	2014
												The system has been found to be noncompliant, is not being tested or maintained per standards, or contains recalled equipment. 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: _____ _____ _____ _____ _____																					

Figure 6 - Section 34.722(h)

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

RED 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 service person

Signature of authorized service person

**IMMEDIATELY
REPORT STATUS TO
OWNER AND AHJ
(and in writing within
24 hrs)**

JAN	2005
FEB	
MAR	
APR	2006
MAY	
JUN	2007
JUL	
AUG	2008
SEP	
OCT	2009
NOV	
DEC	2010

If the system impairments constitute an "emergency" impairment as defined in NFPA 25, attach this red tag to the applicable system riser. 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 Emergency Impairments:
