

SUBCHAPTER F. FIRE ALARM RULES
28 TAC §§34.606, 34.607, 34.610, 34.613, 34.615 - 34.617 and 34.619 - 34.626

1. **INTRODUCTION.** The Commissioner of Insurance adopts amendments to §§34.606, 34.607, 34.610, 34.613, 34.615, 34.616, 34.617, and 34.619, and new §§34.620 - 34.626, concerning fire alarm rules. Section 34.617 is adopted with changes to the proposed text published in the November 4, 2005 issue of the *Texas Register* (30 TexReg 7175). Sections 34.606, 34.607, 34.610, 34.613, 34.615, 34.616, and 34.619 - 34.626 are adopted without changes.

2. **REASONED JUSTIFICATION.** Insurance Code Article 5.43-2 §6 authorizes the Commissioner to appoint an advisory council to periodically review and recommend changes in the rules regulating fire detection and fire alarm systems. The members of the advisory council assisted in the review and formulation of the rules and recommended changes to the Commissioner. These amendments and new sections are necessary to update the regulations regarding the planning, certifying, leasing, selling, servicing, installing, monitoring, and maintaining of fire detection and fire alarm devices and systems. New §§34.620 - 34.626 are adopted simultaneously with the adopted repeal of §34.620 - 34.624, which also appears in this issue of the *Texas Register*.

The amendments to §34.606 add definitions of “full-time” and “full-time employment.” Insurance Code Article 5.43-2 §5 requires a registered firm “to retain at

least one” licensed individual as an employee at each office location. However, it has become apparent that some registered firms are not in compliance with the intent of the provision. Licensed individuals are working as employees of multiple firms and/or as employees of firms in different cities. To clarify the intent of the “one licensed employee” requirement, an amendment to §34.613 is adopted which requires at least one “full-time” licensed employee at each office location, and the term “full-time employment” is defined in adopted §34.606.

The amendments to §34.607 replace the current National Fire Protection Association (NFPA) standards with the most recent editions of those standards and maintain the minimum standards of design and performance of current technology for fire alarm systems. Additionally, other units of government in Texas are adopting these standards, and uniformity of standards enables the fire alarm industry and local fire officials to be more familiar with the content of the standard and consistently enforce the requirements that are applicable in the jurisdiction.

The amendment deleting the alarm monitoring requirements in §34.610 (Certificate of Registration) is to facilitate reader location of all alarm monitoring requirements in the rules. The requirements are relocated to a more appropriate section, §34.616, titled “Sales, Installation, and Service.”

The amendment to §34.613, as previously noted, requires at least one full-time licensed individual to be located at each registered office to ensure closer proximity to the location of the installation. New §34.613(a)(6) clarifies some existing confusion

regarding the need for entities that just monitor fire alarms to obtain a registration. Some entities that are not registered contract to provide monitoring services, but do not actually provide the monitoring service. A third party is retained to provide the monitoring service. The adopted rule provides that any entity billing for monitoring services is engaged in the business of monitoring and therefore must obtain a registration and maintain the required general liability insurance for that activity. Section 34.613(c)(2) is now consistent with the recent amendment to Insurance Code Article 5.43-2 §5C, which provides that a licensee with an unexpired license who is not employed by a registered firm at the time of the license renewal may renew that license. Currently, a licensee who is not presently employed cannot renew his/her license. Under the rules as adopted, the licensee is still prohibited from engaging in any activity afforded by the license until the licensee is employed by a registered firm.

The amendment to §34.615, which sets a one-year time frame for applicants to pass all testing requirements for obtaining a license, is to ensure that the applicant is familiar with the most current adopted codes, standards, rules, and statutes in effect when the license is issued.

The adopted amendment to §34.616(b) adds paragraph (5) that eliminates the requirement that the sale or lease of a fire alarm system is to be performed under the direct supervision of a residential fire alarm superintendent (RAS) licensee or fire alarm planning superintendent (APS) licensee. This change is made because the fire alarm system is required to be designed by one of these types of licensees. New

§34.616(b)(5) is necessary to clarify the difference between “repair” and “installation” as applied to the replacement or upgrade of a fire alarm system. The installation of new or upgraded components often initiates a debate about whether the entire system must be brought into compliance with current codes. The adopted rule clarifies that the replacement of a component with a new comparable and compatible component is considered a repair, and therefore, the entire system does not have to meet current standards. However, under the adopted rule, the final decision will rest with the local authority having jurisdiction. New §34.616(b)(6) is needed to assist all interested parties when a customer changes his/her alarm monitoring from one registered firm to another. The registered firm is required to provide the passwords for the fire alarm control panel to the property owner upon request, so that another registered firm, hired by the owner to service the fire alarm system, may use the password without charging a substantial fee to reprogram the entire system or devices. As previously noted, §34.616(c)(1) - (4) contains the alarm monitoring requirements that are currently in §34.610. New §34.616(c)(5) is necessary to enable a responding fire department to obtain adequate information, including the phone number of the monitoring firm responsible for initiating the call and the monitoring firm contracted to provide the monitoring service if other than the actual monitoring firm. This will enable local fire departments to communicate with all parties involved in the monitoring and improve efficiency. New §34.616(c)(6) will eliminate the possible false sense of security by a property owner occurring when their alarm is no longer being monitored without their

knowledge. The amendment requires a monitoring firm, if terminating the monitoring service before the end of the contract date, to notify a commercial property or a multi-family unit customer and the local fire department at least seven days in advance of a cancellation of service.

The amendments to §34.617 are adopted to clarify that an installation certificate, except for a certificate for a one-or-two-family residence, must be completed not only after the installation of a system or single station detector unit but also after an addition or modification to a fire alarm system. By requiring the completion of the installation certificate in the format provided by the state fire marshal, other installation certificates required in any adopted standard are not needed; firms may reproduce the forms as needed rather than obtaining them from the State Fire Marshal's Office (SFMO). The proposed amendment to §34.617(2) required a copy of each completed installation certificate to be kept at the firm's office for the life of the system and accessible to the SFMO upon request. A minor change was also made in this section as adopted to correct a cross reference to §34.616(b)(4). One commenter expressed concern that keeping the installation certificates for the life of the system posed an undue burden on registered firms. The Department agrees that the proposed time period may be potentially excessive, so the amendment to §34.617(2) as adopted requires that the certificates must be kept for the life of the system or up to ten years, whichever occurs first. The changes do not introduce new subject matter or affect persons in addition to those subject to the proposal as originally published.

The amendment to §34.619(a) clarifies who can plan fire alarm systems. A licensed APS is permitted to plan any fire alarm system, and a licensed RAS may plan a one-or-two-family residential fire alarm system. The amendment to §34.619 that adds a new subsection (b) clarifies the use and purpose of a specific set of plans or drawings. The amendment modifies the form and content of the rubber stamp used to provide information on a plan, and a licensed planner, by marking the appropriate place on the stamped area of the plan, may differentiate between whether the plans are being submitted for review or as record drawings to the owner and whether the design complies with the applicable standards and codes or if the design is copied from an engineering plan. New §34.619(f) specifies the information that must be included in a fire alarm system plan for a one-or-two-family residence and requires that the registered firm retain the plans for at least one year to establish uniformity in the development of fire alarm plans for these types of occupancies and to ensure that the necessary information is recorded for access by the owner or authority having jurisdiction.

The new certification process for one-or-two-family residences, in adopted new §34.620, is intended to reduce the paperwork handling by the installing firm and reduce the cost of the system to the consumer. Currently, a certification document is delivered to the owner; a copy is forwarded to the state fire marshal, and a copy is retained by the installing firm. The new certification label has an adhesive back and must be posted at the residence and will serve as an easily accessible record copy for the homeowner or other interested parties.

New §34.621(a) and (b) are needed to clarify the proper use of service labels on systems. It is currently unclear whether a service label can be attached with a yellow or red label indicating a troubled system. Adopted §34.621(a) - (c) specifies that after any service, a service label should always be attached, and, if the condition of a previously attached yellow or red label is corrected, the yellow or red label is to be removed. New §34.621(d) is necessary to specify that service labels should remain on the panel for at least two years; currently, the rules do not specify any duration. New §34.621(e) is needed to assist local officials in recognizing the condition of a system. Currently, local fire officials inspecting a building assume a green label implies that the system has been thoroughly inspected by a licensee and is in good working order when actually it only implies that some service was performed. Section §34.621(e) changes the color of the service label from green to white. New §34.621(g) is to provide guidance as to the actual placement of service labels. In some cases labels are placed side-by-side occupying the entire area inside the door of a fire alarm panel and covering important instruction labels placed there by the panel manufacturer. Section 34.621(g) specifies that only the top one-half inch of the adhesive on the back should be used and that each label should be attached over the previous service label. New §34.621(i) advises the licensee of some of the requirements in the rules regarding the use of service labels and adds instructions on the label where currently there are none.

New §34.622 is another effort to assist local fire officials to determine the status of a system. Currently, one of the critical issues checked by a local fire official,

inspecting the building, is to determine if the fire alarm system has been thoroughly inspected by a licensee within the past year. The only current method to indicate that an inspection has been performed is to use a service label that may be removed or replaced after subsequent service is performed. The new rule in §34.622 sets forth specific criteria regarding the color, content, placement, duration, use and procedures concerning the application of an inspection label. Check blocks on the new label, which must be completed by the inspecting licensee, help identify the type of inspection performed and the status of the system at that time so the local fire official can take the appropriate corrective action as needed.

New §34.623 is another effort to assist local fire officials to determine the status of a system. It sets forth specific criteria regarding the color, content, placement, duration, use and procedures concerning the application of a yellow label.

New §34.624 is also another effort to assist local fire officials to determine the status of a system. It sets forth specific criteria regarding the color, content, placement, duration, use and procedures concerning the application of a red label. The new label provides a space to indicate if the system is either inoperable or impaired or in a fault condition and includes brief instructions on its use.

New §34.625 addresses investigations and enforcement actions for noncompliance with the rules as well as possible sanctions for such noncompliance.

New §34.626 is necessary to express the Department's intent for the continuation of non-affected provisions of the rules if any provisions are declared invalid for any reason.

3. HOW THE SECTIONS WILL FUNCTION. The amendments to §34.606 add definitions of "full-time" and "full-time employment" to clarify adopted §34.613 which requires at least one full-time licensed employee at each office location.

The amendments to §34.607 adopt by reference certain standards and recommended practices of the National Fire Protection Association (NFPA). The amendments replace the current standards with the most recent editions of those standards that are revised and published by the NFPA every three years. Additionally, the amendments require that a copy of the adopted standards be maintained at the State Fire Marshal's Office for public viewing.

The amendments to §34.610 delete the monitoring requirements from that section; the requirements are relocated to the more appropriate §34.616.

The amendments to §34.613 require at least one full-time licensed individual to be located at each registered office and clarify that firms that bill for monitoring services are engaged in the business of monitoring and therefore must maintain the required general liability insurance for that activity. The amendments also provide that a licensee with an unexpired license who is not employed by a registered firm at the time of the license renewal may renew that license; the licensee, however, is prohibited from

engaging in any activity afforded by the license until the licensee is employed by a registered firm.

The amendment to §34.615 requires that an applicant for a license complete and submit all application requirements within one year of the successful completion of any test required for a license or the test is voided.

The amendments to §34.616 delete the requirement that the sale or lease of a fire alarm system must be performed under the direct supervision of a residential fire alarm superintendent (RAS) licensee or fire alarm planning superintendent (APS). Additionally, the amendments clarify the difference between the terms “repair” and “installation” as applied to the replacement or upgrade of a new fire alarm control panel and require the fire alarm servicing firm to provide the passwords for the fire alarm control panel to the property owner upon request. Additionally, the amendment to the monitoring requirement in §34.616(c)(5) requires the monitoring firm to provide, on request, the call-back phone number of the firm contracted to provide the monitoring service if other than the monitoring firm. Section 34.616(c) is also amended to add a requirement that a monitoring firm, if terminating the monitoring service before the end of the contract date, must notify the customer at least seven days in advance to make the customer aware that the fire alarm system is not being monitored.

The amendments to §34.617 clarify that an installation certificate except for a certificate for a one-or-two-family residence shall be completed not only after the installation of a system or single station detector unit but also after an addition or

modification to a fire alarm system. Additionally, the adoption requires the completion of the installation certificate in the format provided by the state fire marshal to be used in certain instances in place of any other installation certificate required in an adopted standard. The amendments permit fire alarm firms to reproduce the forms as needed rather than requiring the firms to obtain the forms from the SFMO. Additionally, the adoption requires a copy of each completed installation certificate to be kept at the firm's office accessible to the SFMO upon request.

The amendments to §34.619 clarify that not only is a licensed APS permitted to plan a fire alarm system, but also a licensed RAS may plan a residential fire alarm system. Additionally, the amendments modify the form and content of the rubber stamp used to provide information on a plan. The amendments also specify the information that must be included on a fire alarm system plan for a one-or-two-family residence.

Section 34.620 sets forth specific criteria regarding the color, content, placement, duration, use, and procedures concerning the application of installation labels and differentiates the label format between a label used for the installation of a fire alarm system in a commercial building or non-one-or-two-family residence and a label used for the installation of a fire alarm system in a one-or-two-family residence. The label for the commercial building or non-one-or-two-family residence, which is required to be retained on the inside of the fire alarm control panel for the life of the system, records the name of the firm, registration number and date on which the fire alarm system is installed and the name and license number of the authorized licensee. The label for the

one-or-two family residence contains the same information and also includes certification that the system or equipment complies with applicable laws and standards.

Section 34.621 sets forth specific criteria regarding the color, content, placement, duration, use, and procedures concerning the application of service labels. The service label records the name, address, phone number and registration number of the firm and the name and license number of the individual providing the service and the date and list of the services provided.

Section 34.622 sets forth specific criteria regarding the color, content, placement, duration, use and procedures concerning the application of an inspection/test label. The blue inspection/test label records the name, address, phone number and registration number of the firm, the name and license number of the inspector performing the inspection, the type and date of the inspection or test and the system status after the inspection or test.

Section 34.623 sets forth specific criteria regarding the color, content, placement, duration, use and procedures concerning the application of a yellow label. The yellow label records the name, address, phone number and registration number of the firm, the name and license number of the individual attaching the label and the list of conditions that result in the fire alarm system being out of compliance with applicable codes and standards.

Section 34.624 sets forth specific criteria regarding the color, content, placement, duration, use and procedures concerning the application of a red label. The red label

records the name, address, phone number and registration number of the firm, the name and license number of the individual attaching the label and the list of conditions that have caused the fire alarm system to be inoperable, impaired, or to have a fault condition.

Section 34.625 addresses investigations and enforcement actions for noncompliance with the rules as well as possible sanctions for such noncompliance.

Section 34.626 provides for the continuation of non-affected provisions of the rules if any provisions are declared invalid for any reason.

The adopted amendments and new sections are effective April 1, 2006.

4. SUMMARY OF COMMENTS AND AGENCY'S RESPONSE TO COMMENTS.

General.

Comment: One commenter recommended deleting proposed §34.613(a)(4). Large firms may have multiple branch offices which may sell other non fire alarm products. These large firms do not need a licensee at each branch office because they can provide a licensed individual to the office as needed. Additionally, technical individuals can be provided from elsewhere in the US. Because large firms would have to hire individuals that they do not currently employ, this would provide an undue competitive advantage to small companies that lack the ability to provide the customer support that large firms can provide.

Agency Response: The Department disagrees. This rule would not provide a competitive advantage because only offices that provide fire alarm services are required to obtain a branch office registration and have at least one licensed individual. The quantity and distribution of branch offices in Texas providing fire alarm services is a business decision by the registered firm and is not based on the size of the firm.

Comment: The same commenter recommended deleting proposed §34.613(a)(6) because this requirement would exclusively benefit the small burglar alarm companies that currently monitor their own residential customer base. Many large firms either own and operate or employ a UL listed central monitoring station as part of a fire alarm service contract with no intention of providing the monitoring from the branch location that provides the service, or even by their own firm at all, because the National Fire Alarm Code authorizes that. This proposed change merely increases the cost of many large firms to do business, giving a legalized, unfair advantage to the very segment of the fire alarm industry that tends to oppose higher professional standards, and stricter codes that benefit the safety of our fellow Texans.

Agency Response: The Department disagrees. This rule will not affect either large or small registered firms that currently own or operate central stations because they already carry the required insurance. The required insurance is issued for the registered firm, not for each branch office. The insurance requirements in Insurance Code Article 5.43-2 applies to all firms providing fire alarm monitoring services. The

proposed rule clarifies that firms billing for fire alarm monitoring service are providing monitoring service and therefore are required to carry this insurance.

Comment: The same commenter recommended deleting proposed §34.615(e) because this proposal would allow a completely unqualified individual to function as an Alarm Planning Superintendent for one year, take the test again, and function for another year as an unqualified Alarm Planning Superintendent.

Agency Response: The Department disagrees. An individual is not issued a license and cannot function as an Alarm Planning Superintendent until the individual passes all required tests and meets all other application requirements.

Comment: The same commenter recommended deleting proposed §34.616(b)(1) and retaining the requirement for a licensee to supervise the sale of fire alarm systems. The result of adopting this proposed rule would be the sales of fire alarm systems in Texas by unlicensed, unsupervised individuals.

Agency Response: The registered fire alarm firm is responsible for the sales and completed installation of a fire alarm system. Since the fire alarm rules currently require that all fire alarm systems must be designed by a licensed professional, installed under the supervision of a licensee, and certified by a licensee, the fire alarm advisory council concluded that there is sufficient oversight by licensed individuals of the final installed

system and the requirement that a licensee must supervise the sale of fire alarm systems is not necessary.

Comment: The same commenter recommended deleting proposed §34.616(b)(5). This proposed rule removes from every legislative body in Texas, including the state legislature, the ability to adopt effective building and fire codes, because this rule would supersede every fire code in Texas. Adoption of this change would ensure that the occupants of older high-rise occupancies would never have a fire alarm system that meets the current code because no alterations to meet new audibility or visual notifications requirements would ever be required.

Agency Response: The Department disagrees. The proposed rule does not supersede the state legislature or any fire code in Texas. Insurance Code Article 5.43-2 §3(a)(2) states in part "...that a municipality or county shall have the right to. . . require a better type of alarm or detection system. . . than the minimum required by state law." In addition, the last sentence of the proposed rule clearly states that the local authority having jurisdiction shall be consulted to determine if the system should be upgraded to the current code.

Comment: The same commenter recommended deleting proposed §34.617(2) since fire alarm system codes do not require the retention of any records; records will be lost if the certifying firm ceases its operation; and the "life of the system" is indefinite.

Agency Response: The Department agrees in part with the commenter and therefore has changed the retention period from the “life of the system” to the “life of the system or ten years whichever occurs first.” Although the records maintained by the firm may be lost when a firm ceases operation, copies of the certificate provided to the property owner and the local authority having jurisdiction may still exist.

Comment: The same commenter recommended deleting proposed §34.619(b). The commenter opined that the Fire Alarm System submittal drawings approved by this rule are nothing more than bid documents with hand written notes attesting to alleged code violations. This is in contradiction to the requirements in most Building and Fire codes and NFPA 72.

Agency Response: The Department agrees that this rule permits a registered firm to copy plans designed and sealed by a professional engineer (bid documents), to list all possible code violations on the plans and to submit them for evaluation to an authority having jurisdiction prior to commencement of the installation. This method clearly solicits a response from the authority having jurisdiction, who is reviewing the plans, on whether the fire alarm system should be installed as planned and sealed by the engineer or if the list of possible code violations should be remedied. This is the intent of the rule. Either way, a registered fire alarm firm is required to install the system in compliance with the adopted standards.

Comment: The same commenter recommended deleting proposed §34.619(c). The requirements for record drawings stated in the current rule duplicates the standards of both fire and building codes and NFPA 72. There is no reason to change the current language, and the proposed change provides no enhanced value.

Agency Response: The Department disagrees. The proposed rule deletes the limited list of details to be shown on record drawings and requires the record drawings to include all the details in accordance with the applicable codes. The rule is also amended to require that a description of the system's sequence of operation, which may not be required by all applicable codes, be provided with the record drawings.

Comment: The same commenter recommended deleting proposed §34.619(f). It is inconsistent to keep record drawings for one year, while the certificate, certifying the system, is required to be kept for the life of the system. This proposal also fails to address commercial property entirely.

Agency Response: The Department disagrees. This rule is not inconsistent because the requirement to retain record drawings for one year applies only to one-or-two family dwellings, and the certificate retention in §34.617 applies only to commercial facilities. The commenter is correct that neither the existing rules nor the amended rules specify the length of time that record drawings must be kept for commercial buildings. Since no recommendations were made by the public relevant to retention of record drawings for commercial buildings, the advisory council chose not to address this issue.

Comment: The same commenter recommended reinserting the following text between the words "location" and "yellow" in proposed §34.620(a) as it appears in the current rule: "If the installation is deficient in any respect that might otherwise require a yellow or red service tag, the installation shall be deemed incomplete and no installation label shall be affixed until all deficiencies are corrected."

Agency Response: The Department disagrees. Many existing fire alarm systems have a yellow label attached. This condition may be acceptable to the authority having jurisdiction. If a modification is made to the system, an installation label should be attached identifying the firm that did the modification. The commenter's recommendation to retain the current language does not allow for this important record. The current language has been a major point of confusion by both fire alarm firms and local fire marshals and is revised for clarity.

Comment: The same commenter recommended deleting proposed §34.621(b) because if the provided service does not correct all outstanding deficiencies there would be confusion regarding what tag to attach inside the fire alarm control panel.

Agency Response: The Department disagrees. The rule states that after any service, a service label should be attached. Each time a deficiency is corrected, another service label is attached to record the work performed or deficiency corrected. If deficiencies are corrected the yellow or red label is removed, thereby indicating one less deficiency.

Reviewing the information on these labels provides the inspector with the current status and brief past history of the alarm system.

Comment: The same commenter recommended deleting proposed §34.621(c) because it is difficult to know the difference in code requirements for an older system.

Agency Response: The Department disagrees. This is not a new requirement; it is just relocated to this section. It has been in effect for many years. Since no recommendations were made by the public to delete or amend this rule, the advisory council retained the current rule.

Comment: The same commenter recommended deleting proposed §34.621(d). If the service has not been corrected in two years, an inspector from the local authority having jurisdiction will not know if a deficiency has been corrected.

Agency Response: The Department disagrees. Outstanding deficiencies are noted on yellow and red labels and reported in writing to the property owner and the local authority having jurisdiction. After a deficiency has been corrected, the respective red or yellow label is removed. The absence of red or yellow labels indicates deficiencies have been corrected. In addition, after the annual system inspection/test, the new blue inspection/test label must be attached. The inspection/test label has a specific space to indicate if there are outstanding code discrepancies which require a yellow or red label or if the system was found to be acceptable.

5. NAMES OF THOSE COMMENTING FOR AND AGAINST THE SECTIONS.

Against: One individual.

For with changes: One individual.

6. STATUTORY AUTHORITY. The amendments and new sections are adopted pursuant to Insurance Code Article 5.43-2, §§4 and 6, and §36.001. Article 5.43-2, §4 authorizes the Commissioner of Insurance to issue rules and regulations considered necessary to the Commissioner's administration of Article 5.43-2 through the State Fire Marshal and, in promulgating necessary rules and regulations, to utilize recognized standards such as, but not limited to, those of the National Fire Protection Association, the National Electrical Code, those recognized by federal law or regulation, those published by any nationally recognized standards-making organization, or any information furnished by individual manufacturers. Article 5.43-2, §6 provides that the Commissioner of Insurance may adopt rules as necessary for the administration of this article and requires the Commissioner to adopt standards applicable to any fire alarm device, equipment, or system regulated under this article. Section 36.001 provides that the Commissioner of Insurance may adopt any rules necessary and appropriate to implement the powers and duties of the Texas Department of Insurance under the Insurance Code and other laws of this state.

7. TEXT.

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

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

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

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

(4) Commissioner--The commissioner of insurance.

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

(6) Direct supervision--The control of work, excluding the installation of conduit, raceways, junction boxes, back boxes, or similar electrical enclosures, as it is being performed on fire detection or fire alarm devices and systems by a licensed fire alarm technician or a licensed fire alarm planning superintendent.

(7) Firm--A person or an organization, as defined in the Insurance Code, Article 5.43-2.

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

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

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

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

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

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

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

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

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

§34.607. Adopted Standards.

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

(1) NFPA 11-2002, Standard for Low-Expansion Foam.

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

(3) NFPA 12-2000, Standard on Carbon Dioxide Extinguishing Systems.

(4) NFPA 12A-2004, Standard on Halon 1301 Fire Extinguishing Systems.

(5) NFPA 13-2002, Standard for the Installation of Sprinkler Systems.

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

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

(8) NFPA 15-2001, Standard for Water Spray Fixed Systems for Fire Protection.

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

(10) NFPA 17-2002, Standard for Dry Chemical Extinguishing Systems.

(11) NFPA 17A-2002, Standard for Wet Chemical Extinguishing Systems.

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

(13) NFPA 70-2005, National Electrical Code.

(14) NFPA 72-2002, National Fire Alarm Code.

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

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

(17) UL 827 October 1, 1996, Standard for Central Station Alarm Services.

(18) NFPA 2001-2004, Standard on Clean Agent Fire Extinguisher Systems.

(b) The acceptable alternative model code sets are:

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

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

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

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

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

(6) NFPA 5000™, Building Construction and Safety Code™-2003 or later editions, and NFPA 1 Uniform Fire Code™ 2003 or later editions.

§34.610. Certificate of Registration.

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

(b) Posting. Each certificate must be posted conspicuously for public view at the business location.

(c) Business vehicles. All vehicles regularly used in installation, service, maintenance, testing, or certification activities must prominently display the company name, telephone number, and certificate number. The numbers and letters must be at least one inch high and permanently affixed or magnetically attached to each side of the vehicle in a color contrasting with the background color of the vehicle. The certificate number must be designated in the following format: TX ACR-(number).

(d) Change of ownership.

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

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

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

(f) 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

§34.613. 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 be accompanied by all fees, documents, and information required by the Insurance Code, Article 5.43-2, and the sections of this chapter. An application will not be deemed complete until all required forms, fees, and documents have been received in the State Fire Marshal's office.

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

(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 required.

(A) The state fire marshal will not issue a certificate of registration under these sections 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. In addition, the applicants must provide evidence of listing or certification as a central station by a testing laboratory approved by the commissioner and a statement that the monitoring service is in compliance with adopted NFPA 72.

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

(b) Fire alarm licenses.

(1) In order to be complete, applications for a license from an employee or agent of a registered firm must be submitted on forms provided by the state fire marshal and be accompanied by all fees, documents, and information required by the

Insurance Code, Article 5.43-2, and this subchapter. Applications must be signed by the applicant and by a person authorized to sign on behalf of the registered firm. All applicants for any type of license must successfully complete a qualifying test regarding Insurance Code, Article 5.43-2, and the Fire Alarm Rules as designated by the State Fire Marshal's Office.

(2) Applicants for fire alarm technician licenses must:

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

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

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

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

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

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

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

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

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

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

(c) Renewal applications.

(1) In order to be complete, renewal applications for certificates and licenses must be submitted on forms provided by the state fire marshal and be accompanied by all fees, documents, and information required by the Insurance Code, Article 5.43-2, and this subchapter. 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.

(d) 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 the Insurance Code Article 5.43-2 and this subchapter, or a new application must be submitted including all applicable fees.

§34.615. Test.

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

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

- (A) the State Fire Marshal's Office;
- (B) NICET; or
- (C) an outsource testing service.

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

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

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

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

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

§34.616. Sales, Installation, and Service.

(a) Residential alarms (single station).

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

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

competency of said employees regarding the provisions of Article 5.43-2, adopted standards, and this chapter applicable to single station devices.

(b) Fire detection and fire alarm devices or systems other than residential single station.

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

(2) The maintenance or servicing of all fire detection and fire alarm devices or systems must be performed by or under the direct on-site supervision of a licensed fire alarm technician, residential fire alarm superintendent or a fire alarm planning superintendent.

(3) If the installation or servicing of a fire alarm system also includes installation or servicing of any part of a fire protection sprinkler system and/or a fire extinguisher system other than inspection and testing of detection or supervisory devices, the licensing requirements of the appropriate Insurance Code, Article 5.43-1 or 5.43-3, must be satisfied.

(4) Installation of fire detection or fire alarm devices or systems, including monitoring equipment, must be in accordance with standards adopted in §34.607 of this

title (relating to Adopted Standards) except when the installation complies with a more recent edition of an adopted standard or a Tentative Interim Amendment published as effective by the NFPA.

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

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

(c) Monitoring requirements.

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

(2) A registered firm may not connect a fire alarm system to a monitoring service unless the monitoring service is registered under or is exempt from the licensing

requirements of Insurance Code Article 5.43-2, so long as the monitoring equipment being used is in compliance with Article 5.43-2, §9.

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

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

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

(6) If the monitoring service provided under this subchapter is discontinued before the end of the contract with the subscriber, the monitoring firm, central station, and/or service provider shall notify the owner or owner's representative of the monitored property and the local authority having jurisdiction, a minimum of seven

days before terminating the monitoring service. If the monitored property is a one-or-two-family-dwelling, notification of the local authority having jurisdiction is not required.

§34.617. Certification. After completion of the installation, modification, or addition of a system or single station detector unit, except for a one-or-two-family residence, the licensee shall complete an installation certificate in the format provided by the state fire marshal in lieu of the installation form required by the adopted standard unless required otherwise by the local authority having jurisdiction. The format for the installation certificate shall be provided by the SFMO on request. The certificate shall be presented to the owner or the owner's representative or posted near the main control panel. The installation certificate shall identify the standards applicable to the installation and certify compliance with such standards, unless variance is permitted in §34.616(b)(4) of this title (relating to Sales, Installation, and Service), in which event the specific variance and authority for such variance shall be identified. The information and format of the installation certificate shall be determined by the state fire marshal. When an installation certificate form has been completed, legible copies shall be distributed as follows:

- (1) original at the site of installation after completion of the installation;
- (2) one copy retained for the life of the system or ten years, whichever occurs first, by the certifying company for access by the State Fire Marshal's Office; and

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

§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 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 ACR- (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 shall 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 the Insurance Code Article 5.43-2, 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>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><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 hereby certify, on behalf of the registered firm, that the fire alarm equipment or system has been tested and complies with the requirements

of the Insurance Code Article 5.43-2, 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</i> ACR- (<i>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 the Texas Insurance Code Art. 5.43-2, the Fire Alarm Rules, the adopted codes and standards, and the manufacturer's requirements.</p>

§34.621. Service Labels.

(a) After any service, a fire alarm service label must be completed in detail and affixed to the inside or outside of the control panel cover or, if the system has no panel, in a permanent location. The signature of the licensee on the service label certifies that the service performed complies with requirements of law.

(b) If the service performed corrects all conditions noted on a yellow label or red label, the color and date of the label shall be marked on the service label and the respective yellow or red label removed.

(c) If during any service it is observed that the system does not comply with applicable standards adopted at the time the system was installed, has a fault condition, or is impaired from normal operation, the owner or the owner's representative and the local authority having jurisdiction must be notified of the condition and the licensee must attach, in addition to the service label, the appropriate yellow or red label, following the procedures in this section.

(d) Service labels shall remain in place for at least two years, after which time they 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 may remove excess labels at any time.

(e) The service label must be white in color with printed black lettering.

(f) The service label 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.

(g) Approximately 1/2 inch of the adhesive on the top back of the label should be used to attach the label over the previous service label to permit viewing of the previous label and the maintaining of a brief history.

(h) Service labels must contain the following information in the format of the service label as set forth in subsection (i) 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) **SERVICE RECORD** (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 performing the service;

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

(5) a list of services performed; and

(6) the type of service performed, either general service or the correction of conditions that resulted in a red label or yellow label.

(i) Service label:

Figure: 28 TAC § 34.621(i)

DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL (for at least two years) SERVICE RECORD		
<i>Registered Firm's Name</i> <i>Street Address City, State, Zip</i> <i>Phone Number ACR- (number)</i>		
Date	-	Licensee Signature - License #
List Services: _____		

Performed	<input type="checkbox"/>	General service listed above
Corrected	<input type="checkbox"/>	RED label dated _____
Corrected	<input type="checkbox"/>	YELLOW label dated _____

§34.622. Inspection/test Labels.

(a) After the inspection and testing of a fire alarm system, a fire alarm inspection/test label must be completed in detail and affixed to either the inside or outside of the control panel cover or, if the system has no panel, in a permanent location. The signature of the licensee on the inspection/test label certifies that the inspection and tests performed complies with requirements of the adopted standards.

(b) If any service or maintenance is performed pursuant to the inspection or test, a service label, in addition to the inspection/test label, shall be completed and attached according to the procedures in this section.

(c) If during any inspection or test it is observed that the system does not comply with applicable standards adopted at the time the system was installed, has a fault condition, or is impaired from normal operation, the owner or the owner's representative and the local authority having jurisdiction must be notified of the condition and the licensee must attach, in addition to the inspection/test label, the appropriate yellow or red label, in accordance with the procedures in this section.

(d) Inspection/test labels shall remain in place for at least five years, after which time they 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 may remove excess labels at any time.

(e) The inspection/test label must be blue in color with printed black lettering.

(f) The inspection/test label 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.

(g) Approximately 1/2 inch of the adhesive on the top back of the label should be used to attach the label over the previous inspection/test label to permit viewing of the previous label and the maintaining of a brief history.

(h) Inspection/test labels must contain the following information in the format of the inspection/test label as set forth in subsection (i) 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) INSPECTION/TEST RECORD (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 performing the inspection/test;

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

(5) the type of inspection/test performed to be marked, new installation, semi- annual, quarterly or annual;

(6) the last date of sensitivity test, if known; and

(7) the status after the inspection/test of acceptable or yellow label attached, or red label attached.

(i) Inspection/test label:

FIGURE: 28 TAC § 34.622(i):

DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL (for at least five years) INSPECTION/TEST RECORD		
<i>Registered Firm's Name</i> <i>Street Address City, State, Zip</i> <i>Phone Number ACR- (number)</i>		
<hr/>		
Date	-	Licensee Signature - License #
<i>Type of Inspection/Test Performed - NFPA 72</i>		
<input type="checkbox"/>	New Installation	<input type="checkbox"/> Quarterly
<input type="checkbox"/>	Semi Annual	<input type="checkbox"/> Annual
Last Date of Sensitivity Test, if known		
<hr/>		
<i>Status After Inspection/Test</i>		
<input type="checkbox"/>	Acceptable	<input type="checkbox"/> Yellow Label <i>(attached)</i>
		<input type="checkbox"/> Red Label <i>(attached)</i>

§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, 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</i>	<i>City, State, Zip</i>	
<i>Phone Number</i>	ACR- <i>(number)</i>	
<hr/>		
Date	-	Licensee Signature - License #
List Conditions: _____		
<hr/>		
REPORT STATUS TO OWNER & AHJ (in writing within 5 business days)		

§34.624. Red Labels.

(a) If, after any service, inspection or test, a system or any part thereof is inoperable, has a fault condition, or is impaired from normal operation, excluding the area(s) of a building under construction, a completed red 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 red label certifies that the conditions listed on the label have caused the system to be inoperable, have a fault condition, or be impaired from normal operation.

(c) If the system is inoperable, immediately after attaching a red label, the licensee or the registered firm must orally notify the property owner, occupant or their representative and the local authority having jurisdiction where available, of all impairments and provide a written notification, e-mailed, faxed or hand delivered within the next business day of the attachment of the red label. If the system has a fault condition or is impaired from normal operation, after attaching a red 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 condition(s). The written notification must be postmarked, e-mailed, faxed or hand delivered within three business days of the attachment of the red label.

(d) Red labels shall remain in place until the conditions are corrected and a service label is attached certifying that the corrections were made. The red 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) Red 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 red in color with printed black lettering.

(g) Red labels must bear the following information in the format of the label as shown in subsection (h) of this section:

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

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

(2) status of the system to be marked, inoperable or impaired or fault;

(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 red 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 red label;

(h) Red label:

FIGURE: 28 TAC § 34.624 (h):

DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL (until all conditions are corrected) <input type="checkbox"/> System INOPERABLE <input type="checkbox"/> IMPAIRED or FAULT		
<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/Area _____		
REPORT INOPERABLE TO OWNER & AHJ (Orally immediately & in writing within next business day) REPORT ALL OTHER TO OWNER & AHJ (In writing within three business days)		

§34.625. Enforcement.

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

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

(c) The failure to comply with the provisions of this subchapter and the provisions of Insurance Code Article 5.43-2 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 and/or administrative penalty and/or order for restitution to persons harmed.

§34.626. 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.

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

Issued at Austin, Texas, on _____, 2006.

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

IT IS THEREFORE THE ORDER of the Commissioner of Insurance that amendments to §§34.606, 34.607, 34.610, 34.613, 34.615, 34.616, 34.617, and 34.619, and new §§34.620 - 34.626 specified herein, concerning fire alarm rules, are adopted.

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

Adopted Sections
Page 56 of 56 Pages

AND IT IS SO ORDERED.

MIKE GEESLIN
COMMISSIONER OF INSURANCE

ATTEST:

Gene C. Jarmon
General Counsel and Chief Clerk

COMMISSIONER'S ORDER NO. _____