

By: Pickett, Seaman

H.B. No. 472

A BILL TO BE ENTITLED

AN ACT

relating to requirements for certain licensing programs administered by the state fire marshal.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 4(c-1), Article 5.43-1, Insurance Code, is amended to read as follows:

(c-1) The initial fee for the license required by Subsection (c) of this section must be in an amount not to exceed \$70 [~~\$50~~] and the license renewal fee for each year thereafter must be in an amount not to exceed \$50. Unless the examination is administered by a testing service, a [A] nonrefundable fee for the initial examination must be in an amount not to exceed \$30. Unless the reexamination is administered by a testing service, a [A] nonrefundable fee in an amount not to exceed \$20 shall be charged for each reexamination.

SECTION 2. Section 7, Article 5.43-1, Insurance Code, is amended by adding Subsections (e), (f), (g-1), and (j) to read as follows:

(e) The state fire marshal shall examine each applicant for a license issued under this article and shall establish the scope and type of an examination required by this article. The state fire marshal may administer the examination or may enter into an agreement with a testing service.

(f) The state fire marshal may contract with the testing

1 service regarding requirements for the examination, including  
2 examination development, scheduling, site arrangements, grading,  
3 reporting, analysis, or other administrative duties. The state  
4 fire marshal may require the testing service to:

5 (1) correspond directly with an applicant regarding  
6 the administration of the examination;

7 (2) collect a reasonable fee from an applicant for  
8 administering the examination; or

9 (3) administer the examination at a specific location  
10 or time.

11 (g-1) The state fire marshal may require a testing service  
12 to notify a person of the results of the person's examination under  
13 Subsection (g).

14 (j) The state fire marshal shall adopt rules as necessary to  
15 implement examination requirements under this article.

16 SECTION 3. Section 5(c), Article 5.43-2, Insurance Code, is  
17 amended to read as follows:

18 (c) Each fire alarm technician, residential fire alarm  
19 superintendent or fire alarm planning superintendent must obtain a  
20 license issued by the board. The initial fee for the license must  
21 be in an amount not to exceed \$120 [~~\$100~~] and the renewal fee for  
22 each year thereafter must be in an amount not to exceed \$100.  
23 Unless the examination is administered by a testing service, a [A]  
24 nonrefundable fee for the initial examination must not exceed \$30.  
25 Unless the reexamination is administered by a testing service, a  
26 [A] nonrefundable fee not to exceed \$20 shall be charged for each  
27 reexamination.

1 SECTION 4. Section 5D, Article 5.43-2, Insurance Code, is  
2 amended by amending Subsection (a) and adding Subsections (a-1),  
3 (f), (g), and (h) to read as follows:

4 (a) Each applicant for a license must pass a written  
5 examination. Examinations shall be conducted by the State Fire  
6 Marshal or a testing service selected by the State Fire Marshal.  
7 Examinations shall cover this article and board rules and shall  
8 include specific testing of all categories of licensure. Not later  
9 than the 30th day after the day on which an examination is  
10 administered under this article, the State Fire Marshal shall send  
11 notice to each examinee of the results of the examination. If an  
12 examination is conducted, graded, or reviewed by a testing service,  
13 the State Fire Marshal shall send notice to the examinees of the  
14 results of the examination within two weeks after the date on which  
15 the State Fire Marshal receives the results from the testing  
16 service. If the notice of the examination results will be delayed  
17 for longer than 90 days after the examination date, the State Fire  
18 Marshal shall send notice to the examinee of the reason for the  
19 delay before the 90th day. If requested in writing by a person who  
20 fails the examination administered under this article, the State  
21 Fire Marshal shall send to the person an analysis of the person's  
22 performance on the examination.

23 (a-1) The state fire marshal may require a testing service  
24 to notify a person of the results of the person's examination under  
25 Subsection (a).

26 (f) The state fire marshal shall establish the scope and  
27 type of an examination required by this article. The state fire

1 marshal may administer the examination or may enter into an  
2 agreement with a testing service.

3 (g) The state fire marshal may contract with the testing  
4 service regarding requirements for the examination, including  
5 examination development, scheduling, site arrangements, grading,  
6 reporting, analysis, or other administrative duties. The state  
7 fire marshal may require the testing service to:

8 (1) correspond directly with an applicant regarding  
9 the administration of the examination;

10 (2) collect a reasonable fee from an applicant for  
11 administering the examination; or

12 (3) administer the examination at a specific location  
13 or time.

14 (h) The state fire marshal shall adopt rules as necessary to  
15 implement examination requirements under this article.

16 SECTION 5. Section 4(c), Article 5.43-3, Insurance Code, is  
17 amended to read as follows:

18 (c) Each responsible managing employee must obtain a  
19 license issued by the board and conditioned on the successful  
20 completion of the examination requirement and other requirements  
21 prescribed by the rules adopted under this article. Unless the  
22 examination is administered by a testing service, a [A]  
23 nonrefundable examination fee must be in an amount not to exceed  
24 \$100 per examination. The fee for the issuance of either the  
25 initial or the renewal responsible managing employee license must  
26 be in an amount not to exceed \$200.

27 SECTION 6. Section 5B, Article 5.43-3, Insurance Code, is

1 amended to read as follows:

2           Sec. 5B. EXAMINATION. (a) The state fire marshal shall  
3 establish the scope and type of an examination required by this  
4 article. The state fire marshal may administer the examination or  
5 may enter into an agreement with a testing service.

6           (b) The state fire marshal may contract with the testing  
7 service regarding requirements for the examination, including  
8 examination development, scheduling, site arrangements, grading,  
9 reporting, analysis, or other administrative duties. The state  
10 fire marshal may require the testing service to:

11                   (1) correspond directly with an applicant regarding  
12 the administration of the examination;

13                   (2) collect a reasonable fee from an applicant for  
14 administering the examination; or

15                   (3) administer the examination at a specific location  
16 or time.

17           (c) Not later than the 30th day after the day on which an  
18 examination is administered under this article, the state fire  
19 marshal ~~[board]~~ shall send notice to each examinee of the results of  
20 the examination. If an examination is graded or reviewed by a  
21 ~~[national]~~ testing service, the state fire marshal ~~[board]~~ shall  
22 send notice to each examinee of the results of the examination  
23 within two weeks after the date on which the state fire marshal  
24 ~~[board]~~ receives the results from the testing service. If the  
25 notice of the examination results will be delayed for longer than 90  
26 days after the examination date, the state fire marshal ~~[board]~~   
27 shall send notice to each examinee of the reason for the delay

1 before the 90th day. If requested in writing by a person who fails  
2 the examination administered under this article, the state fire  
3 marshal [~~board~~] shall send to the person an analysis of the person's  
4 performance on the examination.

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

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

9 SECTION 7. Subchapter C, Chapter 2154, Occupations Code, is  
10 amended by adding Sections 2154.1025 and 2154.1026 to read as  
11 follows:

12 Sec. 2154.1025. STATE FIRE MARSHAL'S AUTHORITY REGARDING  
13 EXAMINATIONS; RULES. (a) The state fire marshal shall establish  
14 the scope and type of an examination required under this chapter.

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

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

19 Sec. 2154.1026. USE OF TESTING SERVICE FOR EXAMINATION.

20 (a) If a testing service is used, the state fire marshal may  
21 contract with the testing service regarding requirements for the  
22 examination required by this chapter, including examination  
23 development, scheduling, site arrangements, grading, reporting,  
24 analysis, or other administrative duties.

25 (b) The state fire marshal may require the testing service  
26 to:

27 (1) correspond directly with an applicant regarding

1 the administration of the examination;

2 (2) collect a reasonable fee from an applicant for  
3 administering the examination; or

4 (3) administer the examination at a specific location  
5 or time.

6 SECTION 8. Section 2154.103, Occupations Code, is amended  
7 by adding Subsection (e) to read as follows:

8 (e) The state fire marshal may require a testing service to  
9 notify a person of the results of the person's examination.

10 SECTION 9. Section 2154.154(d), Occupations Code, is  
11 amended to read as follows:

12 (d) Unless the examination is administered by a testing  
13 service, a [A] person shall be charged a nonrefundable initial  
14 examination fee in an amount not to exceed \$50 [~~\$30~~]. Unless the  
15 reexamination is administered by a testing service, a [A] person  
16 shall be charged a nonrefundable fee in an amount not to exceed \$20  
17 for each reexamination.

18 SECTION 10. Section 2154.155(d), Occupations Code, is  
19 amended to read as follows:

20 (d) Unless the examination is administered by a testing  
21 service, a [A] person shall be charged a nonrefundable initial  
22 examination fee in an amount not to exceed \$50 [~~\$30~~]. Unless the  
23 reexamination is administered by a testing service, a [A] person  
24 shall be charged a nonrefundable fee in an amount not to exceed \$20  
25 for each reexamination.

26 SECTION 11. The changes in law made by this Act apply only  
27 to an examination fee or initial license fee charged, or an

1 examination administered, on or after the effective date of this  
2 Act. An examination fee or initial license fee charged, or an  
3 examination administered, before the effective date of this Act is  
4 governed by the law as it existed immediately before the effective  
5 date of this Act, and that law is continued in effect for that  
6 purpose.

7 SECTION 12. This Act takes effect immediately if it  
8 receives a vote of two-thirds of all the members elected to each  
9 house, as provided by Section 39, Article III, Texas Constitution.  
10 If this Act does not receive the vote necessary for immediate  
11 effect, this Act takes effect September 1, 2003.