

1-1 By: Pickett, Seaman (Senate Sponsor - Madla) H.B. No. 472
1-2 (In the Senate - Received from the House April 28, 2003;
1-3 May 1, 2003, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 7, 2003, reported favorably by
1-5 the following vote: Yeas 4, Nays 0; May 7, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to requirements for certain licensing programs
1-9 administered by the state fire marshal.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 4(c-1), Article 5.43-1, Insurance Code,
1-12 is amended to read as follows:

1-13 (c-1) The initial fee for the license required by Subsection
1-14 (c) of this section must be in an amount not to exceed \$70 [~~\$50~~] and
1-15 the license renewal fee for each year thereafter must be in an
1-16 amount not to exceed \$50. Unless the examination is administered by
1-17 a testing service, a [A] nonrefundable fee for the initial
1-18 examination must be in an amount not to exceed \$30. Unless the
1-19 reexamination is administered by a testing service, a [A]
1-20 nonrefundable fee in an amount not to exceed \$20 shall be charged
1-21 for each reexamination.

1-22 SECTION 2. Section 7, Article 5.43-1, Insurance Code, is
1-23 amended by adding Subsections (e), (f), (g-1), and (j) to read as
1-24 follows:

1-25 (e) The state fire marshal shall examine each applicant for
1-26 a license issued under this article and shall establish the scope
1-27 and type of an examination required by this article. The state fire
1-28 marshal may administer the examination or may enter into an
1-29 agreement with a testing service.

1-30 (f) The state fire marshal may contract with the testing
1-31 service regarding requirements for the examination, including
1-32 examination development, scheduling, site arrangements, grading,
1-33 reporting, analysis, or other administrative duties. The state
1-34 fire marshal may require the testing service to:

1-35 (1) correspond directly with an applicant regarding
1-36 the administration of the examination;

1-37 (2) collect a reasonable fee from an applicant for
1-38 administering the examination; or

1-39 (3) administer the examination at a specific location
1-40 or time.

1-41 (g-1) The state fire marshal may require a testing service
1-42 to notify a person of the results of the person's examination under
1-43 Subsection (g).

1-44 (j) The state fire marshal shall adopt rules as necessary to
1-45 implement examination requirements under this article.

1-46 SECTION 3. Section 5(c), Article 5.43-2, Insurance Code, is
1-47 amended to read as follows:

1-48 (c) Each fire alarm technician, residential fire alarm
1-49 superintendent or fire alarm planning superintendent must obtain a
1-50 license issued by the board. The initial fee for the license must
1-51 be in an amount not to exceed \$120 [~~\$100~~] and the renewal fee for
1-52 each year thereafter must be in an amount not to exceed \$100.
1-53 Unless the examination is administered by a testing service, a [A]
1-54 nonrefundable fee for the initial examination must not exceed \$30.
1-55 Unless the reexamination is administered by a testing service, a
1-56 [A] nonrefundable fee not to exceed \$20 shall be charged for each
1-57 reexamination.

1-58 SECTION 4. Section 5D, Article 5.43-2, Insurance Code, is
1-59 amended by amending Subsection (a) and adding Subsections (a-1),
1-60 (f), (g), and (h) to read as follows:

1-61 (a) Each applicant for a license must pass a written
1-62 examination. Examinations shall be conducted by the State Fire
1-63 Marshal or a testing service selected by the State Fire Marshal.
1-64 Examinations shall cover this article and board rules and shall

2-1 include specific testing of all categories of licensure. Not later
 2-2 than the 30th day after the day on which an examination is
 2-3 administered under this article, the State Fire Marshal shall send
 2-4 notice to each examinee of the results of the examination. If an
 2-5 examination is conducted, graded, or reviewed by a testing service,
 2-6 the State Fire Marshal shall send notice to the examinees of the
 2-7 results of the examination within two weeks after the date on which
 2-8 the State Fire Marshal receives the results from the testing
 2-9 service. If the notice of the examination results will be delayed
 2-10 for longer than 90 days after the examination date, the State Fire
 2-11 Marshal shall send notice to the examinee of the reason for the
 2-12 delay before the 90th day. If requested in writing by a person who
 2-13 fails the examination administered under this article, the State
 2-14 Fire Marshal shall send to the person an analysis of the person's
 2-15 performance on the examination.

2-16 (a-1) The state fire marshal may require a testing service
 2-17 to notify a person of the results of the person's examination under
 2-18 Subsection (a).

2-19 (f) The state fire marshal shall establish the scope and
 2-20 type of an examination required by this article. The state fire
 2-21 marshal may administer the examination or may enter into an
 2-22 agreement with a testing service.

2-23 (g) The state fire marshal may contract with the testing
 2-24 service regarding requirements for the examination, including
 2-25 examination development, scheduling, site arrangements, grading,
 2-26 reporting, analysis, or other administrative duties. The state
 2-27 fire marshal may require the testing service to:

2-28 (1) correspond directly with an applicant regarding
 2-29 the administration of the examination;

2-30 (2) collect a reasonable fee from an applicant for
 2-31 administering the examination; or

2-32 (3) administer the examination at a specific location
 2-33 or time.

2-34 (h) The state fire marshal shall adopt rules as necessary to
 2-35 implement examination requirements under this article.

2-36 SECTION 5. Section 4(c), Article 5.43-3, Insurance Code, is
 2-37 amended to read as follows:

2-38 (c) Each responsible managing employee must obtain a
 2-39 license issued by the board and conditioned on the successful
 2-40 completion of the examination requirement and other requirements
 2-41 prescribed by the rules adopted under this article. Unless the
 2-42 examination is administered by a testing service, a [A]
 2-43 nonrefundable examination fee must be in an amount not to exceed
 2-44 \$100 per examination. The fee for the issuance of either the
 2-45 initial or the renewal responsible managing employee license must
 2-46 be in an amount not to exceed \$200.

2-47 SECTION 6. Section 5B, Article 5.43-3, Insurance Code, is
 2-48 amended to read as follows:

2-49 Sec. 5B. EXAMINATION. (a) The state fire marshal shall
 2-50 establish the scope and type of an examination required by this
 2-51 article. The state fire marshal may administer the examination or
 2-52 may enter into an agreement with a testing service.

2-53 (b) The state fire marshal may contract with the testing
 2-54 service regarding requirements for the examination, including
 2-55 examination development, scheduling, site arrangements, grading,
 2-56 reporting, analysis, or other administrative duties. The state
 2-57 fire marshal may require the testing service to:

2-58 (1) correspond directly with an applicant regarding
 2-59 the administration of the examination;

2-60 (2) collect a reasonable fee from an applicant for
 2-61 administering the examination; or

2-62 (3) administer the examination at a specific location
 2-63 or time.

2-64 (c) Not later than the 30th day after the day on which an
 2-65 examination is administered under this article, the state fire
 2-66 marshal [~~board~~] shall send notice to each examinee of the results of
 2-67 the examination. If an examination is graded or reviewed by a
 2-68 [~~national~~] testing service, the state fire marshal [~~board~~] shall
 2-69 send notice to each examinee of the results of the examination

3-1 within two weeks after the date on which the state fire marshal
 3-2 [board] receives the results from the testing service. If the
 3-3 notice of the examination results will be delayed for longer than 90
 3-4 days after the examination date, the state fire marshal [board]
 3-5 shall send notice to each examinee of the reason for the delay
 3-6 before the 90th day. If requested in writing by a person who fails
 3-7 the examination administered under this article, the state fire
 3-8 marshal [board] shall send to the person an analysis of the person's
 3-9 performance on the examination.

3-10 (d) The state fire marshal may require a testing service to
 3-11 notify a person of the results of the person's examination.

3-12 (e) The state fire marshal shall adopt rules as necessary to
 3-13 implement examination requirements under this article.

3-14 SECTION 7. Subchapter C, Chapter 2154, Occupations Code, is
 3-15 amended by adding Sections 2154.1025 and 2154.1026 to read as
 3-16 follows:

3-17 Sec. 2154.1025. STATE FIRE MARSHAL'S AUTHORITY REGARDING
 3-18 EXAMINATIONS; RULES. (a) The state fire marshal shall establish
 3-19 the scope and type of an examination required under this chapter.

3-20 (b) The state fire marshal may administer the examination or
 3-21 may enter into an agreement with a testing service.

3-22 (c) The state fire marshal shall adopt rules as necessary to
 3-23 implement examination requirements under this chapter.

3-24 Sec. 2154.1026. USE OF TESTING SERVICE FOR EXAMINATION.
 3-25 (a) If a testing service is used, the state fire marshal may
 3-26 contract with the testing service regarding requirements for the
 3-27 examination required by this chapter, including examination
 3-28 development, scheduling, site arrangements, grading, reporting,
 3-29 analysis, or other administrative duties.

3-30 (b) The state fire marshal may require the testing service
 3-31 to:

3-32 (1) correspond directly with an applicant regarding
 3-33 the administration of the examination;

3-34 (2) collect a reasonable fee from an applicant for
 3-35 administering the examination; or

3-36 (3) administer the examination at a specific location
 3-37 or time.

3-38 SECTION 8. Section 2154.103, Occupations Code, is amended
 3-39 by adding Subsection (e) to read as follows:

3-40 (e) The state fire marshal may require a testing service to
 3-41 notify a person of the results of the person's examination.

3-42 SECTION 9. Section 2154.154(d), Occupations Code, is
 3-43 amended to read as follows:

3-44 (d) Unless the examination is administered by a testing
 3-45 service, a [A] person shall be charged a nonrefundable initial
 3-46 examination fee in an amount not to exceed \$50 [~~\$30~~]. Unless the
 3-47 reexamination is administered by a testing service, a [A] person
 3-48 shall be charged a nonrefundable fee in an amount not to exceed \$20
 3-49 for each reexamination.

3-50 SECTION 10. Section 2154.155(d), Occupations Code, is
 3-51 amended to read as follows:

3-52 (d) Unless the examination is administered by a testing
 3-53 service, a [A] person shall be charged a nonrefundable initial
 3-54 examination fee in an amount not to exceed \$50 [~~\$30~~]. Unless the
 3-55 reexamination is administered by a testing service, a [A] person
 3-56 shall be charged a nonrefundable fee in an amount not to exceed \$20
 3-57 for each reexamination.

3-58 SECTION 11. The changes in law made by this Act apply only
 3-59 to an examination fee or initial license fee charged, or an
 3-60 examination administered, on or after the effective date of this
 3-61 Act. An examination fee or initial license fee charged, or an
 3-62 examination administered, before the effective date of this Act is
 3-63 governed by the law as it existed immediately before the effective
 3-64 date of this Act, and that law is continued in effect for that
 3-65 purpose.

3-66 SECTION 12. This Act takes effect immediately if it
 3-67 receives a vote of two-thirds of all the members elected to each
 3-68 house, as provided by Section 39, Article III, Texas Constitution.
 3-69 If this Act does not receive the vote necessary for immediate

4-1 effect, this Act takes effect September 1, 2003.

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