

1-1 By: Lindsay S.B. No. 1460  
1-2 (In the Senate - Filed March 13, 2003; March 20, 2003, read  
1-3 first time and referred to Committee on Intergovernmental  
1-4 Relations; May 2, 2003, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;  
1-6 May 2, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1460 By: Brimer

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to county fire marshals and county fire protection;  
1-11 providing penalties.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Sections 352.013, 352.014, and 352.016, Local  
1-14 Government Code, are amended to read as follows:

1-15 Sec. 352.013. INVESTIGATION OF FIRES. (a) The county fire  
1-16 marshal shall:

1-17 (1) investigate the cause, origin, and circumstances  
1-18 of fires [~~each fire~~] that occur [~~occurs~~] within the county but  
1-19 outside the municipalities in the county and that destroy  
1-20 [~~destroys~~] or damage [~~damages~~] property or cause injury; and

1-21 (2) determine whether a [~~the~~] fire was the result of  
1-22 negligent or intentional conduct.

1-23 (b) The commissioners court of a county, with the advice of  
1-24 the county fire marshal, shall adopt rules and procedures for  
1-25 determining which fires warrant investigation by the county fire  
1-26 marshal. The county fire marshal shall begin an [~~this~~]  
1-27 investigation within 24 hours after the receipt of information  
1-28 regarding a fire that warrants investigation under commissioners  
1-29 court rules and procedures. The 24-hour period does not include a  
1-30 Sunday.

1-31 (c) In the performance of official duties, the county fire  
1-32 marshal, at any time of day, may enter and examine a structure where  
1-33 a fire has occurred and may examine adjacent premises. [~~The marshal~~  
1-34 ~~shall conduct this examination in a manner designed to impose the~~  
1-35 ~~least inconvenience to any persons living in the building.~~]

1-36 Sec. 352.014. RECORD OF INVESTIGATION. The county fire  
1-37 marshal shall keep a record of each fire that the marshal is  
1-38 required to investigate. The record must include the facts,  
1-39 statistics, and circumstances determined by the investigation,  
1-40 including the origin of the fire and the estimated amount of the  
1-41 loss. Each fire department and state or local agency that provides  
1-42 emergency medical services must submit reports requested by the  
1-43 county fire marshal in a timely manner.

1-44 Sec. 352.016. INSPECTION OR REVIEW OF PLAN FOR FIRE OR LIFE  
1-45 SAFETY HAZARDS. (a) In this section, "fire or life safety hazard"  
1-46 means any condition [~~of the following conditions~~] that endangers  
1-47 [~~endanger~~] the safety of a structure or its occupants and promotes  
1-48 [~~promote~~] or causes [~~cause~~] fire or combustion, including:

1-49 (1) the presence of a flammable substance;

1-50 (2) a dangerous or dilapidated wall, ceiling, or other  
1-51 structural element;

1-52 (3) improper electrical components [~~lighting~~],  
1-53 heating, or other building services or facilities;

1-54 (4) the presence of a dangerous chimney, flue, pipe,  
1-55 main, or stove, or of dangerous wiring; [~~or~~]

1-56 (5) dangerous storage, including storage or use of  
1-57 hazardous substances; or

1-58 (6) inappropriate means of egress, fire protection, or  
1-59 other fire-related safeguard.

1-60 (b) In the interest of safety and fire prevention, the  
1-61 county fire marshal may inspect for fire or life safety hazards any  
1-62 structure, appurtenance, fixture, or real property located within  
1-63 500 [~~200~~] feet of a structure, appurtenance, or fixture. The

2-1 marshal shall inspect a structure for fire or life safety hazards  
2-2 if called on to do so. In the absence of a county fire code, the  
2-3 county fire marshal may conduct an inspection using any nationally  
2-4 recognized code or standard adopted by the state. If the marshal  
2-5 determines the presence of a fire or life safety hazard, the marshal  
2-6 may order the owner or occupant of the premises to correct the  
2-7 hazardous situation. If ordered to do so, an owner or occupant  
2-8 shall correct the hazardous situation in accordance with the order.

2-9 (b-1) In the interest of safety and fire prevention, the  
2-10 county fire marshal shall, if required, and may, if requested,  
2-11 review the plans of a business, single-family residence,  
2-12 multi-family dwelling, or commercial property for fire or life  
2-13 safety hazards.

2-14 (c) The commissioners court by order may authorize the  
2-15 county fire marshal to charge a fee to the owner of a business, a  
2-16 multi-family dwelling, or commercial property for a plan review or  
2-17 [fire] inspection conducted under this section in a reasonable  
2-18 amount determined by the commissioners court to cover the cost of  
2-19 the plan review or inspection.

2-20 (d) The commissioners court by order may authorize the  
2-21 county fire marshal to charge a fee to the owner of a single-family  
2-22 residence for a plan review or [fire] inspection conducted under  
2-23 this section in a reasonable amount determined by the commissioners  
2-24 court to cover the cost of the plan review or inspection, if the  
2-25 plan review or inspection is requested by the owner of the property.

2-26 SECTION 2. Subsection (b), Section 352.017, Local  
2-27 Government Code, is amended to read as follows:

2-28 (b) Service of process required by this subchapter shall be  
2-29 made by a peace officer [~~constable or sheriff~~] and shall be signed  
2-30 by the county fire marshal or the fire marshal's deputy.

2-31 SECTION 3. Section 352.019, Local Government Code, is  
2-32 amended by amending Subsections (b) and (c) and adding Subsections  
2-33 (b-1), (e), (f), and (g) to read as follows:

2-34 (b) The county fire marshal shall coordinate the work of the  
2-35 various fire-fighting and fire prevention units in the county. On  
2-36 request, the county fire marshal may assist a rural fire prevention  
2-37 district or emergency services district located wholly or partially  
2-38 in the county to accomplish its powers and duties.

2-39 (b-1) If the commissioners court establishes procedures for  
2-40 firefighter certification under Subsection (b), the commissioners  
2-41 court must ensure that the procedures are at least as stringent as  
2-42 the minimum qualifications set by the Texas Commission on Fire  
2-43 Protection under Section 419.032, Government Code. This subsection  
2-44 does not apply to a volunteer firefighter as defined by Section  
2-45 419.001, Government Code.

2-46 (c) The county fire marshal or the county fire marshal's  
2-47 designee may perform as the incident commander in a major event if  
2-48 the incident commander of the responsible fire department consents.  
2-49 The county fire marshal may not enforce orders and decrees within a  
2-50 municipality in the county unless specifically required to do so by  
2-51 interlocal agreement and may act in a cooperative and advisory  
2-52 capacity there only on request.

2-53 (e) A county commissioners court may authorize the fire  
2-54 marshal to provide training programs and operate a training  
2-55 facility for the various fire-fighting and fire prevention units in  
2-56 the county. The county may establish and collect a reasonable fee  
2-57 for the training programs, use of the facility, and services  
2-58 provided by the facility.

2-59 (f) The commissioners court and county fire marshal may  
2-60 jointly adopt voluntary guidelines, including voluntary funding  
2-61 guidelines, for fire departments located in unincorporated areas of  
2-62 the county, including fire departments located within rural fire  
2-63 prevention districts or emergency services districts, regarding  
2-64 participation in the Texas Fire Incident Reporting System (TXFIRS)  
2-65 or the National Fire Incident Reporting System (NFIRS), or both.  
2-66 The commissioners court may establish model procedures for  
2-67 voluntary use by the various fire departments in the county with  
2-68 respect to:

- 2-69 (1) emergency incident management;

