

BILL ANALYSIS

C.S.H.B. 3385
By: Pickett
Insurance
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, in order to install a fire detection system in a residence, a fire alarm technician must have a commercial fire detection installation license. This requirement creates a situation where technicians must take a test covering the *commercial* portion of the law relating to fire detection maintenance, regardless of whether the technician is actually employed in the installation of fire detection systems for commercial use. This process is time consuming and expensive to the technician, particularly since fire alarm technicians can presently obtain a license in Austin only.

The proposed revision would distinguish fire alarm technicians from *residential* fire alarm technicians, thereby allowing the latter to receive training and to be tested to install residential fire detection systems. This distinction is important because it establishes a different type of license, thereby paving the way for separate licensing requirements and other related issues. This separation will create cost-saving benefits both the technician and the companies employing these technicians, which could then be passed along to the consumer.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Commissioner of the Texas Department of Insurance in SECTION 8 (Article 5.43-2 of the Insurance Code) of this bill.

ANALYSIS

The purpose of Article 5.43-2 of the Insurance Code is to regulate the planning, certifying, leasing, selling, servicing, installing, monitoring, and maintaining of fire detection and fire alarm devices and systems in Texas. The bill revises this section of the Insurance Code to define "residential fire alarm technician" for the purposes of creating a new type of fire alarm technician. This bill requires that these residential fire alarm technicians be licensed; be designated by a registered firm; allows for onsite direct supervision of non-licensed employees; and outlines the duties of a residential fire alarm technician.

Specifically, this bill grants residential fire alarm technicians the authority to plan, install, service, inspect, and certify residential single-family or two-family fire alarm detection systems. Through this bill, residential fire alarm technicians will also have the ability to service or maintain previously installed residential systems.

EFFECTIVE DATE

September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 3385 goes into greater detail about the rules and regulations affecting residential fire alarm technicians. It enumerates a technician's duties, outlines specific licensing requirements, restricts further requirements for licensing other than what is statutorily required, and makes technical changes to update references to names or publication numbers for certain industry standards.

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C.S.H.B. 3385 prohibits a municipality from requiring that a registered firm maintain an office within its jurisdiction. The bill allows a municipality to enact an ordinance requiring a registered firm to attempt verification of a fire alarm signal before notifying the municipality. The definition of "monitoring" is modified to remove "retransmission" as a required action, thereby making the *receipt* of a fire alarm signal sufficient to be considered "monitoring". The bill also clarifies current statutory restrictions of a municipality with respect to competing with a registered firm for private business. Finally, the bill requires registered fire alarm companies to provide written information to customers to aid in the reduction of false fire alarms.