

By: Driver

H.B. No. 3073

A BILL TO BE ENTITLED

AN ACT

relating to certain disclosure requirements regarding inspections of fire extinguishers.

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

SECTION 1. Article 5.43-1, Insurance Code, is amended by adding Section 4B to read as follows:

Sec. 4B. REQUIRED STATEMENT. (a) A firm registered under Section 4 of this article that performs an annual fire extinguisher inspection at the premises of a business entity that is required under a municipal ordinance to obtain the inspection shall provide the business entity at which the inspection is performed a written statement that discloses:

(1) that the business entity has the right to select the registered firm that will conduct the inspection;

(2) that the registered firm is not affiliated with any governmental agency; and

(3) the registered firm's fees for performing the inspection.

(b) A registered firm may comply with Subsection (a)(3) of this section by providing the business entity with:

(1) a copy of the firm's price list for different services, including inspections, provided by the firm; or

(2) any other price document issued by the firm that complies with standard business practices in the fire protection

1 industry.

2 (c) Except as provided by Subsection (d) of this section, an  
3 authorized person at the business entity at which the inspection is  
4 performed must sign the statement before the inspection may be  
5 performed. The registered firm shall provide a copy of the signed  
6 statement to the authorized person at the business entity.

7 (d) If the services of the registered firm are provided  
8 under a pre-authorized arrangement with the business entity,  
9 including a contract or other signed agreement, the registered  
10 firm:

11 (1) shall provide a copy of the statement required  
12 under Subsection (a) of this section to the business entity at the  
13 time the contract or agreement is entered into; and

14 (2) is not required to obtain the signature of an  
15 authorized person at the business entity at the time the inspection  
16 services are performed.

17 (e) A registered firm shall maintain a copy of the signed  
18 statement under Subsection (c) of this section or the contract or  
19 other agreement under Subsection (d) of this section in the firm's  
20 records until the first anniversary of the date of the inspection.

21 SECTION 2. This Act takes effect September 1, 2005.