

1-1 By: McReynolds (Senate Sponsor - Hegar) H.B. No. 1717
1-2 (In the Senate - Received from the House April 10, 2007;
1-3 April 11, 2007, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 3, 2007, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 5,
1-6 Nays 0; May 3, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1717 By: Nichols

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

1-10 relating to the identification requirements for any device with the
1-11 appearance of a fire hydrant that is nonfunctioning or otherwise
1-12 unavailable for use in a fire emergency.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter C, Chapter 341, Health and Safety
1-15 Code, is amended by adding Section 341.0357 to read as follows:

1-16 Sec. 341.0357. IDENTIFICATION REQUIREMENT FOR DEVICE WITH
1-17 APPEARANCE OF FIRE HYDRANT THAT IS NONFUNCTIONING OR UNAVAILABLE
1-18 FOR USE IN FIRE EMERGENCY. (a) The owner of any device having the
1-19 appearance of a fire hydrant that is located in a place that an
1-20 entity responsible for providing fire suppression services in a
1-21 fire emergency would expect a fire hydrant to typically be located
1-22 shall paint the device black if the device is nonfunctioning or
1-23 otherwise unavailable for use by the entity providing fire
1-24 suppression services in a fire emergency. The owner may place a
1-25 black tarp over the device instead of painting the device black as
1-26 required under this section if the device is temporarily
1-27 nonfunctioning, or temporarily unavailable for use in a fire
1-28 emergency, for a period not to exceed seven days.

1-29 (b) For purposes of this section, a device is considered to
1-30 be nonfunctioning if the device pumps less than 250 gallons of water
1-31 per minute.

1-32 (c) This section does not apply within the jurisdiction of a
1-33 governmental entity that maintains its own system for labeling a
1-34 device having the appearance of a fire hydrant that is
1-35 nonfunctioning or otherwise unavailable for use in a fire
1-36 emergency.

1-37 SECTION 2. Not later than January 1, 2008, an owner of a
1-38 device described by Section 341.0357, Health and Safety Code, as
1-39 added by this Act, shall ensure that the device complies with the
1-40 requirement imposed by that section.

1-41 SECTION 3. This Act takes effect immediately if it receives
1-42 a vote of two-thirds of all the members elected to each house, as
1-43 provided by Section 39, Article III, Texas Constitution. If this
1-44 Act does not receive the vote necessary for immediate effect, this
1-45 Act takes effect September 1, 2007.

1-46 * * * * *