

By: Pickett

H.B. No. 2118

A BILL TO BE ENTITLED

1 AN ACT

2 relating to licensing and regulation of residential fire alarm
3 technicians and regulation and installation of fire detection and
4 alarm devices.

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

6 SECTION 1. Section 2, Article 5.43-2, Insurance Code, is
7 amended by amending Subdivision (8) and adding Subdivision (17) to
8 read as follows:

9 (8) "Monitoring" means the receipt of fire alarm and
10 supervisory signals [~~and retransmission~~] or communication of those
11 signals to a fire service communications center that is located in
12 this state or serves property in this state.

13 (17) "Residential fire alarm technician" means a
14 licensed individual who is designated by a registered firm to
15 install, service, inspect, and certify residential single-family
16 or two-family fire alarm or detection systems.

17 SECTION 2. Section 3, Article 5.43-2, Insurance Code, is
18 amended by amending Subsection (b) and adding Subsections (d) and
19 (e) to read as follows:

20 (b) The licensing provisions of this article shall not apply
21 to:

22 (1) a person or organization in the business of
23 building construction that installs electrical wiring and devices
24 that may include in part the installation of a fire alarm or

1 detection system if:

2 (A) the person or organization is a party to a
3 contract that provides that the installation will be performed
4 under the direct supervision of and certified by a licensed
5 employee or agent of a firm registered to install and certify such
6 an alarm or detection device and that the registered firm assumes
7 full responsibility for the installation of the alarm or detection
8 device; and

9 (B) the person or organization does not plan,
10 certify, lease, sell, service, or maintain fire alarms or detection
11 devices or systems;

12 (2) a person or organization that owns and installs
13 fire detection or fire alarm devices on the person's or
14 organization's own property or, if the person or organization does
15 not charge for the device or its installation, installs it for the
16 protection of the person's or organization's personal property
17 located on another's property and does not install the devices as a
18 normal business practice on the property of another;

19 (3) a person who holds a license or other form of
20 permission issued by an incorporated city or town to practice as an
21 electrician and who installs fire or smoke detection and alarm
22 devices in no building other than a single family or multifamily
23 residence if:

24 (A) the devices installed are:

25 (i) single station detectors; or

26 (ii) multiple station detectors capable of
27 being connected in such a manner that actuation of one detector

1 causes all integral or separate alarms to operate, if the detectors
2 are not connected to a control panel or to an outside alarm, do not
3 transmit a signal off the premises, and do not use more than 120
4 volts; and

5 (B) all installations comply with provisions of
6 the adopted edition of [~~Household Fire Warning Equipment~~] National
7 Fire Protection Association Standard No. 72 [~~74~~];

8 (4) a person or organization that sells fire detection
9 or fire alarm devices if the sales are exclusively over-the-counter
10 or by mail order and if the person or organization does not plan,
11 certify, install, service, or maintain this equipment;

12 (5) response to a fire alarm or detection device by a
13 law enforcement agency or fire department or by a law enforcement
14 officer or fireman acting in an official capacity;

15 (6) a Texas registered professional engineer acting
16 solely in his professional capacity;

17 (7) a person or an organization that provides and
18 installs at no charge to the property owners or residents a
19 battery-powered smoke detector in a single-family or two-family
20 residence if:

21 (A) the smoke detector bears a label of listing
22 or approval by a testing laboratory approved by the State Board of
23 Insurance;

24 (B) the installation complies with provisions of
25 the adopted edition of National Fire Protection Association
26 Standard No. 72 [~~74~~];

27 (C) the installers are knowledgeable in fire

1 protection and the proper use of smoke detectors; and

2 (D) the detector is a single station installation
3 and not a part of or connected to any other detection device or
4 system;

5 (8) an [~~a regular~~] employee of a registered firm who is
6 under the direct on-site supervision of a licensee;

7 (9) a building owner, the owner's managing agent, or
8 their employees who install battery-operated single-station smoke
9 detectors or who monitor fire alarm or fire detection devices or
10 systems in the owner's building, and in which the monitoring is
11 performed at the owner's property and monitored at no charge to the
12 occupants of the building, and complies with applicable standards
13 of the National Fire Protection Association as may be adopted by
14 rule promulgated under this Act, and utilizes equipment approved by
15 a testing laboratory approved by the State Board of Insurance for
16 fire alarm monitoring;

17 (10) a person employed by a registered firm that sells
18 and installs a smoke or heat detector in a single-family or
19 two-family residence if:

20 (A) the detector bears a label of listing or
21 approval by a testing laboratory approved by the State Board of
22 Insurance;

23 (B) the installation complies with provisions of
24 the adopted edition of National Fire Protection Association
25 Standard No. 72 [~~74~~];

26 (C) the installers are knowledgeable in fire
27 protection and the proper use and placement of detectors; and

1 (D) the detector is a single station installation
2 and not a part of or connected to any other detection device or
3 system; or

4 (11) a person or organization licensed to install or
5 service burglar alarms under Chapter 1702, Occupations Code, [~~the~~
6 ~~Private Investigators and Private Security Agencies Act (Article~~
7 ~~4413(29bb), Vernon's Texas Civil Statutes)~~] that provides and
8 installs in a single-family or two-family residence a combination
9 keypad that includes a panic button to initiate a fire alarm signal
10 if the fire alarm signal:

11 (A) is monitored by a fire alarm firm registered
12 under this article; and

13 (B) is not initiated by any fire or smoke
14 detection device.

15 (d) A political subdivision may not require a registered
16 firm, a licensee, or an employee of a registered firm to maintain a
17 business location or residency within that political subdivision to
18 engage in a business or perform any activity authorized under this
19 article.

20 (e) A municipality or county may by ordinance require a
21 registered firm to make a telephone call to a monitored property
22 before the firm notifies the municipality or county of an alarm
23 signal received by the firm from a fire detection device.

24 SECTION 3. Section 5, Article 5.43-2, Insurance Code, is
25 amended by adding Subsection (c-1) to read as follows:

26 (c-1) A residential fire alarm technician must obtain a
27 license issued by the board. The amount of the initial fee for the

1 license may not exceed \$50, and the amount of the annual license
2 renewal fee may not exceed \$50.

3 SECTION 4. Sections 5B(e) and (f), Article 5.43-2,
4 Insurance Code, are amended to read as follows:

5 (e) For a person who is licensed to install or service
6 burglar alarms under Chapter 1702, Occupations Code [~~the Private~~
7 ~~Investigators and Private Security Agencies Act, as amended~~
8 ~~(Article 4413(29bb), Vernon's Texas Civil Statutes)~~], compliance
9 with the insurance requirements of that chapter [~~Act~~] constitutes
10 compliance with the insurance requirements of this section if the
11 insurance held by the person complies with the requirements of this
12 section in amounts and types of coverage.

13 (f) For a person who is licensed to install or service
14 burglar alarms under Chapter 1702, Occupations Code [~~the Private~~
15 ~~Investigators and Private Security Agencies Act, as amended~~
16 ~~(Article 4413(29bb), Vernon's Texas Civil Statutes)~~], compliance
17 with the bond and insurance requirements of that chapter [~~Act~~]
18 constitutes compliance with the bond and insurance requirements of
19 this section.

20 SECTION 5. Section 5D, Article 5.43-2, Insurance Code, is
21 amended by adding Subsection (a-2) and amending Subsection (d) to
22 read as follows:

23 (a-2) An applicant for a residential fire alarm technician
24 license must provide with the required license application evidence
25 of the applicant's successful completion of the required
26 instruction from a training school approved by the State Fire
27 Marshal in accordance with this section.

1 (d) The training curriculum for a residential fire alarm
2 technician course shall consist of at least eight hours of
3 instruction on installing, servicing, and maintaining
4 single-family and two-family residential fire alarm systems as
5 defined by National Fire Protection Association Standard No. 72
6 ~~[The training curriculum for a fire alarm technician and a~~
7 ~~residential fire alarm superintendent course shall consist of 16~~
8 ~~hours of classroom instruction on all categories of licensure].~~

9 SECTION 6. Article 5.43-2, Insurance Code, is amended by
10 adding Section 5G to read as follows:

11 Sec. 5G. CONFIDENTIALITY OF RECORDS. Records maintained by
12 the department under this article on the home address, home
13 telephone number, driver's license number, or social security
14 number of an applicant or a license or registration holder are
15 confidential and are not subject to mandatory disclosure under
16 Chapter 552, Government Code.

17 SECTION 7. Section 6A, Article 5.43-2, Insurance Code, is
18 amended by adding Subsection (c) to read as follows:

19 (c) The commissioner may not adopt a rule to administer this
20 article that requires a person who holds a license under this
21 article to obtain additional certification that imposes a financial
22 responsibility on the licensee.

23 SECTION 8. Section 7, Article 5.43-2, Insurance Code, is
24 amended by amending Subsection (b) and adding Subsection (f) to
25 read as follows:

26 (b) Except as provided by Subsection (c), a political
27 subdivision may not offer [~~residential~~] alarm system sales,

1 service, installation, or monitoring unless it has been providing
2 monitoring services [~~to residences~~] within the boundaries of the
3 political subdivision as of September 1, 1999. Any fee charged by
4 the political subdivision may not exceed the cost of the
5 monitoring.

6 (f) A residential fire alarm technician may only provide
7 direct on-site supervision to an employee of a registered firm for
8 work performed under this article in a single-family or two-family
9 dwelling.

10 SECTION 9. Sections 9(d) and (e), Article 5.43-2, Insurance
11 Code, are amended to read as follows:

12 (d) No fire detection or fire alarm device may be sold or
13 installed in this state unless accompanied by printed information
14 supplied to the owner by the supplier or installing contractor
15 concerning:

16 (1) instructions describing the installation,
17 operation, testing, and proper maintenance of the device;

18 (2) information which will aid in establishing an
19 emergency evacuation plan for the protected premises; [~~and~~]

20 (3) the telephone number and location, including
21 notification procedures, of the nearest fire department; and

22 (4) information that will aid in reducing the number
23 of false fire alarms.

24 (e) Each registered firm that employs persons that are
25 exempt from the licensing provisions of this article pursuant to
26 Section 3(b)(10) of this article is required to appropriately train
27 and supervise such exempt persons so as to ensure that each

1 installation complies with the adopted provisions of National Fire
2 Protection Association Standard No. 72 [74] or other adopted
3 standards, that each smoke or heat detector installed or sold
4 carries a label or listing of approval by a testing laboratory
5 approved by the State Board of Insurance, and that such exempt
6 persons are knowledgeable in fire protection and the proper use and
7 placement of detectors.

8 SECTION 10. Subtitle A, Title 9, Health and Safety Code, is
9 amended by adding Chapter 766 to read as follows:

10 CHAPTER 766. SMOKE DETECTORS IN CERTAIN

11 RESIDENTIAL DWELLINGS

12 Sec. 766.001. DEFINITIONS. In this chapter:

13 (1) "One-family or two-family dwelling" means a
14 structure that has one or two residential units that are occupied
15 as, or designed or intended for occupancy as, a residence by
16 individuals.

17 (2) "Smoke detector" has the meaning assigned by
18 Section 792.001.

19 Sec. 766.002. RESPONSIBILITY OF TITLE INSURANCE OR CLOSING
20 AGENT. A title insurance agent or other closing agent involved in
21 the transfer of title to a one-family or two-family dwelling is not,
22 on sale or transfer of the dwelling, responsible for:

23 (1) verifying that the seller has complied with the
24 requirements of this chapter; or

25 (2) ensuring that the dwelling complies with the
26 requirements of this chapter.

27 Sec. 766.003. SMOKE DETECTOR REQUIRED. (a) Each

1 one-family or two-family dwelling must have a working smoke
2 detector installed in the dwelling in accordance with Subsection
3 (b) if construction on the dwelling commences on or after January 1,
4 2008. If the dwelling is constructed before January 1, 2008, there
5 must be a working smoke detector installed in the dwelling in
6 accordance with Subsection (b) before the owner of the dwelling may
7 sell or otherwise transfer ownership of the dwelling to another
8 person.

9 (b) A smoke detector must be installed in accordance with
10 the requirements of Sections 92.254, 92.255, and 92.257, Property
11 Code.

12 (c) A residential fire alarm technician as defined by
13 Section 2, Article 5.43-2, Insurance Code, may install, service,
14 inspect, or certify a smoke detector required under this section.

15 Sec. 766.004. RULES. (a) The commissioner of insurance
16 shall adopt rules requiring:

17 (1) each one-family or two-family dwelling the
18 construction of which commences on or after January 1, 2008, to be
19 equipped with a smoke detector; and

20 (2) each one-family or two-family dwelling the
21 ownership of which is sold or transferred on or after January 1,
22 2008, to be equipped with a smoke detector.

23 (b) The rules adopted under Subsection (a) must prescribe
24 requirements relating to the placement, installation, maintenance,
25 and number of smoke detectors required in a one-family or
26 two-family dwelling.

27 SECTION 11. (a) Not later than March 1, 2008, the

1 commissioner of insurance shall adopt the rules and forms necessary
2 to implement the changes in law made by this Act to Article 5.43-2,
3 Insurance Code.

4 (b) Notwithstanding Article 5.43-2, Insurance Code, a
5 residential fire alarm technician is not required to obtain a
6 license under that article before June 1, 2008.

7 SECTION 12. The commissioner of insurance shall adopt rules
8 under Section 766.004, Health and Safety Code, as added by this Act,
9 not later than December 1, 2007.

10 SECTION 13. This Act takes effect September 1, 2007.