

AN ACT

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

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

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

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

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

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

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

(1) a person or organization in the business of building construction that installs electrical wiring and devices 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. FIRE SAFETY IN RESIDENTIAL DWELLINGS

11 Sec. 766.001. DEFINITIONS. In this chapter:

12 (1) "Carbon monoxide alarm" means a device that
13 detects and sounds an alarm to indicate the presence of a harmful
14 level of carbon monoxide gas.

15 (2) "Department" means the Texas Department of
16 Insurance.

17 (3) "Fossil fuel" includes coal, kerosene, oil, wood,
18 fuel gases, and other petroleum or hydrocarbon products.

19 (4) "One-family or two-family dwelling" means a
20 structure that has one or two residential units that are occupied
21 as, or designed or intended for occupancy as, a residence by
22 individuals.

23 (5) "Smoke detector" means a device or a listed
24 component of a system that detects and sounds an alarm to indicate
25 the presence of visible or invisible products of combustion in the
26 air.

27 (6) "Smoke detector for hearing-impaired persons" has

1 the meaning assigned by Section 792.001.

2 Sec. 766.002. SMOKE DETECTOR REQUIREMENT. (a) Each
3 one-family or two-family dwelling constructed in this state must
4 have working smoke detectors installed in the dwelling in
5 accordance with the smoke detector requirements of the building
6 code in effect in the political subdivision in which the dwelling is
7 located, including performance, location, and power source
8 requirements.

9 (b) If a one-family or two-family dwelling does not comply
10 with the smoke detector requirements of the building code in effect
11 in the political subdivision in which the dwelling is located, any
12 home improvement to the dwelling that requires the issuance of a
13 building permit must include the installation of smoke detectors in
14 accordance with the building code in effect in the political
15 subdivision in which the dwelling is located, including
16 performance, location, and power source requirements.

17 Sec. 766.0021. SMOKE DETECTOR FOR HEARING-IMPAIRED
18 PERSONS. (a) A purchaser under a written contract for the sale of a
19 one-family or two-family dwelling may require the seller to install
20 smoke detectors for hearing-impaired persons if:

21 (1) the purchaser or a member of the purchaser's family
22 who will reside in the dwelling is a hearing-impaired person;

23 (2) the purchaser provides written evidence of the
24 hearing impairment signed by a licensed physician; and

25 (3) not later than the 10th day after the effective
26 date of the contract, the purchaser requests in writing that the
27 seller install smoke detectors for hearing-impaired persons and

1 specifies the locations in the dwelling where the smoke detectors
2 are to be installed.

3 (b) If the seller is required to install smoke detectors for
4 hearing-impaired persons under Subsection (a), the seller and
5 purchaser may agree:

6 (1) which party will bear the cost of installing the
7 smoke detectors; and

8 (2) which brand of smoke detectors to install.

9 (c) The seller must install the smoke detectors not later
10 than the closing date of the sale of the dwelling.

11 (d) A purchaser may terminate the contract to purchase the
12 dwelling if the seller fails to install smoke detectors for
13 hearing-impaired persons as required by this section.

14 Sec. 766.0025. FRATERNITY AND SORORITY HOUSES. (a) In
15 this section, "fraternity or sorority house" means a dwelling that:

16 (1) is a separate structure and that is not a multiunit
17 residential property composed of multiple independent residential
18 units; and

19 (2) serves as living quarters for members of a
20 fraternity or sorority.

21 (b) The owner of a fraternity or sorority house must have
22 working smoke detectors installed in the fraternity house or
23 sorority house in accordance with the smoke detector requirements
24 of the building code in effect in the political subdivision in which
25 the fraternity or sorority house is located, including performance,
26 location, and power source requirements.

27 Sec. 766.003. INFORMATION RELATING TO FIRE SAFETY AND

1 CARBON MONOXIDE DANGERS. (a) The department shall prepare
2 information of public interest relating to:

3 (1) fire safety in the home; and

4 (2) the dangers of carbon monoxide.

5 (b) The information must inform the public about:

6 (1) ways to prevent fires in the home, and actions to
7 take if a fire occurs in the home;

8 (2) the need to test smoke detectors every month to
9 ensure the smoke detector is working;

10 (3) replacing the battery in a battery-operated smoke
11 detector every six months;

12 (4) the need to have fire safety equipment in the home,
13 including fire extinguishers and emergency escape ladders;

14 (5) the need to develop and practice a fire escape
15 plan;

16 (6) the availability of carbon monoxide detectors;

17 (7) using carbon monoxide alarms as a backup to
18 prevent carbon monoxide poisoning; and

19 (8) the need to properly use and maintain fossil
20 fuel-burning appliances.

21 (c) The department shall distribute the information
22 described by this section to the public in any manner the department
23 determines is cost-effective, including providing the information
24 on the department's Internet website and publishing informational
25 pamphlets.

26 SECTION 11. Section 5.008(b), Property Code, is amended to
27 read as follows:

1 (b) The notice must be executed and must, at a minimum, read
2 substantially similar to the following:

3 SELLER'S DISCLOSURE NOTICE

4 CONCERNING THE PROPERTY AT _____
5 (Street Address and City)

6 THIS NOTICE IS A DISCLOSURE OF SELLER'S KNOWLEDGE OF
7 THE CONDITION OF THE PROPERTY AS OF THE DATE SIGNED BY
8 SELLER AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR
9 WARRANTIES THE PURCHASER MAY WISH TO OBTAIN. IT IS NOT
10 A WARRANTY OF ANY KIND BY SELLER OR SELLER'S AGENTS.

11 Seller ___ is ___ is not occupying the Property.

12 If unoccupied, how long since Seller has occupied the Property?

13 _____
14 1. The Property has the items checked below:

15 Write Yes (Y), No (N), or Unknown (U).

- | | | |
|------------------------|-----------------------------|---------------------|
| 16 ___ Range | ___ Oven | ___ Microwave |
| 17 ___ Dishwasher | ___ Trash Compactor | ___ Disposal |
| 18 ___ Washer/Dryer | ___ Window | ___ Rain Gutters |
| 19 Hookups | ___ Screens | |
| 20 ___ Security | ___ Fire Detection | ___ Intercom |
| 21 System | ___ Equipment | ___ System |
| | ___ <u>Smoke Detector</u> | |
| | ___ <u>Smoke Detector -</u> | |
| | ___ <u>Hearing Impaired</u> | |
| | ___ <u>Carbon Monoxide</u> | |
| | ___ <u>Alarm</u> | |
| | ___ <u>Emergency Escape</u> | |
| | ___ <u>Ladder(s)</u> | |
| 29 ___ TV Antenna | ___ Cable TV | ___ Satellite |
| | ___ Wiring | ___ Dish |
| 31 ___ Ceiling Fan(s) | ___ Attic Fan(s) | ___ Exhaust |
| | | ___ Fan(s) |
| 33 ___ Central A/C | ___ Central Heating | ___ Wall/Window Air |
| | | ___ Conditioning |
| 35 ___ Plumbing System | ___ Septic System | ___ Public Sewer |
| | | ___ System |
| 37 ___ Patio/Decking | ___ Outdoor Grill | ___ Fences |
| 38 ___ Pool | ___ Sauna | ___ Spa |
| | | ___ Hot Tub |
| 40 ___ Pool Equipment | ___ Pool Heater | ___ Automatic Lawn |
| | | ___ Sprinkler |
| | | ___ System |
| 43 ___ Fireplace(s) & | | ___ Fireplace(s) & |
| 44 Chimney | | ___ Chimney |

1 (Woodburning)
 2 ___ Gas Lines ___ Gas Fixtures
 3 (Nat./LP)
 4 Garage: ___ Attached ___ Not Attached ___ Carport
 5 Garage Door Opener(s): ___ Electronic ___ Control(s)
 6 Water Heater: ___ Gas ___ Electric
 7 Water Supply: ___ City ___ Well ___ MUD ___ Co-op
 8 Roof Type: _____ Age: _____ (approx)

9 Are you (Seller) aware of any of the above items that are not in
 10 working condition, that have known defects, or that are in need of
 11 repair? ___ Yes ___ No ___ Unknown.

12 If yes, then describe. (Attach additional sheets if necessary):

13 _____
 14 _____

15 2. Does the property have working smoke detectors installed in
 16 accordance with the smoke detector requirements of Chapter 766,
 17 Health and Safety Code? ___Yes ___No ___Unknown.

18 If the answer to the question above is no or unknown, explain.
 19 (Attach additional sheets if necessary): _____

20 _____
 21 _____

22 3. Are you (Seller) aware of any known defects/malfunctions in any
 23 of the following?

24 Write Yes (Y) if you are aware, write No (N) if you are not aware.

25 ___ Interior Walls	___ Ceilings	___ Floors
26 ___ Exterior Walls	___ Doors	___ Windows
27 ___ Roof	___ Foundation/ Slab(s)	___ Basement
28 ___ Walls/Fences	___ Driveways	___ Sidewalks
29 ___ Plumbing/Sewers/ Septics	___ Electrical Systems	___ Lighting Fixtures

32 ___ Other Structural Components (Describe): _____

33 _____
 34 _____

1 If the answer to any of the above is yes, explain. (Attach
2 additional sheets if necessary): _____

3 _____
4 _____

5 4 [~~3~~]. Are you (Seller) aware of any of the following conditions?

6 Write Yes (Y) if you are aware, write No (N) if you are not aware.

- 7 Active Termites Previous Structural
- 8 (includes or Roof Repair
- 9 wood-destroying insects)
- 10 Termite or Wood Rot Damage Hazardous or Toxic Waste
- 11 Needing Repair
- 12 Previous Termite Damage Asbestos Components
- 13 Previous Termite Urea formaldehyde
- 14 Treatment Insulation
- 15 Previous Flooding Radon Gas
- 16 Improper Drainage Lead Based Paint
- 17 Water Penetration Aluminum Wiring
- 18 Located in 100-Year Previous Fires
- 19 Floodplain
- 20 Present Flood Insurance Unplatted Easements
- 21 Coverage
- 22 Landfill, Settling, Soil Subsurface
- 23 Movement, Fault Lines Structure or Pits

24 If the answer to any of the above is yes, explain. (Attach
25 additional sheets if necessary): _____

26 _____
27 _____

28 5 [4]. Are you (Seller) aware of any item, equipment, or system in
29 or on the property that is in need of repair? Yes (if you are
30 aware) No (if you are not aware). If yes, explain (attach
31 additional sheets as necessary). _____

32 6 [~~5~~]. Are you (Seller) aware of any of the following?

- 33 Write Yes (Y) if you are aware, write No (N) if you are not aware.
- 34 Room additions, structural modifications, or other
- 35 alterations or repairs made without necessary permits or not
- 36 in compliance with building codes in effect at that time.
- 37 Homeowners' Association or maintenance fees or assessments.

- 1 ___ Any "common area" (facilities such as pools, tennis courts,
- 2 walkways, or other areas) co-owned in undivided interest with
- 3 others.
- 4 ___ Any notices of violations of deed restrictions or
- 5 governmental ordinances affecting the condition or use of the
- 6 Property.
- 7 ___ Any lawsuits directly or indirectly affecting the Property.
- 8 ___ Any condition on the Property which materially affects the
- 9 physical health or safety of an individual.

10 If the answer to any of the above is yes, explain. (Attach
11 additional sheets if necessary): _____

12 _____
13 _____

14 _____
15 Date Signature of Seller

16 The undersigned purchaser hereby acknowledges receipt of the
17 foregoing notice and acknowledges the property complies with the
18 smoke detector requirements of Chapter 766, Health and Safety Code,
19 or, if the property does not comply with the smoke detector
20 requirements of Chapter 766, the buyer waives the buyer's rights to
21 have smoke detectors installed in compliance with Chapter 766.

22 _____
23 Date Signature of Purchaser

24 SECTION 12. Subchapter F, Chapter 92, Property Code, is
25 amended by adding Section 92.2571 to read as follows:

26 Sec. 92.2571. ALTERNATIVE COMPLIANCE. A landlord complies
27 with the requirements of this subchapter relating to the provision
28 of smoke detectors in the dwelling unit if the landlord:

29 (1) has a fire detection device, as defined by Article
30 5.43-2, Insurance Code, that includes a smoke detection device
31 installed in a dwelling unit; or

32 (2) for a dwelling unit that is a one-family or

1 two-family dwelling unit, installs smoke detectors in compliance
2 with Chapter 766, Health and Safety Code.

3 SECTION 13. The change in law made by this Act to Section
4 5.008, Property Code, applies only to a notice executed on or after
5 the effective date of this Act. A notice executed before the
6 effective date of this Act is governed by the law in effect
7 immediately before that date, and that law is continued in effect
8 for that purpose.

9 SECTION 14. (a) Not later than March 1, 2008, the
10 commissioner of insurance shall adopt the rules and forms necessary
11 to implement the changes in law made by this Act to Article 5.43-2,
12 Insurance Code.

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

16 SECTION 15. This Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 2118 was passed by the House on May 4, 2007, by the following vote: Yeas 135, Nays 6, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2118 on May 24, 2007, by the following vote: Yeas 141, Nays 4, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2118 was passed by the Senate, with amendments, on May 22, 2007, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor