

By: Pickett

H.B. No. 2118

Substitute the following for H.B. No. 2118:

By: Eiland

C.S.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 of fire detection and alarm devices.

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

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

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

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

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

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

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

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

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

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

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

23 (A) the devices installed are:

24 (i) single station detectors; or

25 (ii) multiple station detectors capable of
26 being connected in such a manner that actuation of one detector
27 causes all integral or separate alarms to operate, if the detectors

1 are not connected to a control panel or to an outside alarm, do not
2 transmit a signal off the premises, and do not use more than 120
3 volts; and

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

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

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

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

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

20 (A) the smoke detector bears a label of listing
21 or 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 of smoke 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;

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

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

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

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

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

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

27 (D) the detector is a single station installation

1 and not a part of or connected to any other detection device or
2 system; or

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

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

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

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

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

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

25 (c-1) A residential fire alarm technician must obtain a
26 license issued by the board. The amount of the initial fee for the
27 license may not exceed \$50, and the amount of the annual license

1 renewal fee may not exceed \$50.

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

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

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

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

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

27 (d) The training curriculum for a residential fire alarm

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

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

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

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

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

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

25 (b) Except as provided by Subsection (c), a political
26 subdivision may not offer ~~[residential]~~ alarm system sales,
27 service, installation, or monitoring unless it has been providing

1 monitoring services [~~to residences~~] within the boundaries of the
2 political subdivision as of September 1, 1999. Any fee charged by
3 the political subdivision may not exceed the cost of the
4 monitoring.

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

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

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

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

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

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

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

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

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

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

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

14 SECTION 11. This Act takes effect September 1, 2007.