

By: Pickett

H.B. No. 2118

A BILL TO BE ENTITLED

AN ACT

relating to licensing and regulation of residential fire alarm technicians and regulation 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:

(A) install, service, inspect, and certify residential single-family or two-family fire alarm or detection systems; or

(B) perform the servicing or maintenance of a previously installed residential single-family or two-family fire alarm or detection system and certify the service or maintenance.

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

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

12 (B) the person or organization does not plan,
13 certify, lease, sell, service, or maintain fire alarms or detection
14 devices or systems;

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

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

27 (A) the devices installed are:

1 (i) single station detectors; or
2 (ii) multiple station detectors capable of
3 being connected in such a manner that actuation of one detector
4 causes all integral or separate alarms to operate, if the detectors
5 are not connected to a control panel or to an outside alarm, do not
6 transmit a signal off the premises, and do not use more than 120
7 volts; and

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

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

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

18 (6) a Texas registered professional engineer acting
19 solely in his professional capacity;

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

24 (A) the smoke detector bears a label of listing
25 or approval by a testing laboratory approved by the State Board of
26 Insurance;

27 (B) the installation complies with provisions of

1 the adopted edition of National Fire Protection Association
2 Standard No. 72 [~~74~~];

3 (C) the installers are knowledgeable in fire
4 protection and the proper use of smoke detectors; and

5 (D) the detector is a single station installation
6 and not a part of or connected to any other detection device or
7 system;

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

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

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

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

26 (B) the installation complies with provisions of
27 the adopted edition of National Fire Protection Association

1 Standard No. 72 [74];

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

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

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

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

16 (B) is not initiated by any fire or smoke
17 detection device.

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

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

27 SECTION 3. Section 5, Article 5.43-2, Insurance Code, is

1 amended by adding Subsection (c-1) to read as follows:

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

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

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

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

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

26 (a) Each applicant for a residential fire alarm technician,
27 fire alarm planning superintendent, or residential fire alarm

1 superintendent license must pass a written examination.
2 Examinations shall be conducted by the State Fire Marshal or a
3 testing service selected by the State Fire Marshal. Examinations
4 shall cover this article and board rules and shall include specific
5 testing of all categories of licensure. Not later than the 30th day
6 after the day on which an examination is administered under this
7 article, the State Fire Marshal shall send notice to each examinee
8 of the results of the examination. If an examination is conducted,
9 graded, or reviewed by a testing service, the State Fire Marshal
10 shall send notice to the examinees of the results of the examination
11 within two weeks after the date on which the State Fire Marshal
12 receives the results from the testing service. If the notice of the
13 examination results will be delayed for longer than 90 days after
14 the examination date, the State Fire Marshal shall send notice to
15 the examinee of the reason for the delay before the 90th day. If
16 requested in writing by a person who fails the examination
17 administered under this article, the State Fire Marshal shall send
18 to the person an analysis of the person's performance on the
19 examination.

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

25 (d) The training curriculum for a residential fire alarm
26 technician and a residential fire alarm superintendent course shall
27 consist of 16 hours of classroom instruction on all categories of

1 licensure. The training curriculum for a residential fire alarm
2 technician course shall consist of eight hours of classroom
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 SECTION 6. Article 5.43-2, Insurance Code, is amended by
7 adding Section 5G to read as follows:

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

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

16 (c) The commissioner may not adopt a rule to administer this
17 article that requires a financial membership, relationship, or
18 affiliation with a firm, company, or organization that is not
19 required to be registered under this article.

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

23 (b) Except as provided by Subsection (c), a political
24 subdivision may not offer [~~residential~~] alarm system sales,
25 service, installation, or monitoring unless it has been providing
26 monitoring services [~~to residences~~] within the boundaries of the
27 political subdivision as of September 1, 1999. Any fee charged by

1 the political subdivision may not exceed the cost of the
2 monitoring.

3 (f) A residential fire alarm technician may not provide
4 direct on-site supervision to an employee for purposes of Section
5 3(b)(8) of this article.

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

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

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

14 (2) information which will aid in establishing an
15 emergency evacuation plan for the protected premises; ~~and~~

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

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

20 (e) Each registered firm that employs persons that are
21 exempt from the licensing provisions of this article pursuant to
22 Section 3(b)(10) of this article is required to appropriately train
23 and supervise such exempt persons so as to ensure that each
24 installation complies with the adopted provisions of National Fire
25 Protection Association Standard No. 72 [~~74~~] or other adopted
26 standards, that each smoke or heat detector installed or sold
27 carries a label or listing of approval by a testing laboratory

1 approved by the State Board of Insurance, and that such exempt
2 persons are knowledgeable in fire protection and the proper use and
3 placement of detectors.

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

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

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