

By: McReynolds, Peña, Gonzalez Toureilles,  
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H.B. No. 1913

Substitute the following for H.B. No. 1913:

By: Turner of Tarrant

C.S.H.B. No. 1913

A BILL TO BE ENTITLED

1 AN ACT

2 relating to identification requirements for certain fire hydrants  
3 and flush valves.

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

5 SECTION 1. Section 341.0357, Health and Safety Code, as  
6 added by Chapter 684 (H.B. 1717), Acts of the 80th Legislature,  
7 Regular Session, 2007, is amended to read as follows:

8 Sec. 341.0357. IDENTIFICATION REQUIREMENT FOR CERTAIN  
9 ~~[DEVICE WITH APPEARANCE OF]~~ FIRE HYDRANTS AND FLUSH VALVES ~~[HYDRANT~~  
10 ~~THAT IS NONFUNCTIONING OR UNAVAILABLE FOR USE IN FIRE~~  
11 ~~EMERGENCY]~~. (a) In this section, "hydrant" means:

12 (1) a fire hydrant; or

13 (2) a metal flush valve that:

14 (A) has ~~[The owner of any device having]~~ the  
15 appearance of a fire hydrant; and

16 (B) [that] ~~[that]~~ is located in a place that an entity  
17 responsible for providing fire suppression services in a fire  
18 emergency would expect a fire hydrant to typically be located.

19 (b) Each public water system responsible for any hydrant  
20 shall:

21 (1) paint all or the cap of the hydrant white if the  
22 hydrant is available to be used only to fill a water tank on a fire  
23 truck used for fire suppression services; and

24 (2) paint all or the cap of the hydrant ~~[device]~~ black

1 if the hydrant [~~device~~] is [~~nonfunctioning or otherwise~~]  
2 unavailable for use by the entity providing fire suppression  
3 services in a fire emergency.

4 (c) For purposes of Subsection (b)(2), a hydrant is  
5 unavailable for use in a fire emergency if it is unavailable for  
6 pumping directly from the hydrant or is unavailable for use in  
7 filling a water tank on a fire truck used for fire suppression  
8 services.

9 (d) A public water system [~~The owner~~] may place a black tarp  
10 over the hydrant or use another means to conceal the hydrant  
11 [~~device~~] instead of painting all or the cap of the hydrant [~~device~~]  
12 black as required under Subsection (b)(2) [~~this section~~] if the  
13 hydrant [~~device~~] is temporarily [~~nonfunctioning, or temporarily~~]  
14 unavailable for use in a fire emergency[~~7~~] for a period not to  
15 exceed 60 [~~seven~~] days. Not later than the 60th day after the date a  
16 hydrant is concealed as provided by this subsection, the public  
17 water system responsible for the hydrant shall:

18 (1) if the hydrant is available for the provision of  
19 fire suppression services, remove the tarp or other means of  
20 concealment; or

21 (2) if the hydrant continues to be unavailable for use  
22 in a fire emergency, paint all or the cap of the hydrant black as  
23 required by Subsection (b)(2).

24 (e) A public water system that paints all or the cap of a  
25 hydrant black as required by Subsection (b)(2) may also ensure by  
26 any reasonable means that the hydrant is identifiable in low-light  
27 conditions, including by installing reflectors.

1        (f) [(b)] For purposes of this section, a hydrant [device]  
2 is considered to be unavailable for use by an entity responsible for  
3 providing fire suppression services in a fire emergency if:

4            (1) the public water system is not obligated by  
5 ordinance, regulation, or contract to provide water for fire  
6 suppression services and elects not to provide water for those  
7 services; or

8            (2) the hydrant delivered less than 50 gallons of  
9 water per minute during its most recent flow test under normal  
10 conditions [~~nonfunctioning if the device pumps less than 250~~  
11 ~~gallons of water per minute]~~.

12        (g) [(e)] This section does not apply:

13            (1) within the jurisdiction of a governmental entity  
14 that maintains its own system for labeling or color coding its  
15 hydrants; or

16            (2) to any public water system that has entered into a  
17 contract with a municipality or volunteer fire department to  
18 provide a water supply for fire suppression services if the  
19 contract specifies a different system for labeling or color coding  
20 hydrants [~~a device having the appearance of a fire hydrant that is~~  
21 ~~nonfunctioning or otherwise unavailable for use in a fire~~  
22 ~~emergency]~~.

23        (h) For purposes of Subsection (g), a system for labeling  
24 or color coding hydrants may include the assignment of different  
25 colors to identify hydrants that are available for direct pumping,  
26 hydrants that are available for filling a water tank on a fire truck  
27 used for fire suppression services, and hydrants that are

1 unavailable for use by an entity providing fire suppression  
2 services in a fire emergency.

3 (i) The fact that all or the cap of a hydrant for which a  
4 public water system is responsible under this section is not  
5 painted black as described by Subsection (b)(2) or concealed in the  
6 manner described by Subsection (d) does not constitute a guarantee  
7 by the public water system that the hydrant will deliver a certain  
8 amount of water flow at all times. Notwithstanding any provision of  
9 Chapter 101, Civil Practice and Remedies Code, to the contrary, a  
10 public water system is not liable for a hydrant's inability to  
11 provide adequate water supply in a fire emergency.

12 SECTION 2. Not later than January 1, 2010, each public water  
13 system responsible for hydrants under Section 341.0357, Health and  
14 Safety Code, as added by Chapter 684 (H.B. 1717), Acts of the 80th  
15 Legislature, Regular Session, 2007, and as amended by this Act,  
16 shall ensure that its hydrants comply with the requirements imposed  
17 by that section.

18 SECTION 3. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2009.