

By: Hamilton

H.B. No. 1971

A BILL TO BE ENTITLED

AN ACT

relating to regulation of fire protection sprinkler technicians.

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

SECTION 1. Section 6003.001, Insurance Code, is amended by adding Subdivision (1-a) and amending Subdivision (6) to read as follows:

(1-a) "Fire protection sprinkler technician" means a person who installs, alters, maintains, or services a fire protection sprinkler system or any part of the system as an employee of a fire protection sprinkler system contractor.

(6) "License" means the document issued to a responsible managing employee or a fire protection sprinkler technician authorizing the employee or technician to engage in the fire protection sprinkler system business in this state.

SECTION 2. Section 6003.052(b), Insurance Code, is amended to read as follows:

(b) Under rules adopted under Section 6003.051(b), the department shall operate ~~may create~~ a specialized licensing or registration program for:

(1) fire protection sprinkler system contractors; and

(2) fire protection sprinkler technicians.

SECTION 3. Section 6003.055, Insurance Code, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

1 (a) The commissioner shall set the fee for:

2 (1) a registration certificate application in an
3 amount not to exceed \$100;

4 (2) an initial or renewal registration certificate in
5 an amount not to exceed \$1,200 annually; ~~and~~

6 (3) an initial or renewal responsible managing
7 employee license fee in an amount not to exceed \$200 annually; and

8 (4) a renewal fire protection sprinkler technician fee
9 of \$30.

10 (c) Except as provided by Subsection (d), the ~~[The]~~
11 commissioner shall set a fee in an amount not to exceed \$70 for:

12 (1) a duplicate registration certificate or license
13 issued under this chapter; or

14 (2) any request requiring changes to a registration
15 certificate or license.

16 (d) The commissioner shall charge a fee of \$30 for:

17 (1) a duplicate fire protection sprinkler technician
18 license issued under this chapter; or

19 (2) any request requiring changes to a fire protection
20 sprinkler technician license.

21 SECTION 4. Subchapter D, Chapter 6003, Insurance Code, is
22 amended by adding Section 6003.1535 to read as follows:

23 Sec. 6003.1535. FIRE PROTECTION SPRINKLER TECHNICIAN:
24 LICENSE REQUIRED. (a) Each fire protection sprinkler system
25 contractor must have at least one licensed fire protection
26 sprinkler technician on each job site to perform the work of
27 installing, altering, maintaining, or servicing a fire protection

1 sprinkler system that requires a license under this chapter.

2 (b) A person may not install, alter, maintain, or service a
3 fire protection sprinkler system unless the person:

4 (1) is licensed under this chapter or is working under
5 the direct supervision of a person licensed under this chapter; and

6 (2) is performing the activity as an employee of a
7 licensed fire protection sprinkler system contractor.

8 (c) The department shall issue a fire protection sprinkler
9 technician license conditioned on the applicant's successful
10 completion of the required examination. Each applicant for a fire
11 protection sprinkler technician license must submit with the
12 application:

13 (1) proof that the applicant holds certification
14 issued by a certification organization in accordance with
15 Subsection (e) or by another state with which this state has a
16 reciprocity agreement in accordance with Subsection (f); and

17 (2) a nonrefundable application and examination fee of
18 \$30.

19 (d) Each applicant for a fire protection sprinkler
20 technician's license is subject to a criminal history check under
21 Section 411.106, Government Code.

22 (e) The department, in consultation with the state fire
23 marshal, shall select to certify fire protection sprinkler
24 technicians under this chapter a certification organization that:

25 (1) conducts certification of fire protection
26 sprinkler system personnel who have successfully completed
27 training administered by a certification program or institution

1 recognized by the federal government in the installation of piping
2 systems that serve for fire protection;

3 (2) makes certification decisions that are not subject
4 to approval by any other organization or the membership of an
5 affiliated organization and operates all financial matters related
6 to the certification organization's operation separately from the
7 affiliated organization;

8 (3) uses reliable testing mechanisms that are
9 objective, fair, job-related, and based on the applicant's
10 knowledge and skills necessary to function in the fire protection
11 sprinkler industry;

12 (4) establishes scores for successful completion of
13 certification at a level that protects the public by determining
14 whether the applicant is sufficiently knowledgeable to install,
15 repair, alter, maintain, and service fire protection sprinkler
16 systems that meet applicable code standards; and

17 (5) publishes and makes available to the public the
18 procedures used by the organization in examination construction and
19 validation, the eligibility requirements and determination
20 procedures, and the procedures for examination administration
21 including dates, locations, fees, result reporting,
22 recertification requirements, and grievance or appeals procedures.

23 (f) The state fire marshal may make an agreement, subject to
24 approval by the governor, with another state to allow licensing by
25 reciprocity.

26 SECTION 5. Section 6003.156, Insurance Code, is amended by
27 adding Subsections (a-1) and (f) to read as follows:

1 (a-1) The examination for a fire protection sprinkler
2 technician must test the applicant's knowledge of the installation,
3 repair, alteration, maintenance, and service of fire protection
4 sprinkler systems, in accordance with nationally accepted code
5 standards approved by the commissioner.

6 (f) A person who fails the examination for a fire protection
7 sprinkler technician license may not retake the examination before
8 the 90th day after the date of the initial examination and must
9 submit a \$30 nonrefundable examination fee for each subsequent
10 attempt.

11 SECTION 6. Section 6003.158, Insurance Code, is amended by
12 amending Subsection (b) and adding Subsection (c) to read as
13 follows:

14 (b) Except as provided by Subsection (c), participation
15 [Participation] in the continuing education programs is voluntary.

16 (c) A fire protection sprinkler technician must annually
17 complete at least eight hours of continuing education in accordance
18 with commissioner rules.

19 SECTION 7. Section 6003.201(a), Insurance Code, is amended
20 to read as follows:

21 (a) An [~~Except as otherwise provided by this subsection, an~~]
22 initial registration certificate or license is valid for a period
23 of two years [~~one year~~] from the date of issue and is renewable on
24 payment of the renewal fee. [~~An initial registration certificate~~
25 ~~or license issued on or after September 1, 1983, may be issued for a~~
26 ~~period of less than one year and the renewal fee shall be prorated~~
27 ~~proportionally.~~]

1 SECTION 8. The heading to Subchapter F, Chapter 6003,
2 Insurance Code, is amended to read as follows:

3 SUBCHAPTER F. PRACTICE, PROHIBITED PRACTICES, AND DISCIPLINARY
4 PROCEDURES

5 SECTION 9. Subchapter F, Chapter 6003, Insurance Code, is
6 amended by adding Section 6003.2515 to read as follows:

7 Sec. 6003.2515. IDENTIFICATION CARD. (a) A fire
8 protection sprinkler technician must carry an identification card
9 issued by the department while the technician is performing a
10 service for which licensing is required by this chapter and must
11 present the card on request. The commissioner by rule shall
12 prescribe the form and content of the card.

13 (b) The department shall provide the identification card on
14 issuance of a fire protection sprinkler technician license or
15 renewal license.

16 SECTION 10. (a) Not later than January 1, 2010, the
17 commissioner of insurance and the state fire marshal shall adopt
18 the rules and establish the procedures and certification and
19 examination requirements necessary to implement the licensing of
20 fire protection sprinkler technicians under Chapter 6003,
21 Insurance Code, as amended by this Act.

22 (b) A fire protection sprinkler technician is not required
23 to hold a license under Chapter 6003, Insurance Code, as amended by
24 this Act, before July 1, 2010.

25 SECTION 11. This Act takes effect September 1, 2009.