

By: Hegar

S.B. No. 1258

A BILL TO BE ENTITLED

AN ACT

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

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

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

Sec. 341.0357. IDENTIFICATION REQUIREMENT FOR CERTAIN ~~[DEVICE WITH APPEARANCE OF]~~ FIRE HYDRANTS AND FLUSH VALVES ~~[HYDRANT THAT IS NONFUNCTIONING OR UNAVAILABLE FOR USE IN FIRE EMERGENCY]~~.

(a) In this section, "hydrant" means:

(1) a fire hydrant; or

(2) a metal flush valve that:

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

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

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

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

(2) paint all or the caps 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 caps 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 for a period not to exceed
15 60 [~~seven~~] days. Not later than the 60th day after a hydrant is
16 concealed as provided by this subsection, the public water system
17 responsible for the hydrant shall:

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

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

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

1 ~~[(f)] [(b)] For purposes of this section, a hydrant~~
2 ~~[device] is considered to be nonfunctioning if the device pumps~~
3 ~~less than 250 gallons of water per minute.~~

4 (f) For purposes of this section, a hydrant is considered to
5 be unavailable for use by an entity responsible for providing fire
6 suppression services in a fire emergency if:

7 (1) the public water system is not obligated by
8 ordinance, regulation, or contract to provide water for fire
9 suppression services; or

10 (2) the public water system elects not to provide
11 water for those services; or

12 (3) the hydrant delivered less than 50 gallons of
13 water per minute during its most recent flow test under normal
14 conditions.

15 (g) [(c)] This section does not apply:

16 (1) within the jurisdiction of a governmental entity
17 that maintains its own system for labeling or color coding its
18 hydrants; or

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

26 (h) For purposes of Subsection (g), a system for labeling or
27 color coding hydrants may include the assignment of different

1 colors to identify hydrants that are available for direct pumping,
2 hydrants that are available for filling a water tank on a fire truck
3 used for fire suppression services, and hydrants that are
4 unavailable for use by an entity providing fire suppression
5 services in a fire emergency.

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

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

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