

By: Smithee

H.B. No. 979

A BILL TO BE ENTITLED

AN ACT

relating to the inspection of portable fire extinguishers.

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

SECTION 1. Section 6001.002, Insurance Code, is amended by adding Subdivision (5-a) and amending Subdivision (7) to read as follows:

(5-a) "Portable fire extinguisher inspection" means a monthly inspection to ensure that a portable fire extinguisher:

(A) is in the extinguisher's designated location;

(B) has not been actuated or subject to tampering; and

(C) does not have any obvious physical damage or another condition that may prevent proper operation of the extinguisher.

(7) "Service" and "servicing" mean servicing a portable fire extinguisher or a fixed fire extinguisher system by ~~inspecting,~~ charging, filling, maintaining, recharging, refilling, repairing, or testing.

SECTION 2. Section 6001.156(a), Insurance Code, is amended to read as follows:

(a) The licensing provisions of this chapter do not apply to:

(1) the filling or charging of a portable fire

1 extinguisher by the manufacturer before initial sale of the fire
2 extinguisher;

3 (2) the servicing by a firm of the firm's portable fire
4 extinguishers or fixed systems or the performance of a portable
5 fire extinguisher inspection by:

6 (A) the firm's personnel who are specially
7 trained for the [that] servicing or inspection, as applicable; or

8 (B) a person who is specially trained for the
9 servicing or inspection, as applicable, and is under contract with
10 the firm for that purpose;

11 (3) the installation of portable fire extinguishers in
12 a building by the building owner, the owner's managing agent, or an
13 employee of the building owner or the owner's managing agent;

14 (4) the installation or servicing of water sprinkler
15 systems installed in compliance with the National Fire Protection
16 Association's Standards for the Installation of Sprinkler Systems;

17 (5) a firm that is engaged in the retail or wholesale
18 sale of portable fire extinguishers that carry an approval label or
19 listing of a testing laboratory approved by the department, but
20 that is not engaged in the installation or servicing of those
21 extinguishers;

22 (6) a fire department that services portable fire
23 extinguishers as a public service without charge, if the members of
24 the fire department are trained in the proper servicing of the fire
25 extinguishers;

26 (7) a firm that is a party to a contract under which:

27 (A) the installation of portable fire

1 extinguishers or a fixed fire extinguisher system is performed
2 under the direct supervision of and certified by a firm
3 appropriately registered to install and certify portable
4 extinguishers or fixed systems; and

5 (B) the registered firm assumes full
6 responsibility for the installation; or

7 (8) an engineer licensed under Chapter 1001,
8 Occupations Code, while acting solely in the engineer's
9 professional capacity.

10 SECTION 3. This Act takes effect September 1, 2011.