

By: Hamilton

H.B. No. 1853

Substitute the following for H.B. No. 1853:

By: Thompson

C.S.H.B. No. 1853

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the licensing and regulation of certain employees of
3 fire protection sprinkler system contractors; providing a penalty.

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

5 SECTION 1. Section 6003.001, Insurance Code, is amended by
6 amending Subdivisions (1) and (6) and adding Subdivisions (1-a),
7 (2-a), (2-b), and (12) to read as follows:

8 (1) "Dwelling technician license" means a license
9 authorizing a fire protection sprinkler technician to install,
10 service, or maintain a fire protection sprinkler system located in
11 a one-family or two-family residence.

12 (1-a) "Fire protection sprinkler system" means an
13 assembly of underground or overhead piping or conduits that conveys
14 water with or without other agents to dispersal openings or devices
15 to:

16 (A) extinguish, control, or contain fire; and

17 (B) provide protection from exposure to fire or
18 the products of combustion.

19 (2-a) "Fire protection sprinkler technician" means a
20 person who installs, services, or maintains a fire protection
21 sprinkler system or any part of the system as an employee of a fire
22 protection sprinkler system contractor.

23 (2-b) "General technician license" means a license
24 authorizing a fire protection sprinkler technician to install,

1 service, or maintain any fire protection sprinkler system.

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

6 (12) "Underground fire main technician license" means
7 a license authorizing a fire protection sprinkler technician to
8 install, service, or maintain an assembly of underground piping or
9 conduits that convey water, with or without other agents, as part of
10 a fire protection sprinkler system.

11 SECTION 2. Subchapter A, Chapter 6003, Insurance Code, is
12 amended by adding Section 6003.004 to read as follows:

13 Sec. 6003.004. PERSONAL INFORMATION CONFIDENTIAL. The home
14 address, home telephone number, driver's license number, and social
15 security number of a license holder or an applicant for a license
16 under this chapter are confidential and are not subject to
17 disclosure under Chapter 552, Government Code.

18 SECTION 3. Section 6003.052(b), Insurance Code, is amended
19 to read as follows:

20 (b) Under rules adopted under Section 6003.051(b), the
21 department:

22 (1) may create a specialized licensing or registration
23 program for fire protection sprinkler system contractors; and

24 (2) shall create a specialized licensing program for
25 fire protection sprinkler technicians.

26 SECTION 4. Sections 6003.055(a) and (b), Insurance Code,
27 are amended 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.

8 (b) Unless the examination for a [~~responsible managing~~
9 ~~employee~~] license is administered by a testing service, the
10 commissioner shall set a nonrefundable fee for each examination in
11 an amount not to exceed \$100.

12 SECTION 5. Section 6003.156(a), Insurance Code, is amended
13 to read as follows:

14 (a) The state fire marshal shall establish the scope and
15 type of an examination required by this chapter. The state fire
16 marshal shall develop the examinations required under Section
17 6003.162 based on the most recent applicable guidelines published
18 by the National Fire Protection Association.

19 SECTION 6. Section 6003.158(b), Insurance Code, is amended
20 to read as follows:

21 (b) A person who holds a license issued under Section
22 6003.153 or 6003.162 must annually complete at least eight hours of
23 continuing education in accordance with commissioner rules.

24 [~~Participation in the continuing education programs is voluntary.~~]

25 SECTION 7. Section 6003.159, Insurance Code, is amended to
26 read as follows:

27 Sec. 6003.159. RECIPROCAL LICENSE. The department shall

1 ~~may~~ waive any license requirement for an applicant who holds a
2 license issued by another state if the other state:

3 (1) ~~that~~ has license requirements substantially
4 equivalent to the license requirements of this state; and

5 (2) has a reciprocal license statute that is
6 substantially equivalent to this section for individuals licensed
7 in this state.

8 SECTION 8. Section 6003.160, Insurance Code, is amended to
9 read as follows:

10 Sec. 6003.160. LICENSE NOT TRANSFERABLE; SINGLE EMPLOYER
11 REQUIRED. (a) A registration certificate or license issued under
12 this chapter is not transferable.

13 (b) An individual who holds a license issued under Section
14 6003.153 or 6003.162:

15 (1) may not install, service, or maintain a fire
16 protection sprinkler system unless the license holder is employed
17 by a fire protection sprinkler system contractor; and

18 (2) may not be employed by more than one fire
19 protection sprinkler system contractor at the same time.

20 SECTION 9. Subchapter D, Chapter 6003, Insurance Code, is
21 amended by adding Sections 6003.161, 6003.162, and 6003.163 to read
22 as follows:

23 Sec. 6003.161. FIRE PROTECTION SPRINKLER TECHNICIAN:
24 LICENSE OR SUPERVISION REQUIRED. (a) An individual may not act as
25 a fire protection sprinkler technician unless the individual holds
26 a license issued by the department under Section 6003.153 or
27 6003.162, or is directly supervised by an individual who holds a

1 license issued by the department under Section 6003.153 or
2 6003.162. An individual may install, service, or maintain only the
3 type of fire protection sprinkler systems for which the
4 individual's license or the individual's direct supervisor's
5 license has been issued under this chapter.

6 (b) An individual may not use the term "licensed fire
7 protection sprinkler technician" in the person's contracts or
8 advertising materials unless the individual holds a license issued
9 under Section 6003.162.

10 Sec. 6003.162. FIRE PROTECTION SPRINKLER TECHNICIAN
11 LICENSES. (a) The department shall issue a general technician
12 license to an applicant:

13 (1) who has completed 8,000 hours of an apprenticeship
14 program certified by the United States Department of Labor for the
15 inspection, service, and maintenance of fire protection sprinkler
16 systems;

17 (2) who:

18 (A) has 8,000 hours of experience installing,
19 servicing, or maintaining fire protection sprinkler systems; and

20 (B) passes the department's general technician
21 license examination; or

22 (3) who:

23 (A) has 6,000 hours of experience installing,
24 servicing, or maintaining fire protection sprinkler systems; and

25 (B) passes the National Institute for
26 Certification in Engineering Technologies, Level II test for
27 inspection and testing of water-based systems.

1 (b) The department shall issue a dwelling technician
2 license to an applicant who:

3 (1) has 4,000 hours of experience installing,
4 servicing, or maintaining fire protection sprinkler systems within
5 the scope of a dwelling technician license; and

6 (2) passes the department's dwelling technician
7 license examination.

8 (c) The department shall issue an underground fire main
9 technician license to an applicant who:

10 (1) has 4,000 hours of experience installing,
11 servicing, or maintaining fire protection sprinkler systems within
12 the scope of an underground fire main technician license; and

13 (2) passes the department's underground fire main
14 technician license examination.

15 (d) A license issued under this section must be conditioned
16 on the successful completion of the applicable license examination
17 and compliance with the requirements of any applicable rules
18 adopted under this chapter.

19 Sec. 6003.163. PRESENCE OF LICENSE HOLDER REQUIRED. Each
20 fire protection sprinkler system contractor shall ensure that at
21 least one person who holds a license issued under Section 6003.153
22 or 6003.162 is present at a location where a fire protection
23 sprinkler system is being installed, maintained, repaired, or
24 tested by an employee of the fire protection sprinkler system
25 contractor.

26 SECTION 10. Section 6003.301(a), Insurance Code, is amended
27 to read as follows:

1 (a) A person commits an offense if the person knowingly
2 violates Section 6003.151(a), 6003.153, 6003.161, or 6003.251.

3 SECTION 11. (a) As soon as possible after the effective
4 date of this Act, and not later than September 1, 2012, the
5 commissioner of insurance and the state fire marshal shall adopt
6 the rules and establish the procedures and examination requirements
7 necessary to implement the licensing of fire protection sprinkler
8 technicians under Chapter 6003, Insurance Code, as amended by this
9 Act.

10 (b) A fire protection sprinkler technician is not required
11 to hold a license under Section 6003.161, Insurance Code, as added
12 by this Act, before September 1, 2013.

13 SECTION 12. Notwithstanding Sections 6003.161 and
14 6003.162, Insurance Code, as added by this Act, the Texas
15 Department of Insurance shall issue a license to a qualified
16 applicant under this section who:

17 (1) applies for a license under Chapter 6003,
18 Insurance Code, as amended by this Act, not later than September 1,
19 2013;

20 (2) submits to the department the information required
21 by department rule;

22 (3) submits to the department the job description of
23 the position the applicant most recently performed and a sworn
24 statement by the applicant's employer attesting to the applicant's
25 job description;

26 (4) has at least the number of hours of experience
27 required by Section 6003.162, Insurance Code, as added by this Act,

1 for the applicable license for which the applicant is applying; and

2 (5) pays the application and licensing fee.

3 SECTION 13. This Act takes effect September 1, 2011.