

By: Hinojosa

S.B. No. 666

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, 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 cap 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 cap of the hydrant ~~[device]~~ black if the hydrant ~~[device]~~ is ~~[nonfunctioning or otherwise]~~

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

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

8 (d) A public water system [~~The owner~~] may place a black tarp
9 over the hydrant or use another means to conceal the hydrant
10 [~~device~~] instead of painting all or the cap of the hydrant [~~device~~]
11 black as required under Subsection (b)(2) [~~this section~~] if the
12 hydrant [~~device~~] is temporarily [~~nonfunctioning, or temporarily~~]
13 unavailable for use in a fire emergency[~~7~~] for a period not to
14 exceed 45 [~~seven~~] days. Not later than the 45th day after the date a
15 hydrant is concealed as provided by this subsection, the public
16 water system responsible for the hydrant shall:

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

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

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

27 (f) [~~(b)~~] For purposes of this section, a hydrant [~~device~~]

1 is considered to be unavailable for use by an entity responsible for
2 providing fire suppression services in a fire emergency if:

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

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

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

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

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

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

1 services in a fire emergency.

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

11 SECTION 2. Not later than January 1, 2012, each public water
12 system responsible for hydrants under Section 341.0357, Health and
13 Safety Code, as amended by this Act, shall ensure that its hydrants
14 comply with the requirements imposed by that section.

15 SECTION 3. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2011.