

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. Subsection (a), Section 6001.156, 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 by the firm's personnel who are
5 specially trained for that servicing;

6 (2-a) the inspection of a firm's portable fire
7 extinguisher by a person who is:

8 (A) specially trained to perform portable fire
9 extinguisher inspections; and

10 (B) under contract with the firm for that
11 purpose;

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

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

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

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

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

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

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

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

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

S.B. No. 1598

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1598 passed the Senate on April 21, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1598 passed the House on May 20, 2011, by the following vote: Yeas 149, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor