

By: Carona
(Smithee)

S.B. No. 1598

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. 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.