

1-1 By: Carona S.B. No. 1598
1-2 (In the Senate - Filed March 11, 2011; March 23, 2011, read
1-3 first time and referred to Committee on Business and Commerce;
1-4 April 7, 2011, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; April 7, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the inspection of portable fire extinguishers.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 6001.002, Insurance Code, is amended by
1-11 adding Subdivision (5-a) and amending Subdivision (7) to read as
1-12 follows:

1-13 (5-a) "Portable fire extinguisher inspection" means a
1-14 monthly inspection to ensure that a portable fire extinguisher:

1-15 (A) is in the extinguisher's designated
1-16 location;

1-17 (B) has not been actuated or subject to
1-18 tampering; and

1-19 (C) does not have any obvious physical damage or
1-20 another condition that may prevent proper operation of the
1-21 extinguisher.

1-22 (7) "Service" and "servicing" mean servicing a
1-23 portable fire extinguisher or a fixed fire extinguisher system by
1-24 ~~[inspecting,~~ charging, filling, maintaining, recharging,
1-25 refilling, repairing, or testing.

1-26 SECTION 2. Subsection (a), Section 6001.156, Insurance
1-27 Code, is amended to read as follows:

1-28 (a) The licensing provisions of this chapter do not apply
1-29 to:

1-30 (1) the filling or charging of a portable fire
1-31 extinguisher by the manufacturer before initial sale of the fire
1-32 extinguisher;

1-33 (2) the servicing by a firm of the firm's portable fire
1-34 extinguishers or fixed systems by the firm's personnel who are
1-35 specially trained for that servicing;

1-36 (2-a) the inspection of a firm's portable fire
1-37 extinguisher by a person who is:

1-38 (A) specially trained to perform portable fire
1-39 extinguisher inspections; and

1-40 (B) under contract with the firm for that
1-41 purpose;

1-42 (3) the installation of portable fire extinguishers in
1-43 a building by the building owner, the owner's managing agent, or an
1-44 employee of the building owner or the owner's managing agent;

1-45 (4) the installation or servicing of water sprinkler
1-46 systems installed in compliance with the National Fire Protection
1-47 Association's Standards for the Installation of Sprinkler Systems;

1-48 (5) a firm that is engaged in the retail or wholesale
1-49 sale of portable fire extinguishers that carry an approval label or
1-50 listing of a testing laboratory approved by the department, but
1-51 that is not engaged in the installation or servicing of those
1-52 extinguishers;

1-53 (6) a fire department that services portable fire
1-54 extinguishers as a public service without charge, if the members of
1-55 the fire department are trained in the proper servicing of the fire
1-56 extinguishers;

1-57 (7) a firm that is a party to a contract under which:

1-58 (A) the installation of portable fire
1-59 extinguishers or a fixed fire extinguisher system is performed
1-60 under the direct supervision of and certified by a firm
1-61 appropriately registered to install and certify portable
1-62 extinguishers or fixed systems; and

1-63 (B) the registered firm assumes full
1-64 responsibility for the installation; or

2-1 (8) an engineer licensed under Chapter 1001,
2-2 Occupations Code, while acting solely in the engineer's
2-3 professional capacity.

2-4 SECTION 3. This Act takes effect September 1, 2011.

2-5 * * * * *