

By: Gallegos

S.B. No. 1748

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of fire protection
sprinkler technicians; providing a penalty.

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

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

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

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

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

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

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

(2-b) "General technician license" means a license
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:

(a) The commissioner shall set the fee for:

(1) a registration certificate application in an amount not to exceed \$100;

(2) an initial or renewal registration certificate in an amount not to exceed \$1,200 annually; and

(3) an initial or renewal [~~responsible managing employee~~] license fee in an amount not to exceed \$200 annually.

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

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

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

SECTION 6. Section 6003.158, Insurance Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Except as provided by Subsection (c), participation [~~Participation~~] in the continuing education programs is voluntary.

(c) A fire protection sprinkler technician must annually complete at least eight hours of continuing education in accordance with commissioner rules.

SECTION 7. Section 6003.159, Insurance Code, is amended to

1 read as follows:

2 Sec. 6003.159. RECIPROCAL LICENSE. The department shall
3 ~~[may]~~ waive any license requirement for an applicant who holds a
4 license issued by another state if the other state:

5 (1) ~~[that]~~ has license requirements substantially
6 equivalent to the license requirements of this state; and

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

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

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

15 (b) An individual who holds a license issued to a fire
16 protection sprinkler technician under this chapter:

17 (1) may not install, service, or maintain a fire
18 protection sprinkler system unless the technician is employed by a
19 fire protection sprinkler system contractor; and

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

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

25 Sec. 6003.161. FIRE PROTECTION SPRINKLER TECHNICIAN:
26 LICENSE OR SUPERVISION REQUIRED. (a) An individual may not act as
27 a fire protection sprinkler technician unless the individual holds

a license issued by the department under Section 6003.162 or is directly supervised by an individual who holds a license issued by the department under Section 6003.162. An individual may install, service, or maintain only the type of fire protection sprinkler systems for which the individual's license or the individual's direct supervisor's license has been issued under Section 6003.162.

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

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

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

(2) who:

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

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

(3) who:

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

(B) passes the National Institute for Certification in Engineering Technologies, Level II or III test for

1 inspection and testing of water-based systems.

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

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

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

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

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

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

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

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

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

24 SECTION 11. (a) As soon as possible after the effective
25 date of this Act, and not later than January 1, 2012, the
26 commissioner of insurance and the state fire marshal shall adopt
27 the rules and establish the procedures and examination requirements

1 necessary to implement the licensing of fire protection sprinkler
2 technicians under Chapter 6003, Insurance Code, as amended by this
3 Act.

4 (b) A fire protection sprinkler technician is not required
5 to hold a license under Chapter 6003, Insurance Code, as amended by
6 this Act, before July 1, 2012.

7 SECTION 12. Notwithstanding Section 6003.161, Insurance
8 Code, as added by this Act, the Texas Department of Insurance shall
9 issue a license to a qualified applicant under this section who:

10 (1) applies for a license under this section not later
11 than September 1, 2012;

12 (2) submits to the department the information required
13 by department rule;

14 (3) submits to the department the job description of
15 the position the applicant most recently performed and a sworn
16 statement by the applicant's employer attesting to the applicant's
17 job description;

18 (4) has at least the number of hours of experience
19 required by Section 6003.162, Insurance Code, as added by this Act,
20 for the applicable license for which the applicant is applying; and

21 (5) pays the application and licensing fee.

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