

1-1 By: Gallegos S.B. No. 1748
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 11, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 1; April 11, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1748 By: Eltife

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the licensing and regulation of certain employees of
1-11 fire protection sprinkler system contractors; providing a penalty.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 6003.001, Insurance Code, is amended by
1-14 amending Subdivisions (1) and (6) and adding Subdivisions (1-a),
1-15 (2-a), (2-b), and (12) to read as follows:

1-16 (1) "Dwelling technician license" means a license
1-17 authorizing a fire protection sprinkler technician to install,
1-18 service, or maintain a fire protection sprinkler system located in
1-19 a one-family or two-family residence.

1-20 (1-a) "Fire protection sprinkler system" means an
1-21 assembly of underground or overhead piping or conduits that conveys
1-22 water with or without other agents to dispersal openings or devices
1-23 to:

1-24 (A) extinguish, control, or contain fire; and

1-25 (B) provide protection from exposure to fire or
1-26 the products of combustion.

1-27 (2-a) "Fire protection sprinkler technician" means a
1-28 person who installs, services, or maintains a fire protection
1-29 sprinkler system or any part of the system as an employee of a fire
1-30 protection sprinkler system contractor.

1-31 (2-b) "General technician license" means a license
1-32 authorizing a fire protection sprinkler technician to install,
1-33 service, or maintain any fire protection sprinkler system.

1-34 (6) "License" means the document issued to a
1-35 responsible managing employee or a fire protection sprinkler
1-36 technician authorizing the employee or technician to engage in the
1-37 fire protection sprinkler system business in this state.

1-38 (12) "Underground fire main technician license" means
1-39 a license authorizing a fire protection sprinkler technician to
1-40 install, service, or maintain an assembly of underground piping or
1-41 conduits that convey water, with or without other agents, as part of
1-42 a fire protection sprinkler system.

1-43 SECTION 2. Subchapter A, Chapter 6003, Insurance Code, is
1-44 amended by adding Section 6003.004 to read as follows:

1-45 Sec. 6003.004. PERSONAL INFORMATION CONFIDENTIAL. The home
1-46 address, home telephone number, driver's license number, and social
1-47 security number of a license holder or an applicant for a license
1-48 under this chapter are confidential and are not subject to
1-49 disclosure under Chapter 552, Government Code.

1-50 SECTION 3. Subsection (b), Section 6003.052, Insurance
1-51 Code, is amended to read as follows:

1-52 (b) Under rules adopted under Section 6003.051(b), the
1-53 department:

1-54 (1) may create a specialized licensing or registration
1-55 program for fire protection sprinkler system contractors; and

1-56 (2) shall create a specialized licensing program for
1-57 fire protection sprinkler technicians.

1-58 SECTION 4. Subsections (a) and (b), Section 6003.055,
1-59 Insurance Code, are amended to read as follows:

1-60 (a) The commissioner shall set the fee for:

1-61 (1) a registration certificate application in an
1-62 amount not to exceed \$100;

1-63 (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. Subsection (a), Section 6003.156, 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. Subsection (b), Section 6003.158, Insurance Code, is amended to read as follows:

(b) A person who holds a license issued under Section 6003.153 or 6003.162 must annually complete at least eight hours of continuing education in accordance with commissioner rules [Participation in the continuing education programs is voluntary].

SECTION 7. Section 6003.159, Insurance Code, is amended to read as follows:

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

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

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

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

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

(b) An individual who holds a license issued under Section 6003.153 or 6003.162:

(1) may not install, service, or maintain a fire protection sprinkler system unless the license holder is employed by a fire protection sprinkler system contractor; and

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

SECTION 9. Subchapter D, Chapter 6003, Insurance Code, is amended by adding Sections 6003.161, 6003.162, and 6003.163 to read as follows:

Sec. 6003.161. FIRE PROTECTION SPRINKLER TECHNICIAN: LICENSE OR SUPERVISION REQUIRED. (a) An individual may not act as a fire protection sprinkler technician unless the individual holds a license issued by the department under Section 6003.153 or 6003.162, or is directly supervised by an individual who holds a license issued by the department under Section 6003.153 or 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 this chapter.

(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 test for inspection and testing of water-based systems.

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

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

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

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

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

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

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

Sec. 6003.163. PRESENCE OF LICENSE HOLDER REQUIRED. Each fire protection sprinkler system contractor shall ensure that at least one person who holds a license issued under Section 6003.153 or 6003.162 is present at a location where a fire protection sprinkler system is being installed, maintained, repaired, or tested by an employee of the fire protection sprinkler system contractor.

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

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

SECTION 11. (a) As soon as possible after the effective date of this Act, and not later than September 1, 2012, the commissioner of insurance and the state fire marshal shall adopt the rules and establish the procedures and examination requirements necessary to implement the licensing of fire protection sprinkler technicians under Chapter 6003, Insurance Code, as amended by this Act.

(b) A fire protection sprinkler technician is not required to hold a license under Section 6003.161, Insurance Code, as added by this Act, before September 1, 2013.

SECTION 12. Notwithstanding Sections 6003.161 and 6003.162, Insurance Code, as added by this Act, the Texas Department of Insurance shall issue a license to a qualified applicant under this section who:

(1) applies for a license under Chapter 6003, Insurance Code, as amended by this Act, not later than September 1, 2013;

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

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

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

(5) pays the application and licensing fee.

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

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