

## **BILL ANALYSIS**

Senate Research Center  
83R16446 KKR-D

H.B. 2447  
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Business & Commerce  
5/14/2013  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law requires a portable fire extinguisher to be tested for compliance under a recognized performance standard in order to receive a listing for such use by an approved laboratory. However, interested parties report that this consumer protection is often circumvented by certain portable fire extinguisher retailers, which could compromise the safety of our citizens. Such parties note that a portable fire extinguisher can receive the required approval or classification by simply performing as the manufacturer claims the fire extinguisher will perform, as opposed to being tested for performance to a recognized performance standard by an approved testing laboratory.

H.B. 2447 seeks to tighten standards for portable fire extinguishers by applying licensing provisions for fire extinguishers to any firm engaged in the retail or wholesale sale of portable fire extinguishers that contain an approval label.

H.B. 2447 amends current law relating to the sale and advertisement of portable fire extinguishers.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subtitle C, Title 9, Health and Safety Code, by adding Chapter 797, as follows:

#### **CHAPTER 797. PORTABLE FIRE EXTINGUISHER**

Sec. 797.001. DEFINITIONS. Defines "NFPA" and "portable fire extinguisher" for this chapter.

Sec. 797.002. PORTABLE FIRE EXTINGUISHERS. Prohibits a person from using the term "portable fire extinguisher" or "fire extinguisher" in the sale or advertisement of an aerosol fire suppression device or similar fire suppression device unless the device conforms to NFPA Standard 10 (2010), "Standard for Portable Fire Extinguishers," or a successor standard adopted by the commissioner of insurance that is at least as stringent as the NFPA Standard 10, and is specifically listed for that use by a testing laboratory approved by the Texas Department of Insurance (TDI).

SECTION 2. Amends Section 6001.001, Insurance Code, as follows:

Sec. 6001.001. PURPOSE. Provides that the purpose of this chapter is to safeguard lives and property by:

- (1) Makes no change to this subdivision; and

(2) prohibiting portable fire extinguishers, fixed fire extinguisher systems, or extinguisher equipment that is not listed by a testing laboratory approved by TDI, rather than that is not labeled or listed by a testing laboratory approved by TDI.

SECTION 3. Amends Section 6001.156(a), Insurance Code, to provide that the licensing provisions of this chapter do not apply to certain conditions, including a firm that is engaged in the retail or wholesale sale of portable fire extinguishers that carry the listing, rather than carry an approval label or listing, of a testing laboratory approved by the department, but that is not engaged in the installation or servicing of those extinguishers.

SECTION 4. Effective date: September 1, 2013.