

BILL ANALYSIS

C.S.H.B. 2447
By: Martinez, "Mando"
Insurance
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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.

C.S.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.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2447 amends the Health and Safety Code to prohibit 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 the National Fire Protection Association (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).

C.S.H.B. 2447 amends the Insurance Code to remove portable fire extinguishers that carry an approval label as an alternative to a listing of a TDI-approved testing laboratory and a firm engaged in the retail or wholesale sale of portable fire extinguishers carrying such an approval label from the items, entities, and activities that are exempt from the application of statutory provisions relating to regulation of fire extinguisher service and installation.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2447 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subtitle C, Title 9, Health and Safety Code, is amended.

No equivalent provision.

SECTION 2. Section 6001.156(a), Insurance Code, is amended.

SECTION 3. This Act takes effect September 1, 2013.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. Section 6001.001, Insurance Code, is amended to read as follows:

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

(1) regulating:

(A) the leasing, selling, installing, and servicing of portable fire extinguishers; and

(B) the planning, certifying, installing, and servicing of fixed fire extinguisher systems; and

(2) prohibiting portable fire extinguishers, fixed fire extinguisher systems, or extinguisher equipment that is not [~~labeled~~ ~~or~~] listed by a testing laboratory approved by the department.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.