

AN ACT

relating to the sale and advertisement of portable fire extinguishers.

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

SECTION 1. Subtitle C, Title 9, Health and Safety Code, is amended by adding Chapter 797 to read as follows:

CHAPTER 797. PORTABLE FIRE EXTINGUISHERS

Sec. 797.001. DEFINITIONS. In this chapter:

(1) "NFPA" means the National Fire Protection Association.

(2) "Portable fire extinguisher" means a device that contains liquid, powder, or gases for suppressing or extinguishing fires.

Sec. 797.002. PORTABLE FIRE EXTINGUISHERS. A person may not use 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.

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

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

3 (1) regulating:

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

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

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

12 SECTION 3. Section 6001.156(a), Insurance Code, is amended
13 to read as follows:

14 (a) The licensing provisions of this chapter do not apply
15 to:

16 (1) the filling or charging of a portable fire
17 extinguisher by the manufacturer before initial sale of the fire
18 extinguisher;

19 (2) the servicing by a firm of the firm's portable fire
20 extinguishers or fixed systems by the firm's personnel who are
21 specially trained for that servicing;

22 (2-a) the inspection of a firm's portable fire
23 extinguisher by a person who is:

24 (A) specially trained to perform portable fire
25 extinguisher inspections; and

26 (B) under contract with the firm for that
27 purpose;

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

4 (4) the installation or servicing of water sprinkler
5 systems installed in compliance with the National Fire Protection
6 Association's Standards for the Installation of Sprinkler Systems;

7 (5) a firm that is engaged in the retail or wholesale
8 sale of portable fire extinguishers that carry the [~~an approval~~
9 ~~label or~~] listing of a testing laboratory approved by the
10 department, but that is not engaged in the installation or
11 servicing of those extinguishers;

12 (6) a fire department that services portable fire
13 extinguishers as a public service without charge, if the members of
14 the fire department are trained in the proper servicing of the fire
15 extinguishers;

16 (7) a firm that is a party to a contract under which:

17 (A) the installation of portable fire
18 extinguishers or a fixed fire extinguisher system is performed
19 under the direct supervision of and certified by a firm
20 appropriately registered to install and certify portable
21 extinguishers or fixed systems; and

22 (B) the registered firm assumes full
23 responsibility for the installation; or

24 (8) an engineer licensed under Chapter 1001,
25 Occupations Code, while acting solely in the engineer's
26 professional capacity.

27 SECTION 4. (a) Section 797.001, Health and Safety Code, as

1 added by this Act, and Section 6001.156(a), Insurance Code, as
2 amended by this Act, do not apply to the sale or advertisement of an
3 aerosol fire suppression device or similar fire suppression device
4 that, on or before September 1, 2013, is:

5 (1) listed for use as a portable fire extinguisher by a
6 testing laboratory approved the Texas Department of Insurance,
7 other than the National Fire Protection Association; and

8 (2) approved for use as a portable fire extinguisher
9 by the Texas Department of Insurance.

10 (b) This section expires September 1, 2015.

11 SECTION 5. This Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I certify that H.B. No. 2447 was passed by the House on May 7, 2013, by the following vote: Yeas 94, Nays 37, 3 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2447 on May 22, 2013, by the following vote: Yeas 83, Nays 65, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2447 was passed by the Senate, with amendments, on May 20, 2013, by the following vote: Yeas 23, Nays 8.

Secretary of the Senate

APPROVED: _____

Date

Governor