

By: Martinez

H.B. No. 2447

A BILL TO BE ENTITLED

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 6001.156(a), Insurance Code, is amended to read as follows:

1 (a) The licensing provisions of this chapter do not apply
2 to:

3 (1) the filling or charging of a portable fire
4 extinguisher by the manufacturer before initial sale of the fire
5 extinguisher;

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

9 (2-a) the inspection of a firm's portable fire
10 extinguisher by a person who is:

11 (A) specially trained to perform portable fire
12 extinguisher inspections; and

13 (B) under contract with the firm for that
14 purpose;

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

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

21 (5) a firm that is engaged in the retail or wholesale
22 sale of portable fire extinguishers that carry the [~~an approval~~
23 ~~label or~~] listing of a testing laboratory approved by the
24 department, but that is not engaged in the installation or
25 servicing of those extinguishers;

26 (6) a fire department that services portable fire
27 extinguishers as a public service without charge, if the members of

1 the fire department are trained in the proper servicing of the fire
2 extinguishers;

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

4 (A) the installation of portable fire
5 extinguishers or a fixed fire extinguisher system is performed
6 under the direct supervision of and certified by a firm
7 appropriately registered to install and certify portable
8 extinguishers or fixed systems; and

9 (B) the registered firm assumes full
10 responsibility for the installation; or

11 (8) an engineer licensed under Chapter 1001,
12 Occupations Code, while acting solely in the engineer's
13 professional capacity.

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