

1-1 By: Martinez (Senate Sponsor - Hinojosa) H.B. No. 2447
1-2 (In the Senate - Received from the House May 8, 2013;
1-3 May 9, 2013, read first time and referred to Committee on Business
1-4 and Commerce; May 16, 2013, reported favorably by the following
1-5 vote: Yeas 6, Nays 1; May 16, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9		X		
1-10			X	
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the sale and advertisement of portable fire
1-20 extinguishers.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subtitle C, Title 9, Health and Safety Code, is
1-23 amended by adding Chapter 797 to read as follows:

1-24 CHAPTER 797. PORTABLE FIRE EXTINGUISHERS

1-25 Sec. 797.001. DEFINITIONS. In this chapter:

1-26 (1) "NFPA" means the National Fire Protection
1-27 Association.

1-28 (2) "Portable fire extinguisher" means a device that
1-29 contains liquid, powder, or gases for suppressing or extinguishing
1-30 fires.

1-31 Sec. 797.002. PORTABLE FIRE EXTINGUISHERS. A person may
1-32 not use the term "portable fire extinguisher" or "fire
1-33 extinguisher" in the sale or advertisement of an aerosol fire
1-34 suppression device or similar fire suppression device unless the
1-35 device conforms to NFPA Standard 10 (2010), "Standard for Portable
1-36 Fire Extinguishers," or a successor standard adopted by the
1-37 commissioner of insurance that is at least as stringent as the NFPA
1-38 Standard 10, and is specifically listed for that use by a testing
1-39 laboratory approved by the Texas Department of Insurance.

1-40 SECTION 2. Section 6001.001, Insurance Code, is amended to
1-41 read as follows:

1-42 Sec. 6001.001. PURPOSE. The purpose of this chapter is to
1-43 safeguard lives and property by:

1-44 (1) regulating:

1-45 (A) the leasing, selling, installing, and
1-46 servicing of portable fire extinguishers; and

1-47 (B) the planning, certifying, installing, and
1-48 servicing of fixed fire extinguisher systems; and

1-49 (2) prohibiting portable fire extinguishers, fixed
1-50 fire extinguisher systems, or extinguisher equipment that is not
1-51 [~~labeled or~~] listed by a testing laboratory approved by the
1-52 department.

1-53 SECTION 3. Section 6001.156(a), Insurance Code, is amended
1-54 to read as follows:

1-55 (a) The licensing provisions of this chapter do not apply
1-56 to:

1-57 (1) the filling or charging of a portable fire
1-58 extinguisher by the manufacturer before initial sale of the fire
1-59 extinguisher;

1-60 (2) the servicing by a firm of the firm's portable fire
1-61 extinguishers or fixed systems by the firm's personnel who are

2-1 specially trained for that servicing;
2-2 (2-a) the inspection of a firm's portable fire
2-3 extinguisher by a person who is:
2-4 (A) specially trained to perform portable fire
2-5 extinguisher inspections; and
2-6 (B) under contract with the firm for that
2-7 purpose;
2-8 (3) the installation of portable fire extinguishers in
2-9 a building by the building owner, the owner's managing agent, or an
2-10 employee of the building owner or the owner's managing agent;
2-11 (4) the installation or servicing of water sprinkler
2-12 systems installed in compliance with the National Fire Protection
2-13 Association's Standards for the Installation of Sprinkler Systems;
2-14 (5) a firm that is engaged in the retail or wholesale
2-15 sale of portable fire extinguishers that carry the [~~an approval~~
2-16 ~~label or~~] listing of a testing laboratory approved by the
2-17 department, but that is not engaged in the installation or
2-18 servicing of those extinguishers;
2-19 (6) a fire department that services portable fire
2-20 extinguishers as a public service without charge, if the members of
2-21 the fire department are trained in the proper servicing of the fire
2-22 extinguishers;
2-23 (7) a firm that is a party to a contract under which:
2-24 (A) the installation of portable fire
2-25 extinguishers or a fixed fire extinguisher system is performed
2-26 under the direct supervision of and certified by a firm
2-27 appropriately registered to install and certify portable
2-28 extinguishers or fixed systems; and
2-29 (B) the registered firm assumes full
2-30 responsibility for the installation; or
2-31 (8) an engineer licensed under Chapter 1001,
2-32 Occupations Code, while acting solely in the engineer's
2-33 professional capacity.

2-34 SECTION 4. This Act takes effect September 1, 2013.

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