

By: Hinojosa

S.B. No. 1374

A BILL TO BE ENTITLED

AN ACT

relating to identification requirements for certain fire hydrants and flush valves.

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

SECTION 1. Section 341.0357, Health and Safety Code, is amended to read as follows:

Sec. 341.0357. IDENTIFICATION REQUIREMENT FOR CERTAIN ~~[DEVICE WITH APPEARANCE OF]~~ FIRE HYDRANTS AND FLUSH VALVES ~~[HYDRANT THAT IS NONFUNCTIONING OR UNAVAILABLE FOR USE IN FIRE EMERGENCY]~~. (a) In this section, "hydrant" means:

(1) a fire hydrant; or

(2) a metal flush valve that:

(A) has ~~[The owner of any device having]~~ the appearance of a fire hydrant; and

(B) [that] ~~[that]~~ is located in a place that an entity responsible for providing fire suppression services in a fire emergency would expect a fire hydrant to typically be located.

(b) This section applies only to a county, or a municipality in a county, that:

(1) borders the United Mexican States or is adjacent to a county that borders the United Mexican States;

(2) has a population of at least 400,000 or has a population of at least 20,000 and is adjacent to a county that has a population of at least 400,000; and

1 (3) is within 200 miles of the Gulf of Mexico.

2 (c) Each public water system responsible for any hydrant
3 shall:

4 (1) paint all or the cap of the hydrant white if the
5 hydrant is available to be used only to fill a water tank on a fire
6 truck used for fire suppression services; and

7 (2) paint all or the cap of the hydrant [device] black
8 if the hydrant [device] is [nonfunctioning or otherwise]
9 unavailable for use by the entity providing fire suppression
10 services in a fire emergency.

11 (d) For purposes of Subsection (c)(2), a hydrant is
12 unavailable for use in a fire emergency if it is unavailable for
13 pumping directly from the hydrant or is unavailable for use in
14 filling a water tank on a fire truck used for fire suppression
15 services.

16 (e) A public water system [The owner] may place a black tarp
17 over the hydrant or use another means to conceal the hydrant
18 [device] instead of painting all or the cap of the hydrant [device]
19 black as required under Subsection (c)(2) [this section] if the
20 hydrant [device] is temporarily [nonfunctioning, or temporarily]
21 unavailable for use in a fire emergency[7] for a period not to
22 exceed 45 [seven] days. Not later than the 45th day after the date a
23 hydrant is concealed as provided by this subsection, the public
24 water system responsible for the hydrant shall:

25 (1) if the hydrant is available for the provision of
26 fire suppression services, remove the tarp or other means of
27 concealment; or

1 (2) if the hydrant continues to be unavailable for use
2 in a fire emergency, paint all or the cap of the hydrant black as
3 required by Subsection (c)(2).

4 (f) A public water system that paints all or the cap of a
5 hydrant black as required by Subsection (c)(2) may also ensure by
6 any reasonable means that the hydrant is identifiable in low-light
7 conditions, including by installing reflectors.

8 (g) [(b)] For purposes of this section, a hydrant [device]
9 is considered to be unavailable for use by an entity responsible for
10 providing fire suppression services in a fire emergency if:

11 (1) the public water system is not obligated by
12 ordinance, regulation, or contract to provide water for fire
13 suppression services and elects not to provide water for those
14 services; or

15 (2) the hydrant delivered less than 50 gallons of
16 water per minute during its most recent flow test under normal
17 conditions ~~[nonfunctioning if the device pumps less than 250~~
18 ~~gallons of water per minute]~~.

19 (h) [(c)] This section does not apply:

20 (1) within the jurisdiction of a governmental entity
21 that maintains its own system for labeling or color coding its
22 hydrants; or

23 (2) to any public water system that has entered into a
24 contract with a municipality or volunteer fire department to
25 provide a water supply for fire suppression services if the
26 contract specifies a different system for labeling or color coding
27 hydrants ~~[a device having the appearance of a fire hydrant that is~~

1 ~~nonfunctioning or otherwise unavailable for use in a fire~~
2 ~~emergency]~~.

3 (i) For purposes of Subsection (h), a system for labeling
4 or color coding hydrants may include the assignment of different
5 colors to identify hydrants that are available for direct pumping,
6 hydrants that are available for filling a water tank on a fire truck
7 used for fire suppression services, and hydrants that are
8 unavailable for use by an entity providing fire suppression
9 services in a fire emergency.

10 (j) The fact that all or the cap of a hydrant for which a
11 public water system is responsible under this section is not
12 painted black as described by Subsection (c)(2) or concealed in the
13 manner described by Subsection (e) does not constitute a guarantee
14 by the public water system that the hydrant will deliver a certain
15 amount of water flow at all times. Notwithstanding any provision of
16 Chapter 101, Civil Practice and Remedies Code, to the contrary, a
17 public water system is not liable for a hydrant's inability to
18 provide adequate water supply in a fire emergency.

19 SECTION 2. Not later than January 1, 2014, each public water
20 system responsible for hydrants under Section 341.0357, Health and
21 Safety Code, as amended by this Act, shall ensure that its hydrants
22 comply with the requirements imposed by that section.

23 SECTION 3. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2013.