

SENATE AMENDMENTS

2nd Printing

By: Martinez

H.B. No. 2447

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the sale and advertisement of portable fire
3 extinguishers.

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

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

7 CHAPTER 797. PORTABLE FIRE EXTINGUISHERS

8 Sec. 797.001. DEFINITIONS. In this chapter:

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

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

14 Sec. 797.002. PORTABLE FIRE EXTINGUISHERS. A person may
15 not use the term "portable fire extinguisher" or "fire
16 extinguisher" in the sale or advertisement of an aerosol fire
17 suppression device or similar fire suppression device unless the
18 device conforms to NFPA Standard 10 (2010), "Standard for Portable
19 Fire Extinguishers," or a successor standard adopted by the
20 commissioner of insurance that is at least as stringent as the NFPA
21 Standard 10, and is specifically listed for that use by a testing
22 laboratory approved by the Texas Department of Insurance.

23 SECTION 2. Section 6001.001, Insurance Code, is amended to
24 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. This Act takes effect September 1, 2013.

ADOPTED

MAY 20 2013


Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: 

1 Amend H.B. No. 2447 (senate committee printing) by adding the
2 following appropriately numbered SECTION to the bill and
3 renumbering subsequent SECTIONS accordingly:

4 SECTION _____. (a) Section 797.001, Health and Safety Code,
5 as added by this Act, and Section 6001.156(a), Insurance Code, as
6 amended by this Act, do not apply to the sale or advertisement of an
7 aerosol fire suppression device or similar fire suppression device
8 that, on or before September 1, 2013, is:

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

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

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 20, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2447 by Martinez, "Mando" (Relating to the sale and advertisement of portable fire extinguishers.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code relating to the sale and advertisement of portable fire extinguishers. The bill would prohibit the use of the term "portable fire extinguisher" or "fire extinguisher" in the sale or advertisement of an aerosol fire suppression device unless the device meets minimum standards as set forth in the bill.

Based on information provided by the Texas Department of Insurance, this analysis assumes that all duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 454 Department of Insurance

LBB Staff: UP, RB, AG, ER, LXH

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 14, 2013

TO: Honorable John Carona, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2447 by Martinez, "Mando" (Relating to the sale and advertisement of portable fire extinguishers.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code relating to the sale and advertisement of portable fire extinguishers. The bill would prohibit the use of the term "portable fire extinguisher" or "fire extinguisher" in the sale or advertisement of an aerosol fire suppression device unless the device meets minimum standards as set forth in the bill.

Based on information provided by the Texas Department of Insurance, this analysis assumes that all duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 454 Department of Insurance

LBB Staff: UP, RB, AG, ER, LXH

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 19, 2013

TO: Honorable John T. Smithee, Chair, House Committee on Insurance

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2447 by Martinez, "Mando" (Relating to the sale and advertisement of portable fire extinguishers.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code relating to the sale and advertisement of portable fire extinguishers. The bill would prohibit the use of the term "portable fire extinguisher" or "fire extinguisher" in the sale or advertisement of an aerosol fire suppression device unless the device meets minimum standards as set forth in the bill.

Based on information provided by the Texas Department of Insurance, this analysis assumes that all duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 454 Department of Insurance

LBB Staff: UP, AG, ER, LXH

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 8, 2013

TO: Honorable John T. Smithee, Chair, House Committee on Insurance

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2447 by Martinez, "Mando" (Relating to the sale and advertisement of portable fire extinguishers.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code relating to the sale and advertisement of portable fire extinguishers. The bill would prohibit the use of the term "portable fire extinguisher" or "fire extinguisher" in the sale or advertisement of an aerosol fire suppression device unless the device meets minimum standards as set forth in the bill.

Based on information provided by the Texas Department of Insurance, this analysis assumes that all duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 454 Department of Insurance

LBB Staff: UP, AG, ER