

House Bill 2447
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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:

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

(1) regulating:

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

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

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

SENATE VERSION (IE)

SECTION 1. Same as House version.

SECTION 2. Same as House version.

CONFERENCE

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

- (a) The licensing provisions of this chapter do not apply to:
 - (1) the filling or charging of a portable fire extinguisher by the manufacturer before initial sale of the fire extinguisher;
 - (2) the servicing by a firm of the firm's portable fire extinguishers or fixed systems by the firm's personnel who are specially trained for that servicing;
 - (2-a) the inspection of a firm's portable fire extinguisher by a person who is:
 - (A) specially trained to perform portable fire extinguisher inspections; and
 - (B) under contract with the firm for that purpose;
 - (3) the installation of portable fire extinguishers in a building by the building owner, the owner's managing agent, or an employee of the building owner or the owner's managing agent;
 - (4) the installation or servicing of water sprinkler systems installed in compliance with the National Fire Protection Association's Standards for the Installation of Sprinkler Systems;
 - (5) a firm that is engaged in the retail or wholesale sale of portable fire extinguishers that carry ~~the [an approval label or]~~ listing of a testing laboratory approved by the department, but that is not engaged in the installation or servicing of those extinguishers;
 - (6) a fire department that services portable fire extinguishers as a public service without charge, if the members of the fire department are trained in the proper servicing of the fire extinguishers;

SECTION 3. Same as House version.

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- (7) a firm that is a party to a contract under which:
 - (A) the installation of portable fire extinguishers or a fixed fire extinguisher system is performed under the direct supervision of and certified by a firm appropriately registered to install and certify portable extinguishers or fixed systems; and
 - (B) the registered firm assumes full responsibility for the installation; or
- (8) an engineer licensed under Chapter 1001, Occupations Code, while acting solely in the engineer's professional capacity.

No equivalent provision.

SECTION 4. This Act takes effect September 1, 2013.

SENATE VERSION (IE)

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

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

(b) This section expires September 1, 2015. [FA1]

SECTION 4. Same as House version.

CONFERENCE