

By: Galindo

H.B. No. 3089

A BILL TO BE ENTITLED

AN ACT

relating to fire protection sprinkler systems in residential high-rise buildings; creating a criminal offense.

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

SECTION 1. Chapter 766, Health and Safety Code, is amended by designating Sections 766.001 through 766.003 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. SMOKE DETECTORS AND FIRE SAFETY INFORMATION

SECTION 2. Chapter 766, Health and Safety Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. FIRE PROTECTION SPRINKLER SYSTEMS IN RESIDENTIAL

HIGH-RISE BUILDINGS

Sec. 766.051. DEFINITIONS. In this subchapter:

(1) "Fire protection sprinkler system" means an assembly of underground or overhead piping or conduits that conveys water with or without other agents to dispersal openings or devices to:

(A) extinguish, control, or contain fire; and

(B) provide protection from exposure to fire or the products of combustion.

(2) "Residential high-rise building" means a building used primarily for a residential purpose and that extends 75 feet or more from the ground.

Sec. 766.052. FIRE PROTECTION SPRINKLER SYSTEMS REQUIRED;

1 STANDARD. (a) A residential high-rise building must be equipped
2 with a complete fire protection sprinkler system that is in good
3 working order and is in compliance with this section.

4 (b) The governing body of a municipality in which a
5 residential high-rise building subject to this chapter is located
6 or, if the building is not located in a municipality, the
7 commissioners court of the county in which the building is located
8 shall adopt a standard for the installation of fire protection
9 sprinkler systems in a residential high-rise building.

10 (c) The standard adopted must be in compliance with National
11 Fire Protection Association 13: Standard for the Installation of
12 Sprinkler Systems. Until the governing body of the municipality or
13 commissioners court of the county, as applicable, adopts a standard
14 as required by this section, the standard is the Standard for the
15 Installation of Sprinkler Systems of the National Fire Protection
16 Association, as that standard existed on September 1, 2015.

17 Sec. 766.053. PHASE-IN COMPLIANCE FOR OWNERS OF CERTAIN
18 RESIDENTIAL HIGH-RISE BUILDINGS. (a) This section applies only to
19 an owner of a residential high-rise building built before September
20 1, 2015.

21 (b) Not later than September 1, 2016, an owner of a
22 residential high-rise building shall provide notice of the owner's
23 intent to comply with this subchapter to:

24 (1) if the building is located in a municipality, the
25 appropriate code official of the municipality in which the building
26 is located; or

27 (2) if the building is not located in a municipality,

1 the county clerk of the county in which the building is located.

2 (c) Not later than September 1, 2017, the owner of a
3 residential high-rise building shall install a water supply on all
4 floors of the building in accordance with National Fire Protection
5 Association 13: Standard for the Installation of Sprinkler Systems.

6 (d) Not later than September 1, 2019, the owner of a
7 residential high-rise building shall install a fire protection
8 sprinkler system in accordance with this subchapter on at least 50
9 percent of the floors of the building.

10 (e) Not later than September 1, 2021, the owner of a
11 residential high-rise building shall install a fire protection
12 sprinkler system in accordance with this subchapter on all floors
13 of the building.

14 (f) For purposes of Sections 766.054 and 766.055, a
15 residential high-rise building is in compliance with this
16 subchapter if the owner of the building has met the requirements of
17 this section.

18 (g) This section expires September 1, 2022.

19 Sec. 766.054. INJUNCTION. (a) The attorney general, the
20 county attorney of a county in which a residential high-rise
21 building is located, or the district attorney of a county in which
22 the building is located may bring an action in the name of the state
23 for an injunction to enforce this chapter against the owner or
24 person in charge of a residential high-rise building not in
25 compliance with this subchapter.

26 (b) The action must be brought in the district court of the
27 county in which the residential high-rise building is located.

1 (c) The attorney general, county attorney of the county in
2 which the residential high-rise building is located, or district
3 attorney of the county in which the building is located, as
4 applicable, shall give the owner or person in charge of the building
5 notice of the time and place of a hearing for an action brought
6 under this section not later than the 10th day before the date of
7 the hearing.

8 (d) A district judge may issue a mandatory injunction
9 against the owner or person in charge of a residential high-rise
10 building not in compliance with this subchapter to enforce this
11 subchapter. Violation of an injunction issued under this section
12 constitutes contempt of court and is punishable in the manner
13 provided for contempt.

14 Sec. 766.055. CRIMINAL PENALTY. (a) A person commits an
15 offense if the person is the owner of a residential high-rise
16 building that is not in compliance with this subchapter.

17 (b) A person commits an offense if the person serves as an
18 agent for an owner who is not a resident of this state in the care,
19 management, supervision, control, or rental of a residential
20 high-rise building not in compliance with this subchapter.

21 (c) An offense under this section is punishable by a fine of
22 not more than \$10,000.

23 SECTION 3. This Act takes effect September 1, 2015.