

By: Menéndez

S.B. No. 766

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of certain employees of fire protection sprinkler system contractors; providing a penalty; imposing a fee; requiring occupational licenses.

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

SECTION 1. Section 6003.001, Insurance Code, is amended by amending Subdivisions (1) and (6) and adding Subdivisions (1-a), (2-a), (2-b), and (12) to read as follows:

(1) "Dwelling technician license" means a license authorizing a fire protection sprinkler technician to install, service, or maintain a fire protection sprinkler system located in a one-family or two-family residence.

(1-a) "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-a) "Fire protection sprinkler technician" means a person who installs, services, or maintains a fire protection sprinkler system or any part of the system as an employee of a fire protection sprinkler system contractor.

(2-b) "General technician license" means a license

1 authorizing a fire protection sprinkler technician to install,  
2 service, or maintain any fire protection sprinkler system.

3 (6) "License" means the document issued to a  
4 responsible managing employee or a fire protection sprinkler  
5 technician authorizing the employee or technician to engage in the  
6 fire protection sprinkler system business in this state.

7 (12) "Underground fire main technician license" means  
8 a license authorizing a fire protection sprinkler technician to  
9 install, service, or maintain an assembly of underground piping or  
10 conduits that conveys water, with or without other agents, as part  
11 of a fire protection sprinkler system.

12 SECTION 2. Section 6003.002(b), Insurance Code, is amended  
13 to read as follows:

14 (b) This chapter does not authorize an individual or  
15 organization to:

16 (1) practice professional engineering other than in  
17 compliance with Chapter 1001, Occupations Code; or

18 (2) design or install or enter into a contract to  
19 design or install a multipurpose residential fire protection  
20 sprinkler system other than in compliance with Chapter 1301,  
21 Occupations Code.

22 SECTION 3. Subchapter A, Chapter 6003, Insurance Code, is  
23 amended by adding Section 6003.004 to read as follows:

24 Sec. 6003.004. PERSONAL INFORMATION CONFIDENTIAL. The home  
25 address, home telephone number, driver's license number, and social  
26 security number of a license holder or an applicant for a license  
27 under this chapter are confidential and are not subject to

1 disclosure under Chapter 552, Government Code.

2 SECTION 4. Section 6003.052(b), Insurance Code, is amended  
3 to read as follows:

4 (b) Under rules adopted under Section 6003.051(b), the  
5 department:

6 (1) may create a specialized licensing or registration  
7 program for fire protection sprinkler system contractors; and

8 (2) shall create a specialized licensing program for  
9 fire protection sprinkler technicians.

10 SECTION 5. Sections 6003.055(a) and (b), Insurance Code,  
11 are amended to read as follows:

12 (a) The commissioner shall set the fee for:

13 (1) a registration certificate application in an  
14 amount not to exceed \$100;

15 (2) an initial or renewal registration certificate in  
16 an amount not to exceed \$1,200 annually; and

17 (3) an initial or renewal [~~responsible managing~~  
18 ~~employee~~] license fee in an amount not to exceed \$200 annually.

19 (b) Unless the examination for a [~~responsible managing~~  
20 ~~employee~~] license is administered by a testing service, the  
21 commissioner shall set a nonrefundable fee for each examination in  
22 an amount not to exceed \$100.

23 SECTION 6. Section 6003.156(a), Insurance Code, is amended  
24 to read as follows:

25 (a) The state fire marshal shall establish the scope and  
26 type of an examination required by this chapter. The state fire  
27 marshal shall develop the examinations required under Section

1 6003.162 based on the most recent applicable guidelines published  
2 by the National Fire Protection Association.

3 SECTION 7. Section 6003.158(b), Insurance Code, is amended  
4 to read as follows:

5 (b) A person who holds a license issued under Section  
6 6003.153 or 6003.162 must annually complete at least eight hours of  
7 continuing education in accordance with commissioner rules.  
8 [~~Participation in the continuing education programs is voluntary.~~]

9 SECTION 8. Section 6003.159, Insurance Code, is amended to  
10 read as follows:

11 Sec. 6003.159. RECIPROCAL LICENSE. The department shall  
12 [~~may~~] waive any license requirement for an applicant who holds a  
13 license issued by another state if the other state:

14 (1) [~~that~~] has license requirements substantially  
15 equivalent to the license requirements of this state; and

16 (2) has a reciprocal license statute that is  
17 substantially equivalent to this section for individuals licensed  
18 in this state.

19 SECTION 9. Section 6003.160, Insurance Code, is amended to  
20 read as follows:

21 Sec. 6003.160. LICENSE NOT TRANSFERABLE; SINGLE EMPLOYER  
22 REQUIRED. (a) A registration certificate or license issued under  
23 this chapter is not transferable.

24 (b) An individual who holds a license issued under Section  
25 6003.153 or 6003.162 may not:

26 (1) install, service, or maintain a fire protection  
27 sprinkler system unless the license holder is employed by a fire

1 protection sprinkler system contractor; and  
2 (2) be employed by more than one fire protection  
3 sprinkler system contractor at the same time.

4 SECTION 10. Subchapter D, Chapter 6003, Insurance Code, is  
5 amended by adding Sections 6003.161, 6003.162, and 6003.163 to read  
6 as follows:

7 Sec. 6003.161. FIRE PROTECTION SPRINKLER TECHNICIAN:  
8 LICENSE OR SUPERVISION REQUIRED. (a) An individual may not act as  
9 a fire protection sprinkler technician unless the individual holds  
10 a license issued by the department under Section 6003.153 or  
11 6003.162 or is directly supervised by an individual who holds a  
12 license issued by the department under Section 6003.153 or  
13 6003.162. An individual may install, service, or maintain only the  
14 type of fire protection sprinkler systems for which the  
15 individual's license or the individual's direct supervisor's  
16 license has been issued under this chapter.

17 (b) An individual may not use the term "licensed fire  
18 protection sprinkler technician" in the person's contracts or  
19 advertising materials unless the individual holds a license issued  
20 under Section 6003.162.

21 (c) Notwithstanding any other law, a person who holds a  
22 license under Section 6003.153 or 6003.162 is not required to hold a  
23 license or registration issued by another state agency in order to  
24 act as a fire protection sprinkler technician.

25 Sec. 6003.162. FIRE PROTECTION SPRINKLER TECHNICIAN  
26 LICENSES. (a) The department shall issue a general technician  
27 license to an applicant:

1           (1) who has completed 8,000 hours of an apprenticeship  
2 program certified by the United States Department of Labor for the  
3 installation, service, and maintenance of fire protection  
4 sprinkler systems;

5           (2) who:

6                 (A) has 8,000 hours of experience installing,  
7 servicing, or maintaining fire protection sprinkler systems; and

8                 (B) passes the department's general technician  
9 license examination; or

10          (3) who:

11                (A) has 6,000 hours of experience installing,  
12 servicing, or maintaining fire protection sprinkler systems; and

13                (B) passes the National Institute for  
14 Certification in Engineering Technologies Level II test for  
15 inspection and testing of water-based systems.

16          (b) The department shall issue a dwelling technician  
17 license to an applicant who:

18                (1) has 4,000 hours of experience installing,  
19 servicing, or maintaining fire protection sprinkler systems within  
20 the scope of a dwelling technician license; and

21                (2) passes the department's dwelling technician  
22 license examination.

23          (c) The department shall issue an underground fire main  
24 technician license to an applicant who:

25                (1) has 4,000 hours of experience installing,  
26 servicing, or maintaining fire protection sprinkler systems within  
27 the scope of an underground fire main technician license; and

1           (2) passes the department's underground fire main  
2 technician license examination.

3           (d) A license issued under this section must be conditioned  
4 on the successful completion of the applicable license examination  
5 and compliance with the requirements of any applicable rules  
6 adopted under this chapter.

7           Sec. 6003.163. PRESENCE OF LICENSE HOLDER REQUIRED. Each  
8 fire protection sprinkler system contractor shall ensure that at  
9 least one person who holds a license issued under Section 6003.153  
10 or 6003.162 is present at a location where a fire protection  
11 sprinkler system is being installed, maintained, repaired, or  
12 tested by an employee of the fire protection sprinkler system  
13 contractor.

14           SECTION 11. Section 6003.301(a), Insurance Code, is amended  
15 to read as follows:

16           (a) A person commits an offense if the person knowingly  
17 violates Section 6003.151(a), 6003.153, 6003.161, or 6003.251.

18           SECTION 12. (a) As soon as possible after the effective  
19 date of this Act, and not later than September 1, 2020, the  
20 commissioner of insurance and the state fire marshal shall adopt  
21 the rules and establish the procedures and examination requirements  
22 necessary to implement the licensing of fire protection sprinkler  
23 technicians under Chapter 6003, Insurance Code, as amended by this  
24 Act.

25           (b) A fire protection sprinkler technician is not required  
26 to hold a license under Section 6003.161, Insurance Code, as added  
27 by this Act, before September 1, 2021.

1           SECTION 13. Notwithstanding Sections 6003.161 and  
2 6003.162, Insurance Code, as added by this Act, the Texas  
3 Department of Insurance shall issue a license to a qualified  
4 applicant under this section who:

5           (1) applies for a license under Chapter 6003,  
6 Insurance Code, as amended by this Act, not later than September 1,  
7 2021;

8           (2) submits to the department the information required  
9 by department rule;

10           (3) submits to the department the job description of  
11 the position the applicant most recently performed and a sworn  
12 statement by the applicant's employer attesting to the applicant's  
13 job description;

14           (4) has at least the number of hours of experience  
15 required by Section 6003.162, Insurance Code, as added by this Act,  
16 for the applicable license for which the applicant is applying; and

17           (5) pays the application and licensing fee.

18           SECTION 14. This Act takes effect September 1, 2019.