

SUBCHAPTER G. FIRE SPRINKLER RULES
28 TAC §§34.706, 34.707, 34.710,
34.711, 34.713, 34.714, 34.716 - 34.725

1. **INTRODUCTION.** The Texas Department of Insurance proposes amendments to §34.706, §34.707, §34.710, §34.711, §34.713, §34.714, §34.716, §34.717, and new §§34.718 - §34.725 concerning fire protection sprinkler rules. Insurance Code Article 5.43-3, §7 gives the Commissioner of Insurance the authority to delegate the exercise of all or part of the Commissioner's functions, powers and duties under this article to the State Fire Marshal. Insurance Code Article 5.43-3, §6 provides for the creation of the Fire Protection Advisory Council to advise and recommend rule changes. The members of the council assisted in the review and formulation of the proposed rules and recommended changes in the rules. The proposed sections are necessary to implement the recommendations of the council and to update regulations regarding planning, installation, inspecting and servicing of fire protection sprinkler systems. To ensure and maintain orderly format of the fire protection sprinkler rules, the proposed sections reorganize the general subject matter with the proposal of new installation tags and new inspection, testing and maintenance service (ITM) tags. The proposed sections make it easier for fire protection sprinkler contractors and fire officials to quickly locate the requirements as well as for fire officials to accurately enforce the sections. This proposal is simultaneous with the proposed repeal of §§34.718 - 34.723 which appears elsewhere in this issue of the *Texas Register*.

The proposed amendments to §34.706 add definitions for terms which are consistent with those in the nationally recognized standards. The new definitions will assist in determining the appropriate tag (installation, service, ITM, yellow, or red tag) to be used when servicing fire sprinkler systems.

The proposed amendments to §34.707 adopt by reference certain standards and recommended practices of the National Fire Protection Association (NFPA). The proposed amendments replace the currently adopted (national) standards with the most recent editions of those standards which are published by the National Fire Protection Association every three years. Additionally, other units of government in Texas are adopting these same standards, and uniformity of standards enables the fire sprinkler industry, the local fire officials and the public to be more familiar with the content of the standards and enables local fire officials to consistently enforce the requirements that are applicable in their jurisdiction. Four of the standards, NFPA 231, NFPA 231C, NFPA 231D and NFPA 231F are proposed to be deleted and incorporated into the NFPA 13 standard. The proposed amendments to the existing standards maintain the minimum requirements for the design, installation and performance of current day technology for fire sprinkler systems. The changes in the standards are proposed to clarify existing requirements, mandate existing current installation practices, encourage competent system design, adapt existing requirements to current state-of-the-art equipment, and add installation requirements to provide a greater level of safety to the

public who rely on the performance of these fire protection sprinkler systems. The proposal also restructures the rules for ease in use and eliminates redundant language.

The proposed amendments to §34.710 delete the requirement to surrender a void certificate of registration after an administrative revision and prior to issuance of a new registration because it is unnecessary and burdensome on the registration holder. The amendments also clarify that the holder of a Certificate of Registration for Underground Fire Mains is not permitted to plan the underground fire protection sprinkler system piping.

The proposed amendments to §34.711 establish an additional RME-General Inspector license. This license will allow the State Fire Marshal's Office (SFMO) to verify that individuals who inspect fire protection sprinkler systems have achieved a certain minimum level of technical competence to ensure the property owner and public can rely on the proper operation of the sprinkler system in an emergency situation.

The proposed amendments to §34.713 delete outdated and extraneous language concerning the identification of the insured on the required certificate of insurance by rewording subsection (a)(7)(D),(E) and (F) and combining them into subsection (a)(7)(B). The proposed amendments also delete the requirement to submit evidence of successful completion of a course approved by the SFMO on the planning, inspection and installation of an NFPA 13D dwelling fire protection sprinkler system for those applying for an RME-Dwelling license. Because this course is not regularly offered, the requirement prevents individuals from obtaining the license in a timely manner. Further,

the proposed amendments set forth the minimum technical testing requirements necessary to be completed by the RME-Dwelling license applicant prior to obtaining the proposed RME-General Inspector license.

The proposed amendments to §34.714 set forth the fees for the proposed RME-General Inspector license. Additionally, the proposal corrects the error in the amount of the specified renewal late fee for a non-specialized sprinkler certificate of registration, which expired longer than 90 days but less than two years, to comply with the requirements in Insurance Code Article 5.43-3, §5A.

The proposed amendments to §34.716 add the requirement that the registered installing firm retain a copy of the Contractor's Material and Test Certificate at its place of business for the life of the sprinkler system and make the certificate accessible to a representative of the SFMO upon request. The proposed amendments also require that after July 1, 2008, the inspection and testing of all fire sprinkler systems, except one- and two-family dwelling or underground systems, must be done by an individual holding the proposed RME-General Inspector license or the existing RME-General license. The proposed amendments also clarify the intent of the subchapter by providing that the planning, installation or servicing of all fire sprinkler systems must comply with the standards in §34.707 or a more recent edition of the standard that is adopted by the political subdivision where the fire sprinkler system is to be installed. This will provide direction to the registered sprinkler firm and will avoid conflicts that arise due to differences in the various editions of the adopted code. Additionally, the proposed

amendments require that each registered firm must employ at least one full-time RME-General or RME-Dwelling licensee at each business office where fire protection sprinkler system planning is performed, who is appropriately licensed to conduct the business performed therein, and that the RME directly supervise the design and layout of the automatic fire sprinkler system.

The proposed amendments to §34.717 require that an RME sign with an original signature and certify using the proposed stamp that is displayed in subsection (d) of this section at least one set of plans submitted to the authority having jurisdiction for review, rating, permit, or record purposes and at least one set of as-built plans provided to the building owner. This proposed requirement is to address local fire marshals' concerns that the plans submitted to their offices for review comply with the adopted standards. Since the RME is the only technically qualified individual licensed through the SFMO, requiring the RME to sign the submitted plans will permit the RME to review the plans before submission to the local fire marshal.

Proposed §34.718 sets forth specific criteria regarding the color, content, placement, duration, use and procedures for the application of an installation tag. This proposed tag records the name of the firm, registration number and date on which the fire protection sprinkler system was installed. The proposed tag will also contain, for the life of the system, critical information concerning the pressure and flow characteristics of the water supply at the time the system was installed. Subsequent measurements of the water supply pressure and flow characteristics that are taken during a test will be

able to be compared to the characteristics indicated on the installation tag to determine if the water supply pressure has degraded below the minimum levels anticipated at the time the system was installed.

Proposed §34.719 sets forth specific criteria regarding the color, content, placement, duration, use and procedures for the application of a service tag. The proposed service tag when completed will indicate the name, address, phone number and registration number of the servicing firm; the applicable RME's name and license number; the signature of the service person; the type of work (service, remodel, or other); the list of services performed; and the date any yellow tag or red tag conditions were corrected.

Proposed §34.720 sets forth specific criteria regarding the color, content, placement, duration, use and procedures for the application of an ITM tag. The proposed ITM tag records the name, address, phone number and registration number of the firm; the name and license number of the inspector performing the ITM; the type and date of the ITM performed; the system status after the ITM; and the water supply pressure and flow characteristics determined by the main drain test.

Proposed §34.721 sets forth specific criteria regarding the color, content, placement, duration, use and procedures for the application of a yellow tag. The proposed yellow tag records the name, address, phone number and registration number of the firm; the name and license number of the Responsible Managing Employee

completing the information on the tag; and the list of impairments that are not compliant with NFPA standards.

Proposed §34.722 sets forth specific criteria regarding the color, content, placement, duration, use and procedures for the application of a red tag. The proposed red tag records the name, address, phone number and registration number of the firm; the name and license number of the respective Responsible Managing Employee completing the information on the tag; and the emergency impairments. The red tag when attached to the specific sprinkler riser and retained until the impairments are corrected will provide a visual notification of the status of the system.

Proposed §§34.723 - 34.725, which concern enforcement, administrative actions and severability, are substantively the same as and replace repealed §§34.721 - 34.723.

The proposed effective date for the proposed rules is March 1, 2006.

2. FISCAL NOTE. Paul Maldonado, State Fire Marshal, has determined that for each year of the first five years the proposal will be in effect, there will be no fiscal implications for state or local government resulting from the enforcement or administration of the proposed sections. Mr. Maldonado has also determined that there will be no adverse effect on local employment or the local economy resulting from the proposal.

3. PUBLIC BENEFIT/COST NOTE. Mr. Maldonado also has determined that for each year of the first five years the proposed sections are in effect, the anticipated public benefit of enforcing and administering the sections will be increased safety and reliability that the fire sprinkler system will effectively operate every time it is needed under emergency situations, since the latest technology of sprinkler system design, installation and inspection standards will be used by the industry. Additionally, the requirement of direct supervision of the design or layout of a fire sprinkler system by an RME as well as the requirement of the RME to certify that the systems meet applicable standards by signing one set of plans submitted to an authority having jurisdiction will provide assurance of accurate compliance with the state and local adopted standards. The estimated cost to employ or have an existing employee licensed as a full-time RME at each branch office where sprinkler systems are designed is \$500. The stamp used to record information on each plan specified in the rule will cost approximately \$30. The addition of an RME-General Inspector license will provide increased safety and assurance that trained experienced individuals inspect the systems. The estimated initial cost for the RME-General Inspector license is \$300. These estimates include the initial license fees and test fees for the tests administered by the SFMO, which are currently the only tests available. The estimated cost to purchase all of the proposed updated NFPA standards is approximately \$500, but some sprinkler firms in the industry will only need to purchase the applicable standards in their area of expertise, so the cost may actually be less. The cost to purchase new or replacement installation,

service, inspection, yellow or red tags is approximately \$100 to \$150 for 500 tags. The cost to a fire sprinkler firm in the fire sprinkler industry qualifying as a small business under the Government Code §2006.001 will be the same as the cost to the largest business because the cost is not dependent upon the size of the business but rather is the same cost registered firms incur for each fire protection sprinkler system they sell, plan, install, service or certify. It is neither legal nor feasible to waive the proposed amendments for small or micro businesses because requirements for installation and service of fire extinguisher systems must be applied consistently to large, small and micro businesses for the protection and preservation of life and property as required by Insurance Code Article 5.43-3.

4. REQUEST FOR PUBLIC COMMENT. To be considered, written comments on the proposal must be submitted no later than December 4, 2005 to Gene C. Jarmon, General Counsel and Chief Clerk, Texas Department of Insurance, P.O. Box 149104, Mail Code 113-2A, Austin, Texas 78714-9104. An additional copy of the comments must be submitted simultaneously to Paul Maldonado, State Fire Marshal, Texas Department of Insurance, P.O. Box 149221, Mail Code 108-FM, Austin, Texas 78714-9221. Requests for a public hearing should be submitted separately to the Office of the Chief Clerk.

5. STATUTORY AUTHORITY. The amended and new sections are proposed pursuant to Insurance Code Article 5.43-3 and §36.001. Insurance Code Article 5.43-3, §3 and §7 provide that the Commissioner of Insurance may adopt rules necessary for the administration of this article, and §4 authorizes the Commissioner to prescribe applicable fees. Article 5.43-3, §3(a) provides that the rules may create a specialized licensing or registration program for fire protection sprinkler system contractors. Article 5.43-3, §3(b) provides that the Commissioner in adopting necessary rules may utilize recognized standards such as those adopted by a federal law or regulation or those published by nationally recognized standards-making organizations, or those developed by individual manufacturers. Article 5.43-3, §7(a)(1) provides that the rules address the registration of a person or organization engaged in the business of planning, selling, installing, maintaining, or servicing fire protection sprinkler systems, and §7(a)(2) provides that the rules address the requirements for the plan, sale, installation, maintenance, or servicing of fire protection sprinkler systems. Article 5.43-3, §4(i) authorizes the Commissioner to prescribe fees for registration and licensing that are within the limits specified in §4. Section 36.001 provides that the Commissioner of Insurance may adopt any rules necessary and appropriate to implement the powers and duties of the Texas Department of Insurance under the Insurance Code and other laws of this state.

6. CROSS REFERENCE TO STATUTE. The following statutes are affected by the

proposed sections: Insurance Code Article 5.43-3 and Government Code §417.010.

7. **TEXT.**

§34.706. Definitions. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Business--Planning, selling, installing, maintaining, or servicing fire protection sprinkler systems.

(2) Certificate--The certificate of registration issued by the state fire marshal.

(3) Certify--To attest to the proper planning, installing, maintaining, or servicing of fire protection sprinkler systems by executing a contractor's material and test certificate or other form required by a governmental authority or by attaching a completed service tag.

(4) [~~Commission--The Texas Commission on Fire Protection.~~]

[~~(5)~~] Department--The Texas Department of Insurance.

(5) Emergency impairment--A condition where a water-based fire protection system or portion thereof is out of order due to an unexpected occurrence, such as ruptured pipe, an operated sprinkler, or an interruption of the water supply to the system.

(6) Firm--A person or organization as defined in this section.

(7) Full-time--The number of hours that represents the regular, normal, or standard amount of time per week each employee [~~employees~~] of the firm devotes [~~devote~~] to work-related activities.

(8) Full-time employment basis--An employee is considered to work on a full-time basis if the employee works per week at least the average number of hours worked per week by all other employees of the firm.

(9) Inspection--A visual examination of a system or portion thereof to verify that it appears to be in operating condition and is free of physical damage.

(10) Inspection, testing, and maintenance service--A service program provided by a qualified contractor in which all components unique to the property's systems are inspected and tested at the required times and necessary maintenance is provided and/or recommended. This program includes logging and retention of relevant records.

~~[(9) Inspector--A licensed responsible managing employee for a registered firm that is authorized by this chapter to conduct a premium reduction certification inspection of a fire protection sprinkler system in a one or two-family dwelling.]~~

(11)[(10)] NFPA--National Fire Protection Association, a nationally recognized standards-making organization.

(12)[(11)] NICET--National Institute for the Certification in Engineering Technologies.

~~(13)~~~~(12)~~ Organization--A corporation, partnership or other business association, or governmental entity.

~~(14)~~~~(13)~~ Outsource testing service--The testing service selected by the state fire marshal to administer certain designated qualifying tests for licenses under this subchapter.

~~(15)~~~~(14)~~ Person--A natural person.

~~(16)~~~~(15)~~ Plan--To lay out, detail, draw, calculate, devise, or arrange an assembly of underground and overhead piping and appurtenances in accordance with either adopted fire protection standards or specifications especially designed by an engineer.

~~(17)~~~~(16)~~ Registered firm--A person or organization holding a current certificate of registration.

~~(18)~~~~(17)~~ Repair--Any work performed after initial installation on fire protection sprinkler systems, not including inspecting or testing.

~~(19)~~~~(18)~~ Responsible managing employee--A responsible managing employee, as defined in the Insurance Code, Article 5.43-3, §1(10), and also referenced ~~[known]~~ within this subchapter as an RME.

~~[(19) RME--A responsible managing employee, as defined in the Insurance Code, Article 5.43-3, §1(10).]~~

(20) Sprinkler system--A sprinkler system, for fire protection purposes which:

(A) is an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards;

(B) is an installation including a water supply such as a gravity tank, fire pump, reservoir or pressure tank, and/or connection by underground piping to a city main from the point of connection or valve where the primary purpose of the water is for a fire protection sprinkler system;

(C) includes, as the portion of the sprinkler system aboveground, a network of specially sized or hydraulically designed piping installed in a building, structure, or area, generally overhead, and to which sprinklers are connected in a systematic pattern;

(D) includes a controlling valve and a device for actuating an alarm when the system is in operation; and

(E) is usually activated by heat from a fire and discharges water over the fire area.

(21) Testing--A procedure used to determine the status of a system as intended by conducting periodic physical checks on water-based fire protection systems such as water-flow tests, fire pump tests, alarm tests, and trip tests of dry pipe, deluge, or preaction valves. These tests follow up on the original acceptance test at intervals specified in the applicable adopted standard. [Test--The act of subjecting a fire protection sprinkler system to any procedure necessary to determine whether it is properly installed or operates correctly.]

§34.707. Adopted Standards. The Commissioner [~~commissioner~~] adopts by reference in their entirety the following copyrighted standards and recommended practices published by and available from the National Fire Protection Association, Inc. (NFPA), Batterymarch Park, Quincy, Massachusetts 02269. A copy of the standards shall be kept available for public inspection in the Office of the State Fire Marshal.

(1) NFPA 13-2002 [~~1994~~], Standard for the Installation of Sprinkler Systems;

(2) NFPA 25-1998 [~~1995~~], Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems;

(3) NFPA 13D-2002 [~~1994~~], Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured [~~Mobile~~] Homes;

(4) NFPA 13R-2002 [~~1994~~], Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height;

(5) NFPA 14-2000 [~~1993~~], Standard for the Installation of Standpipe, Private Hydrant and Hose Systems;

(6) NFPA 15-2001 [~~1990~~], Standard for Water Spray Fixed Systems for Fire Protection;

(7) NFPA 16-1999 [~~1995~~], Standard for the Installation of [~~Deluge~~] Foam-Water Sprinkler and Foam-Water Spray Systems;

(8) NFPA 20-1999 [1993], Standard for the Installation of Stationary Pumps for Fire Protection [~~Centrifugal Fire Pumps~~];

(9) NFPA 22-1998 [1993], Standard for Water Tanks for Private Fire Protection;

(10) NFPA 24-2002 [1992], Standard for the installation of Private Fire Service Mains and Their Appurtenances;

(11) NFPA 30-2000 [1993], Flammable and Combustible Liquids Code;

(12) NFPA 30B-2002 [1994], Code for the Manufacture and Storage of Aerosol Products;

(13) NFPA 307-2000 [1995], Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves;

(14) NFPA 214-2000 [1992], Standard on Water-Cooling Towers;

~~[(15) NFPA 231-1995, Standard for General Storage;]~~

~~[(16) NFPA 231C-1995, Standard for Rack Storage of Materials;]~~

~~[(17) NFPA 231D-1994, Standard for Storage of Rubber Tires;]~~

~~[(18) NFPA 231F-1987, Standard for the Storage of Roll Paper;]and~~

(15) [~~(19)~~] NFPA 409-2001 [1995], Standard on Aircraft Hangars.

§34.710. Certificates of Registration.

(a) - (f) (No change.)

(g) Revised certificates. The change of a firm's name, location, or mailing address requires a revised certificate. Within [~~Certificates requiring changes must be surrendered to the state fire marshal within~~] 14 days after the change requiring the revision the [~~The~~] certificate holder must submit written notification of the necessary change [~~with the surrendered certificate~~], accompanied by the required fee.

(h) (No change.)

(i) Types.

(1) - (2) (No change.)

(3) Underground Fire Main--This certificate permits a fire protection sprinkler system contractor to conduct the sales, installation, maintenance, or servicing, but not the planning, of an assembly of underground piping or conduits that conveys water with or without other agents, used as an integral part of any type of fire protection sprinkler system.

§34.711. Responsible Managing Employee (RME) License.

(a) - (f) (No change.)

(g) Types.

(1) RME-General--A license issued to an individual who is designated by a registered firm to assure that any fire protection sprinkler system, as planned, installed, maintained, or serviced, meets the standards provided by law.

(2) RME-Dwelling--A license issued to an individual who is designated by a registered firm to assure that the fire protection sprinkler system for a one- and two-family dwelling, as planned, installed, maintained, or serviced, meets the standards provided by law.

(3) RME-Underground Fire Main--A license issued to an individual who is designated by a registered firm to assure that the underground fire main for a fire protection sprinkler system, as installed, maintained, or serviced, meets the standards provided by law.

(4) RME-General Inspector--A license issued to an individual who is designated by a registered firm to perform the inspection, test and maintenance service for a fire protection sprinkler system in accordance with the standards adopted in this subchapter.

§34.713. Applications.

(a) Certificates of registration.

(1) - (4) (No change.)

(5) A registered firm must not conduct any business as a fire protection sprinkler contractor until a full-time RME, as applicable to the business conducted, is employed. An individual with an RME-General Inspector's license does not constitute compliance with the requirements of this subsection.

(6) (No change.)

(7) Insurance required.

(A) (No change.)

(B) Each registered firm must maintain in force and on file in the state fire marshal's office the certificate of insurance identifying the insured and the exact nature of the business insured. In identifying the named insured, the certificate of insurance must include either an assumed name or the name of the corporation; partners, if any; or sole proprietor, as applicable [as required]. Failure to do so will be cause for administrative action [~~to suspend the firm's certificate of registration~~].

(C) Evidence of public liability insurance, as required by the Insurance Code, Article 5.43-3, §5, must be in the form of a certificate of insurance executed by an insurer authorized to do business in this state, or ~~[until September 1, 1989,]~~ a certificate of insurance for surplus lines coverage, secured in compliance with the Insurance Code, Chapter 981 [~~Article 1.14-2~~], as contemplated by [~~under the~~] Insurance Code, Article 5.43-3, §5(b).

~~[(D) If a certificate of registration is to be issued in the name of a corporation, the corporate name must be used on the applicable insurance forms. If the corporation is obtaining a certificate of registration in an assumed name, the insurance must be issued to the corporation doing business as (dba) the assumed name. Example: XYZ Corporation dba XXX Fire Sprinkler Service.]~~

~~[(E) The insurance issued for a partnership must be issued to the name of the partnership or to the names of all the individual partners.]~~

~~[(F) The insurance for a proprietorship must be issued to the individual owner. If an assumed name is used, the insurance must be issued to the individual doing business as (dba) the assumed name. Example: William Jones dba XXX Fire Sprinkler Service.]~~

(b) Responsible managing employee licenses.

(1) (No change.)

(2) The following documents must accompany the application as evidence of technical qualifications for a license:

(A) (No change.)

(B) RME-Dwelling:

(i) proof of current registration in Texas as a professional engineer ~~[and evidence of the applicant's successful completion of a course, designated by the State Fire Marshal's Office, on the planning, inspection and installation of an NFPA 13D, dwelling fire protection sprinkler system];~~ or

(ii) a copy of the notification letter confirming at least a 70% grade on the test covering dwelling fire protection sprinkler systems, administered by the State Fire Marshal's Office or an outsource testing service, and one of the following ~~[either]:~~

(l) proof of license as an [a] "RME-General" ~~[and evidence of the applicant's successful completion of a course, designated by the State~~

~~Fire Marshal's Office, on the planning, inspection and installation of an NFPA 13D, dwelling fire protection sprinkler system]; or~~

(II) ~~[evidence of the applicant's successful completion of a course, designated by the State Fire Marshal's Office, on the planning, inspection and installation of an NFPA 13D, dwelling fire protection sprinkler system and]~~ a copy of NICET's notification letter confirming the applicant's successful completion of the test requirements for certification at Level II for fire protection automatic sprinkler system layout and evidence of a current Texas master plumber license; or

(III) ~~[evidence of the applicant's successful completion of a course, designated by the State Fire Marshal's Office, on the planning, inspection and installation of an NFPA 13D, dwelling fire protection sprinkler system and]~~ a copy of NICET's notification letter confirming the applicant's successful completion of the test requirements for certification at Level II for fire protection automatic sprinkler system layout and evidence of current employment by a registered fire sprinkler contractor.

(C) (No change.)

(D) RME-General Inspector:

(i) a copy of NICET's notification letter confirming the applicant's successful completion of the examination requirements for certification at Level II for Inspection and Testing of Water-Based Systems; and

(ii) evidence of current employment by a registered fire protection sprinkler system contractor.

(c) (No change.)

§34.714. Fees.

(a) - (c) (No change.)

(d) Fees are as follows:

(1) Certificates of registration:

(A) all initial applications shall include an application fee of--\$50;

(B) initial fee--\$900;

(C) renewal fee (for two years)--\$1,800;

(D) renewal late fee (expired 1 day to 90 days)--\$450;

(E) renewal late fee (expired 91 days to two years)--~~\$900~~[\$1,800];

(2) - (4) (No change.)

(5) Responsible managing employee license (General Inspector):

(A) initial fee--\$50;

(B) renewal fee (for two years)--\$100;

(C) renewal late fee (expired 1 day to 90 days)--\$25;

(D) renewal late fee (expired 91 days to two years)--\$50;

(6)[(5)] Duplicate or revised certificate or license or other requested
changes to certificates[,] or licenses--\$35;

(7)[(6)] Test fee (if administered by the State Fire Marshal's Office)--\$50.

(e) - (h) (No change.)

§34.716. Installation, Maintenance, and Service.

(a) (No change.)

(b) Upon completion of the installation, the licensed responsible managing employee shall have affixed a contractor's material and test certificate for aboveground and/or underground piping on or near the system riser. If the adopted installation standard does not require testing, all other sections except the testing portion of the contractor's material and test certificate must still be completed. The contractor's material and test certificate shall be obtained from the state fire marshal's office. The certificate shall be distributed as follows:

(1) (No change.)

(2) second copy retained by the installing company at its place of business in a separate file used exclusively by that firm to retain all "Contractor's Material and Test Certificates." The certificates shall be available for examination by the state fire marshal or the state fire marshal's representative upon request. The certificates shall be retained for the life of the system; and [;]

(3) third copy to be sent to the local authority having jurisdiction within 10 days after completion of the installation~~]; and]~~

~~[(4) fourth copy to be sent to the state fire marshal within 10 days of completion of the installation].~~

(c) Service, maintenance, or testing, when conducted by someone other than an owner, must be conducted by a registered firm and in compliance with the appropriate adopted standards. After January 1, 2008, the inspection, test and maintenance service of a fire protection sprinkler system, except a one- and two-family dwelling or an underground fire main, must be performed by an individual holding a current RME-General Inspector or RME-General license. A visual inspection not accompanied by service, maintenance, testing, or certification does not require a certificate of registration.

(d) - (f) (No change.)

(g) Each registered firm must employ at least one full-time RME-General or RME-Dwelling licensee at each business office where fire protection sprinkler system planning is performed, who is appropriately licensed to conduct the business performed therein.

(h) The planning of an automatic fire protection sprinkler system shall be performed under the direct supervision of the appropriately licensed RME.

(i) The planning, installation or service of a fire protection sprinkler system must be in accordance with the minimum requirements of the applicable adopted standards in

§34.707 of this subchapter (relating to Adopted Standards) except when the plan, installation or service complies with a more recent edition of the standard that has been adopted by the political subdivision in which the system is installed.

§34.717. Sprinkler System Plans.

(a) (No change.)

(b) Subsequent alterations or additions must be legibly noted on updated plans and provided to the owner. When an alteration consists of 20 sprinklers or less and all floor areas were protected prior to the alteration, updated plans are not required. Updated plans are required for all alterations consisting of more than 20 sprinklers. ~~[However, additions to systems protecting previously unprotected areas also require updated plans.]~~ Updated plans must be maintained by the firm for the life of the sprinkler system.

(c) All plans must contain ~~bear~~ the name ~~signature~~ and license number of the licensed responsible managing employee, the name, address, phone number ~~the date of installation, alteration, or addition~~, and the certificate of registration number of the registered firm.

(1) At least one set of the as-built plans specified in subsection (a) of this section must be signed with an original signature, dated by the RME, and certified that they are in compliance with the adopted NFPA standards. In addition, the plans must contain the license number of the RME; the date of installation, alteration, or addition;

the name, address, phone number, and the certificate of registration number of the registered firm. This information shall be in a form of the stamp as set forth in subsection (d) of this section.

(2) At least one set of plans submitted to an authority having jurisdiction, for review, rating, permit, or record purposes must be signed with an original signature, unless waived by the local authority having jurisdiction, dated by the RME, and certified that the plans comply with the adopted NFPA standards. In addition, the plans must contain the license number of the RME, the name, address, phone number, and the certificate of registration number of the registered firm. This information shall be in the form of the stamp as set forth in subsection (d) of this section.

(d) Sample RME plan stamp:

FIGURE: 28 TAC §34.717(d):

I have reviewed these plans and certify that they comply with the adopted NFPA standards.		
<i>Firm's name</i>		
<i>Street address</i>		
<i>City, State Zip Code</i>		
<i>Phone Number</i>		
SCR – number		
RME-Signature: _____		
Printed RME Name: _____		
RME – (<i>number</i>) _____	Date: _____	
<input type="checkbox"/> AS-BUILT	<input type="checkbox"/> SUBMITTAL	<input type="checkbox"/> OTHER

§34.718 Installation Tags.

(a) Upon completion of the installation of a fire protection sprinkler system, all information for an installation tag must be completed in detail to indicate the water supply test data obtained during the time of installation. The tag shall be securely attached by a durable method to the riser of each system.

(b) Upon completion of the installation of a fire protection sprinkler system and after performing the required initial tests and inspections, an ITM tag, in addition to an installation tag, shall also be attached to each riser in accordance with the procedures in this subchapter for completing and attaching ITM tags.

(c) A new installation tag must be attached, in addition to the existing installation tag, each time more than twenty sprinkler heads are added to a system.

(d) Installation tags shall remain on the system for the life of the system.

(e) Installation tags may be printed for a multiple period of years.

(f) Installation tags must be white in color, 5 1/4 inches in height, and 2 5/8 inches in width. The tag and attaching mechanism must be sufficiently durable to remain attached to the system for the life of the system.

(g) Installation tags shall contain the following information in the format of the sample tag in subsection (h) of this section:

(1) "DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL"

(all capital letters, at least 10-point boldface type);

(2) firm's name, address, phone number and certificate of registration number;

(3) day, month, and year (to be punched);

(4) "THIS TAG CONTAINS IMPORTANT INFORMATION ABOUT THIS SPRINKLER SYSTEM AND SHALL REMAIN ATTACHED TO THE SYSTEM FOR THE LIFE OF THE SYSTEM. " (all capital letters, at least 10-point boldface type);

(5) name and address of owner or occupant;

(6) building number, location or system number;

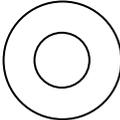
(7) static and flowing pressure of the main drain test taken at the riser or lead-in;

(8) static and residual pressure with the measured GPM flowing of the water supply flow test used to hydraulically design the system; and

(9) signature of service person.

(h) Sample installation tag:

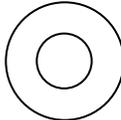
FIGURE: 28 TAC §34.718(h):



**DO NOT REMOVE BY ORDER OF
 TEXAS STATE FIRE MARSHAL**

16	1	<p>ORIGINAL INSTALLATION TAG</p> <p><i>Name & Address of Sprinkler Firm Phone Number SCR-Number</i></p> <p>THIS TAG CONTAINS IMPORTANT INFORMATION ABOUT THIS SPRINKLER SYSTEM AND SHALL REMAIN ATTACHED TO THE SYSTEM FOR THE LIFE OF THE SYSTEM.</p>	17	2	18	3	19	4	20	5	21	6	22	7	23	8	24	9	25	10	26	11	27	12	28	13	29	14	30	15	31	

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	2005	2006	2007	2008	2009	2010
-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	------	------	------	------	------	------



After an installation, conduct a MAIN DRAIN TEST at the system lead-in or riser and record the information on this tag and the Contractor's Material and Test Certificate. Also copy the original flow test results, used to design the system, as noted on the plans. Then attach this tag to the lead-in or riser.

Name of Owner or Occupant

Address

Building No. or Location or System No.

MAIN DRAIN TEST at lead-in or riser
 Static: _____ psi
 Flowing: _____ psi

WATER SUPPLY FLOW TEST used to hydraulically design the system (i.e. at street)
 Static: _____ psi
 Residual: _____ psi
 with: _____ GPM Flowing

Signature of Service Person

§34.719. Service Tags.

(a) After any service, all sections of a service tag must be completed in detail, indicating all the services that have been performed, and then the tag must be attached to the respective riser of each system.

(b) After any service, if impairments are found, the service person must attach, in addition to attaching a service tag, the appropriate yellow tag or red tag in accordance with the procedures in this subchapter for completing and attaching yellow and red tags.

(c) A new service tag must be attached each time service is performed.

(d) Service tags shall remain on the system for five years after which time they may only be removed by an authorized employee of a registered firm. An employee of the state fire marshal's office or an authorized representative of a governmental agency with appropriate regulatory authority may remove excess tags at any time.

(e) Tags may be printed for a multiple period of years.

(f) Tags must be white in color, 5 1/4 inches in height, and 2 5/8 inches in width.

(g) Service tags shall contain the following information in the format of the sample tag as set forth in subsection (h) of this section:

(1) "DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL"

(all capital letters, at least 10-point boldface type);

(2) firm's name, address and phone number;

(3) firm's certificate of registration number;

(4) applicable RME's name and license number;

(5) signature of service person;

(6) day, month, and year (to be punched);

(7) type of work (to be punched);

(8) name and address of owner or occupant;

(9) building, location or system number;

(10) a list of services performed;

(11) date any yellow tag conditions were corrected (punch if applicable);

and

(12) date any red tag conditions were corrected (punch if applicable).

(h) Sample service tag:

FIGURE: 28 TAC §34.719(h):

**DO NOT REMOVE BY ORDER OF
TEXAS STATE FIRE MARSHAL**

16	1
17	2
18	3
19	4
20	5
21	6
22	7
23	8
24	9
25	10
26	11
27	12
28	13
29	14
30	15
31	

SERVICE TAG

*Name & Address
of Sprinkler Firm
Phone Number
SCR-Number*

RME's Name

RME's License No.

Signature of Service
Person

TYPE OF WORK

Service

Remodel

Other

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	2010
2005												

After any service or addition, attach this service tag to the applicable system riser. Also attach or remove a yellow or red tag if appropriate. Tags shall be retained on the riser for five years.

Name of Owner or Occupant

Address

Building No. or Location or System No.

List Services:

Corrected all **YELLOW TAG**
conditions from tag dated _____

Corrected all **RED TAG**
conditions from tag dated _____

§34.720. Inspection, Test and Maintenance Service (ITM) Tag.

(a) After a new installation or a scheduled inspection, testing and maintenance (ITM) service, all portions of an ITM tag must be completed in detail, indicating the ITM

service was performed according to the adopted standards, and the tag must be attached to the respective riser of each system.

(b) After any ITM service, the inspector must complete and attach an ITM tag, and if impairments are found, the inspector must attach the appropriate yellow or red tag in accordance with the procedures in this subchapter.

(c) A new ITM tag must be attached each time an inspection, testing and maintenance service is performed.

(d) ITM tags shall remain on the system for five years after which time they may only be removed by an authorized employee of a registered firm. An employee of the state fire marshal's office or an authorized representative of a governmental agency with appropriate regulatory authority may remove excess tags at any time.

(e) ITM tags may be printed for a multiple period of years.

(f) ITM tags must be light blue in color, 5 1/4 inches in height, and 2 5/8 inches in width.

(g) ITM tags shall contain the following information in the format of the sample tag in subsection (h) of this section:

(1) "DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL"

(all capital letters, at least 10-point boldface type);

(2) type of ITM: initial installation, monthly, quarterly, annual, third year, or fifth year (to be punched);

(3) system status after ITM: acceptable, yellow tag attached, or red tag attached (to be punched);

(4) license number;

(5) name of inspector;

(6) signature of inspector;

(7) day, month, and year (to be punched);

(8) firm's name, address, phone number and registration number;

(9) name and address of owner or occupant;

(10) building, location or system number; and

(11) the static and flowing pressure of the main drain test, taken at the time the inspection, testing and maintenance service was performed.

(h) Sample ITM tag:

FIGURE: 28 TAC §34.720(h):

DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL												
16	1	ITM TAG Inspection, Test & Maintenance Tag								NOV	DEC	2010
17	2	TYPE of ITM <input type="checkbox"/> Initial Installation <input type="checkbox"/> Monthly <input type="checkbox"/> Quarterly <input type="checkbox"/> ANNUAL <input type="checkbox"/> Third Year <input type="checkbox"/> Fifth Year								OCT	2009	
18	3									SEP	2008	
19	4	SYSTEM STATUS AFTER ITM <input type="checkbox"/> Acceptable <input type="checkbox"/> Yellow Tag (attached) <input type="checkbox"/> Red Tag (attached)								AUG	2008	
20	5									JUL	2007	
21	6	License Number after 1-2008 _____								JUN	2007	
22	7									MAY	2006	
23	8	Name of Inspector _____								APR	2006	
24	9									MAR	2005	
25	10	Signature of Inspector _____								FEB	2005	
26	11									JAN	2005	
27	12	After an inspection, test and maintenance service, attach this ITM tag to the applicable system riser. Also attach a yellow or red tag if appropriate. Tags shall be retained on the riser for five years. Name & Address of Sprinkler Firm Phone Number SCR-Number <hr/> Name of Owner or Occupant <hr/> Address <hr/> Building No. or Location or System No. Note: <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>										
28	13											
29	14											
30	15											
31	16											
MAIN DRAIN TEST at lead-in or riser												
Static: _____psi Flowing: _____psi												

§34.721. Yellow Tags.

(a) If a fire protection sprinkler system is found to be noncompliant with the applicable NFPA standards or to contain equipment that has been recalled by the manufacturer, but the noncompliance or recalled equipment does not constitute an

emergency condition, a completed yellow tag must be attached to the respective riser of each system to permit convenient inspection, to not hamper the system's actuation or operation, and also to indicate that corrective action is necessary.

(b) The signature of the service person on a yellow tag certifies the impairments listed on the tag cause the system to be out of compliance with NFPA standards.

(c) After attaching a yellow tag, the inspector must notify the building owner or the building owner's representative and the authority having jurisdiction in writing of all impairments. The notification must be postmarked, e-mailed, faxed or hand delivered within five business days of the attachment of the yellow tag.

(d) A yellow tag may only be removed by a licensed employee of a registered firm or an authorized representative of a governmental agency with appropriate regulatory authority after the employee or representative completes and attaches a service tag that indicates the impaired conditions were corrected.

(e) Yellow tags may be printed for a multiple period of years.

(f) Yellow tags must be the same size as service tags, and must contain the following information in the format of the tag as set forth in subsection (g) of this section:

(1) "DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL"

(all capital letters, at least 10-point boldface type);

(2) firm's name, address and phone number;

(3) firm's certificate of registration number;

(4) license number of RME;

(5) printed name of service person or inspector;

(6) signature of service person or inspector;

(7) day, month, and year (to be punched);

(8) name and address of owner or occupant;

(9) building number, location or system number; and

(10) list of impairments not compliant with NFPA standards.

(g) Sample yellow tag:

FIGURE: 28 TAC §34.721(g):

**DO NOT REMOVE BY ORDER OF
 TEXAS STATE FIRE MARSHAL**

YELLOW TAG

16	1
17	2
18	3
19	4
20	5
21	6
22	7
23	8
24	9
25	10
26	11
27	12
28	13
29	14
30	15
31	

*Name & Address
of Sprinkler Firm
Phone Number
SCR-Number*

RME's License Number

Printed name of
serviceperson / inspector

Signature of authorized
serviceperson / inspector

**REPORT STATUS TO
OWNER AND AHJ
IN WRITING
(within 5 business
days)**

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	2010
												2009
												2008
												2007
												2006
												2005
												2004

If the system is not compliant with the NFPA standard, at the time it was installed, attach this yellow tag to the applicable system riser. An authorized individual may remove this tag after a service tag has been attached indicating the condition has been corrected.

Name of Owner or Occupant

Address

Building No. or Location or System No.

List impairments not compliant with NFPA standards:

§34.722. Red Tags.

(a) If a fire protection sprinkler system has an impairment which constitutes an emergency impairment, as defined in the adopted edition of NFPA 25, the service

person or inspector shall complete and attach a red tag to the respective riser of each system to indicate corrective action is necessary.

(b) Immediately after attaching a red tag, the inspector or service person must orally notify the building owner or the building owner's representative and, where available, the authority having jurisdiction of all impairments. The inspector or service person must also provide written notice to the building owner or the building owner's representative and, where available, the authority having jurisdiction of all impairments, and the written notice must be postmarked, e-mailed, faxed or hand delivered within twenty-four hours of the attachment of the red tag.

(c) The signature of the service person or inspector on the red tag certifies the impairments listed constitute an emergency impairment.

(d) A red tag may only be removed by an authorized employee of a registered firm or an authorized representative of a governmental agency with appropriate regulatory authority after the employee or representative completes and attaches a service tag that indicates the impaired conditions were corrected.

(e) Red tags may be printed for a multiple period of years.

(f) Red tags shall be the same size as service tags.

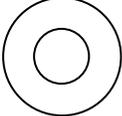
(g) Red tags shall contain the following information in the format of the sample tag as set forth in subsection (h) of this section:

(1) "DO NOT REMOVE BY ORDER OF THE TEXAS STATE FIRE MARSHAL" (all capital letters, at least 10-point boldface type);

- (2) firm's name, address and phone number;
- (3) firm's certificate of registration number;
- (4) license number of RME;
- (5) printed name of service person or inspector;
- (6) signature of service person or inspector;
- (7) day, month, and year (to be punched);
- (8) name and address of owner or occupant;
- (9) building number, location or system number; and
- (10) list of emergency impairments.

(h) Sample red tag:

FIGURE: 28 TAC §34.722(h):

 DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL																																																																																																										
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>16</td><td>1</td></tr> <tr><td>17</td><td>2</td></tr> <tr><td>18</td><td>3</td></tr> <tr><td>19</td><td>4</td></tr> <tr><td>20</td><td>5</td></tr> <tr><td>21</td><td>6</td></tr> <tr><td>22</td><td>7</td></tr> <tr><td>23</td><td>8</td></tr> <tr><td>24</td><td>9</td></tr> <tr><td>25</td><td>10</td></tr> <tr><td>26</td><td>11</td></tr> <tr><td>27</td><td>12</td></tr> <tr><td>28</td><td>13</td></tr> <tr><td>29</td><td>14</td></tr> <tr><td>30</td><td>15</td></tr> <tr><td>31</td><td></td></tr> </table>	16	1	17	2	18	3	19	4	20	5	21	6	22	7	23	8	24	9	25	10	26	11	27	12	28	13	29	14	30	15	31		RED TAG <i>Name & Address of Sprinkler Firm Phone Number SCR-Number</i> _____ RME's License Number _____ Printed name of service person _____ Signature of authorized service person IMMEDIATELY REPORT STATUS TO OWNER AND AHJ (and in writing within 24 hrs)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>JAN</td><td>FEB</td><td>MAR</td><td>APR</td><td>MAY</td><td>JUN</td><td>JUL</td><td>AUG</td><td>SEP</td><td>OCT</td><td>NOV</td><td>DEC</td></tr> <tr><td colspan="10"></td><td>2009</td><td>2010</td></tr> <tr><td colspan="10"></td><td>2008</td><td></td></tr> <tr><td colspan="10"></td><td>2007</td><td></td></tr> <tr><td colspan="10"></td><td>2006</td><td></td></tr> <tr><td colspan="10"></td><td>2005</td><td></td></tr> </table>	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC											2009	2010											2008												2007												2006												2005	
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If the system impairments constitute an "emergency" impairment as defined in NFPA 25, attach this red tag to the applicable system riser. An authorized individual may remove this tag after a service tag has been attached indicating the condition has been corrected.																																																																																																										
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_____ List Emergency Impairments:																																																																																																										
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§34.723. Enforcement.

(a) The state fire marshal is authorized and directed to enforce the provisions of the Insurance Code Article 5.43-3 and this subchapter. The state fire marshal shall

make, or cause to be made, inspections from time to time and as circumstances dictate to determine that licensed firms and persons engaged in the business act in conformity with the requirements of the law and this subchapter.

(b) Such inspections shall be made by the state fire marshal or the state fire marshal's representative. When an inspection discloses violations of the law or this subchapter, the firm or person responsible for correcting the violation shall be notified within 30 days after completion of the inspection report. In all cases in which a violation is not corrected within a reasonable time, the state fire marshal shall take such steps as may be necessary to enforce correction of the violation and may initiate appropriate administrative action.

§34.724. Administrative Actions. The failure to comply with the provisions of this subchapter and the provisions of Insurance Code, Article 5.43-3 by certificate holders or licensees may subject them, as provided in Government Code §417.010, to administrative action including, but not limited to, suspension, revocation, or refusal to issue or renew a license or a certificate of registration or issuance of a cease and desist order and/or administrative penalty and/or order for restitution to persons harmed.

§34.725. Severability. If any provision of this subchapter or the application thereof to any person or circumstance is held invalid for any reason, the invalidity shall not affect the other provisions or any other application of this subchapter which can be given

effect without the invalid provisions or application. To this end, all provisions of this subchapter are declared to be severable.

8. CERTIFICATION. This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Issued in Austin, Texas, on _____, 2005.

Gene C. Jarmon
General Counsel and Chief Clerk
Texas Department of Insurance