

**SUBCHAPTER E. FIRE EXTINGUISHER RULES**  
**28 TAC §§34.506, 34.507, 34.511, 34.514 – 34.517, 34.519 – 34.521 and 34.524**

1. **INTRODUCTION.** The Commissioner of Insurance adopts amendments to §§34.506, 34.507, 34.511, 34.514 - 34.517, 34.519 - 34.521, and new §34.524 concerning the regulation of fire extinguisher systems. Sections 34.506 and 34.517 are adopted with changes to the proposed text published in the November 4, 2005 issue of the *Texas Register* (30 TexReg 7171). Sections 34.507, 34.511, 34.514 - 34.516, 34.519 - 34.521 and new §34.524 are adopted without changes.

2. **REASONED JUSTIFICATION.** Insurance Code Article 5.43-1 §9 authorizes the appointment of a Fire Extinguisher Advisory Council (Council) to assist the Commissioner in the review and formulation of rules and changes to rules regulating fire extinguisher systems. The Council assisted in the review and formulation of the proposed rules and recommended changes to the Commissioner. The amendments and new section are necessary to clarify the intent of the existing rules regulating fire extinguisher systems, add requirements to implement the latest improved nationally recognized safety standards, revise requirements to accommodate and facilitate the latest state-of-the-art industry practices, delete outdated language, establish a new specialized type of pre-engineered fixed fire system license for residential cooking appliances, provide a method to notify users of certain performance levels of fixed fire extinguisher systems for commercial cooking areas, and amend licensing administrative

procedures to enable the State Fire Marshal's Office (SFMO) to more equitably and efficiently regulate the activities of the fire extinguisher system industry.

The amendments to §34.506(7) and (8) change the term "classification number" in the definitions of "DOT Specification Fire Extinguisher Cylinder" and "DOT Nonspecification Fire Extinguisher Cylinder" to "specification number" to be consistent with the terminology used by the U. S. Department of Transportation. This is necessary to maintain consistent terminology between federal and state agencies to coordinate enforcement efforts.

The amendments to §34.507 replace the currently adopted National Fire Protection Association (NFPA) standards with the most recent editions of the standards. This update in standards is necessary to maintain the current state-of-the-art technology in the design, use, installation, service and maintenance of fire protection extinguisher equipment and systems. Additionally, other units of government in Texas are adopting these nationally developed standards, and uniformity of standards enables the fire extinguisher firms and local fire officials to be more familiar with the content of standards and enforce them consistently throughout the state.

The amendments to §§34.511(a)(5), 34.515(c)(3), and §34.516(a)(5) set forth the scope, fees, and qualifications for a new specialized Type R license. The qualifications for securing the new Type R license is to be issued to individuals authorizing installation, certification, and servicing of pre-engineered fixed residential range top fire extinguisher systems. Because the license is limited to residential installation, the qualifications are not as stringent as those for other license types. The new specialized

license is necessary to increase the licensed workforce available to install these types of systems and to thereby increase the number of fire protection systems installed to protect residential cooking areas.

The amendment to §34.514(a)(4) and (5) deletes the requirement for a firm to provide statements of experience and educational information supporting the firm's qualifications to perform the duties permitted by the certificate of registration. This requirement is unnecessary because the technical ability to perform the duties permitted by the registration is actually a function of the qualifications and experience of the licensed employees and not the business acumen of a firm. The firm's activities are limited to the scope of work permitted by the specific licenses of its employees. The deletion of this requirement will also reduce unneeded paperwork and streamline the licensing process.

The amendments to §34.517(b)(2) clarify that any licensed individual who is authorized to certify a specific type of pre-engineered fixed fire extinguishing systems may certify that type of fire extinguisher system as permitted under the limitations of the individual's license. This is necessary to permit a Type K or Type R licensee to certify their own work which will eliminate the extra and unnecessary cost to employ a Type A or Type PL to certify the work. The amendment to §34.517(c) is needed to clarify that any licensed individual who is authorized to service or install a specific type of pre-engineered fixed fire extinguishing system may service or install that type of fire extinguisher system as permitted under the limitations of the individual's license. The amendment to §34.517(e) permits any unlicensed individual who is employed by a

registered fire extinguisher firm to install a fixed fire extinguisher system, other than a pre-engineered fixed system if the installation is performed under the direct supervision of a Type A or Type PL licensee. Insurance Code Article 5.43-1 §6 provides an exception to the licensing requirement for an employee of an unregistered subcontracted firm, and this amendment is necessary to grant the same exception to an employee of a registered firm. One commenter recommended that for clarity the amendment should not only apply to a licensee but also to a permittee. The Department's intent is that the amendment also apply to permittees and therefore agrees with the commenter's recommendation. The rule as adopted is revised to include a permittee. The commenter also recommended, based on extensive experience, that the direct supervision, for other than pre-engineered work, not require "on-site" supervision because this work usually requires the skill of an entirely different trade such as welding or pipe fitting, and the "on-site" supervision by a person with fire protection expertise would not contribute to the task. The Department agrees that this "on-site" supervision for other than pre-engineered work would be economically inefficient, and therefore, the definition of the term "direct supervision" in §34.506(19) is revised to permit off-site supervision by a licensee for the installation of engineered systems by unlicensed employees. The changes to §34.506.19 and proposed §34.517(e) do not introduce new subject matter or affect persons in addition to those subject to the proposal as originally published. The amendments to §34.517(f) specify that after January 1, 2008, the design and equipment of all existing fixed fire extinguisher systems, as installed, for the protection of commercial cooking areas must

comply with the minimum standards of UL 300 or a red tag shall be attached. This is necessary because continual technological advancements in modern cooking equipment and the use of new cooking oils make the extinguishment of today's fires with older systems more difficult. A revised system performance test, Standard UL 300, to which new systems must be manufactured, was developed by Underwriters first adopted by Underwriters Laboratories, Inc. on July 13, 1992. Although most existing systems on the market at that time used to protect commercial cooking areas could extinguish a fire, they failed to pass this more difficult test. This resulted in the manufacturing and sales of all new equipment and extinguishing agents for the protection of these hazard areas. Existing systems, installed before the adoption of UL 300, continue to be listed as long as they are maintained according to their listed manufacturer's maintenance manual. However, as maintenance parts for these fire protection systems become unavailable and cooking appliances are replaced, the old fire protection systems cannot be maintained and may or may not extinguish a typical fire when needed. Many of the existing older systems have been voluntarily replaced. This amendment is necessary to permit a gradual replacement of fire protection equipment to phase in the cost of the new equipment necessary to maintain adequate protection to the public and reduce the expense shock of the necessary replacement. Additionally, §34.517 is amended by adding a new subsection (k) to require that the design, performance and equipment for all dry chemical fire extinguishing systems, installed after January 1, 2006, meet the testing requirements of Underwriters Laboratory (UL) test standard UL 1254. This is necessary to ensure that all new

systems of this type, installed in Texas, comply with this latest UL standard to adequately provide protection against the hazard.

The amendment to §34.519(a)(4) permits the appropriate licensee to sign the installation label by deleting the reference to a Type A or Type PL licensee. This change is necessary to permit Type K or Type R licensee's to sign and certify their own work which will eliminate the extra and unnecessary cost to employ a Type A or Type PL to certify the work of a Type K or Type R licensee.

The amendment to §34.520(b) specifies that after any service is performed on a fire extinguisher or fixed fire extinguisher system, only one of three types of tags must be attached to differentiate the status of the equipment. The amendment is necessary to add yellow tag and red tag to the types of tags that must be attached. The attachment of a new yellow tag is regulated in new §34.524.

The amendment to §34.521(a) is needed to clarify that the three days within which a written notice of a red tag condition must be submitted to the owner and authority having jurisdiction (AHJ) means three business days and not calendar days.

New §34.524 sets forth specific criteria for a yellow tag and procedures regarding the placement of a yellow tag on a system. This tag is necessary to notify the property owner and AHJ in advance that certain pre-engineered fixed fire extinguishing systems used to protect commercial cooking appliances and areas that do not meet the UL 300 Standard may not perform as expected and that a red tag will be attached starting on January 1, 2008, in accordance with the amendments to §34.517(f). The new section

also requires that the notice indicate that the owner should consider replacing or upgrading the system before that time.

**3. HOW THE SECTIONS WILL FUNCTION.** The amendments to §34.506 change the name of the number required by the U. S. Department of Transportation for a DOT Specification Fire Extinguisher Cylinder and a DOT Nonspecification Fire Extinguisher Cylinder from "classification number" to "specification number" to be consistent with the terminology used by that department. The amendments to §34.506(10) clarify the extent of "direct supervision" based on the type of system by requiring "within sight" supervision of individuals installing pre-engineered fixed fire extinguisher systems and not requiring "on-site" supervision of individuals installing engineered fixed fire extinguisher systems.

The amendments to §34.507 adopt by reference certain standards and recommended practices of the National Fire Protection Association (NFPA). The amendments replace current standards with the most recent editions of the adopted standards and recommended practices which are revised and published every three years by NFPA.

The amendments to §34.511 establish a new specialized Type R license for the exclusive installing, certifying, or servicing of pre-engineered fixed fire extinguishing systems for residential cooking areas. The amendments also clarify that the Type PL license is required for the planning, supervising, certifying, installing, or servicing of all fixed systems other than pre-engineered systems and that the Type A license is

required for certifying or servicing the installation of all fixed fire extinguisher systems other than pre-engineered systems and for installing, certifying, or servicing of all pre-engineered fixed fire extinguisher systems.

The amendment to §34.514 deletes the requirement for a Type A certificate of registration applicant and, in certain instances, the holder of a Type A certificate of registration subsequent to receipt of the original certification to provide statements of experience and educational information supporting the firm's qualifications to perform the duties permitted by the certificate of registration.

The amendment to §34.515 specifies the initial, renewal and late fees for the new Type R license consistent with the existing fees for similar licenses.

The amendment to §34.516 requires that an applicant for the new Type R license pass a test prior to issuance of the license and specifies that the test include questions on Article 5.43-1 of the Insurance Code and this subchapter.

The amendments to §34.517 clarify that licensed individuals authorized to certify pre-engineered fixed fire extinguishing systems, and not just Type A or Type PL licensees, may install, service or certify the type of fire extinguisher system as permitted by their respective license. Additionally, the amendments clarify that an individual employed by a registered fire extinguisher firm may install a fixed fire extinguisher system, other than a pre-engineered fixed system, without a license or permit if performed under the direct supervision of a Type A or Type PL licensee. The amendments to §34.517 also specify that after January 1, 2008, the design and equipment of all existing fixed fire extinguisher systems for the protection of commercial

cooking areas must comply with the minimum standards of UL 300 or a red tag shall be attached. Additionally, amendments to §34.517 require that the design, performance and equipment for all dry chemical fire extinguishing systems, installed after January 1, 2006, meet the testing requirements of Underwriters Laboratory test standard UL 1254.

The amendment to §34.519 clarifies that a licensed individual may certify the type of fire extinguisher system as permitted under the individual's license.

The amendment to §34.520 specifies that after any service is performed on a fire extinguisher or fixed fire extinguisher system one of three types of tags must be attached to differentiate the status of the equipment.

The amendment to §34.521 clarifies that the three days within which a written notice of a red tag condition must be submitted to the owner and AHJ means three business days. Oral notification of the condition must still be made immediately to the owner and within 24 hours to the AHJ, where available.

New §34.524 sets forth specific criteria regarding the color, content, placement, duration, use and procedures concerning the application of a yellow tag.

The adopted amendments and new sections are effective April 1, 2006.

#### **4. SUMMARY OF COMMENTS AND AGENCY'S RESPONSE TO COMMENTS.**

##### **General**

**Comment:** One commenter supported the intent of proposed rule §34.517(e) but recommended a change in the current definition of "direct supervision" in §34.506(19). Certain fixed fire extinguishing systems such as foam fire suppression systems,

installed on industrial plant large petroleum and chemical storage tanks consists of welded pipe supported by heavy structural steel and concrete. This work is overwhelmingly the majority of the labor necessary to install the system. This part of the work does not require fire protection expertise or fire protection oversight. This work is historically performed by welders, pipe fitters and laborers who have skills and extensive training in their respective task. Oversight is provided within the scope of the trade to ensure the work is accomplished according to engineering plans. It is not necessary for these employees to obtain a fire protection license as required in the proposed amendment. However, neither is it necessary to provide continual, direct on-site supervision by a licensed fire protection licensee as long as the fixed fire extinguisher engineered system is installed by a registered fire protection firm and certified by an appropriately licensed employee as required elsewhere in the rules. Therefore, the commenter recommended that to meet the intent of the proposed amendment to §34.517(e) the definition of "direct supervision" in §34.506(19) be amended as follows: "Work on dry foam pipe systems and on large industrial plant storage tanks and having piping larger than 2 1/2 inches in diameter may be installed without direct supervision provided the work is installed per the engineering drawings." Additionally, the commenter suggested that under the conditions of the amendment to §34.517(e), the exemption that an employee is not required to have a license should also extend to a permit. Therefore, the rule should reference both a license and permit for clarity.

**Agency Response:** The Department agrees and appreciates the commenter's recommendation. Although the commenter's recommendation is specific to fixed foam systems, the Department believes that the situation is similar for all fixed fire protection engineered systems. For this reason and in response to the comment, the definition of "direct supervision" in current §34.506(19) is amended to be consistent with the intent of the proposed amendment to §34.517(e). There is no change in the intent of the existing definition of the term "direct supervision" and this definition is retained to be applicable to all other non-engineered systems by modifying the current definition to add "pre-engineered" before "fixed fire extinguisher systems" and to add a provision to provide that "The licensee performing the direct supervision of an engineered fixed fire extinguisher system is not required to be on-site at all times when the work is performed." The department also agrees with the commenter that the exemption in the amendment to §34.517(e) should also apply to a permit and therefore added "and permit" at the end of the subsection for clarity.

**5. NAMES OF THOSE COMMENTING FOR AND AGAINST THE SECTIONS.**

For with changes: Zachry Construction Corporation, San Antonio, Texas.

**6. STATUTORY AUTHORITY.** The amendments and new section are adopted under Insurance Code Article 5.43-1 and §36.001. Insurance Code Article 5.43-1 §2 provides that the Commissioner of Insurance may adopt rules necessary for the administration of this article, including rules that adopt recognized standards such as, but not limited to,

those of the National Fire Protection Association, those recognized by federal law or regulation, and those published by any nationally recognized standards-making organization, or the manufacturer's installation manuals. Under Article 5.43-1 §7, the Commissioner is required to adopt rules governing applications and qualifications for licenses, permits, and certificates issued under this article. Article 5.43-1 §8 provides that the Commissioner shall formulate and administer rules determined to be essentially necessary for the protection and preservation of life and property, specifically applicable to installing and servicing fixed fire extinguisher systems, including the examination of license applicants. 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.

## **7. TEXT.**

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

(1) **Apprentice**--A person to whom a permit has been issued by the state fire marshal to perform various acts of service or installation while under the direct supervision of a person working for the same firm and holding a valid fire extinguisher service license to perform such acts.

(2) **Business**--The planning, certifying, installing, leasing, renting, selling, or servicing of portable fire extinguishers or fixed fire extinguisher systems.

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

(4) Certify--To attest to the proper planning, installing, or servicing of portables and systems by attaching a completed service tag or other form required by a governmental authority.

(5) Commissioner--The commissioner of insurance.

(6) Department--The Texas Department of Insurance.

(7) DOT Specification Fire Extinguisher Cylinder--All fire extinguisher cylinders manufactured, tested and stamped with the specification number as required by the United States Department of Transportation.

(8) DOT Nonspecification Fire Extinguisher Cylinder--All fire extinguisher cylinders manufactured and tested but not stamped with a specification number as required by the United States Department of Transportation. These cylinders may be marked by a label with the words "Meets DOT Requirements."

(9) Installation--The initial placement of a portable or fixed fire extinguisher system or an extension or alteration after initial placement.

(10) License--The license issued by the state fire marshal to an employee of a registered firm.

(11) NFPA--The National Fire Protection Association, Inc., a nationally recognized standards-making organization.

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

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

(14) Person--A natural person.

(15) Plan--To lay out, detail, draw, calculate, devise, or arrange an assembly of detection or suppression devices and appurtenances in accordance with either fire protection standards adopted in this subchapter or specifications specially designed by a Texas registered professional engineer acting solely in his professional capacity.

(16) Registered firm--A person, partnership, corporation, or association holding a current certificate of registration.

(17) Shop--A facility, whether at a specific location or in a mobile unit, of a registered firm where servicing, repairing, or hydrostatic testing is performed and where parts and equipment, which are required by this subchapter or in the adopted standards, are maintained.

(18) Test--The act of subjecting a portable or fixed system to any procedure necessary to determine whether it is properly installed or operates correctly.

(19) Direct supervision--The oversight by a licensee of the services performed by another licensee or permittee. The licensee, performing the direct supervision at the shop, must be present, at all times, on the premises where the supervised licensee or permittee is performing the service. When not at the shop the individual being supervised must be within sight of the licensee performing the direct

supervision when installing or servicing portable fire extinguishers or pre-engineered fixed fire extinguisher systems. The licensee performing the direct supervision of an engineered fixed fire extinguisher system is not required to be on-site at all times when the work is performed.

**§34.507. Adopted Standards.** The commissioner adopts by reference in their entirety, except as noted, the following copyrighted standards and recommendations in this subchapter. If a standard refers to a provision in a specific edition of another standard, the provision is applicable only if it does not conflict with the adopted standard shown in this section. The standards are 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 state fire marshal's office.

(1) NFPA 10-2002, Standard for Portable Fire Extinguishers, except that the date, June 30, 1998, in paragraph 4.3.2.1 shall be deleted and the following date substituted: "January 1, 2006."

(2) NFPA 11-2002, Standard for Low Expansion Foam and Combined Agent Systems.

(3) NFPA 11A-1999, Standard for Medium and High Expansion Foam Systems.

(4) NFPA 12-2000, Standard on Carbon Dioxide Extinguishing Systems.

(5) NFPA 12A-2004, Standard on Halon 1301 Fire Extinguishing Systems.

(6) NFPA 15-2001, Standard for Water Spray Fixed Systems for Fire Protection.

(7) NFPA 16-2003, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems.

(8) NFPA 17-2002, Standard for Dry Chemical Extinguishing Systems, except that paragraph 9.3.2 in conjunction with 1.3.2 shall only apply to new or modified installations after July 1, 1996, in accordance with §34.517(f) of this subchapter (relating to Installation and Service).

(9) NFPA 17A-2002, Standard for Wet Chemical Extinguishing Systems, except that paragraph 5.1.1 in conjunction with 1.4.1 shall only apply to new or modified installations after July 1, 1996, in accordance with §34.517(f) of this subchapter.

(10) NFPA 18-1995, Standard on Wetting Agents.

(11) NFPA 25-2002, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems.

(12) NFPA 96-2001, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, except that paragraph 7-2.2 shall only apply to new or modified installations after July 1, 1996, in accordance with §34.517(f) of this subchapter.

(13) NFPA 2001-2004, Standard on Clean Agent Fire Extinguishing Systems.

**§34.511. Fire Extinguisher Licenses.**

(a) Types of licenses. Each license must be identified by type, which indicates the business activity authorized under the license.

(1) Type PL--For the planning, supervising, certifying, installing, or servicing of all fixed systems other than pre-engineered systems. A system planning licensee may also perform, supervise, or certify the installation or servicing of all pre-engineered fixed systems and portable fire extinguishers.

(2) Type A--For certifying or servicing the installation of all fixed fire extinguisher systems other than pre-engineered systems or for installing, certifying, or servicing of all pre-engineered fixed fire extinguisher systems and the certifying and servicing of portable extinguishers.

(3) Type B--For the servicing, certifying, and low-pressure hydrostatic testing of portables.

(4) Type K--For installing, certifying, or servicing of pre-engineered fixed fire extinguisher systems for the protection of cooking areas and the certifying and servicing of portable extinguishers.

(5) Type R--For installing, certifying, or servicing of pre-engineered fixed residential range top fire extinguisher systems.

(b) Posting. Wall licenses shall be posted conspicuously for public view at the firm's business location.

(c) Pocket license. A licensee must carry a pocket license for identification while engaged in the activities of the business.

(d) Duplicate license. A duplicate license must be obtained from the state fire marshal to replace a lost or destroyed license. The license holder or registered firm must submit written notification of the loss or destruction, accompanied by the required fee.

(e) Revised license. The change of a licensee's registered firm or mailing address requires a revised license. Within 14 days after the change requiring the revision, the license holder or registered firm must submit written notification of the necessary change accompanied by the required fee.

(f) Restrictions.

(1) A licensee must not engage in any act of the business unless employed by a registered firm.

(2) A license is neither temporarily nor permanently transferable from one person To another.

(3) A registered firm must notify the state fire marshal within 14 days after termination of employment of a licensee.

(4) A Type A or Type K license shall not be issued to an individual unless the individual has held an apprentice permit or a Type B license for at least six months or has held a license to service fixed extinguisher systems for at least six months from another state.

(5) It shall not be necessary for the applicant of a Type R license to hold an apprentice permit prior to the issuance of a Type R license.

**§34.514. Applications.**

(a) Certificates of registration.

(1) Applications for certificates and branch office certificates must be submitted on forms provided by the state fire marshal and accompanied by all other information required by the Insurance Code, Article 5.43-1, and this subchapter. An application will not be deemed complete until all required forms and documents have been received in the state fire marshal's office.

(2) Applications must be signed by the sole proprietor, or by each partner of a partnership, or by an officer of a corporation. For corporations, the application must be accompanied by the corporate charter of a Texas corporation, or, in the case of a foreign corporation a copy of the Texas certificate of authority to do business. For applicants using an assumed name, the application must also be accompanied by evidence of compliance with the Assumed Business or Professional Name Act, Texas Business and Commerce Code, §36.01. The application shall also include written authorization by the applicant permitting the state fire marshal or his representative to enter, examine, and inspect any premises, building, room, or establishment used by the applicant while engaged in the business to determine compliance with the provisions of the Insurance Code, Article 5.43-1, and this subchapter.

(3) For corporations, the application must also include the corporate taxpayer identification number, the charter number, and a copy of the corporation's current franchise tax "Certificate of Good Standing" issued by the state comptroller's office.

(4) Applications for Type C certificates must be accompanied by a copy of the DOT letter registering the applicant's facility which awards a registration number to the facility.

(5) The applicant must comply with the following requirements concerning liability insurance.

(A) The state fire marshal must not issue a certificate of registration under this subchapter unless the applicant files with the state fire marshal's office proof of liability insurance. The insurance must include products and completed operations coverage.

(B) Each registered firm must maintain in force and on file in the state fire marshal's office the certificate of insurance as required.

(C) Evidence of public liability insurance, as required by the Insurance Code, Article 5.43-1, §4A, must be in the form of a certificate of insurance executed by an insurer authorized to do business in this state.

(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 Extinguisher Service.

(E) Insurance issued for a partnership must be issued to the name of the partnership or to the names of all the individual partners.

(F) 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 Extinguisher Service.

(b) Fire extinguisher licenses.

(1) Original applications for a license from an employee of a firm engaged in the business must be submitted on forms provided by the state fire marshal and accompanied by all other information required by the Insurance Code, Article 5.43-1, and this subchapter.

(2) Applications for Type A and Type K licenses must be accompanied by a written statement from the certificate holder (employer) certifying that the applicant meets the minimum requirements of §34.511(f)(4) of this subchapter (relating to Fire Extinguisher Licenses) and is competent to install or service fixed systems.

(3) Applications for Type PL licenses must be accompanied by one of the following documents to evidence technical qualifications for a license:

(A) proof of registration in Texas as a professional engineer; or

(B) a copy of NICET's notification letter regarding the applicant's successful completion of examination requirements for certification at Level III for Special Hazard Systems Layout or Special Hazard Suppression Systems.

(4) All applications must indicate if the individual is an employee or agent of the registered firm.

(A) If the individual is an employee of the registered firm, the State Fire Marshal's Office may request from the registered firm verification of employment of the individual.

(B) If the individual is an agent of the fire extinguisher firm, the State Fire Marshal's Office may request the firm to provide a letter or other document acceptable to the State Fire Marshal's Office issued by the firm's insurance company, verifying the policy number and that the acts of the individual are covered by the same insurance policy required by this subchapter to obtain the firm's registration. If required, the verifying document must be submitted to the State Fire Marshal's Office before a license will be issued or when there is a change in the licensee's registered firm. Unless otherwise required by the State Fire Marshal's Office, renewal of a license does not require insurance verification unless there has been a change in the insurance carrier.

(c) Complete application required for renewal. Renewal applications for certificates of registration and licenses must be submitted on forms provided by the state fire marshal and accompanied by all other information required by the Insurance Code, Article 5.43-1, and this subchapter. An application will not be deemed complete

until all required forms and documents have been received in the state fire marshal's office.

(d) Timely filed. A license or registration shall expire at 12:00 midnight on the date printed on the license or registration. A renewal application and fee for license or registration must be postmarked on or before the date of expiration to be accepted as timely. If a renewal application is not complete but there has been no lapse in the required insurance, the applicant shall have 30 days from the time the applicant is notified by the state fire marshal's office of the deficiencies in the renewal application to submit any additional requirement. If an applicant fails to respond and correct all deficiencies in a renewal application within the 30-day period, a late fee may be charged.

(e) Requirements for applicants holding licenses from other states. An applicant holding a valid license in another state who desires to obtain a Texas license through reciprocity must submit the following documentation with the application in addition to all other information required by the Insurance Code, Article 5.43-1, and this subchapter:

(1) a letter of certification from the licensing entity of another state certifying the applicant holds a valid license in that state; and

(2) additional information from the state detailing material content of any required examination used to qualify for license, including NFPA or other standards, if applicable.

(f) Apprentice permits. Each person employed as an apprentice by a firm engaged in the business must make application for a permit on a form provided by the state fire marshal and accompanied by the required fee.

(g) Complete applications. The application form for a license or registration must be accompanied by the required fee and must, within 180 days of receipt by the department of the initial application, be complete and accompanied by all other information required by the Insurance Code Article 5.43-1 and this subchapter, or a new application must be submitted including all applicable fees.

**§34.515. Fees.**

(a) Every fee payable to the department and required in accordance with the provisions of the Insurance Code, Article 5.43-1, and this subchapter must be paid by cash, money order, or check. Money orders and checks must be made payable to the Texas Department of Insurance. Except for overpayments resulting from mistakes of law or fact, all fees are non-refundable.

(b) Fees payable to the department must be paid at the Office of the State Fire Marshal in Austin, or mailed to an address specified by the state fire marshal.

(c) Fees are as follows.

(1) Certificates of registration:

(A) initial fee--\$450;

(B) renewal fee (for two years)--\$600;

(C) renewal late fee (expired 1 day to 90 days)--\$225;

- (D) renewal late fee (expired 91 days to two years)--\$450;
- (E) branch office initial fee--\$100;
- (F) branch office renewal fee (for two years)--\$200;
- (G) branch office late fee (expired 1 day to 90 days)--\$50;
- (H) branch office late fee (expired 91 days to two years)--\$100.

(2) Certificate of registration (Type C):

- (A) initial fee--\$250;
- (B) renewal fee (for two years)--\$300;
- (C) renewal late fee (expired 1 day to 90 days)--\$125;
- (D) renewal late fee (expired 91 days to two years)--\$250.

(3) Fire extinguisher license (Type A, B, R and K):

- (A) initial fee--\$70;
- (B) renewal fee (for two years)--\$100;
- (C) renewal late fee (expired 1 day to 90 days)--\$35;
- (D) renewal late fee (expired 91 days to two years)--\$70.

(4) Fire extinguisher license (Type PL):

- (A) initial fee--\$70;
- (B) renewal fee (for two years)--\$100;
- (C) renewal late fee (expired 1 day to 90 days)--\$35;
- (D) renewal late fee (expired 91 days to two years)--\$70.

(5) Apprentice permit fee--\$30.

(6) Duplicate or revised certificates, licenses, permits, or other requested changes to certificates, licenses, or permits--\$20.

(7) Initial test fee (if administered by the SFMO)--\$20.

(8) Retest fee (if administered by the SFMO)--\$20.

(d) Fees for tests administered by an outsource testing service are payable to the testing service in the amount and manner required by the testing service.

(e) Late fees are required of all certificate or license holders who fail to submit complete renewal applications before the expiration of the certificate or license.

**§34.516. Tests.**

(a) Applicants for licenses are required to take a test and obtain at least a grade of 70% on the test. Tests may be supplemented by practical tests or demonstrations deemed necessary to determine the applicant's knowledge and ability. The test content, frequency, location and outsource testing service shall be designated by the state fire marshal.

(1) The Type B license test will include questions on the following:

- (A) this subchapter and the Insurance Code Article 5.43-1; and
- (B) installing and servicing of portables.

(2) The Type A license test will include questions on the following:

- (A) this subchapter and the Insurance Code Article 5.43-1;
- (B) installing and servicing of portables;
- (C) fixed systems; and

(D) installing and servicing pre-engineered fixed fire extinguisher systems for the protection of cooking areas.

(3) The Type K license test will include questions on the following:

(A) this subchapter and the Insurance Code Article 5.43-1;

(B) installing and servicing of portables; and

(C) installing and servicing pre-engineered fixed fire extinguisher systems for the protection of cooking areas.

(4) The Type PL license test will include questions on the following:

(A) this subchapter and the Insurance Code Article 5.43-1; and

(B) a technically qualifying test to be conducted through NICET.

(5) The Type R license test will include questions on this subchapter and Insurance Code Article 5.43-1.

(b) The standards used in the tests will be adopted by the State Fire Marshal's Office.

(c) Examinees who fail any topic on the test must file a retest application accompanied by the required fee.

(d) A person whose license has been expired for two years or longer who makes application for a new license must take and pass another test. No test is required for a licensee whose license is renewed within two years of expiration.

(e) An examinee who is scheduled for a test to be conducted on a religious holy day by the State Fire Marshal's Office and who wishes to observe the religious holy day may request the rescheduling of the test to an alternate date.

(f) An applicant may only schedule each type of test three times within a twelve-month period.

**§34.517. Installation and Service.**

(a) The following requirements are applicable to all portable extinguishers.

(1) Portable extinguishers must be installed, serviced, and maintained in compliance with the manufacturer's instructions and with the applicable standards adopted in this subchapter.

(2) A service tag certifying the work performed must be securely attached by the licensee to the portable extinguisher upon completion of the work.

(3) When requested in writing by the owner, a portable fire extinguisher of the type described in subparagraphs (A), (B), and (C) of this paragraph may be serviced in accordance with the requirement of this subchapter, regardless of whether it carries the label of approval or listing of a testing laboratory approved in accordance with this subchapter.

(A) All portable fire extinguishers that are serviced in accordance with the requirements of the United States Coast Guard and installed for use in foreign shipping vessels;

(B) All portable carbon dioxide fire extinguishers that are serviced in accordance with the requirements of the United States Department of Transportation;

or

(C) Cartridge actuated portable fire extinguishers used exclusively by employees of the firm owning the extinguishers.

(4) A licensee who services portable fire extinguishers in accordance with paragraph (3) of this subsection, shall comply with the following:

(A) The back of the service tag shall be plainly marked with the words "No Listing Mark".

(B) All missing markings, code symbols, instructions and information, required by the applicable performance standard and fire test standard specified in §34.507(1) of this subchapter (relating to Adopted Standards), except for the approving or listing mark of the testing laboratory, shall be affixed to each extinguisher in the form of a label designated in the standard.

(b) The following requirements are applicable to all fixed fire extinguisher systems.

(1) Fixed systems must be planned, installed, and serviced in compliance with the manufacturer's installation manuals and specifications or the applicable standards adopted in this subchapter.

(2) Upon completion of the installation of a pre-engineered fixed fire extinguisher system, a licensee authorized to certify pre-engineered fixed fire extinguishing systems under the provisions of this subchapter, must place an installation label on the system to certify that the system was installed in compliance with the manufacturer's installation manuals and specifications or standards adopted by

the commissioner in this subchapter. The licensee whose signature appears on the installation label must be present for the final test of the system prior to certification.

(3) Upon completion of the installation of a fixed fire extinguisher system other than a pre-engineered system, a Type A or Type PL licensee must place an installation label on the system to certify that the system was installed in compliance with the manufacturer's installation manuals and specifications, plans developed by a Type PL licensee or professional engineer, or standards adopted by the commissioner in this subchapter. The licensee whose signature appears on the installation label must be present for the final test of the system prior to certification.

(4) A service tag certifying the work performed must be securely attached by the licensee to the system upon completion of servicing.

(c) Pre-engineered fixed fire extinguisher systems must be installed and serviced by a licensee authorized to install or service pre-engineered fixed fire extinguishing systems under the provisions of this subchapter.

(d) A pre-engineered fixed fire extinguisher system, except those covered by subsection (f) of this section, which has been previously installed in one location may be reinstalled in another location if:

- (1) the system is of the size and type necessary to protect all hazards;
- (2) all parts and equipment, when installed, will function as designed by the manufacturer; and
- (3) the system shall comply with all applicable adopted standards.

(e) Fixed fire extinguisher systems other than pre-engineered systems must be planned, installed, or serviced by a Type PL licensee or professional engineer. Installation and servicing of such a system may also be performed by or supervised by a Type A licensee. An employee of the registered firm may install such systems, under the direct supervision of a Type A or PL licensee, without obtaining a license or permit.

(f) All pre-engineered fixed fire extinguishing systems, installed or modified after July 1, 1996, in accordance with NFPA 17 or NFPA 17A or NFPA 96 of the adopted standards, for the protection of commercial cooking areas, must meet the minimum requirements of Underwriters Laboratories, Inc., Standard 300, "Fire Testing of Fire Extinguishing Systems for Protection of Restaurant Cooking Area" (UL 300). After January 1, 2008 all existing pre-engineered fixed fire extinguishing systems, installed in accordance with NFPA 17 or NFPA 17A or NFPA 96 of the adopted standards, for the protection of commercial cooking areas, must meet the minimum requirements of Underwriters Laboratories, Inc., Standard 300, "Fire Testing of Fire Extinguishing Systems for Protection of Restaurant Cooking Area" (UL 300) or a red tag shall be attached following the procedures in §34.521 of this subchapter (relating to Red Tags).

(g) If the installation or servicing of a fixed fire extinguishing system includes the installation or servicing of any part of a fire alarm or detection system and/or a fire sprinkler system other than the installation and servicing of mechanical or pneumatic detection and/or actuation devices in connection with the fire extinguishing system, the licensing requirements of the appropriate Insurance Code Article 5.43-2 or 5.43-3 must be satisfied.

(h) The fixed temperature-sensing elements of the fusible metal alloy type, replaced while servicing a kitchen hood fire extinguishing system, must bear the manufacturer's date stamp which must be within one year of the date of the replacement.

(i) The disposable actuation cartridge, replaced while servicing a kitchen hood fire extinguisher system, must bear the date of replacement.

(j) After operating the pull pin or locking device during maintenance of a portable fire extinguisher, the flag of the new seal or tamper indicator shall bear the year it was attached.

(k) All pre-engineered dry chemical fixed fire extinguishing systems, installed in new, remodeled or relocated protected areas after January 1, 2006, must meet the minimum requirements of the second edition (1996) or more recent edition of Underwriters Laboratories, Inc., Standard 1254, "Pre-engineered Dry Chemical Extinguishing System Units".

**§34.519. Installation Labels for Fixed Extinguisher Systems.**

(a) After an installation has been completed, an installation label must be affixed to the control head or panel of the fixed fire extinguisher system and an installation certificate form shall be sent to the state fire marshal's office. The signature of the licensee on the label certifies that the system has been installed according to law. Labels shall be five inches in height and four inches in width and shall be of the gum

label type. They shall not be red in color. Installation labels shall contain only the following information in the format of the label shown in subsection (b) of this section:

(1) the inscription "DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL--SYSTEM INSTALLATION RECORD" (all in capital letters, at least 10-point boldface type);

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

(3) the firm's certificate-of-registration number;

(4) the signature and license number of the licensee authorized to certify a fixed fire extinguishing system (a stamped signature is prohibited);

(5) the date of installation; and

(6) identification of the manufacturer's manual(s) used for installation.

(b) Installation label:

FIGURE: 28 TAC 34.519(b):

<p><b>DO NOT REMOVE                  BY ORDER OF                  THE STATE FIRE MARSHAL</b></p> <p><i>Name,                  Address, &amp;                  Telephone Number                  of Fire Protection Firm</i></p> <p>_____</p> <p>Certificate of Registration Number</p> <p>_____</p> <p>Name of Licensee</p> <p>_____</p> <p>Signature</p> <p>_____</p> <p>License Number</p> <p><b>TYPE of WORK</b></p> <p>INSPECTED    <input type="checkbox"/></p> <p>SERVICED      <input type="checkbox"/></p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">JAN</td><td style="width: 10%;">FEB</td><td style="width: 10%;">MAR</td><td style="width: 10%;">APR</td><td style="width: 10%;">MAY</td><td style="width: 10%;">JUN</td><td style="width: 10%;">JUL</td><td style="width: 10%;">AUG</td><td style="width: 10%;">SEP</td><td style="width: 10%;">OCT</td><td style="width: 10%;">NOV</td><td style="width: 10%;">DEC</td> </tr> <tr> <td colspan="11" style="text-align: center;">1995</td> </tr> <tr> <td colspan="11" style="text-align: center;">1996</td> </tr> <tr> <td colspan="11" style="text-align: center;">1997</td> </tr> <tr> <td colspan="11" style="text-align: center;">1998</td> </tr> <tr> <td colspan="11" style="text-align: center;">1999</td> </tr> </table>	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	1995											1996											1997											1998											1999										
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<p>EXTINGUISHER TYPE, SIZE                  and LOCATION:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>OWNER'S NAME and ADDRESS:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>LIST SERVICE PERFORMED:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>																																																																				

(c) Certificate of Installation (Form Number FML 010).

FIGURE: 28 TAC 34.519(c):

Texas Commission on Fire Protection  
 State Fire Marshal's Office  
 P.O. Box 2286 Austin TX 78769-2286



FIRE EXTINGUISHER SYSTEM INSTALLATION CERTIFICATION

INSTALLING COMPANY \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ Zip \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Company Certificate of Registration Number \_\_\_\_\_

PROTECTED PROPERTY

Name: \_\_\_\_\_  
 Street Address: \_\_\_\_\_  
 City: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Owner or Owner's representative instructed on system operation & maintenance:  Yes  No  
 Owners Rep, if applicable: \_\_\_\_\_

LOCAL AUTHORITY HAVING JURISDICTION

Name: \_\_\_\_\_  
 Street Address: \_\_\_\_\_  
 City: \_\_\_\_\_ Zip: \_\_\_\_\_

HAZARD ANALYSIS

Name of area, room, building or hazard protected \_\_\_\_\_  
 Primary Class of Protected Hazard  
 Class A - Wood, paper, etc.  Class D - Combustible metals  
 Class B - Flammable liquids  Explosives  
 Class C - Electrical equipment

SYSTEM INFORMATION

System Manufacturer's Name: \_\_\_\_\_  
 Installation Manual: \_\_\_\_\_ UL Number: \_\_\_\_\_ Date: \_\_\_\_\_  
 Design type: Pre-engineered: \_\_\_\_\_ Engineered: \_\_\_\_\_  
 If Pre-engineered, Model Number \_\_\_\_\_  
 Coverage Type: Total Flooding: \_\_\_\_\_ Local App: \_\_\_\_\_  
 System Actuation: Automatic: \_\_\_\_\_ Manual: \_\_\_\_\_  
 Air/Fan shutdown on actuation? Yes: \_\_\_\_\_ No: \_\_\_\_\_  
 Design discharge rate or concentration level: \_\_\_\_\_  
 Design discharge time: Seconds: \_\_\_\_\_

AGENT INFORMATION

Type of agent provided: \_\_\_\_\_  

Qty	Storage cylinder	Manufacturer	Part No.	Amount of agent

EQUIPMENT INFORMATION

Initiating Devices		Manufacturer	Part No.	Temperature
Qty	Item			
	Fusible Links			
	Sprinkler Heads			
	Heat Detectors			
	Smoke Detectors			
	Other Fire Detectors			
	Manual Pull Stations			
Nozzles		Manufacturer	Part No.	
Interlock		Manufacturer	Part No.	
	Item			
	Fan or A/C Shutdown			
	Gas line Shut-off			
	Electric Shut-off			

TESTING

Method system was tested: \_\_\_\_\_

Kitchen Hoods & Appliance System			
	Height	Length	Width
Overall Hood	_____ ft	_____ ft	_____ ft
Plenum	_____ ft	_____ ft	_____ ft
Exhaust duct perimeter	_____ in		
Qty	Appliances Protected	Gas or Elect Length	Width
	Deep Fat Fryer	_____ in x _____ in	_____ in
	Range	_____ in x _____ in	_____ in
	Griddle	_____ in x _____ in	_____ in
	Char Broiler	_____ in x _____ in	_____ in
	Radiant Broiler	_____ in x _____ in	_____ in
	Upright Broiler	_____ in x _____ in	_____ in
	_____	_____ in x _____ in	_____ in
	_____	_____ in x _____ in	_____ in

Other Type Hazards  
 Is hazard normally occupied?  Yes  No  N/A  
 Size of Hazard  
 Total Volume \_\_\_\_\_ cuft  
 or Total Area \_\_\_\_\_ sqft  

	Height	Length	Width
approx.	_____ ft	_____ ft	_____ ft
approx.	_____ ft	_____ ft	_____ ft
approx.	_____ ft	_____ ft	_____ ft

 Area sealed to prevent agent loss?  
 Yes  No  N/A  
 Number of room air changes per minute? \_\_\_\_\_ /min.  N/A  
 Warning & instruction signs posted?  
 Yes  No  N/A

This system was installed in accordance with the following codes:  
 NFPA \_\_\_\_\_ Year \_\_\_\_\_  
 NFPA \_\_\_\_\_ Year \_\_\_\_\_  
 \_\_\_\_\_ Year \_\_\_\_\_  
 \_\_\_\_\_ Year \_\_\_\_\_

I certify that this fixed fire extinguishing system has been tested and complies with the requirements of Article 5.43-1 of the Texas Insurance Code, as amended, and the fire extinguisher rules and adopted NFPA Standards.  
 \_\_\_\_\_  
 Signature of Licensee & License Number  
 \_\_\_\_\_  
 Planning Superintendent & License Number  
 Completion Date \_\_\_\_\_

Reproduce Form & Distribute  
 Original to Protected Premise  
 Copy 1 to Installing Contractor  
 Copy 2 Authority Having Jurisdiction  
 Copy 3 State Fire Marshal's Office  
 Form F-FM-010 April 1994

Use the back of the form, or additional paper, to sketch the piping configuration and device location.

**§34.520. Service Tags.**

(a) After any service, a service tag must be completed in detail, indicating all work that has been done, and then attached to the portable or fixed system in such a position as to permit convenient inspection and not hamper its actuation or operation. The signature of the licensee on the service tag certifies that the service performed complies with requirements of law.

(b) A new service tag, yellow tag or red tag, as applicable, must be attached each time service is performed.

(c) Service tags must bear the following information in the format of the tag shown in subsection (g) of this section:

- (1) "DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL"  
(all capital letters, at least 10-point boldface type);
- (2) firm's name, address, and telephone number;
- (3) firm's certificate-of-registration number;
- (4) licensee's name and license number;
- (5) licensee's signature (a stamped signature is prohibited);
- (6) month and year (to be punched);
- (7) type of work (to be punched);
- (8) service performed;
- (9) name and address of owner or occupant; and
- (10) extinguisher type, size, and location.

(d) Tags must be 5 1/4 inches in height and 2 5/8 inches in width. Service tags must not be red in color.

(e) Tags may be printed and established for any five-year period.

(f) A service tag may be removed only 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 regulatory authority.

(g) Service tag:

FIGURE: 28 TAC 34.520(g):

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

*Name,  
 Address, &  
 Telephone Number  
 of Fire Protection Firm*

\_\_\_\_\_  
 Certificate of Registration Number

\_\_\_\_\_  
 Name of Licensee

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 License Number

**TYPE of WORK**

MAINTENANCE

NEW EXTINGUISHER

SERVICE (List on back)

**DATE OF LAST SERVICE**

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1996											
1997											
1998											
1999											
2000											

EXTINGUISHER TYPE, SIZE  
 and LOCATION:

\_\_\_\_\_

\_\_\_\_\_

OWNER'S NAME and ADDRESS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

LIST SERVICE PERFORMED:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Monthly Inspection - Initial and date below)


**§34.521. Red Tags.**

(a) If impairments are found which make a portable extinguisher or fixed system unsafe or inoperable, the owner or his representative must be notified in writing of all impairments. The registered firm shall notify the owner or his representative immediately and must also notify the local authority having jurisdiction (AHJ) when available within 24 hours by phone, fax, or e-mail describing the impairments or deficiencies. A copy of the written notice to the owner shall be submitted to the AHJ

within 3 business days. A completed red tag must be attached to indicate that corrective action or replacement is necessary. The signature of the licensee on the tag certifies that the impairments listed indicate that the equipment is unsafe or inoperable. A service tag must not be attached until the impairments have been corrected or the portable extinguisher or fixed system replaced and the extinguisher or fire extinguisher system reinspected and found to be in good operating condition.

(b) Red tags must be the same size as service tags.

(c) Red tags must bear the following information in the format of the tag shown in subsection (e) of this section:

(1) "DO NOT REMOVE--EQUIPMENT IMPAIRED" (all capital letters, at least 10-point boldface type);

(2) firm's name and address;

(3) firm's certificate-of-registration number;

(4) licensee's name and license number;

(5) licensee's signature (a stamped signature is prohibited);

(6) date;

(7) list of impairments; and

(8) name and address of owner or occupant.

(d) A red tag may be removed only by an authorized employee of a registered firm who has corrected the impairments and certified the service, an employee of the state fire marshal's office, or an employee of another governmental agency with regulatory authority.

(e) Red tag:

FIGURE: 28 TAC §34.521(e):

The figure shows two red tags with a circular hole at the top. The left tag is titled "DO NOT REMOVE EQUIPMENT IMPAIRED" and contains the following fields: "Name, Address, & Telephone Number of Fire Protection Firm", "Certificate of Registration Number", "Name of Licensee", "Signature", "License Number", and "Date". The right tag is titled "OWNER'S NAME and ADDRESS:" and contains four horizontal lines for input. Below that, it is titled "LIST of IMPAIRMENTS:" and contains five horizontal lines for input.

**§34.524. Yellow Tags.**

(a) After any service of a pre-engineered fixed fire extinguishing system installed in accordance with NFPA 17, NFPA 17A or NFPA 96 of the adopted standards for the protection of commercial cooking areas, if it is determined that the system is not in

compliance with the minimum requirements of Underwriters Laboratories, Inc., Standard 300, "Fire Testing of Fire Extinguishing Systems for Protection of Restaurant Cooking Area" (UL 300), a yellow tag must be completed in detail indicating all work that has been done, and then attached to the system in such a position as to permit convenient inspection and to not hamper its actuation or operation. The owner or the owner's representative must be notified in writing that the system does not comply with UL Standard 300 and that the system may not extinguish a typical fire, that a red tag shall be attached to the system after January 1, 2008, and that the owner should consider replacing or upgrading the system before that time. A copy of the written notice to the owner shall be postmarked, e-mailed, faxed, or hand delivered to the AHJ within 5 business days. The signature of the licensee on the tag certifies that the service performed complies with requirements of law.

(b) The yellow tag shall be attached instead of a service tag.

(c) Tags must be 5 1/4 inches in height and 2 5/8 inches in width.

(d) Yellow tags must be yellow in color.

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

(f) A yellow tag may be removed only by an authorized employee of a registered firm who has corrected the impairments and certified the service, an employee of the state fire marshal's office, or an authorized representative of a governmental agency with appropriate regulatory authority.

(g) Yellow tags must contain the following information in the format of the tag shown 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 telephone number;

(3) firm's certificate of registration number;

(4) licensee's name and license number;

(5) licensee's signature (a stamped signature is prohibited);

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

(7) type of work, maintenance or service (to be punched);

(8) the inscription "SYSTEM DOES NOT COMPLY WITH STANDARD UL300. SYSTEM MAY NOT EXTINGUISH A TYPICAL FIRE." (all capital letters, at least 10-point boldface type);

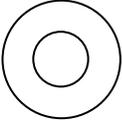
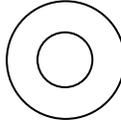
(9) the inscription "This fire protection system may have met the nationally recognized testing requirements at the time it was installed. However recent changes to modern cooking appliances and/or the cooking media may prevent the fire protection system from extinguishing a typical fire. Since this system was not tested according to Underwriter's Laboratories test Standard UL 300 it will be red tagged after January 1, 2008. The owner should consider replacing or upgrading the system before that time.";

(10) name and address of owner or occupant; and

(11) service performed.

(h) Sample Yellow tag:

FIGURE: 28 TAC §34.524(h):

 <b>DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL</b>	 <b>SYSTEM DOES NOT COMPLY WITH STANDARD UL 300.</b>
<div style="display: flex; justify-content: space-between;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg); font-weight: bold; font-size: small;">                 SYSTEM DOES NOT COMPLY WITH STANDARD UL 300. SYSTEM MAY NOT EXTINGUISH A TYPICAL FIRE.             </div> <div style="flex-grow: 1;"> <p style="font-size: small; margin-bottom: 5px;"><i>Name &amp; Address and Phone No. of Extinguisher Firm</i></p> <hr/> <p style="font-size: small; margin-bottom: 5px;">Certificate of Registration Number</p> <hr/> <p style="font-size: small; margin-bottom: 5px;">Name of Licensee</p> <hr/> <p style="font-size: small; margin-bottom: 5px;">License Number</p> <hr/> <p style="font-size: small; margin-bottom: 5px;">Signature</p> <p style="font-size: small; margin-bottom: 5px;"><b>TYPE OF WORK</b></p> <p style="font-size: small; margin-bottom: 5px;"><input type="checkbox"/> Maintenance</p> <p style="font-size: small; margin-bottom: 5px;"><input type="checkbox"/> Service</p> <p style="font-size: small; margin-bottom: 5px;"><b>DATE MARKED IS DATE OF LAST SERVICE</b></p> </div> <div style="font-size: x-small; border: 1px solid black; padding: 2px;">                 JAN   FEB   MAR   APR   MAY   JUN   JUL   AUG   SEP   OCT   NOV   DEC                  2005   2006   2007   2008   2009   2010             </div> </div>	<p style="font-size: small;">This fire protection system may have met the nationally recognized testing requirements at the time it was installed. However recent changes to modern cooking appliances and/or the cooking media may prevent the fire protection system from extinguishing a typical fire. Since this system was not tested according to Underwriter's Laboratories test Standard UL 300 it will be red tagged after January 1, 2008. The owner should consider replacing or upgrading the system before that time.</p> <hr/> <p style="font-size: small;">Name of owner or occupant</p> <hr/> <p style="font-size: small;">Address</p> <hr/> <p style="font-size: small;">List Services</p> <hr/>

**CERTIFICATION.** This agency certifies that the adopted sections have been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued at Austin, Texas, on \_\_\_\_\_, 2006.

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

IT IS THEREFORE THE ORDER of the Commissioner of Insurance that amendments to §§34.506, 34.507, 34.511, 34.514 - 34.517, 34.519 - 34.521, and new §34.524 specified herein, concerning the regulation of fire extinguisher systems, are adopted.

AND IT IS SO ORDERED.

---

MIKE GEESLIN  
COMMISSIONER OF INSURANCE

ATTEST:

---

Gene C. Jarmon  
General Counsel and Chief Clerk

COMMISSIONER'S ORDER NO. \_\_\_\_\_