

SUBCHAPTER E. FIRE EXTINGUISHER AND INSTALLATION

§§34.501, 34.507, 34.510, 34.511, 34.517, and 34.520

SUBCHAPTER F. FIRE ALARM RULES

§§34.604, 34.607, 34.610, 34.611, 34.613, 34.616, 34.620, 34.623, and 34.630

SUBCHAPTER G. FIRE SPRINKLER RULES

§§34.707, 34.711, 34.716, 34.718, 34.719, and 34.721

1. INTRODUCTION. The Texas Department of Insurance proposes amendments to 28 Texas Administrative Code Chapter 34, Subchapter E, Fire Extinguisher and Installation §§34.501, 34.507, 34.510, 34.511, 34.517, and 34.520; Subchapter F, Fire Alarm Rules, §§34.604, 34.607, 34.610, 34.611, 34.613, 34.616, 34.620, 34.623, and 34.630; and Subchapter G, Fire Sprinkler Rules §§34.707, 34.711, 34.716, 34.718, 34.719, and 34.621. These amendments are necessary to implement statutory revisions; adopt National Fire Protection Association (NFPA) code and UL codes; clarify the intent of the regulations; delete obsolete references; revise tags, labels, stamps, and standardize signage requirements; allow for optional adhesive tags; and correct form numbers.

Section by Section Changes

A proposed amendment to the caption of Subchapter E, Fire Extinguisher and Installation, renames the subchapter the "Fire Extinguisher Rules," to provide clarity and to be consistent with the captions for Subchapters F and G.

A proposed amendment to §34.501 is updated to conform with HB 2447, 83rd Legislature, Regular Session, 2013. In accord with Insurance Code Chapter 6001, fire extinguisher equipment must be listed by a testing laboratory approved by the commissioner, not merely labeled or listed.

TDI proposes an amendment to §34.507 to update current standards and include additional standards. The proposed amendment revises 10 applicable NFPA codes and adopts one new NFPA code. The proposed revised codes are: NFPA 10-2013, Standard for Portable Fire Extinguishers; NFPA 12-2011, Standard on Carbon Dioxide Extinguishing System; NFPA 15-2012, Standard for Water Spray Fixed Systems for Fire Protection; NFPA 16-2011, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems; NFPA 17-2013, Standard for Dry Chemical Extinguishing Systems; NFPA 17A-2013, Standard for Wet Chemical Extinguishing Systems; NFPA 18-2011, Standard on Wetting Agents; NFPA 25-2014, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems; NFPA 96-2014, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations; and NFPA 2001-2012, Standard on Clean Agent Fire Extinguishing Systems. TDI also proposes the new NFPA 33-2011, Standard for Spray Application Using Flammable or Combustible Materials and NFPA 2010-2010, Standard for Fixed Aerosol Fire-Extinguishing Systems. The updated standards are necessary to better protect the health and safety of the public

TDI proposes an amendment to §34.510 to standardize signage across all industry certificate holders. The requirements would only apply to vehicles regularly used, modifies the placement of the registration number, and modifies the format of the displayed registration number.

A proposed amendment to §34.511 deletes subsection (b) relating to the posting of licenses on the wall of the firm's business establishment. The requirement is

obsolete and duplicative of pocket license requirements. The subsections of §34.511 are redesignated. TDI also amends subsection (f) to clarify that a license must not be expired for the license holder to engage in the business for which the license is granted.

TDI proposes an amendment to §34.517 to clarify that writing date on seal with a marker is not permissible. The amendment requires the date to be stamped into the tamper seal. The amendment also is made so that language pertaining to the anti-tampering flag matches NFPA 10. Subsection (k) is proposed for deletion because NFPA 17 already references UL 1254.

TDI proposes an amendment to §34.520 to add information required on service tags to accommodate NFPA 96-11.2.5. As amended, the service tag requires the year of manufacture for new fusible links and the date of installation for new fusible links. In addition, TDI proposes new subsection (h) to allow optional use of an adhesive label type tag for environments where standard tags are easily damaged or lost.

TDI proposes an amendment to §34.604 to clarify that professional engineers are responsible for designing to adopted standards. In accord with Insurance Code §6002.155, professionally exempt persons are exempt from licensing requirements, but the provisions of that chapter and these rules relating to adopted safety standards for fire detection and fire alarm devices are applicable.

TDI proposes an amendment to §34.607 to update current standards and include additional standards. The proposed amendment revises fifteen applicable NFPA or UL code. The proposed revised codes are: NFPA 12-2011, Standard on Carbon Dioxide Extinguishing Systems; NFPA 13-2013, Standard for the Installation of Sprinkler

Systems; NFPA 13D-2013, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes; NFPA 13R-2013, Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies; NFPA 15-2012, Standard for Water Spray Fixed Systems for Fire Protection; NFPA 16-2011, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems; NFPA 17-2013, Standard for Dry Chemical Extinguishing Systems; NFPA 17A-2013, Standard for Wet Chemical Extinguishing Systems; NFPA 25-2014, Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems; NFPA 70-2014, National Electrical Code; NFPA 72-2013, National Fire Alarm Code; NFPA 90A-2012, Standard for the Installation of Air Conditioning and Ventilating Systems; NFPA 101®-2012; UL 827 October 1, 2008, Standard for Central Station Alarm Services; and NFPA 2001- 2012, Standard on Clean Agent Fire Extinguisher Systems. The standards are necessary to better protect the health and safety of the public.

TDI proposes an amendment to §34.610 to standardize language across regulated fire protection industries.

TDI proposes an amendment to §34.611 to clarify that a license must not be expired for the license holder to engage in the business for which the license is granted.

TDI proposes an amendment to §34.613 to conform with new license types created by HB 458, 83rd Legislature, Regular Session, 2013. HB 458 added two new license types: the residential fire alarm technician license and the residential fire alarm superintendent license.

TDI proposes an amendment to §34.616 to require that a registered firm actually providing the monitoring services provide activity history when requested by the state fire marshal or local authority having jurisdiction without requiring the approval of the subcontracting service company or subscriber. This change will expedite activity research for fire or firefighter fatality investigations.

TDI proposes amendments to §34.620, including Figure: 28 TAC §34.620(e) and Figure: 28 TAC §34.620(g), to combine both labels into a single label. The modification eliminates the one- or two-family residence label, and combines it with the commercial building or non-one- or two-family residence installation label so that it is just one label. The resulting change also adds a place for planner information on one- or two-family residential installations. The additional information will help with further inspections, and TDI licensing oversight.

TDI proposes an amendment to §34.623 and Figure: 28 TAC §34.623(h) to remove reference to codes at time of installation. On older systems, it is often difficult to determine when the alarm system was installed and what standards were in place at the time.

TDI proposes an amendment to §34.630 to correct the referenced form number.

TDI proposes an amendment to §34.707 to update current standards and include additional standards. The proposed amendment revises applicable NFPA standards. The proposed revised codes are: NFPA 13-2013, Standard for the Installation of Sprinkler Systems; NFPA 25-2014, Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems; NFPA 13D-2013, Standard for

the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes; NFPA 13R-2013, Standard for the Installation of Sprinkler Systems in Low-Rise Residential; NFPA 14-2013, Standard for the Installation of Standpipe and Hose Systems; NFPA 15-2012, Standard for Water Spray Fixed Systems for Fire Protection; NFPA 16-2011, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems; NFPA 20-2013, Standard for the Installation of Stationary Pumps for Fire Protection; NFPA 22-2013, Standard for Water Tanks for Private Fire Protection; NFPA 24-2013, Standard for the installation of Private Fire Service Mains and Their Appurtenances; NFPA 30-2012, Flammable and Combustible Liquids Code; NFPA 214-2011, Standard on Water-Cooling Towers; and NFPA 409-2011, Standard on Aircraft Hangars. TDI also proposes new NFPA 750-2010, Standard on Water Mist Fire Protection Systems. The updated standards are necessary to better protect the health and safety of the public.

TDI proposes an amendment to §34.711 to clarify that a license must not be expired for the license holder to engage in the business for which the license is granted.

TDI proposes an amendment to §34.716 to standardize signage across all industry certificate holders. The requirements would only apply to vehicles that are regularly used, modify the placement of the registration number, and modify the format of the displayed registration number. Another amendment deletes an obsolete year reference. The amendment also removes underground fire main reference for consistency with the statute, and it clarifies which licensed responsible managing employee (RME) may affix a certificate for installation.

TDI proposes an amendment to §34.718 to require the signature and license number of the RME for the installation tag. This change will assist in the documentation and enforcement of the rules. Another proposed amendment to the section clarifies that the system must comply with the applicable standard before tagging with an installation tag.

TDI proposes an amendment to §34.719 to clarify the intent of the service tag is to apply to both impairments and noncompliant conditions.

TDI proposes an amendment to §34.721 to clarify that the intent of the yellow tag and assist local authorities having jurisdiction in enforcing the maintenance requirements of NFPA 25. Another amendment clarifies that any service person or inspector may attach yellow tags. TDI also removes references to “impairments” to amend the wording on removal to match the language used on red tags.

The proposed amendments also make numerous editorial changes to improve readability and consistency, and conform to current agency style. These changes include replacing “shall” with “must” or “will” and amending inconsistent capitalization.

Summary of Changes to Adopted Standards

NFPA 10 – NFPA 10 revised the 2013 edition of this standard, which addresses Class D extinguishing agents and the phase out of listed Halon extinguishers. NFPA 10 expands the definition of halocarbons to permit the use of any halocarbon agent acceptable under the U.S. EPA Significant New Alternatives Policy program. For easy reference, NFPA 10 expands the list of NFPA documents that contain additional requirements that supersede those found in this standard. Added are new travel

distances for obstacle, gravity or three-dimensional, and pressure fire hazards. Chapter 7, Inspection, Maintenance, and Recharging, and Annex E, Distribution, have been significantly revised and restructured. NFPA 10 adds to Annex F Selection of Residential Fire-Extinguishing Equipment instructions for inspection and maintenance of residential extinguishers.

NFPA 12 – The 2011 edition of this standard is a partial revision that includes a modification to the requirements for system operational tests.

NFPA 13 – The 2013 edition of NFPA 13 included changes to many technical requirements as well as the reorganization of multiple chapters. One significant change that NFPA made to the administrative chapter of NFPA 13 was to clarify that water mist systems were not covered in NFPA. A series of new requirements address the need for a compatibility review where nonmetallic piping and fittings are installed in systems also using petroleum-based products such as cutting oils and corrosion inhibitors. NFPA 13 made several modifications to the standard pertaining to freeze protection. New NFPA 13 prohibits using antifreeze in sprinkler systems unless the solution used has been listed, and the listing indicates that the solution is unable to ignite. Other freeze protection modifications to the standard include clarification on the use of heat tracing and required barrel length for dry sprinklers, allowing submission of engineering analyses to support an alternate freeze protection scheme. NFPA 13 added new sprinkler omission requirements for elevator machine rooms and other elevator-associated spaces meeting certain criteria. Chapter 9 includes updated information on shared support structures, as well as a revised seismic bracing calculation form. NFPA

13 reorganizes Chapters 16 and 17 to make the chapters easier to follow and to create more consistency among the various storage chapters. NFPA 13 adds a new chapter on alternative approaches for storage applications to provide guidance on performance-based approaches for dealing with storage arrangements.

NFPA 13D – The 2013 edition of NFPA 13D includes a restructuring to make the document easier to use. It adds four new chapters that break out freeze protection, acceptance testing, maintenance, and discharge criteria into their own chapters. This edition includes modification to the definitions of “multipurpose” and “stand-alone” systems, and a new definition for “passive purge” systems. NFPA 13D adds new language addressing the number of heads to be calculated for certain sloped- and beamed-ceiling configurations, based on a Fire Protection Research Foundation Report. NFPA 13D also updates antifreeze requirements.

NFPA 13R – The 2013 edition revised the title to address low-rise residential occupancies instead of addressing the number of stories outlined in the document scope. NFPA 13R added several sections to address the concept of shadow areas in different configurations in NFPA 13R-protected structures. The requirements for sprinkler locations have been updated to provide specific direction on protection of porte cocheres, closets, and areas outside of the dwelling unit. NFPA 13R adds new language addressing the number of heads to be calculated for certain sloped- and beamed-ceiling configurations, based on a Fire Protection Research Foundation Report. Also note that the title of the code has been amended.

NFPA 14 – The 2013 edition revises clearance requirements around hose valve handles where hose valves are located within cabinets and where they are adjacent to objects. NFPA also defined travel distance, as it applies to this standard. NFPA 14 adds the term “horizontal standpipe” to the requirement for pipe protection. NFPA 14 clarified heat-tracing requirements, along with added requirements for the pitching of pipe used in a dry system. The valve and drain requirements have been extensively revised, providing greater guidance and clarification. NFPA 14 also adds new criteria and a new figure regarding horizontal exists.

NFPA 15 – The 2012 edition provides updated rules for grooved couplings to comply with changes in the 2010 edition of NFPA 13. Other changes include an expanded section on designing for flammable vapor mitigation and the addition of new contractor's material and test certificates.

NFPA 16 – The 2011 edition updates and clarifies the criteria for acceptance testing of the concentration of foam to specific tolerance ranges. The standard clarifies that the orifice indicator tabs or nameplate must be permanently marked. The 2011 edition also makes the hose stream allowance consistent with NFPA 13, Standard for the Installation of Sprinkler Systems. In addition, the alcohol-resistant foams do not follow the Darcy-Weisbach formula because they are non-Newtonian fluids.

NFPA 17, 17A – The 2013 edition of this standard clarifies the requirements for inspection and maintenance and provides new requirements for installation acceptance.

NFPA 18 – The 2011 edition also has undergone extensive technical and editorial revision. Technical changes include limits for aquatic toxicity for parity and

consistency with other product standards. NFPA 18 has undergone editorial changes that include updating the structure of the standard to comply with the Manual of Style for NFPA Technical Committee Documents.

NFPA 20 – The 2013 edition clarifies and adds new requirements for water mist positive displacement pumping units. Chapter 5 of the standard has been reorganized. NFPA has revised the limited service controller requirements and removed the component replacement table.

NFPA 22 – The 2013 edition adds sizing requirements for break tanks in Chapter 4 and sizing procedures for pressure tanks in the Chapter 7 annex material. NFPA has defined the term “suction tank” and revised the requirements for anti-vortex plates. NFPA 22 also updates Table 5.4 to align it with current industry standards.

NFPA 24 – The 2013 edition of NFPA 24 includes clarifications on the requirements for running piping under buildings, including annex figures depicting clearances. It modifies the Contractors Material and Test Certificate for Underground Piping (Figure 10.10.1) to include confirmation that the forward flow test of the backflow preventer has been conducted. NFPA 24 adds a provision that requires the automatic drip valve to be located in an accessible location that permits inspections according to NFPA 25.

NFPA 25 – The 2014 edition of NFPA 25 includes significant changes, many specific to the chapter on fire pumps. The operating test requirements now consider a baseline weekly test for all pumps with a series of exceptions that allow for a modified testing frequency. NFPA 25 added new language to address confirmation of pressure

recordings and a new fuel quality test for diesel-driven pumps. NFPA 25 added definitions for the various frequencies of inspection, testing, and maintenance tasks to create a time frame for completion of the task. NFPA modified the concept of “internal inspection” to an internal assessment concept, where a performance-based assessment frequency is explicitly addressed. NFPA 25 updated the scope of the Technical Committee on Inspection, Testing, and Maintenance of Water-Based Systems to address water mist systems. Because the material on water mist systems in this chapter is now in the jurisdiction of NFPA 25, the water mist system extract tags in NFPA 750 have been removed from that chapter. NFPA 25 also adds a new chapter to address NFPA 13D systems installed outside of one- and two-family homes. NFPA 25 updates requirements for inspecting antifreeze systems to include the latest information from the Fire Protection Research Foundation testing on standard spray sprinklers. The table providing examples of classifications for deficiencies and impairments has been relocated from Annex E to Annex A, and is attached to the definition of “deficiency.”

NFPA 30 – The 2012 edition of NFPA 30 incorporates several technical changes: (1) use and installation of alcohol-based hand rub dispensers have been exempted from the code; (2) NFPA 20, Standard for the Installation of Stationary Pumps for Fire Protection, has been added to Section 1.5 as one of the NFPA codes and standards deemed equivalent to the code for purposes of installation of fuel tanks for diesel-driven fire pumps; (3) definitions for the various building occupancies have been amended to conform with the preferred definitions in NFPA 101, Life Safety Code; (4) the definitions of “fire-resistant tank” and “protected aboveground tank” have been relocated to

Chapter 22, Storage of Liquids in Tanks – Aboveground Storage Tanks; (5) new provisions have been added to require that Class II and Class III liquids that are stored, handled, processed, or used at temperatures at or above their flash points follow all applicable requirements in the code for Class I liquids, unless an engineering evaluation deems otherwise (supplementary information has been included in Annex A, and a direct reference to this provision has been added at appropriate locations in subsequent chapters); (6) an annex item has been added to 6.5.1 to explain that use of spark-resistant tools must be evaluated on a case-by-case basis; (7) new Section 6.10 and the accompanying Annex G have been added to address management of facility security by means of a mandatory security and vulnerability assessment (Annex G provides an outline of a suggested assessment process); (8) annex guidance has been added to 9.5.4.2 for selecting a safe location to which a flammable liquids storage cabinet can be vented; (9) the provisions for flammable liquids storage cabinets have been amended to incorporate more extensive marking requirements; (10) a footnote has been added to Table 9.9.1, Fire Resistance Ratings for Liquid Storage Areas, to indicate that no fire resistance rating is required for separation walls for accessory use areas of a small floor area; (11) Section 13.3 has been revised to more clearly establish the required separation between detached unprotected liquids storage buildings and both protected and unprotected exposed properties; (12) numerous minor amendments have been made to clarify application of the provisions of Chapter 16; (13) a new subsection 17.3.7 has been added to address process vessels used to heat liquids to temperatures at or above their flash points, as suggested by the U. S. Chemical Safety

and Hazard Investigation Board; (14) an Annex A item has been added to 18.6.3 to provide guidance for selecting a safe location to which a flammable liquids dispensing area can be vented; (15) subsection 21.4.3, Normal Venting for Storage Tanks, has been amended to clarify its application (an Annex A item is included to clarify that the interstitial space of a secondary containment tank does not require normal venting); (16) a new 21.5.2.1 has been added to clarify that tightness testing is not required for an interstitial space of a secondary containment tank that maintains factory-applied vacuum; (17) a note and Annex A item have been added to Table 22.4.2.1, Minimum Shell-to-Shell Spacing of Aboveground Storage Tanks, to explain the term "sum of adjacent diameters" and its determination; (18) subsection 22.17.4 has been amended to provide additional guidance on handling floating roof pontoons that have been breached by liquids or vapors; and (19) Section 23.14 has been amended so that it no longer allows the use of water ballast to secure underground tanks in areas subject to flooding.

NFPA 33 – The 2011 edition of the code provides requirements to mitigate fire and explosion hazards of spray application processes that use flammable or combustible materials. The code also includes specific requirements for powder coating processes, vehicle undercoating and body lining, limited finishing workstations, and hand lay-up and spray fabrication of glass fiber-reinforced plastics.

NFPA 70 – The 2014 edition of the code provides the latest benchmark for safe electrical design, installation, and inspection to protect people and property from electrical hazards. The revised edition makes technical and editorial revisions.

NFPA 72 – The 2013 edition of the code builds on the organizational changes made in the 2010 edition. New Chapter 7 adds “Documentation” to improve the usability of the document. The chapter provides a central location for all the documentation requirements of the code. The new chapter contains the documentation provisions and provides references to documentation requirements contained in other chapters. As an example, the new chapter contains the minimum documentation requirements that apply to any system covered by the Code, while additional document requirements that might apply from other parts of the Code or from other governing laws, codes, or standards, are listed with an appropriate reference. The Record of Completion and Record of Inspection, Testing, and Maintenance forms are revised so they are easier to use. NFPA has reorganized Chapter 10, Fundamentals in the 2013 edition of the Code to provide a more user-friendly flow of requirements. In addition, requirements for circuit monitoring found in the previous edition of Chapter 10 have been moved to Chapter 12, Circuits and Pathways, a more logical location. NFPA made extensive usability changes in the inspection and testing tables of Chapter 14, Inspection, Testing, and Maintenance. The updated visual inspection table adds new inspection methods for each component along with the inspection frequency. The combined test methods and test frequency tables is now a single table in which the test method appears along with the test frequency for each component. The component listings in both tables are reorganized and coordinated so that components and equipment are easier to find. The 2013 edition of the Code also includes many technical updates. Among these are changes in Chapter 10, Fundamentals, requiring

supervising station operators and fire alarm system service providers to report to the authority having jurisdiction over certain conditions of system impairment. Updated requirements for inspection, testing, and service personnel qualifications better reflect the level of qualification needed for each type of activity. Revised Chapter 18, Notification Appliances, now requires documentation of the locations that require audible notification appliances. The revised code adds area of coverage requirements for visible notification appliances. Changes in Chapter 21, Emergency Control Function Interfaces, address requirements for elevator recall when sprinklers are installed in elevator pits. The requirements for occupant evacuation elevators have also been completely revised to conform to changes being made in ASME A.17.1/B44, Safety Code for Elevators and Escalators. Changes in Chapter 24, Emergency Communications Systems, regarding the use of microphones, address the use of textual and graphical visible notification appliances for primary or supplemental notification, and update the requirements for emergency command centers. Changes in Chapter 26, Supervising Station Alarm Systems, address alarm signal verification, alarm signal content, restoration of signals, and update the communications methods. In addition, new definitions for unwanted alarms more precisely identify the sources of unwanted alarms. Changes in Chapter 29, Single- and Multiple-Station Alarms and Household Fire Alarm Systems, address the connection of sprinkler waterflow switches to multiple-station alarms, and add new requirements addressing the smoke alarm resistance to common nuisance sources.

NFPA 90A – The 2012 edition updates many reference standards and corrects various terms to properly align with the standards from which they came.

NFPA 96 – The 2014 edition introduces new requirements for the use of solid fuel as a flavor enhancer. It also adds a listing requirement for fans used in exhaust systems, a diagram of a wall-mounted fan, and a requirement for exhaust fan activation for any appliance under an exhaust hood. NFPA 96 adds criteria that affect existing dry or wet chemical systems not in compliance with ANSI/UL 300 when significant changes are made to a system and that establish a deadline for fire protection systems to meet the minimum requirements.

NFPA 101 – The 2012 edition expands what had been the definitions of “noncombustible material” and “limited-combustible material” and moves the material to new subsections in Chapter 4. The material addressing elevators for occupant-controlled evacuation that had comprised Annex B is moved to Chapter 7. A new section is added to Chapter 7 to address normally unoccupied building service equipment support areas. Chapter 8 expands the table addressing minimum fire protection ratings for opening protectives. Added to Chapter 9 are provisions for carbon monoxide detection. Added to some of the occupancy chapters are requirements for carbon monoxide detection. The health care occupancies provisions are modified to permit the health care setting to be made more homelike.

NFPA 214 – The 2011 edition has made several clarifications to improve the standard’s functionality for the user and to coordinate with other documents.

NFPA 409 – The 2011 edition of this standard is also a partial revision. Added criteria clarify where sprinklers are required for smaller hangars such as those used by general aviation entities. Removed are unenforceable terms, to comply with the Manual of Style for NFPA Technical Committee Documents.

NFPA 750 – The 2010 edition includes new annex material providing guidance on obstruction to nozzle discharge and a number of editorial revisions.

NFPA 2001 – The 2012 edition includes a complete rewrite of Annex C. In addition, more information on the environmental impact of clean agents is added to Annex A.

NFPA 2010 – The 2010 edition contains minimum requirements for fixed aerosol fire extinguishing systems. The code is intended for use by those who purchase, design, install, test, inspect, approve, list, operate, and maintain fixed aerosol fire-extinguishing systems the such equipment will function as intended throughout its life.

UL 827 – the revised standard makes technical and editorial revisions.

2. FISCAL NOTE. Chris Connealy, state fire marshal, has determined that for each year of the first five years the proposed sections will be in effect, there will be no measurable fiscal impact to state government and no measurable impact to local governments as a result of the enforcement or administration of the proposal. There will be no measurable effect on local employment or the local economy as a result of the proposal.

3. PUBLIC BENEFIT/COST NOTE. Mr. Connealy has also determined that for each year of the first five years the proposal is in effect, there is an anticipated public benefit of more orderly administration of the licensing process and increased clarity in regulatory requirements.

TDI drafted the proposed rules to maximize public benefits while mitigating costs. Except for the costs associated with the updated NFPA and UL codes, the proposed changes will have no expected financial impact on the public. The costs of compliance for the amended business vehicle signage requirements, revised labels, tags, or record stamps is not expected to exceed the costs of compliance for existing rules.

Costs Relating to NFPA Code Updates

The costs for compliance will vary between the smallest and largest businesses because the amount of work a business does may vary with firm size. Businesses and individuals may face higher costs to meet the updated code. The estimated cost to purchase all of the proposed updated NFPA codes is approximately \$1250. An interested person or entity can purchase an NFPA all access online plan for \$1295. For NFPA codes adopted under the Extinguisher Rules, the estimated cost to purchase all of the proposed updated NFPA standards is approximately \$517, plus tax and shipping. For NFPA codes adopted under the Alarm Rules, the estimated cost to purchase all of the proposed updated NFPA standards is approximately \$805. UL sells the UL 827 Standard for Central-Station Alarm Services in a PDF version for \$505 and as a hard copy for \$631. However, because fire alarm firms will only need to purchase the applicable standards in their area of expertise, the cost may actually be less. For NFPA

codes adopted under the Sprinkler Rules, the estimated cost to purchase all of the proposed updated NFPA standards is approximately \$636. These costs will apply equally to small and micro businesses. TDI has considered the purpose of the adopted NFPA standard and UL code, which is to provide for the safety of lives and property, and has determined that it is neither legal nor feasible to waive the provisions of the proposed amendments for small or micro businesses.

The proposed amendments adopt revised NFPA codes and one UL code. Because of revisions in the updated codes, building owners and licensees may be required to meet more stringent or altered code requirements, and building owners and licensees may have higher costs to comply with the more recent version of the standards. However, these costs will be individualized and based on the existing condition of the building, the number of buildings affected by the updated standards, and the work processes of licensees.

4. ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS

FOR SMALL AND MICRO BUSINESSES. As required by Government Code §2006.002(c), TDI has determined that the proposed amendments may have an adverse economic effect on small or micro businesses that must comply with the proposed rules. The cost of compliance with the proposal may vary between large businesses and small or micro businesses, and TDI's cost analysis and resulting estimated costs for building owners licensees in the Public Benefit/Cost Note portion of this proposal is equally applicable to small or micro businesses.

The proposed amendments adopt revised NFPA and UL standards. The updated standards are necessary to better protect the health and safety of the public. TDI has determined, in accord with Government Code §2006.002(c-1), that the proposal substantially contributes to the health and safety of Texas citizens by incorporating more current fire alarm and fire sprinkler NFPA standards. There are no regulatory alternatives to the adoption of the updated standards in this proposal that will sufficiently protect the health and safety of Texas citizens affected by the rules.

5. TAKINGS IMPACT ASSESSMENT. TDI has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action, and does not constitute a taking or require a takings impact assessment under the Government Code §2007.043.

6. REQUEST FOR PUBLIC COMMENT. If you wish to comment on this proposal you must do so in writing no later than 5:00 pm, Central time, on May 27, 2014. Send your written comments to Sara Waitt, General Counsel, Mail Code 113-2A, Texas Department of Insurance, PO Box 149104, Austin, Texas 78714-9104 or by email to chiefclerk@tdi.texas.gov. You must simultaneously submit an additional copy of the comment to Chris Connealy, State Fire Marshal, Mail Code 112-FM, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104. Requests for a public hearing must be sent separately to the Office of Chief Clerk, Mail Code 113-2A, Texas

Department of Insurance, PO Box 149104, Austin, Texas 78714-9104 before the close of the public comment period. If a hearing is held, written and oral comments presented at the hearing will be considered.

7. STATUTORY AUTHORITY.

Statutory Authority for Subchapter E Amendments, Extinguisher Rules

The amendments to subchapter E are proposed under Government Code §417.004 and §417.005, and Insurance Code §§6001.051, 6001.052, and 36.001. Government Code §417.004 specifies that the commissioner of insurance performs the rulemaking functions previously performed by the Texas Commission on Fire Protection. Government Code §417.005 specifies that the commissioner of insurance may, after consulting with the state fire marshal, adopt necessary rules to guide the state fire marshal in the investigation of arson, fire, and suspected arson and in the performance of other duties for the commissioner of insurance.

Insurance Code §6001.051(a) specifies that the department administers Insurance Code Chapter 6001. Insurance Code §6001.051(b) specifies that the commissioner may issue rules the commissioner considers necessary to administer Chapter 6001 through the state fire marshal. Insurance Code §6001.052(a) specifies that in adopting necessary rules, the commissioner may use recognized standards, including standards published by the National Fire Protection Association, recognized by federal law or regulation, published by any nationally recognized standards-making organization, or contained in the manufacturer's installation manuals. Insurance Code

§6001.052(b) specifies that the commissioner must adopt and administer rules determined essentially necessary for the protection and preservation of life and property regarding: (i) registration of firms engaged in the business of installing or servicing portable fire extinguishers or planning, certifying, installing, or servicing fixed fire extinguisher systems or hydrostatic testing of fire extinguisher cylinders; (ii) the examination and licensing of individuals to install or service portable fire extinguishers and plan, certify, install, or service fixed fire extinguisher systems; and (iii) requirements for installing or servicing portable fire extinguishers and planning, certifying, installing, or servicing fixed fire extinguisher systems. Insurance Code §6001.052(c) specifies that the commissioner by rule shall prescribe requirements for applications and qualifications for licenses, permits, and certificates issued under this chapter.

Insurance Code §36.001 provides that the commissioner 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.

Statutory Authority for Subchapter F Amendments, Fire Alarm Rules

The amendments to subchapter F are proposed under Government Code §417.004 and §417.005, and Insurance Code §§6002.051, 6002.052, and 36.001. Government Code §417.004 specifies that the commissioner of insurance performs the rulemaking functions previously performed by the Texas Commission on Fire Protection. Government Code §417.005 specifies that the commissioner of insurance may, after consulting with the state fire marshal, adopt necessary rules to guide the

state fire marshal in the investigation of arson, fire, and suspected arson and in the performance of other duties for the commissioner of insurance.

Insurance Code §6002.051(a) specifies that the department shall administer Chapter 6002. Insurance Code §6002.051(b) specifies that the commissioner may adopt rules as necessary to administer Chapter 6002, including rules the commissioner considers necessary to administer Chapter 6002 through the state fire marshal. Insurance Code §6002.052(a) specifies that in adopting necessary rules, the commissioner may use: (i) recognized standards, such as, but not limited to standards of the National Fire Protection Association, standards recognized by federal law or regulation, or standards published by a nationally recognized standards-making organization; (ii) the National Electrical Code; or (iii) information provided by individual manufacturers. Insurance Code §6002.052(b) specifies that rules adopted under §6002.051 may create specialized licenses or registration certificates for an organization or individual engaged in the business of planning, certifying, leasing, selling, servicing, installing, monitoring, or maintaining fire alarm or fire detection devices or systems and that the rules must establish appropriate training and qualification standards for each kind of license and certificate. Insurance Code §6002.052(c) specifies that the commissioner must also adopt standards applicable to fire alarm devices, equipment, or systems regulated under this chapter and that in adopting these standards, the commissioner may allow the operation of a fire alarm monitoring station that relies on fire alarm devices or equipment approved or listed by a nationally-recognized testing laboratory without regard to whether the monitoring station

is approved or listed by a nationally-recognized testing laboratory if the operator of the station demonstrates that the station operating standards are substantially equivalent to those required to be approved or listed.

Insurance Code §36.001 provides that the commissioner 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.

Statutory Authority for Subchapter G Amendments, Sprinkler Rules

The amendments to subchapter G are proposed under Government Code §417.004 and §417.005 and Insurance Code §§6003.051, 6003.052, 6003.054, and 36.001. Government Code §417.004 specifies that the commissioner of insurance performs the rulemaking functions previously performed by the Texas Commission on Fire Protection. Government Code §417.005 specifies that the commissioner of insurance may, after consulting with the state fire marshal, adopt necessary rules to guide the state fire marshal in the investigation of arson, fire, and suspected arson, and in the performance of other duties for the commissioner of insurance.

Insurance Code §6003.051(a) specifies that the department administers Chapter 6003. Insurance Code §6003.051(b) specifies that the commissioner may issue rules necessary to administer Chapter 6003 through the state fire marshal. Insurance Code §6003.052(a) specifies that in adopting necessary rules, the commissioner may use recognized standards, including standards adopted by federal law or regulation; standards published by a nationally recognized standards-making organization; or standards developed by individual manufacturers. Section 6003.054(a) further specifies

that the state fire marshal must implement the rules adopted by the commissioner for the protection and preservation of life and property in controlling: (i) the registration of an individual or an organization engaged in the business of planning, selling, installing, maintaining, or servicing fire protection sprinkler systems; and (ii) the requirements for the plan, sale, installation, maintenance, or servicing of fire protection sprinkler systems by determining the criteria and qualifications for registration certificate and license holders; evaluating the qualifications of an applicant for a registration certificate to engage in the business of planning, selling, installing, maintaining, or servicing fire protection sprinkler systems; conducting examinations and evaluating the qualifications of a license applicant; and issuing registration certificates and licenses to qualified applicants.

Insurance Code §36.001 provides that the commissioner 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.

8. CROSS REFERENCE TO STATUTE. The following statutes are affected by this proposal:

The amendments to Chapter 34, Subchapter E, implement and affect Insurance Code, Chapter 6001, including §6001.051, §6001.052, and House Bill 2447, 83rd Legislature (2013).

The amendments to Chapter 34, Subchapter F, implement and affect Insurance Code, Chapter 6002, including §§6002.051, 6001.052, 6002.154, 6002.155, 6002.158, 6002.201, 6002.251, 6002.252, and House Bill 458, 83rd Legislature (2013).

The amendments to Chapter 34, Subchapter G, implement and affect Insurance Code, Chapter 6003, including §§6003.051, 6003.052, 6003.054, 6003.153, and 6003.154.

9. TEXT.

SUBCHAPTER E. FIRE EXTINGUISHER RULES [~~AND INSTALLATION~~]

§34.501. Purpose. The purpose of this subchapter is to regulate the business of leasing, renting, selling, installing, and servicing of portable fire extinguishers and the planning, certifying, installing, or servicing of fixed fire extinguisher systems and to prohibit portable fire extinguishers, fixed fire extinguisher systems, and extinguisher equipment not [~~labeled or~~] listed by a testing laboratory approved by the commissioner in the interests of protecting and preserving lives and property under [~~pursuant to~~] Insurance Code Chapter 6001.

§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 will [~~shall~~] be [~~kept~~] available for public inspection in the State Fire Marshal's Office.

(1) NFPA 10-2013 [~~10-2010~~], Standard for Portable Fire Extinguishers.

(2) NFPA 11-2010, Standard for Low-, Medium-, and High-Expansion Foam and Combined Agent Systems.

(3) NFPA 12-2011 [~~12-2008~~], Standard on Carbon Dioxide Extinguishing Systems.

(4) NFPA 12A-2009, Standard on Halon 1301 Fire Extinguishing Systems.

(5) NFPA 15-2012 [~~15-2007~~], Standard for Water Spray Fixed Systems for Fire Protection.

(6) NFPA 16-2011 [~~16-2007~~], Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems.

(7) NFPA 17-2013 [~~17-2009~~], Standard for Dry Chemical Extinguishing Systems.

(8) NFPA 17A-2013 [~~17A-2009~~], Standard for Wet Chemical Extinguishing Systems.

(9) NFPA 18-2011 [~~18-2006~~], Standard on Wetting Agents.

(10) NFPA 25-2014 [~~25-2008~~], Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems.

(11) NFPA 33 2011, Standard for Spray Application Using Flammable or Combustible Materials

(12) [(44)] NFPA 96-2014 [96-2008], Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations.

(13) [(42)] NFPA 2001-2012 [2001-2008], Standard on Clean Agent Fire Extinguishing Systems.

(14) NFPA 2010-2010, Standard for Fixed Aerosol Fire-Extinguishing Systems.

§34.510. Certificates of Registration.

(a) – (e) (No change.)

(f) Business vehicles [~~Display of registration information~~]. All vehicles used regularly in installation, service, maintenance, testing, or certification activities must prominently display the company name, telephone number, and certificate of registration number. The numbers and letters must be at least one inch in height and permanently affixed or magnetically attached to each side of the vehicle [~~a side panel and/or a front-door panel~~] in a color contrasting with the background color of the vehicle. The certificate-of-registration number must be designated in the following format: TX [~~as: Tex~~] ECR-number.

(g) – (m) (No Change.)

§34.511. Fire Extinguisher Licenses.

(a) (No change.)

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

(b) ~~[(e)]~~ Pocket license. A licensee must carry a pocket license for identification while engaged in the activities of the business.

(c) ~~[(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.

(d) ~~[(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.

(e) ~~[(f)]~~ Restrictions.

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

(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 will ~~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 will [~~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.

§34.517. Installation and Service.

(a) – (g) (No change.)

(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. The year of manufacture for new fusible links must be listed on the service tag under service performed.

(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 tamper seal [~~or tamper indicator~~] will [~~shall~~] bear the year it was attached. The date must be imprinted or embossed on the flag of the new tamper seal. Dates applied with a marker are not allowed.

~~[(k) All preengineered 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."]~~

§34.520. Service Tags.

(a) – (g) (No change.)

(h) Adhesive label type tags are permitted. The label must bear all information required by subsection (c) of this section.

SUBCHAPTER F. FIRE ALARM RULES

§34.604. Exceptions. The exceptions of the Insurance Code §6002.155 are applicable to the sections of this subchapter. Professionally exempt individuals or organizations are exempt from license requirements only and will be responsible for ensuring that planning and installation of fire detection or fire alarm devices are performed according to standards adopted in §34.607 of this chapter except when the planning and installation complies with a more recent edition of an adopted standard.

§34.607. Adopted Standards.

(a) The commissioner adopts by reference those sections of the following copyrighted minimum standards, recommendations, and appendices concerning fire alarm, fire detection, or supervisory services or systems, except to the extent they are at variance with sections of this subchapter, Insurance Code Chapter 6002, or other state

statutes. The standards are published by and are available from the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269. A copy of the standards will be ~~kept~~ available for public inspection at the State Fire Marshal's Office.

- (1) NFPA 11-2010, Standard for Low-, Medium-, and High-Expansion Foam.
- (2) NFPA 12-2011 [~~12-2008~~], Standard on Carbon Dioxide Extinguishing Systems.
- (3) NFPA 12A-2009, Standard on Halon 1301 Fire Extinguishing Systems.
- (4) NFPA 13-2013 [~~13-2010~~], Standard for the Installation of Sprinkler Systems.
- (5) NFPA 13D-2013 [~~13D-2010~~], Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes.
- (6) NFPA 13R-2013 [~~13R-2010~~], Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies [~~up to and including Four Stories in Height~~].
- (7) NFPA 15-2012 [~~15-2007~~], Standard for Water Spray Fixed Systems for Fire Protection.
- (8) NFPA 16-2011 [~~16-2007~~], Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems.

(9) NFPA 17-2013 [~~17-2009~~], Standard for Dry Chemical Extinguishing Systems.

(10) NFPA 17A-2013 [~~17A-2009~~], Standard for Wet Chemical Extinguishing Systems.

(11) NFPA 25-2014 [~~25-2008~~], Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems.

(12) NFPA 70-2014 [~~70-2008~~], National Electrical Code.

(13) NFPA 72-2013 [~~72-2007~~], National Fire Alarm Code.

(14) NFPA 90A-2012 [~~90A-2009~~], Standard for the Installation of Air Conditioning and Ventilating Systems.

(15) NFPA 101®-2012 [~~101®-2009~~], or later editions, Code for Safety to Life from Fire in Buildings and Structures (Life Safety Code)®, or a local jurisdiction may adopt one set of the model codes listed in subsection (b) of this section instead of [~~in lieu of~~] NFPA 101.

(16) UL 827 October 1, 2008 [~~1996~~], Standard for Central Station Alarm Services.

(17) NFPA 2001-2012 [~~2001-2008~~], Standard on Clean Agent Fire Extinguisher Systems.

(b) The acceptable alternative model code sets are:

(1) the International Building Code®-2003 or later editions, and the International Fire Code-2003 or later editions; or

(2) the International Residential Code® for One- and Two-Family Dwellings-2003 or later editions.

§34.610. Certificates of Registration.

(a) – (b) (No change.)

(c) Business vehicles. All vehicles regularly used in installation, service, maintenance, testing, or certification activities must prominently display the company name, telephone number, and certificate number. The numbers and letters must be at least one inch high and permanently affixed or magnetically attached to each side of the vehicle in a color contrasting with the background color of the vehicle. The certificate of registration number must be designated in the following format: TX ACR-{{[number]}}.

(d) – (i) (No change.)

§34.611. Licenses and Approvals.

(a) – (e) (No change.)

(f) Restrictions on licensees and registered firms.

(1) A licensee must not engage in any act of the business unless employed by or as an agent of a registered firm and holding an unexpired license.

(2) Each person who engages in the activities of the business must have the appropriate license issued by the state fire marshal unless excepted from the licensing provisions by Insurance Code §6002.155.

(g) – (h) (No change.)

§34.613. Applications.

(a) (No change.)

(b) Fire Alarm Licenses.

(1) To be complete, applications for a license from an employee or agent of a registered firm must be submitted on forms provided by the state fire marshal and be accompanied by all fees, documents, and information required by Insurance Code Chapter 6002 and this subchapter. Applications must be signed by the applicant and by a person authorized to sign on behalf of the registered firm. All applicants for any type of license must successfully complete a qualifying test regarding Insurance Code Chapter 6002 and the Fire Alarm Rules, as designated by the State Fire Marshal's Office. The qualifying test given as part of a training school for residential fire alarm technician license must include questions regarding Chapter 6002 and the Fire Alarm Rules.

(2) – (7) (No change.)

(c) Instructor and Training School Approvals.

(1) Instructor approvals. An applicant for approval as an instructor must:

(A) hold a current fire alarm planning superintendent's license, residential fire alarm superintendent license, or fire alarm technician license issued by the State Fire Marshal's Office;

(B) submit a completed Instructor Approval Application, Form No. SF247, signed by the applicant, that is accompanied by all fees; and

(C) furnish written documentation of a minimum of three years of experience in fire alarm installation, service, or monitoring of fire alarm systems, unless the applicant has held a fire alarm planning superintendent's license, residential fire alarm superintendent license, or fire alarm technician license for three or more years.

(2) (No Change.)

(d) – (e) (No change.)

§34.616. Sales, Installation, and Service.

(a) – (b) (No change.)

(c) Monitoring Requirements

(1) A registered firm may not monitor a fire alarm system located in the State of Texas for an unregistered firm.

(2) A registered firm may not connect a fire alarm system to a monitoring service unless:

(A) the monitoring service is registered under [~~the~~] Insurance Code Chapter 6002 or is exempt from the licensing requirements of that chapter; and

(B) the monitoring equipment being used is in compliance with [~~the~~] Insurance Code §6002.25.

(3) A registered firm must employ at least one technician licensee at each central station location. Each dispatcher at the central station is not required to be a fire alarm technician licensee.

(4) A registered firm subcontracting monitoring services to another registered firm must advise the monitoring services subscriber of the identity and location of the registered firm actually providing the [~~such~~] services unless the registered firm's contract with the subscriber contains a clause giving the registered firm the right, at the registered firm's sole discretion, to subcontract any or all of the work or service.

(5) A registered monitoring firm, reporting an alarm or supervisory signal to a municipal or county emergency services center, must [~~shall~~] provide, at a minimum, the type of alarm, address of alarm, name of subscriber, dispatcher's identification, and call-back phone number. If requested, the firm must [~~shall~~] also provide the name, registration number, and call-back phone number of the firm contracted with the subscriber to provide monitoring service if other than the monitoring station.

(6) If the monitoring service provided under this subchapter is discontinued before the end of the contract with the subscriber, the monitoring firm, central station, or [~~and/or~~] service provider must [~~shall~~] notify the owner or owner's representative of the monitored property and the local authority having jurisdiction[;] a minimum of seven days before terminating the monitoring service. If the monitored property is a one- or two-family-dwelling, notification of the local authority having jurisdiction is not required.

(7) On request of the state fire marshal's office or local authority having jurisdiction, the registered monitoring service firm providing the monitoring services must provide directly to the state fire marshal or local authority, as requested, activity

history reports. These reports will not require approval from the subcontracting service company or subscriber.

§34.620. Installation Labels.

(a) After the completion of an installation of new fire alarm equipment or a new system, or the extension, alteration, or modification to a fire alarm system already in place, an installation label must be affixed to the inside of the control panel cover[,] or, if the system has no panel, in a permanent location. Yellow or red labels must not be attached for the installation of a new system or new equipment used in the extension, alteration, or modification to an existing fire alarm system. ~~[Attachment of the installation label for a one- or two-family residence certifies that the fire alarm equipment or system has been tested and complies with the requirements of Insurance Code Chapter 6002, this subchapter, the adopted codes and standards, and the manufacturer's requirements.]~~

(b) Installation labels must be white with black lettering.

(c) Installation labels must be approximately three inches in height and approximately three inches in width and must have an adhesive on the back.

(d) Installation labels must ~~[for commercial building or non-one-or-two-family residence shall]~~ contain the following information in the format of the label as indicated in subsection (e) of this section:

(1) DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL
(all capital letters in at least 10-point bold face type);

(2) **INSTALLATION RECORD** (all capital letters in at least 10-point bold face type);

(3) the registered firm's name, address, and telephone number and the certificate of registration number (either main office or branch office) of the firm performing the installation;

(4) the installation date, the licensee's signature (a stamped signature is prohibited), and license number; and

(5) the name and license number of the fire alarm planning superintendent or residential fire alarm planning superintendant (as applicable) [~~and license number~~] or professional engineer's name and license number who planned the system.

(e) Installation [~~Commercial building or non-one-or-two-family residence installation~~] label:

Figure: 28 TAC §34.620(e): [~~Figure: 28 TAC §34.620(e):~~]

DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL (for life of system) fire detection and fire alarm devices or system INSTALLATION RECORD (Post inside panel or at permanent location)		
<i>Registered Firm's Name</i> <i>Street Address</i> <i>City, State, Zip</i> <i>Phone Number</i> ACR- <i>(number)</i>		
Installation Date	Licensee Signature	License #
Planning Superintendent (printed name)-License Number or Professional Engineer's name and License Number copied from record drawings used to install the system.		

~~[(f) Installation labels for one or two family residence must contain the following information in the format of the label as set forth in subsection (g) of this section:~~

~~(1) DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL (all capital letters in at least 10-point bold face type);~~

~~(2) INSTALLATION RECORD (all capital letters in at least 10-point bold face type);~~

~~(3) the registered firm's name, address, telephone number and certificate of registration number (either main office or branch office) of the firm performing the installation;~~

~~(4) the installation date, the licensee's signature (a stamped signature is prohibited) and license number; and~~

~~(5) the inscription "I certify, on behalf of the registered firm, that the fire alarm equipment or system has been tested and complies with the requirements of~~

~~Insurance Code Chapter 6002, the Fire Alarm Rules, the adopted codes and standards, and the manufacturer's requirements."]~~

~~[(g) One or two family residence installation label:]~~

~~[Figure: 28 TAC §34.620(g)]~~

§34.623. Yellow Labels.

(a) If, after any service, inspection, or test, a system does not comply with applicable codes and adopted standards [~~adopted at the time the system was installed~~] or is not being tested or maintained according to [~~in accordance with~~] those standards, a completed yellow label must be attached to the outside of the control panel cover or, if the system has no panel, in a permanent location to indicate that corrective action is necessary.

(b) – (g) (No change.)

(h) Yellow label:

Figure: 28 TAC §34.623(h) [~~Figure: 28 TAC §34.623(h)~~]

DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL (until all conditions are corrected) SYSTEM DOES NOT COMPLY WITH APPLICABLE CODES & STANDARDS		
<i>Registered Firm's Name</i> <i>Street Address, City, State, Zip</i> <i>Phone Number ACR-(number)</i>		
Date	Licensee Signature	License #
List Conditions: _____		

REPORT STATUS TO OWNER & AHJ (in writing within 5 business days)		

§34.630. Application and Renewal Forms.

(a) – (g) (No change.)

(h) The commissioner adopts by reference the Renewal Application For Fire Alarm Certificate of Registration, Form Number SF084 [~~SF034~~], which contains instructions for completion of the form and requires information to be provided regarding the applicant.

(i) (No change.)

SUBCHAPTER G. FIRE SPRINKLER RULES

§34.707. Adopted Standards.

(a) The 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 will be ~~kept~~ available for public inspection in the State Fire Marshal's Office.

(1) NFPA 13-2013 [~~13-2010~~], Standard for the Installation of Sprinkler Systems;

(2) NFPA 25-2014 [~~25-2008~~], Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems;

(3) NFPA 13D-2013 [~~13D-2010~~], Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes;

(4) NFPA 13R-2013 [~~13R-2010~~], Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies [~~up to and including Four Stories in Height~~];

(5) NFPA 14-2013 [~~14-2010~~], Standard for the Installation of Standpipe[, ~~Private Hydrant~~] and Hose Systems;

(6) NFPA 15-2012 [~~15-2007~~], Standard for Water Spray Fixed Systems for Fire Protection;

(7) NFPA 16-2011 [~~16-2007~~], Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems;

(8) NFPA 20-2013 [~~20-2010~~], Standard for the Installation of Stationary Pumps for Fire Protection;

(9) NFPA 22-2013 [~~22-2008~~], Standard for Water Tanks for Private Fire Protection;

(10) NFPA 24-2013 [~~24-2010~~], Standard for the installation of Private Fire Service Mains and Their Appurtenances;

(11) NFPA 30-2012 [~~30-2008~~], Flammable and Combustible Liquids Code;

(12) NFPA 30B-2011, Code for the Manufacture and Storage of Aerosol Products;

(13) NFPA 307-2011, Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves;

(14) NFPA 214-2011 [~~214-2005~~], Standard on Water-Cooling Towers;
[and]

(15) NFPA 409-2011 [~~409-2004~~], Standard on Aircraft Hangars; and [-]

(16) NFPA 750-2010, Standard on Water Mist Fire Protection Systems.

§34.711. Responsible Managing Employee (RME) License.

(a) – (d) (No change.)

(e) Restrictions.

(1) A licensee must [~~shall~~] not engage in any act of the business unless employed by a registered firm and holding an unexpired license.

(2) A registered firm must notify the state fire marshal within 14 days after termination of employment of an RME.

(3) A license is neither temporarily nor permanently transferable from one person to another.

(f) (No change.)

§34.716. Installation, Maintenance, and Service.

(a) (No change.)

(b) Upon completion of the installation, the licensed responsible managing employee type G, D or U (as applicable) must have affixed a contractor's material and test certificate for aboveground or [~~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 must be obtained from the State Fire Marshal's Office. The certificate must be distributed as follows:

(1) original copy kept at the site after completion of the installation;

(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 must be available for examination by the state fire marshal or the state fire marshal's representative upon request. The certificates must 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.

(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. ~~The~~ ~~[After January 1, 2009, 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) Complete records must be kept of all service, maintenance, testing, and certification operations of the firm. The records must be available for examination by the state fire marshal or the state fire marshal's representative.

(e) All vehicles regularly used in service, maintenance, testing, or certification activities must prominently display the company name, telephone number, and certificate of registration number. The numbers and letters must be at least one ~~[two]~~ inches in height and must be permanently affixed or magnetically attached to each side of the vehicle ~~[a side panel or front door panel]~~ in a color contrasting with the background color of the vehicle. The certificate of registration number must be designated in the following format TX: ~~[as: Texas Fire Sprinkler Registration (number) or it may be abbreviated to Tex-]~~ SCR-~~[, (]~~[number~~{}]~~).

(f) – (h) (No change.)

§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 must [~~shall~~] be securely attached by a durable method to the riser of each system. The fire protection system must not be tagged until the system complies with the applicable NFPA installation standard, including freeze protection methods.

(b) – (f) (No change.)

(g) Installation tags must [~~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 MUST [~~SHALL~~] REMAIN ATTACHED TO THE SYSTEM FOR THE LIFE OF THE SYSTEM.” (All [~~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 in gallons per minute [GPM] flowing of the water supply flow test used to hydraulically design the system;

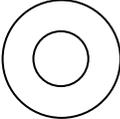
[and]

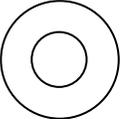
(9) signature of RME-G or D; and [~~service person~~]

(10) license number of RME-G or D.

(h) Sample installation tag:

Figure: 28 TAC §34.718(h) [~~Figure: 28 TAC §34.718(h)~~]

													
DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL													
ORIGINAL INSTALLATION TAG													
<i>Name & Address of Sprinkler Firm Phone Number SCR-Number</i>													
THIS TAG CONTAINS IMPORTANT INFORMATION ABOUT THIS SPRINKLER SYSTEM AND MUST REMAIN ATTACHED TO THE SYSTEM FOR THE LIFE OF THE SYSTEM.													
16	1	2	3	4	5	6	7	8	9	10	11	DEC	2019
17	2	3	4	5	6	7	8	9	10	11	12	NOV	2018
18	3	4	5	6	7	8	9	10	11	12	13	OCT	2017
19	4	5	6	7	8	9	10	11	12	13	14	SEP	2016
20	5	6	7	8	9	10	11	12	13	14	15	AUG	2015
21	6	7	8	9	10	11	12	13	14	15	16	JUL	2014
22	7	8	9	10	11	12	13	14	15	16	17	JUN	2013
23	8	9	10	11	12	13	14	15	16	17	18	MAY	2012
24	9	10	11	12	13	14	15	16	17	18	19	APR	2011
25	10	11	12	13	14	15	16	17	18	19	20	MAR	2010
26	11	12	13	14	15	16	17	18	19	20	21	FEB	2009
27	12	13	14	15	16	17	18	19	20	21	22	JAN	2008
28	13	14	15	16	17	18	19	20	21	22	23		
29	14	15	16	17	18	19	20	21	22	23	24		
30	15	16	17	18	19	20	21	22	23	24	25		
31	16	17	18	19	20	21	22	23	24	25	26		

	
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.	
<hr/> Name of Owner or Occupant	
<hr/> Address	
<hr/> Building No. or Location or System No.	
MAIN DRAIN TEST at lead-in or riser Static: _____ psi Flowing: _____ psi	
WATER SUPPLY FLOW TEST (i.e. at street) Static: _____ psi Residual: _____ psi with: _____ GPM Flowing	
<hr/> Signature of RME-G or D / License No.	

§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 noncompliant conditions or impairments exist [~~impairments are found~~], the service person must attach, in addition to attaching a

service tag, the appropriate yellow tag or red tag according to [~~in accordance with~~] the procedures in this subchapter for completing and attaching yellow and red tags.

(c) – (h) (No change.)

§34.721. Yellow Tags.

(a) If a fire protection sprinkler system is found to be noncompliant with [~~the~~] applicable NFPA standards [~~at the time it was installed~~], is not being tested or maintained according to [~~in accordance with~~] adopted standards, or found to contain equipment that has been recalled by the manufacturer, but the noncompliance or recalled equipment does not constitute an emergency impairment [~~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 or inspector on a yellow tag certifies the conditions [~~impairments~~] listed on the tag cause the system to be out of compliance with NFPA standards.

(c) After attaching a yellow tag, the service person or inspector must notify the building owner or the building owner's representative and the authority having jurisdiction in writing of all noncompliant conditions [~~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 an authorized [~~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 noncompliant [~~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);

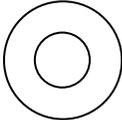
(8) name and address of owner or occupant;

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

(10) list of items [~~impairments~~] not compliant with NFPA standards.

(g) Sample yellow tag

Figure: 28 TAC §34.721(g) [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	

DEC	2019
NOV	
OCT	2018
SEP	
AUG	2017
JUL	
JUN	2016
MAY	
APR	2015
MAR	
FEB	2014
JAN	

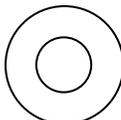
*Name & Address
of Sprinkler Firm
Phone Number
SCR-Number*

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)**



The system has been found to be noncompliant, is not being tested or maintained per standards, or contains recalled equipment. 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 items not compliant with NFPA standards:

10. CERTIFICATION. This agency certifies that legal counsel has reviewed the proposal and found it to be within the agency's legal authority to adopt.

Issued at Austin, Texas, on April 7, 2014.



 Sara Waitt
 General Counsel
 Texas Department of Insurance