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TITLE 28. INSURANCE

Part I. Texas Department of Insurance

Chapter 34. State Fire Marshal, Subchapters E, F, G, and H

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SUBCHAPTER E. FIRE EXTINGUISHER RULES

28 TAC §34.524

SUBCHAPTER F. FIRE ALARM RULES

28 TAC §34.631

SUBCHAPTER G. FIRE SPRINKLER RULES

28 TAC §34.726

SUBCHAPTER H. STORAGE AND SALE OF FIREWORKS

28 TAC §34.833

INTRODUCTION. The Commissioner of Insurance adopts amendments to 28 TAC §§34.524, 34.631, 34.726, 34.833, relating to licensing requirements for military spouses. The amendments are adopted without changes to the proposed text published in the November 8, 2019, issue of the *Texas Register* (44 TexReg 6707).

REASONED JUSTIFICATION. The amendments are necessary to implement legislation. Senate Bill 1200, 86th Legislature, Regular Session (2019), amended Occupations Code §55.0041 as it addresses authority of military spouses to engage in a business or occupation in this state. These amendments impact TDI's licensing rules, which necessitates revisions to 28 TAC §§34.524, 34.631, 34.726, and 34.833, as well as changes in other chapters of Title 28 of the Texas Administrative Code addressed in separate rule proposals and adoption orders.

Section 34.524. Section 34.524(d) describes alternative licensing for a military service member or military veteran who holds a current license as described under §34.524(d)(1) and has held that license for the time required under §34.524(d)(2).

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Section 34.524(e) describes the criteria for a military spouse to engage in business relating to fire extinguishers in Texas. The military spouse must be licensed in a state with substantially equivalent requirements to those of Texas and the military service member to whom the military spouse is married must be stationed in Texas. The military spouse may engage in business relating fire extinguishers for three years from the date confirmation is received from TDI.

Section 34.524(e)(1) requires the military spouse submit an application notifying TDI of their intent to operate under the license in Texas. Section 34.524(e)(2) requires the military spouse to submit to TDI proof of the military spouse's residency in Texas and a copy of the spouse's military identification card and §34.524(e)(3) requires evidence of good standing from the jurisdiction with substantially equivalent requirements to the requirements of Texas.

Section 34.631. Section 34.631(d) describes alternative licensing for a military service member or military veteran who holds a current license as described under §34.631(d)(1) and has held that license for the time required under §34.631(d)(2).

Section 34.631(e) describes the criteria for a military spouse to engage in business related to fire alarms in Texas. The military spouse must be licensed in a state with substantially equivalent requirements to those of Texas and the military service member to whom the military spouse is married must be stationed in Texas. The military spouse may engage in business relating to fire alarms for three years from the date confirmation is received from TDI.

Section 34.631(e)(1) requires the military spouse submit an application notifying TDI of their intent to operate under the license in Texas. Section 34.631(e)(2) requires the military spouse to submit to TDI proof of the military spouse's residency in Texas and a copy of the spouse's military identification card and §34.631(e)(3) requires evidence of

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good standing from the jurisdiction with substantially equivalent requirements to the requirements of Texas.

Section 34.726. Section 34.726(d) describes alternative licensing for a military service member or military veteran who holds a current license as described under §34.726(d)(1) and has held that license for the time required under §34.726(d)(2).

Section 34.726(e) describes the criteria for a military spouse to engage in business relating to fire sprinklers in Texas. The military spouse must be licensed in a state with substantially equivalent requirements to those of Texas and the military service member to whom the military spouse is married must be stationed in Texas. The military spouse may engage in business relating fire sprinklers for three years from the date confirmation is received from TDI.

Section 34.726(e)(1) requires the military spouse submit an application notifying TDI of their intent to operate under the license in Texas. Section 34.726(e)(2) requires the military spouse to submit to TDI proof of the military spouse's residency in Texas and a copy of the spouse's military identification card and §34.726(e)(3) requires evidence of good standing from the jurisdiction with substantially equivalent requirements to the requirements of Texas.

Section 34.833. Section 34.833(d) describes alternative licensing for a military service member or military veteran who holds a current license as described under §34.833(d)(1) and has held that license for the time required under §34.833(d)(2).

Section 34.833(e) describes the criteria for a military spouse to engage in business related to storage and sale of fireworks in Texas. The military spouse must be licensed in a state with substantially equivalent requirements to those of Texas and the military service member to whom the military spouse is married must be stationed in Texas. The

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military spouse may engage in business related to the storage and sale of fireworks for three years from the date confirmation is received from TDI.

Section 34.833(e)(1) requires the military spouse submit an application notifying TDI of their intent to operate under the license in Texas. Section 34.833(e)(2) requires the military spouse to submit to TDI proof of the military spouse's residency in Texas and a copy of the spouse's military identification card and §34.833(e)(3) requires evidence of good standing from the jurisdiction with substantially equivalent requirements to the requirements of Texas.

SUMMARY OF COMMENTS AND AGENCY RESPONSE.

Commenters: TDI received one written comment from The Surety & Fidelity Association of America.

Comment on §§34.524,34.631,34.726,34.833.

A commenter requests clarification on whether certain licensing requirements to furnish surety and fidelity bonds would still be required for military spouses seeking licensure through Occupations Code §55.0041 and the corresponding proposed rules.

Agency Response.

These particular occupations regulated under 28 TAC Chapter 34 do not have bond requirements.

SUBCHAPTER E. FIRE EXTINGUISHER RULES 28 TAC §34.524

STATUTORY AUTHORITY. The Commissioner adopts the amendments to 28 TAC §36.001 under Occupations Code § 55.0041 and Insurance Code §36.001.

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Occupations Code §55.0041 addresses licensing of military spouses with out of state licenses. This section also grants rule making authority to applicable state agencies.

Insurance Code §36.001 provides that the Commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

TEXT.

§34.524. Military Service Members, Military Veterans, or Military Spouses.

(a) Waiver of licensed application and examination fees. TDI will waive the license application and examination fees for an applicant who is:

(1) a military service member or military veteran whose military service, training, or education substantially meets all the requirements for the license; or

(2) a military service member, military veteran, or military spouse who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state.

(b) Apprentice requirements. Verified military service, training, or education that is relevant to the occupation will be credited toward the apprenticeship requirements for the license.

(c) Extension of license renewal deadlines. A military service member who holds a license is entitled to two years' additional time to complete any continuing education requirements and any other requirements related to the renewal of the military service member's license.

(d) Alternative licensing. The state fire marshal, after reviewing the applicant's credentials, may waive any prerequisite to obtaining a license for a military service member or military veteran who:

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(1) holds a current license issued by another jurisdiction that has licensing requirements substantially equivalent to the requirements for the license in this state; or

(2) within the five years preceding the application date, held the license in this state.

(e) Alternative licensing for military spouses. A military spouse who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state is eligible for a license under this subsection for a period of three years. The military spouse must be married to a military service member that is stationed at a military installation in Texas. The three-year period begins from the date the spouse receives confirmation from TDI that the following elements have been fulfilled. In order for the military spouse to obtain a license under this subsection, the military spouse must:

(1) submit an application notifying TDI of the military spouse's intent to engage under the specific license in Texas;

(2) submit proof of the military spouse's residency in Texas and a copy of the military identification card; and

(3) submit evidence of good standing from the jurisdiction with substantially equivalent requirements to the requirements of this state.

SUBCHAPTER F. FIRE ALARM RULES

28 TAC §34.631

STATUTORY AUTHORITY. The Commissioner adopts the amendments to 28 TAC §36.001 under Occupations Code § 55.0041 and Insurance Code §36.001.

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Occupations Code §55.0041 addresses licensing of military spouses with out of state licenses. This section also grants rule making authority to applicable state agencies.

Insurance Code §36.001 provides that the Commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

TEXT.

§34.631. Military Service Members, Military Veterans, or Military Spouses.

(a) Waiver of licensed application and examination fees. TDI will waive the license application and examination fees for an applicant who is:

(1) a military service member or military veteran whose military service, training, or education substantially meets all the requirements for the license; or

(2) a military service member, military veteran, or military spouse who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state.

(b) Apprentice requirements. Verified military service, training, or education that is relevant to the occupation will be credited toward the apprenticeship requirements for the license.

(c) Extension of license renewal deadlines. A military service member who holds a license is entitled to two years' additional time to complete any continuing education requirements and any other requirements related to the renewal of the military service member's license.

(d) Alternative licensing. The state fire marshal, after reviewing the applicant's credentials, may waive any prerequisite to obtaining a license for a military service member or military veteran who:

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(1) holds a current license issued by another jurisdiction that has licensing requirements substantially equivalent to the requirements for the license in this state; or

(2) within the five years preceding the application date, held the license in this state.

(e) Alternative licensing for military spouses. A military spouse who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state is eligible for a license under this subsection for a period of three years. The military spouse must be married to a military service member that is stationed at a military installation in Texas. The three-year period begins from the date the spouse receives confirmation from TDI that the following elements have been fulfilled. In order for the military spouse to obtain a license under this subsection, the military spouse must:

(1) submit an application notifying TDI of the military spouse's intent to engage under the specific license in Texas;

(2) submit proof of the military spouse's residency in Texas and a copy of the military identification card; and

(3) submit evidence of good standing from the jurisdiction with substantially equivalent requirements to the requirements of this state.

SUBCHAPTER G. FIRE SPRINKLER RULES

28 TAC §34.726

STATUTORY AUTHORITY. The Commissioner adopts the amendments to 28 TAC §36.001 under Occupations Code § 55.0041 and Insurance Code §36.001.

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Occupations Code §55.0041 addresses licensing of military spouses with out of state licenses. This section also grants rule making authority to applicable state agencies.

Insurance Code §36.001 provides that the Commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

TEXT.

§34.726. Military Service Members, Military Veterans, or Military Spouses.

(a) Waiver of licensed application and examination fees. TDI will waive the license application and examination fees for an applicant who is:

(1) a military service member or military veteran whose military service, training, or education substantially meets all the requirements for the license; or

(2) a military service member, military veteran, or military spouse who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state.

(b) Apprentice requirements. Verified military service, training, or education that is relevant to the occupation will be credited toward the apprenticeship requirements for the license.

(c) Extension of license renewal deadlines. A military service member who holds a license is entitled to two years' additional time to complete any continuing education requirements and any other requirements related to the renewal of the military service member's license.

(d) Alternative licensing. The state fire marshal, after reviewing the applicant's credentials, may waive any prerequisite to obtaining a license for a military service member or military veteran who:

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(1) holds a current license issued by another jurisdiction that has licensing requirements substantially equivalent to the requirements for the license in this state; or

(2) within the five years preceding the application date, held the license in this state.

(e) Alternative licensing for military spouses. A military spouse who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state is eligible for a license under this subsection for a period of three years. The military spouse must be married to a military service member that is stationed at a military installation in Texas. The three-year period begins from the date the spouse receives confirmation from TDI that the following elements have been fulfilled. In order for the military spouse to obtain a license under this subsection, the military spouse must:

(1) submit an application notifying TDI of the military spouse's intent to engage under the specific license in Texas;

(2) submit proof of the military spouse's residency in Texas and a copy of the military identification card; and

(3) submit evidence of good standing from the jurisdiction with substantially equivalent requirements to the requirements of this state.

SUBCHAPTER H. STORAGE AND SALE OF FIREWORKS

28 TAC §34.833

STATUTORY AUTHORITY. The Commissioner adopts the amendments to 28 TAC §36.001 under Occupations Code § 55.0041 and Insurance Code §36.001.

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Occupations Code §55.0041 addresses licensing of military spouses with out of state licenses. This section also grants rule-making authority to applicable state agencies.

Insurance Code §36.001 provides that the Commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

TEXT.

§34.833. Military Service Members, Military Veterans, or Military Spouses.

(a) Waiver of licensed application and examination fees. TDI will waive the license application and examination fees for an applicant who is:

(1) a military service member or military veteran whose military service, training, or education substantially meets all the requirements for the license; or

(2) a military service member, military veteran, or military spouse who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state.

(b) Apprentice requirements. Verified military service, training, or education that is relevant to the occupation will be credited toward the apprenticeship requirements for the license.

(c) Extension of license renewal deadlines. A military service member who holds a license is entitled to two years' additional time to complete any continuing education requirements and any other requirements related to the renewal of the military service member's license.

(d) Alternative licensing. The state fire marshal, after reviewing the applicant's credentials, may waive any prerequisite to obtaining a license for a military service member or military veteran who:

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(1) holds a current license issued by another jurisdiction that has licensing requirements substantially equivalent to the requirements for the license in this state; or

(2) within the five years preceding the application date, held the license in this state.

(e) Alternative licensing for military spouses. A military spouse who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state is eligible for a license under this subsection for a period of three years. The military spouse must be married to a military service member that is stationed at a military installation in Texas. The three-year period begins from the date the spouse receives confirmation from TDI that the following elements have been fulfilled. In order for the military spouse to obtain a license under this subsection, the military spouse must:

(1) submit an application notifying TDI of the military spouse's intent to engage under the specific license in Texas;

(2) submit proof of the military spouse's residency in Texas and a copy of the military identification card; and

(3) submit evidence of good standing from the jurisdiction with substantially equivalent requirements to the requirements of this state.

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

Issued at Austin, Texas, on January 17, 2020.

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/s/ James Person _____

James Person, General Counsel
Texas Department of Insurance

The Commissioner adopts amendments to 28 TAC §§34.524, 34.631, 34.726, 34.833.

/s/ Kent C. Sullivan _____

Kent C. Sullivan
Commissioner of Insurance

Commissioner's Order No. **2020-6201**