

SUBCHAPTER F. FIRE ALARM RULES
28 TAC §§34.606, 34.607, 34.610, 34.613, 34.615 - 34.617 and 34.619 - 34.626

1. **INTRODUCTION.** The Texas Department of Insurance proposes amendments to §§34.606, 34.607, 34.610, 34.613, 34.615, 34.616, 34.617, and 34.619, and new §§34.620 - 34.626, concerning fire alarm rules. New §§34.620 - 34.626 are being proposed simultaneously with the proposed repeal of §34.620 - 34.624, which appear elsewhere in this issue of the *Texas Register*. Insurance Code Article 5.43-2, §6 authorizes the Commissioner to appoint an advisory council to periodically review and recommend changes in the rules. The members of the advisory council assisted in the review and formulation of the proposed rules and recommended changes to the Commissioner. These amendments and new sections are necessary to update the regulations regarding the planning, certifying, leasing, selling, servicing, installing, monitoring, and maintaining of fire detection and fire alarm devices and systems.

The proposed amendments to §34.606 add definitions of “full-time” and “full-time employment” to clarify proposed §34.613 which requires at least one full-time licensed employee at each office location.

The proposed amendments to §34.607 adopt by reference certain standards and recommended practices of the National Fire Protection Association (NFPA). The proposed amendments replace the current standards with the most recent editions of those standards that are revised and published by the NFPA every three years and maintain the minimum standards of design and performance of current day technology

for fire alarm systems. Additionally, other units of government in Texas are adopting these standards, and uniformity of standards enables the fire alarm industry, the local fire officials and the public to be more familiar with the content of the standard and consistently enforce the requirements that are applicable in the jurisdiction. The changes to the standards are proposed to clarify existing requirements, eliminate redundant language, restructure the document for ease in use, establish new installation standards, adapt existing requirements to current state-of-the-art equipment and provide guidance on new design approaches to provide a greater level of safety to the public who rely on the performance of these fire detection and alarm devices and systems. Additionally the proposed amendments require that a copy of the adopted standards be maintained at the state fire marshal's office for public viewing.

To facilitate reader location of the monitoring requirements in the rules, the proposed amendments delete the monitoring requirements in §34.610 (Certificate of Registration) and relocate them to a more appropriate section, §34.616 titled "Sales, Installation, and Service."

The proposed amendments to §34.613 require at least one full-time licensed individual to be located at each licensed office to ensure closer proximity to the location of the installation and clarify that firms billing for monitoring services are engaged in the business of monitoring and therefore must maintain the required general liability insurance for that activity. For consistency with the requirements of Insurance Code Article 5.43-2, §5C, the proposed amendments provide that a licensee with an

unexpired license who is not employed by a registered firm at the time of the license renewal may renew that license; the licensee, however, would be prohibited from engaging in any activity afforded by the license until the licensee is employed by a registered firm.

The proposed amendments to §34.615 require that an applicant for a license complete and submit all application requirements within one year of the successful completion of any test required for a license or the test is voided.

The proposed amendments to §34.616 delete the requirement that the sale or lease of a fire alarm system is to be performed under the direct supervision of a residential fire alarm superintendent (RAS) licensee or fire alarm planning superintendent (APS) licensee since the fire alarm system is required to be designed by one of these types of licensee; clarify the difference between “repair” and “installation” as it applies to the replacement or upgrade of a new fire alarm control panel to encourage consumers to upgrade the function and reliability of their fire alarm system, without the need to bring the entire system of components into compliance with the current code, unless specifically required by the local authority having jurisdiction; require the fire alarm servicing firm to provide the passwords for the fire alarm control panel to the property owner upon request, so that another fire alarm firm, hired by the owner to service the fire alarm system, may use the password without charging a substantial fee to reprogram the entire system of devices. Additionally, the proposed amendment to the monitoring requirement in §34.616(c)(5) requires the monitoring firm

to provide, on request, the call-back phone number of the firm contracted to provide the monitoring service if other than the monitoring firm. This is necessary to enable the responding fire department to obtain the phone number of the responsible party. Section 34.616(c) is also amended to add a requirement that a monitoring firm, if terminating the monitoring service before the end of the contract date, must notify the customer at least seven days in advance to make the customer aware that the fire alarm system is not being monitored so that the customer may choose to contract the services of another firm.

The proposed amendments to §34.617 clarify that an installation certificate except for a certificate for a one-or-two-family residence shall be completed not only after the installation of a system or single station detector unit but also after an addition or modification to a fire alarm system. Additionally, the proposal requires the completion of the installation certificate in the format provided by the state fire marshal to be used in certain instances in place of any other installation certificate required in an adopted standard. Since the certificate required by the adopted standard is lengthy, the certificate of installation is deemed acceptable by the state fire marshal because it provides the minimum required information. The proposed amendments permit fire alarm firms to reproduce the forms as needed rather than requiring the State Fire Marshal's Office (SFMO) to provide the form. Additionally, the proposal requires a copy of each completed installation certificate to be kept at the firm's office accessible to the

SFMO upon request. A minor change is also proposed in this section to correct a cross reference to §34.616(b)(4).

The proposed amendments to §34.619 clarify that not only is a licensed APS permitted to plan a fire alarm system, but also a licensed RAS may plan a residential fire alarm system. Additionally, the proposed amendments modify the form and content of the rubber stamp used to provide information on a plan. By marking the appropriate place on the stamped area of the plan, the planner differentiates between whether the plans are being submitted for review or as record drawings to the owner. In addition, the planner marks on the stamped portion of the plan, whether the design complies with the applicable standards and codes or if the design was copied from an engineering plan. Additionally, the proposed amendments specify the information that must be included on a fire alarm system plan for a one-or-two-family residence and require that the registered firm must retain the plans for at least one year to establish uniformity in the development of fire alarm plans for these types of occupancies and ensure that the necessary information is recorded for access by the owner or authority having jurisdiction.

Proposed §34.620 sets forth specific criteria regarding the color, content, placement, duration, use, and procedures concerning the application of installation labels and differentiates the label format between a label used for the installation of a fire alarm system in a commercial building or non-one-or-two-family residence and a label used for the installation of a fire alarm system in a one-or-two-family residence.

The label for the commercial building or non-one-or-two-family residence records the name of the firm, registration number and date on which the fire alarm system was installed and the name and license number of the authorized licensee on the inside of the fire alarm control panel for the life of the system. The label for the one-or-two family residence contains the same information and also includes certification that the system or equipment complies with applicable laws and standards.

Proposed §34.621 sets forth specific criteria regarding the color, content, placement, duration, use, and procedures concerning the application of service labels. The service label is necessary to record the name, address, phone number and registration number of the firm and the name and license number of the individual providing the service and the date and list of the services provided. When attached to the fire alarm control panel for two years, the service label provides a short historical record of the services performed for reference by other individuals inspecting the system. The service label includes a space to indicate if the service performed was general service or correction of conditions detailed on a previously attached red or yellow label.

Proposed §34.622 sets forth specific criteria regarding the color, content, placement, duration, use and procedures concerning the application of an inspection label. The proposed inspection label records the name, address, phone number and registration number of the firm, the name and license number of the inspector performing the inspection, the type and date of the inspection and the system status

after the inspection or test. When attached to the fire alarm control panel and retained for five years, the inspection label provides a short historical record of the inspections performed and indicates to the authority having jurisdiction the date of the last inspection.

Proposed §34.623 sets forth specific criteria regarding the color, content, placement, duration, use and procedures concerning the application of a yellow label. The proposed yellow label records the name, address, phone number and registration number of the firm, the name and license number of the individual attaching the label and the list of conditions which result in the fire alarm system being out of compliance with applicable codes and standards. When attached to the outside of the fire alarm control panel, the yellow label provides a visual notification of the system status to the authority having jurisdiction, until the listed conditions are corrected.

Proposed §34.624 sets forth specific criteria regarding the color, content, placement, duration, use and procedures concerning the application of a red label. The proposed red label records the name, address, phone number and registration number of the firm, the name and license number of the individual attaching the label and the list of conditions which have caused the fire alarm system to be inoperable, impaired, or to have a fault condition. When attached to the outside of the fire alarm control panel, the red label provides a visual notification of the system status to the authority having jurisdiction, until the listed conditions are corrected. The label also provides space to

indicate if the system is either inoperable or impaired or in a fault condition and includes brief instructions on its use.

Proposed §34.625 addresses investigations and enforcement actions for noncompliance with the rules as well as possible sanctions for such noncompliance.

Proposed §34.626 provides for the continuation of non-affected provisions of the rules if any provisions are declared invalid for any reason.

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

2. FISCAL NOTE. Paul Maldonado, State Fire Marshal, has determined that for each year of the first five years the proposed sections will be in effect, there will be a fiscal savings of \$2,000 per year to the department by eliminating the requirement that the State Fire Marshal's Office provide a certificate of installation form to registered firms and no fiscal impact on other state and local governments as a result of the enforcement or administration of the rules. 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. Maldonado has determined that for each year of the first five years the sections are in effect, the anticipated public benefit of enforcing and administering the sections will be increased safety as current day technology of fire alarm system design, performance standards and documentation regarding the installation, service and status of fire alarm systems will be used by the industry.

Additionally, the requirement that at least one licensee be at each office location will ensure that the fire alarm systems are installed correctly, comply with the applicable standards, and are more reliable. The cost to provide an alarm licensee at each office location is \$170 per location, which includes the initial license fee and test fees to obtain the required license. As some firms may already have licensed individuals at each branch office location, the cost may not be applicable in all instances. The stamp that may be used to provide the required information on certain fire alarm system plans will cost approximately \$100 each. The estimated cost to replace the existing service, yellow and red labels and purchase new inspection labels is approximately \$100 to \$150 per 500 labels. The estimated cost to purchase all of the proposed updated NFPA standards is approximately \$500. However, since fire alarm firms will only need to purchase the applicable standards in their area of expertise, the cost may actually be less. The estimated cost of providing monitoring service for seven days after a monitoring firm notifies the customer that the monitoring service is being terminated before the end of the contract period is approximately \$10 - \$25 per account, which applies only to accounts that need to be discontinued before the end of the contract. The cost to a fire alarm firm in the fire alarm industry qualifying as a small business under the Government Code §2006.001 will be the same as the cost to the largest business because the cost is not dependent upon the size of the business but rather is the same cost each registered firm will incur for each fire protection alarm system sold, planned, installed, serviced, or certified. It is neither legal nor feasible to waive the

proposed amendments for small or micro businesses because requirements for installation and service of fire alarm systems must be applied consistently to large, small and micro businesses in the interest of safeguarding lives and property, as required by Insurance Code Article 5.43-2.

4. REQUEST FOR PUBLIC COMMENT. To be considered, written comments on the proposal must be submitted no later than 5:00 p.m. on December 4, 2005 to Gene C. Jarmon, General Counsel and Chief Clerk, Mail Code 113-2A, Texas Department of Insurance, P. O. Box 149104, Austin, Texas 78714-9104. An additional copy of the comment must be simultaneously submitted to Paul Maldonado, State Fire Marshal, Texas Department of Insurance, P.O. Box 149221, Mail Code 108-FM, Austin, Texas 78714-9221. A request for a public hearing should be submitted separately to the Office of the Chief Clerk.

5. STATUTORY AUTHORITY. The amendments are proposed pursuant to Insurance Code Article 5.43-2, §§4 and 6, and §36.001. Article 5.43-2, §4 authorizes the Commissioner of Insurance to issue rules and regulations considered necessary to the Commissioner's administration of Article 5.43-2 through the State Fire Marshal and, in promulgating necessary rules and regulations, to utilize recognized standards such as, but not limited to, those of the National Fire Protection Association, the National Electrical Code, those recognized by federal law or regulation, those published by any

nationally recognized standards-making organization, or any information furnished by individual manufacturers. Article 5.43-2, §6 provides that the Commissioner of Insurance may adopt rules as necessary for the administration of this article and requires the Commissioner to adopt standards applicable to any fire alarm device, equipment, or system regulated under this article. Section 36.001 provides that the Commissioner of Insurance may adopt any rules necessary and appropriate to implement the powers and duties of the Texas Department of Insurance under the Insurance Code and other laws of this state.

6. CROSS REFERENCE TO STATUTE. The following statutes are affected by this proposal: Insurance Code Article 5.43-2 and Government Code §417.010.

7. TEXT.

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

(1) - (7) (No change.)

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

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

(10) Local authority having jurisdiction--As used in the Texas Insurance Code, Article 5.43-2, §9(c), means a fire chief, fire marshal, or other designated official having statutory authority.

(11) [~~(9)~~] Monitoring equipment--Equipment used to transmit and receive fire alarm, trouble, and supervisory signals from protected premises to a firm registered to monitor or one exempt from licensing by the Insurance Code, Article 5.43-2.

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

(13) [~~(11)~~] NICET--National Institute for Certification in Engineering Technologies.

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

(15) [~~(13)~~] Plan--To lay out, detail, draw, calculate, devise, or arrange an assembly of fire alarm or detection devices, equipment, and appurtenances, including monitoring equipment, in accordance with standards adopted in this subchapter.

(16) [~~(14)~~] Primary registered firm--The registered fire alarm company with the responsibility for the fire alarm system certification.

(17) [~~(15)~~] Repair--To restore to proper operating condition.

(18) [~~(16)~~] Test--The act of subjecting a fire detection or alarm device or system, including monitoring equipment, to any procedure required by applicable standards or manufacturers' recommendations to determine whether it is properly installed or operates correctly.

§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 to sections of this chapter, the Texas Insurance Code, Article 5.43-2, or other state statutes. The standards are published by and are available from the National Fire Protection Association, Quincy, Massachusetts. A copy of the standards shall be kept available for public inspection at the state fire marshal's office.

(1) NFPA 11-2002 [~~1998~~], Standard for Low-Expansion Foam.

(2) NFPA 11A-1999 [~~1994~~], Standard for Medium- and High-Expansion Foam Systems.

(3) NFPA 12-2000 [~~1998~~], Standard on Carbon Dioxide Extinguishing Systems.

(4) NFPA 12A-2004 [~~1997~~], Standard on Halon 1301 Fire Extinguishing Systems.

(5) NFPA 13-2002 [~~1996~~], Standard for the Installation of Sprinkler Systems.

(6) NFPA 13D-2002 [~~1996~~], Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes.

(7) NFPA 13R-2002 [~~1996~~], Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height.

(8) NFPA 15-2001 [~~1996~~], Standard for Water Spray Fixed Systems for Fire Protection.

(9) NFPA 16-2003 [~~1995~~], Standard for the Installation of [~~Deluge~~] Foam-Water Sprinkler and Foam Water Spray Systems.

(10) NFPA 17-2002 [~~1998~~], Standard for Dry Chemical Extinguishing Systems.

(11) NFPA 17A-2002 [~~1998~~], Standard for Wet Chemical Extinguishing Systems.

(12) NFPA 25-2002 [~~1998~~], Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems.

(13) NFPA 70-2005 [~~1999~~], National Electrical Code.

(14) NFPA 72-2002 [~~1996~~], National Fire Alarm Code.

(15) NFPA 90A-2002 [~~1996~~], Standard for the Installation of Air Conditioning and Ventilating Systems.

(16) NFPA 101[®]-2003 [~~2000~~], or [~~and~~] 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 in lieu of NFPA 101.

(17) UL 827 October 1, 1996, Standard for Central Station Alarm Services.

(18) NFPA 2001-2004, Standard on Clean Agent Fire Extinguisher Systems.

(b) The acceptable alternative model code sets are:

(1) - (3) (No change.)

(4) the International Building Code[®]-2003 or [~~2000 and~~] later editions, and the International Fire Code-2003 or [~~2000 and~~] later editions; or

(5) the International Residential Code[®] for One- and Two-Family Dwellings-2003 or [~~2000 and~~] later editions; or

(6) NFPA 5000[™], Building Construction and Safety Code[™]-2003 or [~~and~~] later editions, and NFPA 1 Uniform Fire Code[™] 2003 [~~Fire Prevention Code-2000~~] or [~~and~~] later editions.

§34.610. Certificate of Registration.

(a) – (g) (No change.)

~~[(h) 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 the monitoring service is registered under or is exempt from the licensing requirements of the Insurance Code, Article 5.43-2, so long as the monitoring equipment being used is in compliance with Article 5.43-2, §9.]~~

~~[(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 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 firm reporting alarm or supervisory signals to emergency services shall provide their licensed company name and the following information: type of alarm, address of alarm, name of subscriber, dispatcher's identification, and call back phone number.]~~

§34.613. Applications.

- (a) Certificates of registration.

(1) – (3) (No change.)

(4) A registered firm must employ at least one full-time licensed individual at each location of a main or branch office.

(5) Insurance required.

(A) The state fire marshal will not issue a certificate of registration under these sections unless the applicant files with the State Fire Marshal's office evidence of an acceptable general liability insurance policy.

(B) Each registered firm must maintain in force and on file in the State Fire Marshal's office a certificate of insurance identifying the insured and the exact nature of the business insured. In identifying the named insured, the certificate of insurance must include either an assumed name or the name of the corporation, partners, if any, or sole proprietor, if applicable.

(6) A firm billing a customer for monitoring is engaged in the business of monitoring and must comply with the insurance requirements of this subchapter for a monitoring firm.

(7)~~(5)~~ Applicants for a certificate of registration who engage in monitoring must provide the specific business location(s) where monitoring will take place and the name and license number of the fire alarm licensee(s) at each business location. In addition, the applicants must provide evidence of listing or certification as a central station by a testing laboratory approved by the commissioner and a statement that the monitoring service is in compliance with adopted NFPA 72.

(8)[(6)] Applicants for a certificate of registration - single station must provide a statement, signed by the sole proprietor, a partner of a partnership, or by an officer of the corporation, indicating that the firm exclusively engages in the business of planning, certifying, leasing, selling, servicing, installing, monitoring, or maintaining single station devices.

(b) (No change.)

(c) Renewal applications.

(1) (No change.)

(2) A licensee with an unexpired license who is not employed by a registered firm at the time of the licensee's renewal may renew that license; however, the licensee may not engage in any activity for which the license was granted until the licensee is employed and qualified by a registered firm. [~~A license may not be renewed if the applicant is not currently an employee or an agent of a registered firm.~~]

(d) (No change.)

§34.615. Test.

(a) – (d) (No change.)

(e) An applicant for a license must complete and submit all application requirements within one year of the successful completion of any test required for a license; otherwise, the test is voided and the individual will have to pass the test again.

§34.616. Sales, Installation, and Service.

(a) (No change.)

(b) Fire detection and fire alarm devices or systems other than residential single station.

(1) [~~The sale or lease of fire alarm systems must be performed under the direct supervision of a licensed residential fire alarm superintendent or fire alarm planning superintendent, as applicable to the license.~~]

~~(2)~~ The installation of all fire detection and fire alarm devices or systems, including monitoring equipment, subject to the Insurance Code, Article 5.43-2 must be performed by or under the direct supervision of a licensed fire alarm technician, residential fire alarm superintendent, or a fire alarm planning superintendent. The certifying licensee must be licensed under the ACR number of the primary registered firm and must be present for the final acceptance test prior to certification.

~~(2)~~~~(3)~~ The maintenance or servicing of all fire detection and fire alarm devices or systems must be performed by or under the direct on-site supervision of a licensed fire alarm technician, residential fire alarm superintendent or a fire alarm planning superintendent.

~~(3)~~~~(4)~~ If the installation or servicing of a fire alarm system also includes installation or servicing of any part of a fire protection sprinkler system and/or a fire extinguisher system other than inspection and testing of detection or supervisory

devices, the licensing requirements of the appropriate Insurance Code, Article 5.43-1 or 5.43-3, must be satisfied.

(4)[(5)] Installation of fire detection or fire alarm devices or systems, including monitoring equipment, must be in accordance with standards adopted in §34.607 of this title (relating to Adopted Standards) except when the installation complies with a more recent edition of an adopted standard or a Tentative Interim Amendment published as effective by the NFPA.

(5) Fire alarm system equipment replaced in the same location with the same or similar electrical and functional characteristics and listed to be compatible with the existing equipment, as determined by a fire alarm planning superintendent, may be considered repair. The equipment replaced shall comply with the current adopted standards but the entire system is not automatically required to be modified to meet the applicable adopted code. The local authority having jurisdiction shall be consulted to determine whether to update the entire system to comply with the current code and if plans or a permit is required prior to making the repair.

(6) Upon request of the owner of the fire alarm system, a registered firm must provide all passwords, including those for the site specific software, but the registered firm may refrain from providing that information until the system owner signs a liability waiver provided by the registered firm.

(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 the monitoring service is registered under or is exempt from the licensing requirements of Insurance Code Article 5.43-2, so long as the monitoring equipment being used is in compliance with Article 5.43-2, §9.

(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 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, 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 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, and/or service provider 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.

§34.617. Certification. After completion of the installation, modification, or addition of a system or single station detector unit, except for a one-or-two-family residence, the licensee shall complete ~~[and present]~~ an installation certificate in the format provided by the state fire marshal in lieu of the installation form required by the adopted standard unless required otherwise by the local authority having jurisdiction. The format for the installation certificate shall be provided by the SFMO on request. The certificate shall be presented to the owner or the owner's ~~[his]~~ representative or posted ~~[post the certificate]~~ near the main control panel. The installation certificate shall identify the standards applicable to the installation and certify compliance with such standards, unless variance is permitted in §34.616(b)(4) ~~§34.616(b)(5)]~~ of this title (relating to Sales, Installation, and Service), in which event the specific variance and authority for such variance shall be identified. The information and format of the installation certificate ~~[form]~~ shall be determined ~~[furnished]~~ by the state fire marshal. When an

installation certificate form has been completed, legible copies shall be distributed as follows:

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

(2) one copy retained for the life of the system by the certifying company for access by the State Fire Marshal's Office; and

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

~~[(4) one copy to be sent within 10 days after completion of installation to the state fire marshal's office, Austin.]~~

§34.619. Fire Alarm and Detection System Plans and Record Drawings.

(a) Each fire alarm system or modification to an existing system must be planned by a person holding a fire alarm planning superintendent license or a residential fire alarm superintendent license, as applicable, or a Texas registered professional engineer.

(b) Except for plans sealed by a Texas registered engineer or where specifically waived by the local authority having jurisdiction, at least one set of plans submitted for review, rating, permit, or record purposes must be dated and signed with an original signature by the applicable licensed planner, certifying that the plans meet the applicable codes and standards or were copied from sealed engineering plans with any violations of the applicable codes and standards noted. In addition, the plans must

contain the license number of the licensee, the name, address, phone number, and the certificate of registration number of the registered firm. This information may be in the form of a stamp as shown in subsection (d) of this section.

(c) Record drawings [Plans] showing details, in accordance with applicable codes and standards, including the sequence of operation, [of system wiring, control panel terminal identification, and device location, with functional information and instructions on system operation,] must be provided to the building owner or his representative and shall comply with the requirements of subsection (b) of this section. Subsequent modifications, additions, or alterations must be legibly noted on the record drawings [updated plans] and provided to the owner or his representative.

(d)[(e)] Plan review and record drawings stamp: [At least one plan copy must bear the name, original signature, business phone number, and license number of the licensed fire alarm planning superintendent or a Texas registered professional engineer, the completion date, name, address, and certificate number of the registered firm.]

FIGURE: 28 TAC § 34.619(d):

<input type="checkbox"/> FOR SUBMITTAL <input type="checkbox"/> RECORD DRAWINGS	
I have reviewed these plans and	
<input type="checkbox"/> certify that they comply with the applicable codes and standards;	
Or	
<input type="checkbox"/> certify they were copied from sealed engineering plans and any violations of the applicable codes or standards are specifically noted on these plans.	
<i>Registered Firm's Name</i> <i>Street Address</i> <i>City, State, Zip</i> <i>Phone Number ACR- (number)</i>	
_____ APS Licensee Signature - License #	
_____ APS Printed name	_____ Date

~~[(d) A rubber stamp may be used by a licensed fire alarm planning superintendent to supply the information required by subsection (c) of this section, except that a stamped signature is prohibited. If a rubber stamp is used, it must produce an imprint at least two inches wide by one inch high, all in bold type and capital letters, and in the following format:]~~

~~[FIGURE : 28 TAC §34.619(d)]~~

XXX ALARM SERVICE 555 SPRING LANE HOMEVILLE, TEXAS 77777-7777 ACR - (number) H. B. BROWN _____ APS - 0000 DATE _____

(e) Fire alarm plans, manuals, and documents shall not be stored inside fire alarm panels.

(f) Scale or non-scale drawings for one-or-two-family residences, showing locations of fire detection devices, fire alarm notification devices and the fire alarm system control panel shall be maintained by the installing registered firm for a period of not less than one year after completion of the installation, and shall contain the registered firm's name, phone number, date the installation was completed, certificate of registration number, name and signature of the licensed fire alarm planning superintendent, residential fire alarm superintendent or Texas registered professional engineer. Electronically archived drawings that are reproducible are acceptable. Drawings shall be made available to the residential property owner and local authority having jurisdiction upon request.

§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 shall 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 the Insurance Code Article 5.43-

2, 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 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, 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 name of the fire alarm planning superintendent and license number or professional engineer's name and license number who planned the system.

(e) Commercial building or non-one-or-two-family residence installation label:

FIGURE: 28 TAC § 34.620(e):

<p>DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL (for life of system) COMMERCIAL or non-1-or-2 family residence fire detection and fire alarm devices or system INSTALLATION RECORD (Post inside panel)</p> <p><i>Registered Firm's Name</i> <i>Street Address</i> <i>City, State, Zip</i> <i>Phone Number</i> ACR- (<i>number</i>)</p> <hr/> <p>Installation Date - Licensee Signature - License #</p> <hr/> <p>Alarm Planning Superintendent (printed name)- License # or Professional Engineer's name and License Number copied from record drawings used to install the system.</p>
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(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 hereby certify, on behalf of the registered firm, that the fire alarm equipment or system has been tested and complies with the requirements of the Insurance Code Article 5.43-2, 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):

<p style="text-align: center;">DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL (for life of system) 1 or 2 family fire alarm/detection devices or system INSTALLATION RECORD (Post inside panel or if no panel in a permanent location)</p> <p style="text-align: center;"><i>Registered Firm’s Name</i> <i>Street Address</i> <i>City, State, Zip</i> <i>Phone Number</i> ACR- (<i>number</i>)</p> <hr/> <p>Installation Date - Licensee Signature - License #</p> <p>I hereby certify, on behalf of the registered firm, that the fire alarm equipment or system has been tested and complies with the requirements of the Texas Insurance Code Art. 5.43-2, the Fire Alarm Rules, the adopted codes and standards, and the manufacturer’s requirements.</p>
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§34.621. Service Labels.

(a) After any service, a fire alarm service label must be completed in detail and affixed to the inside or outside of the control panel cover or, if the system has no panel, in a permanent location. The signature of the licensee on the service label certifies that the service performed complies with requirements of law.

(b) If the service performed corrects all conditions noted on a yellow label or red label, the color and date of the label shall be marked on the service label and the respective yellow or red label removed.

(c) If during any service it is observed that the system does not comply with applicable standards adopted at the time the system was installed, has a fault condition, or is impaired from normal operation, the owner or the owner's representative and the local authority having jurisdiction must be notified of the condition and the licensee must attach, in addition to the service label, the appropriate yellow or red label, following the procedures in this section.

(d) Service labels shall remain in place for at least two years, after which time they may be removed by a licensed employee or agent of a registered firm. An employee of the State Fire Marshal's Office or an authorized representative of a governmental agency with appropriate regulatory authority may remove excess labels at any time.

(e) The service label must be white in color with printed black lettering.

(f) The service label must be approximately three inches in height and three inches in width and must have an adhesive on the back that allows for label removal.

(g) Approximately ½ inch of the adhesive on the top back of the label should be used to attach the label over the previous service label to permit viewing of the previous label and the maintaining of a brief history.

(h) Service labels must contain the following information in the format of the service label as set forth in subsection (i) 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) SERVICE RECORD (all capital letters in at least 10-point bold face type);

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

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

(5) a list of services performed; and

(6) the type of service performed, either general service or the correction of conditions that resulted in a red label or yellow label.

(i) Service label:

Figure: 28 TAC § 34.621(i)

DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL (for at least two years) SERVICE RECORD		
<i>Registered Firm's Name</i> <i>Street Address City, State, Zip</i> <i>Phone Number ACR- (number)</i>		
Date	-	Licensee Signature - License #
List Services: _____		

Performed	<input type="checkbox"/>	General service listed above
Corrected	<input type="checkbox"/>	RED label dated _____
Corrected	<input type="checkbox"/>	YELLOW label dated _____

§34.622. Inspection/test Labels.

(a) After the inspection and testing of a fire alarm system, a fire alarm inspection/test label must be completed in detail and affixed to either the inside or outside of the control panel cover or, if the system has no panel, in a permanent location. The signature of the licensee on the inspection/test label certifies that the inspection and tests performed complies with requirements of the adopted standards.

(b) If any service or maintenance is performed pursuant to the inspection or test, a service label, in addition to the inspection/test label, shall be completed and attached according to the procedures in this section.

(c) If during any inspection or test it is observed that the system does not comply with applicable standards adopted at the time the system was installed, has a fault condition, or is impaired from normal operation, the owner or the owner's representative

and the local authority having jurisdiction must be notified of the condition and the licensee must attach, in addition to the inspection/test label, the appropriate yellow or red label, in accordance with the procedures in this section.

(d) Inspection/test labels shall remain in place for at least five years, after which time they may be removed by a licensed employee or agent of a registered firm. An employee of the State Fire Marshal's Office or an authorized representative of a governmental agency with appropriate regulatory authority may remove excess labels at any time.

(e) The inspection/test label must be blue in color with printed black lettering.

(f) The inspection/test label must be approximately three inches in height and three inches in width and must have an adhesive on the back that allows for label removal.

(g) Approximately ½ inch of the adhesive on the top back of the label should be used to attach the label over the previous inspection/test label to permit viewing of the previous label and the maintaining of a brief history.

(h) Inspection/test labels must contain the following information in the format of the inspection/test label as set forth in subsection (i) 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) INSPECTION/TEST RECORD (all capital letters in at least 10-point bold face type);

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

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

(5) the type of inspection/test performed to be marked, new installation, semi- annual, quarterly or annual;

(6) the last date of sensitivity test, if known; and

(7) the status after the inspection/test of acceptable or yellow label attached, or red label attached.

(i) Inspection/test label:

FIGURE: 28 TAC § 34.622(i):

DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL (for at least five years) INSPECTION/TEST RECORD		
<i>Registered Firm's Name</i> <i>Street Address City, State, Zip</i> <i>Phone Number ACR- (number)</i>		
<hr/>		
Date	-	Licensee Signature - License #
<i>Type of Inspection/Test Performed - NFPA 72</i>		
<input type="checkbox"/> New Installation		<input type="checkbox"/> Quarterly
<input type="checkbox"/> Semi Annual		<input type="checkbox"/> Annual
Last Date of Sensitivity Test, if known _____		
<i>Status After Inspection/Test</i>		
<input type="checkbox"/> Acceptable	<input type="checkbox"/> Yellow Label	<input type="checkbox"/> Red Label
	<i>(attached)</i>	<i>(attached)</i>

§34.623. Yellow Labels.

(a) If, after any service, inspection or test, a system does not comply with applicable codes and standards adopted at the time the system was installed, 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) The signature of the licensee on a yellow label certifies that the conditions listed on the label cause the system to be out of compliance with applicable codes and standards.

(c) After attaching a yellow label, the licensee or the registered firm must notify the property owner, occupant or their representative and the local authority having jurisdiction in writing indicating the conditions with which the system does not comply with the applicable codes and standards. The notification must be postmarked, e-mailed, faxed or hand delivered within five business days of the attachment of the yellow label.

(d) Yellow labels shall remain in place until the conditions are corrected and a service label is attached certifying that the corrections were made. The yellow label may be removed by a licensed employee or agent of a registered firm, an employee of the State Fire Marshal's Office or an authorized representative of a governmental agency with appropriate regulatory authority.

(e) Yellow labels must be approximately three inches in height and three inches in width and must have an adhesive on the back that allows for label removal.

(f) Labels must be yellow in color with printed black lettering.

(g) Yellow labels must bear the following information in the format of the label as set forth in subsection (h) 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) SYSTEM DOES NOT COMPLY WITH APPLICABLE CODES &
STANDARDS (all capital letters in at least 10-point bold face type);

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

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

(5) a list of conditions resulting in the yellow label;

(h) Yellow label:

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 (at the time the system was installed)		
<i>Registered Firm's Name</i> <i>Street Address</i> <i>City, State, Zip</i> <i>Phone Number</i> ACR- (<i>number</i>)		
Date	-	Licensee Signature - License #
List Conditions: _____		
REPORT STATUS TO OWNER & AHJ (in writing within 5 business days)		

§34.624. Red Labels.

(a) If, after any service, inspection or test, a system or any part thereof is inoperable, has a fault condition, or is impaired from normal operation, excluding the area(s) of a building under construction, a completed red 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) The signature of the licensee on a red label certifies that the conditions listed on the label have caused the system to be inoperable, have a fault condition, or be impaired from normal operation.

(c) If the system is inoperable, immediately after attaching a red label, the licensee or the registered firm must orally notify the property owner, occupant or their representative and the local authority having jurisdiction where available, of all

impairments and provide a written notification, e-mailed, faxed or hand delivered within the next business day of the attachment of the red label. If the system has a fault condition or is impaired from normal operation, after attaching a red label, the licensee or the registered firm must notify the property owner, occupant or their representative and the local authority having jurisdiction in writing indicating the condition(s). The written notification must be postmarked, e-mailed, faxed or hand delivered within three business days of the attachment of the red label.

(d) Red labels shall remain in place until the conditions are corrected and a service label is attached certifying that the corrections were made. The red label may be removed by a licensed employee or agent of a registered firm, an employee of the State Fire Marshal's Office or an authorized representative of a governmental agency with appropriate regulatory authority.

(e) Red labels must be approximately three inches in height and three inches in width and must have an adhesive on the back that allows for label removal.

(f) Labels must be red in color with printed black lettering.

(g) Red labels must bear the following information in the format of the label as shown in subsection (h) of this section:

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

(all in capital letters, at least 10-point bold face type);

(2) status of the system to be marked, inoperable or impaired or fault;

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

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

(5) a list of conditions resulting in the red label;

(h) Red label:

FIGURE: 28 TAC § 34.624 (h):

DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL (until all conditions are corrected)		
<input type="checkbox"/> System INOPERABLE <input type="checkbox"/> IMPAIRED or FAULT		
<i>Registered Firm's Name</i>		
<i>Street Address City, State, Zip</i>		
<i>Phone Number ACR- (number)</i>		
<hr/>		
Date	-	Licensee Signature
		-
License #		
<hr/>		
List Conditions/Area _____		
<hr/>		
REPORT INOPERABLE TO OWNER & AHJ (Orally immediately & in writing within next business day)		
REPORT ALL OTHER TO OWNER & AHJ (In writing within three business days)		

§34.625. Enforcement.

(a) The state fire marshal, or the state fire marshal's representative, may conduct investigations of registered firms to determine compliance with Insurance Code

Article 5.43-2 and this subchapter. An investigation may be initiated on the written complaint of any party or by the department on its own motion.

(b) When an investigation reveals noncompliance, the firm and any licensee responsible for the work shall be notified in writing of the noncompliance upon completion of the investigation report.

(c) The failure to comply with the provisions of this subchapter and the provisions of Insurance Code Article 5.43-2 by certificate holders or licensees may subject them, as provided in Government Code §417.010, to administrative action including, but not limited to, suspension, revocation, or refusal to issue or renew a license or a certificate of registration or issuance of a cease and desist order and/or administrative penalty and/or order for restitution to persons harmed.

§34.626. Severability. If any provision of this subchapter or the application thereof to any person or circumstance is held invalid for any reason, the invalidity shall not affect the other provisions or any other application of this subchapter which can be given effect without the invalid provisions or application. To this end, all provisions of this subchapter are declared to be severable.

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

TITLE 28. INSURANCE
Part I. Texas Department of Insurance
Chapter 34. State Fire Marshal

Proposed Sections
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Issued at Austin, Texas, on _____, 2005.

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