

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

1. **INTRODUCTION.** The Commissioner of Insurance adopts amendments to §34.706, §34.707, §34.710, §34.711, §34.713, §34.714, §34.716, §34.717, and new §§34.718 - §34.725 concerning regulation of fire protection sprinkler systems. The amendments and new sections are adopted without changes to the proposed text published in the November 4, 2005 issue of the *Texas Register* (30 TexReg 7184).

2. **REASONED JUSTIFICATION.** Insurance Code Article 5.43-3 §6 provides for the creation of the Fire Protection Advisory Council (Council) to advise and recommend changes in rules regulating fire protection sprinkler systems. The members of the Council assisted in the review of the fire protection sprinkler rules and recommended changes. The amendments and new sections are necessary to implement the recommendations of the Council and to update regulations regarding planning, installation, inspecting and servicing of fire protection sprinkler systems. The adoption reorganizes the current regulations into a more orderly format and mandates new installation tags and new inspection, testing and maintenance service (ITM) tags. The adopted amendments and new sections make it easier for those involved in planning, installation, inspecting and servicing of fire protection sprinkler systems to quickly locate the requirements and for those involved in enforcement, to more accurately and consistently enforce the sections. This adoption is simultaneous with the adoption of

the repeal of §§34.718 - 34.723 which is also published in this issue of the *Texas Register*.

The amendments to §34.706 add terms and definitions which are necessary for consistency with nationally recognized standards. The amendments are also needed to delineate the different types of service performed and the conditions that constitute an emergency impairment status for a fire sprinkler system. This will enable a service technician to determine the appropriate tag (installation, service, ITM, yellow, or red tag) to attach to the system riser after the servicing of a fire sprinkler system.

The amendments to §34.707, which replace the current National Fire Protection Association (NFPA) standards with the most recent editions of those standards, are necessary to maintain the minimum standards of design and performance of current day technology for fire sprinkler systems to provide a greater level of safety to the public who rely on the performance of these systems. Additionally, other units of government in Texas are adopting these standards, and uniformity of standards enables the State Fire Marshal's Office, the fire sprinkler industry and the local fire officials to be more familiar with the content of the standard and consistently enforce the requirements that are applicable in the jurisdiction. Four standards, NFPA 231, NFPA 231C, NFPA 231D and NFPA 231F, are deleted from the current rules because they were re-codified into the NFPA 13 standard, which is adopted in this section.

The amendment to §34.710(g), which deletes the requirement to surrender a void certificate of registration after an administrative revision and prior to issuance of a new registration, is needed because the requirement places an unnecessary burden on

the registered firm and delays the issuance of the new registration. The amendment to §34.710(i)(3) is necessary to clearly state the intent of the existing rule which is to prohibit firms holding a Certificate of Registration for Underground Fire Mains from planning these systems.

The amendments to §34.711(g)(4), §34.713(b)(2)(D), and §34.714(d)(5), set forth the scope, fees and qualifications for a new RME-General Inspector license, and amendments to §34.716(c) require that after January 1, 2008, the inspection, test and maintenance of fire sprinkler systems be performed by a licensee. Currently there are no qualifications for individuals performing this service. These amendments are necessary to ensure that individuals performing this service meet minimum qualifications and are accountable for the performance of the service. This will increase the likelihood that the fire protection sprinkler systems will perform as intended when the public is at risk.

The amendments to §34.713 delete subsection (a)(7)(D), (E) and (F) concerning the identification of the insured on the required certificate of insurance and combine them into subsection (a)(7)(B), to remove outdated and extraneous language and clearly indicate what information is required.

Section 34.713(b)(2)(B) is amended to delete the requirement for the completion of a course, approved by the SFMO on the planning, inspection and installation of an NFPA 13D dwelling fire protection sprinkler system, to obtain an RME-Dwelling license. This is necessary because the course is not regularly offered which delays or prevents applicants from obtaining a license in a timely manner.

Section 34.714(d)(1)(e) is amended to correct an error in the amount of the renewal late fee for a sprinkler contractor certificate of registration. This is necessary to comply with the statutory fee guidelines in Insurance Code Article 5.43-3 §4(a).

Section 34.716(b)(2) is amended to require a firm installing a fire protection sprinkler system to retain a copy of the Contractor's Material and Test Certificate in a separate file at its place of business in lieu of mailing the copy of the certificate to the State Fire Marshal's Office. This change reduces the cost, handling, and processing time of the registered firm and SFMO's staff but still provides for the retention of a record of the activity.

Sections 34.716(g) and 34.716(h) require a firm to employ at least one full-time Responsible Managing Employee (RME) at each business office where fire protection sprinkler system planning is performed. The RME is responsible for directly supervising the planning of the system which must be in accordance with adopted codes and standards. Therefore, it is necessary that the RME be in close proximity to where the system is planned in order to ensure appropriate supervision of the planning.

New §34.716(i) provides that the planning, installation or servicing of all fire protection sprinkler systems must comply with the standards in §34.707 or a more recent edition of that standard that is adopted by the political subdivision in which the fire sprinkler system is installed. When a local jurisdiction adopts a more recent edition of the state adopted code, a registered sprinkler firm may not know which code to follow. This amendment clarifies that the system can comply with the code adopted by the political subdivision.

The amendments to §34.717(c) require that an RME sign and certify at least one set of plans submitted to the authority having jurisdiction and one set of the as-built plans provided to the building owner using the plan stamp specified in §34.717(d). This requirement is needed to ensure that the plans are reviewed by the licensed RME and that the RME certifies that the plans comply with the adopted NFPA standards prior to being submitted to the local fire marshal and that the system has been installed accordingly. The specified plan stamp is necessary to ensure consistent format and available information.

New §34.718 sets forth specific criteria and procedures for an installation tag. The main purpose of this tag is to record the pressure and flow data of the water supply at the time a fire protection sprinkler system is installed. This initial data is needed to compare with subsequent annual measurements, taken by service technicians, to determine if the water supply characteristics have diminished below the minimum levels required.

New §34.719 sets forth specific criteria and procedures for a service tag. The main purpose of this tag is to record the type of service performed; whether any deficiencies, identified by a red or yellow tag, have been corrected; who performed the service; and when the service was performed and the tag attached. The tag is required to be attached to the fire sprinkler system and retained for five years in order to maintain a brief history of the work performed. This history is necessary to enable service technicians and local fire marshals who perform subsequent inspections to analyze the system and determine any negative trends that may need corrective action.

New §34.720 sets forth specific criteria and procedures for the inspection, testing and maintenance (ITM) tag. The main purpose of the ITM tag is to record the type of annual ITM performed, the system status, the main drain test results, identify who performed the service, when the service was performed and the tag attached. The tag is required to be attached to the fire protection sprinkler system and to be retained for five years in order to maintain a brief history of the work performed. This history is necessary to assist service technicians in determining whether certain maintenance was performed on schedule. The tag is also needed as a visible indication to local fire marshals that the ITM was performed annually and in compliance with local codes and that the status of the system and the water supply is acceptable.

New §34.721 sets forth specific criteria and procedures for a yellow tag. The main purpose of the yellow tag is to record the description of impairments in which the fire sprinkler system is not compliant with the adopted standards and to identify who performed the service or inspection and when the service or inspection was performed and the tag attached. The tag is also needed to assist service technicians and the local fire marshal in identifying which fire sprinkler system is impaired and in taking the appropriate corrective action.

New §34.722 sets forth specific criteria and procedures for a red tag. The main purpose of the red tag is to record the description of an emergency impairment for a fire protection sprinkler system and to identify who performed the service resulting in the identification of the emergency impairments and when the service was performed and the tag attached. The tag is also needed to assist service technicians and the local fire

marshal in identifying which fire sprinkler system is impaired and in taking the appropriate corrective action.

New §§34.723 - 34.725, which address enforcement, administrative actions and severability, replace and are substantively the same as former §§34.721 - 34.723 which were repealed in order to reorganize and renumber the sections in Subchapter G for consistency and ease in use.

3. HOW THE SECTIONS WILL FUNCTION. The amendments to §34.706 add definitions for terms that are consistent with those in the nationally recognized standards.

The amendments to §34.707 adopt by reference certain standards and recommended practices of the National Fire Protection Association (NFPA). The amendments replace the currently adopted (national) standards with the most recent editions of those standards which are published by the NFPA every three years.

The amendment to §34.710(g) deletes the requirement to surrender a void certificate of registration after an administrative revision and prior to issuance of a new registration. The amendment to §34.710(h) clarifies that the holder of a Certificate of Registration for Underground Fire Mains is not permitted to plan the underground fire protection sprinkler system piping.

The amendment to §34.711(g) establishes an RME-General Inspector license and specifies the purpose of the license.

The amendments to §34.713 delete outdated and extraneous language concerning the identification of the insured on the required certificate of insurance by rewording subsection (a)(7)(D), (E) and (F) and combining them into subsection (a)(7)(B). The amendments also delete the requirement to submit evidence of successful completion of a course approved by the SFMO on the planning, inspection and installation of an NFPA 13D dwelling fire protection sprinkler system for those applying for an RME-Dwelling license. Further, the adopted amendments set forth the minimum technical testing requirements necessary to obtain the RME-General Inspector license.

The amendments to §34.714 specify the initial and renewal fees for the RME-General Inspector license. Additionally, the adoption corrects the error in the amount of the specified renewal late fee for a non-specialized sprinkler certificate of registration that is expired for longer than 90 days but less than two years.

The amendments to §34.716 add the requirement that the registered installing firm retain a copy of the Contractor's Material and Test Certificate at its place of business for the life of the sprinkler system and make the certificate accessible to a representative of the SFMO upon request. The amendments also require that after July 1, 2008, the inspection and testing of all fire sprinkler systems, except one- and two-family dwelling or underground systems, must be done by an individual holding the RME-General Inspector license or the RME-General license. The amendments also clarify the intent of the subchapter by providing that the planning, installation or servicing of all fire sprinkler systems must comply with the standards in §34.707 or a

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

The amendments to §34.717 require that an RME sign with an original signature and certify, using the stamp specified in subsection (d) of this section, at least one set of plans submitted to the authority having jurisdiction for review, rating, permit, or record purposes and at least one set of as-built plans provided to the building owner.

New §34.718 sets forth specific criteria regarding the color, content, placement, duration, use and procedures for the application of an installation tag. This tag is used to record the name of the firm, registration number and date on which the fire protection sprinkler system was installed. The tag also contains critical information concerning the pressure and flow characteristics of the water supply at the time the system was installed and must remain on the system for the life of the system.

New §34.719 sets forth specific criteria regarding the color, content, placement, duration, use and procedures for the application of a service tag. The service tag when completed will indicate the name, address, phone number and registration number of the servicing firm; the applicable RME's name and license number; the signature of the

service person; the type of work (service, remodel, or other); the list of services performed; and the dates that any yellow tag or red tag conditions were corrected.

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

New §34.721 sets forth specific criteria regarding the color, content, placement, duration, use and procedures for the application of a yellow tag. The yellow tag records the name, address, phone number and registration number of the firm; the name and license number of the Responsible Managing Employee completing the information on the tag; and the list of impairments that are not compliant with NFPA standards.

New §34.722 sets forth specific criteria regarding the color, content, placement, duration, use and procedures for the application of a red tag. The red tag records the name, address, phone number and registration number of the firm; the name and license number of the respective Responsible Managing Employee completing the information on the tag; and the emergency impairments.

New §§34.723 – 34.724 address enforcement actions and administrative actions for failure to comply with the provisions of Subchapter G and the provisions of Insurance Code Article 5.43-3. New §34.725 provides that if any provision of Subchapter G is held

invalid for any reason the remaining provisions of Subchapter G that can be given effect without the invalid provisions shall remain in effect and continue to apply.

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

4. SUMMARY OF COMMENTS. The Department did not receive any comments on the proposed amendments and new sections.

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

within the limits specified in §4. Section 36.001 provides that the Commissioner of Insurance may adopt any rules necessary and appropriate to implement the powers and duties of the Texas Department of Insurance under the Insurance Code and other laws of this state.

6. TEXT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(15) Person--A natural person.

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

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

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

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

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

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

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

(C) includes, as the portion of the sprinkler system aboveground, a network of specially sized or hydraulically designed piping installed in a building,

structure, or area, generally overhead, and to which sprinklers are connected in a systematic pattern;

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

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

(21) Testing--A procedure used to determine the status of a system as intended by conducting periodic physical checks on water-based fire protection systems such as water-flow tests, fire pump tests, alarm tests, and trip tests of dry pipe, deluge, or preaction valves. These tests follow up on the original acceptance test at intervals specified in the applicable adopted standard.

§34.707. Adopted Standards. 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 shall be kept available for public inspection in the Office of the State Fire Marshal.

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

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

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

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

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

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

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

(8) NFPA 20-1999, Standard for the Installation of Stationary Pumps for Fire Protection;

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

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

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

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

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

(14) NFPA 214-2000, Standard on Water-Cooling Towers; and

(15) NFPA 409-2001, Standard on Aircraft Hangars.

§34.710. Certificates of Registration.

(a) Required. Each person or organization, before engaging in business in this state as an independent fire protection sprinkler contractor on or for any fire protection sprinkler system, must obtain a certificate of registration from the state fire marshal. A registered firm may not subcontract with an unregistered firm to allow the unregistered firm as an independent contractor to perform any act of a fire protection sprinkler contractor.

(b) Business location. A specific business location must be maintained by each registered firm at a location which must be indicated on the certificate.

(c) Posting. Each certificate shall be posted conspicuously for public view at the business location.

(d) Change of ownership.

(1) The total change of a firm's ownership invalidates the current certificate. To assure continuance of the business, a new application for a new certificate should be submitted to the state fire marshal 14 days prior to such change.

(2) A partial change in a firm's ownership will require a revised certificate if it affects the firm's name, location, or mailing address.

(e) Change of corporate officers. Any change of corporate officers must be reported in writing to the state fire marshal within 14 days. This change does not require a revised certificate.

(f) Duplicate certificates. A duplicate certificate must be obtained from the state fire marshal to replace a lost or destroyed certificate. The certificate holder must submit

written notification of the loss or destruction without delay, accompanied by the required fee.

(g) Revised certificates. The change of a firm's name, location, or mailing address requires a revised certificate. Within 14 days after the change requiring the revision the certificate holder must submit written notification of the necessary change, accompanied by the required fee.

(h) Nontransferable. A certificate is neither temporarily nor permanently transferable from one firm to another.

(i) Types.

(1) General--This certificate permits a fire protection sprinkler system contractor to conduct the planning, sales, installation, maintenance, or servicing of any fire protection sprinkler system or any part of such a system.

(2) Dwelling--This certificate permits the fire protection sprinkler system contractor to conduct the planning, sales, installation, maintenance, or servicing of a one- or two-family dwelling fire protection sprinkler system or any part of such a system.

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

§34.711. Responsible Managing Employee (RME) License.

(a) Required. Each person designated as a responsible managing employee by a registered firm must have a license issued by the state fire marshal.

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

(c) Pocket license. An RME must carry a pocket license for identification while engaged in the activities of an RME.

(d) Duplicate license. A duplicate license must be obtained from the state fire marshal to replace a lost or destroyed license. The license holder must submit written notification of the loss or destruction without delay, accompanied by the required fee.

(e) Revised licenses. The change of licensee's employer, home address, or mailing address requires a revised license. Licenses requiring changes must be surrendered to the state fire marshal within 14 days after the change requiring the revision. The license holder must submit written notification of the necessary change with the surrendered license, accompanied by the required fee.

(f) Restrictions.

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

(2) A registered firm must notify the state 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.

(g) Types.

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

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

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

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

§34.713. Applications.

(a) Certificates of registration.

(1) Applications for certificates must be submitted on forms provided by the state fire marshal and must be accompanied by all other information required by the Insurance Code, Article 5.43-3, and this subchapter. An application will not be deemed

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

(2) Applications shall be signed by the sole proprietor, or by each partner of a partnership, or by an officer of a corporation. For corporations, the application must be accompanied by the corporate charter of a Texas corporation, or, in the case of a foreign corporation, a copy of the Texas certificate of authority to do business. For applicants using an assumed name, the application must also be accompanied by evidence of compliance with the Assumed Business or Professional Name Act, Texas Business and Commerce Code Annotated, §36.01. The application shall also include written authorization by the applicant permitting the state fire marshal or his representative to enter, examine, and inspect any premises, building, room, or establishment used by the applicant while engaged in the business to determine compliance with the provisions of the Insurance Code, Article 5.43-3, and this subchapter.

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

(4) An applicant shall not designate as its full-time RME a person who is the designated full-time RME of another registered firm.

(5) A registered firm must not conduct any business as a fire protection sprinkler contractor until a full-time RME, as applicable to the business conducted, is

employed. An individual with an RME-General Inspector's license does not constitute compliance with the requirements of this subsection.

(6) A certificate of registration may not be renewed unless the firm has at least one licensed RME as a full-time employee before the expiration of the certificate of registration to be renewed. If an applicant for renewal does not have an RME as a full-time employee as a result of death or disassociation of an RME within 30 days preceding the expiration of the certificate of registration, the renewal applicant must inform the license section of the state fire marshal's office of the employment of a full-time RME before the certificate of registration will be renewed.

(7) Insurance required.

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

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

(C) Evidence of public liability insurance, as required by the Insurance Code, Article 5.43-3, §5, must be in the form of a certificate of insurance

executed by an insurer authorized to do business in this state, or a certificate of insurance for surplus lines coverage, secured in compliance with the Insurance Code, Chapter 981, as contemplated by Insurance Code, Article 5.43-3, §5(b).

(b) Responsible managing employee licenses.

(1) Original and renewal applications for a license from an employee of a firm engaged in the business must be submitted on forms provided by the state fire marshal and accompanied by all other information required by the Insurance Code, Article 5.43-3, and this chapter.

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

(A) (No change.)

(A) RME-General:

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

(ii) a copy of NICET's notification letter confirming the applicant's successful completion of the test requirements for certification at Level III for fire protection automatic sprinkler systems layout.

(B) RME-Dwelling:

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

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

(I) proof of license as an "RME-General"; or

(II) a copy of NICET's notification letter confirming the applicant's successful completion of the test requirements for certification at Level II for fire protection automatic sprinkler system layout and evidence of a current Texas master plumber license; or

(III) a copy of NICET's notification letter confirming the applicant's successful completion of the test requirements for certification at Level II for fire protection automatic sprinkler system layout and evidence of current employment by a registered fire sprinkler contractor.

(C) RME-Underground Fire Main:

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

(ii) a copy of the notification letter confirming at least a 70% grade on the test covering underground fire mains for fire protection sprinkler systems, administered by the State Fire Marshal's Office or an outsource testing service.

(D) RME-General Inspector:

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

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

(c) Complete applications. The application form for a license or registration must be accompanied by the required fee and must, within 180 days of receipt by the department of the initial application, be complete and accompanied by all other information required by the Insurance Code Article 5.43-3 and this subchapter, or a new application must be submitted including all applicable fees.

§34.714. Fees.

(a) Every fee payable to the department and required in accordance with the provisions of the Insurance Code, Article 5.43-3, and this subchapter must be paid by cash, money order, or check. Money orders and checks must be made payable to the Texas Department of Insurance. Except for overpayments resulting from mistakes of law or fact, all fees are nonrefundable and non-transferable.

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

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

(d) Fees are as follows:

(1) Certificates of registration:

- (A) all initial applications shall include an application fee of--\$50;
- (B) initial fee--\$900;
- (C) renewal fee (for two years)--\$1,800;
- (D) renewal late fee (expired 1 day to 90 days)--\$450;
- (E) renewal late fee (expired 91 days to two years)--\$900;

(2) Certificates of registration-(Dwelling or Underground fire main):

- (A) all initial applications shall include an application fee of--\$50;
- (B) initial fee--\$300;
- (C) renewal fee (for two years)--\$600;
- (D) renewal late fee (expired 1 day to 90 days)--\$150;
- (E) renewal late fee (expired 91 days to two years)--\$300;

(3) Responsible managing employee license (General):

- (A) initial fee--\$200;
- (B) renewal fee (for two years)--\$350;
- (C) renewal late fee (expired 1 day to 90 days)--\$100;
- (D) renewal late fee (expired 91 days to two years)--\$200;

(4) Responsible managing employee licenses (Dwelling, or Underground

fire main):

- (A) initial fee--\$150;
- (B) renewal fee (for two years)--\$200;
- (C) renewal late fee (expired 1 day to 90 days)--\$75;

(D) renewal late fee (expired 91 days to two years)--\$150;

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

(A) initial fee--\$50;

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

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

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

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

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

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

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

(g) Holders of certificates and licenses which have been expired for less than two years cannot be issued new certificates or licenses.

(h) Fees for certificates and licenses which have been expired for less than two years include both renewal and late fees.

§34.716. Installation, Maintenance, and Service.

(a) All fire protection sprinkler systems installed under the Insurance Code, Article 5.43-3, must be installed under the supervision of the appropriate licensed responsible managing employee.

(1) An "RME-General" may supervise the installation of any fire protection sprinkler system including one- and two-family dwellings.

(2) An "RME-Dwelling" may only supervise the installation of a fire protection sprinkler system in one- and two-family dwellings.

(3) An "RME-Underground Fire Main" may only supervise the installation of an assembly of underground piping or conduits, that conveys water with or without other agents, used as an integral part of any type of fire protection sprinkler system.

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

(1) 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 shall be available for examination by the state fire marshal or the state fire marshal's representative upon request. The certificates shall be retained for the life of the system; and

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

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

(d) Complete records shall be kept of all service, maintenance, testing, and certification operations of the firm. The records shall be available for examination by the state fire marshal or his representative.

(e) All vehicles used in service, maintenance, testing, or certification activities shall prominently display the company name, telephone number, and certificate of registration number. The numbers and letters must be at least two inches in height and must be permanently affixed or magnetically attached to a side panel and/or front door

panel in a color contrasting with the background color of the vehicle. The certificate of registration number shall be designated as: Texas Fire Sprinkler Registration (number) or it may be abbreviated to Tex: SCR (number).

(f) A premium reduction certification inspection for one- and two-family dwellings must meet the following requirements:

(1) Only a dwelling type responsible managing employee is authorized to conduct a premium reduction certification inspection of a fire protection sprinkler system in a one- or two-family dwelling.

(2) The inspection will be conducted in accordance with the laws regulating the Texas Department of Insurance and this chapter.

(3) The system will be inspected to meet the minimum standards of the latest edition of NFPA 13D or the edition indicated in the adopted standards section of this chapter.

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

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

(i) The planning, installation or service of a fire protection sprinkler system must be in accordance with the minimum requirements of the applicable adopted standards in §34.707 of this subchapter (relating to Adopted Standards) except when the plan,

installation or service complies with a more recent edition of the standard that has been adopted by the political subdivision in which the system is installed.

§34.717. Sprinkler System Plans.

(a) A set of as-built plans and hydraulic calculations, showing details of system piping, calculations, and alarm configurations, must be provided to the building owner or his representative when installation is complete. The firm must also maintain a set of as-built plans for the life of the sprinkler system.

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

(c) All plans must contain the name and license number of the licensed responsible managing employee, the name, address, phone number, and the certificate of registration number of the registered firm.

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

registered firm. This information shall be in a form of the stamp as set forth in subsection (d) of this section.

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

(d) Sample RME plan stamp:

FIGURE: 28 TAC §34.717(d):

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

§34.718 Installation Tags.

(a) Upon completion of the installation of a fire protection sprinkler system, all information for an installation tag must be completed in detail to indicate the water

supply test data obtained during the time of installation. The tag shall be securely attached by a durable method to the riser of each system.

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

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

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

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

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

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

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

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

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

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

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

(5) name and address of owner or occupant;

(6) building number, location or system number;

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

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

(9) signature of service person.

(h) Sample installation tag:

FIGURE: 28 TAC §34.718(h):

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

16	1
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	

**ORIGINAL
INSTALLATION
TAG**

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

**THIS TAG
CONTAINS
IMPORTANT
INFORMATION
ABOUT THIS
SPRINKLER
SYSTEM AND
SHALL REMAIN
ATTACHED TO
THE SYSTEM
FOR THE LIFE
OF THE SYSTEM.**

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

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

Name of Owner or Occupant

Address

Building No. or Location or System No.

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

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

Signature of Service Person

§34.719. Service Tags.

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

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

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

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

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

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

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

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

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

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

(3) firm's certificate of registration number;

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

(5) signature of service person;

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

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

(8) name and address of owner or occupant;

(9) building, location or system number;

(10) a list of services performed;

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

and

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

(h) Sample service tag:

FIGURE: 28 TAC §34.719(h):

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

SERVICE TAG

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

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

RME's Name

RME's License No.

Signature of Service
Person

TYPE OF WORK

Service

Remodel

Other

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

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

Name of Owner or Occupant

Address

Building No. or Location or System No.

List Services:

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

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

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

(a) After a new installation or a scheduled inspection, testing and maintenance (ITM) service, all portions of an ITM tag must be completed in detail, indicating the ITM service was performed according to the adopted standards, and the tag must be attached to the respective riser of each system.

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

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

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

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

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

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

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

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

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

(4) license number;

(5) name of inspector;

- (6) signature of inspector;
- (7) day, month, and year (to be punched);
- (8) firm's name, address, phone number and registration number;
- (9) name and address of owner or occupant;
- (10) building, location or system number; and
- (11) the static and flowing pressure of the main drain test, taken at the time the inspection, testing and maintenance service was performed.

(h) Sample ITM tag:

FIGURE: 28 TAC §34.720(h):

DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL											
16	1	ITM TAG Inspection, Test & Maintenance Tag								DEC	2010
17	2	TYPE of ITM <input type="checkbox"/> Initial Installation <input type="checkbox"/> Monthly <input type="checkbox"/> Quarterly <input type="checkbox"/> ANNUAL <input type="checkbox"/> Third Year <input type="checkbox"/> Fifth Year								NOV	2010
18	3									OCT	2009
19	4	SYSTEM STATUS AFTER ITM <input type="checkbox"/> Acceptable <input type="checkbox"/> Yellow Tag (attached) <input type="checkbox"/> Red Tag (attached)								SEP	2009
20	5									AUG	2008
21	6	License Number after 1-2008 _____ Name of Inspector _____ Signature of Inspector _____								JUL	2008
22	7									JUN	2007
23	8	MAIN DRAIN TEST at lead-in or riser Static: _____psi Flowing: _____psi								MAY	2007
24	9									APR	2006
25	10	Name of Owner or Occupant _____ Address _____ Building No. or Location or System No. _____ Note: _____ _____ _____								MAR	2006
26	11									FEB	2005
27	12									JAN	2005
28	13										
29	14										
30	15										
31											

§34.721. Yellow Tags.

(a) If a fire protection sprinkler system is found to be noncompliant with the applicable NFPA standards or to contain equipment that has been recalled by the manufacturer, but the noncompliance or recalled equipment does not constitute an emergency condition, a completed yellow tag must be attached to the respective riser of

each system to permit convenient inspection, to not hamper the system's actuation or operation, and also to indicate that corrective action is necessary.

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

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

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

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

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

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

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

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

(3) firm's certificate of registration number;

(4) license number of RME;

(5) printed name of service person or inspector;

(6) signature of service person or inspector;

- (7) day, month, and year (to be punched);
- (8) name and address of owner or occupant;
- (9) building number, location or system number; and
- (10) list of impairments not compliant with NFPA standards.

(g) Sample yellow tag:

FIGURE: 28 TAC §34.721(g):

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

YELLOW TAG

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

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

RME's License Number

Printed name of
serviceperson / inspector

Signature of authorized
serviceperson / inspector

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

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

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

Name of Owner or Occupant

Address

Building No. or Location or System No.

List impairments not compliant with NFPA standards:

§34.722. Red Tags.

(a) If a fire protection sprinkler system has an impairment which constitutes an emergency impairment, as defined in the adopted edition of NFPA 25, the service person or inspector shall complete and attach a red tag to the respective riser of each system to indicate corrective action is necessary.

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

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

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

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

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

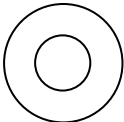
(g) Red tags shall contain the following information in the format of the sample tag as set forth in subsection (h) of this section:

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

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

(h) Sample red tag:

FIGURE: 28 TAC §34.722(h):

		DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL	
RED TAG			
16	1	<i>Name & Address of Sprinkler Firm Phone Number SCR-Number</i>	DEC
17	2		NOV
18	3		OCT
19	4		SEP
20	5		AUG
21	6	_____ RME's License Number	JUL
22	7		JUN
23	8	_____ Printed name of service person	MAY
24	9		APR
25	10		2007
26	11		2008
27	12	_____ Signature of authorized service person	2009
28	13	IMMEDIATELY REPORT STATUS TO OWNER AND AHJ (and in writing within 24 hrs)	2010
29	14		
30	15		
31	16		
			2005
			2006
			2007
			2008
			2009
			2010

If the system impairments constitute an "emergency" impairment as defined in NFPA 25, attach this red tag to the applicable system riser. An authorized individual may remove this tag after a service tag has been attached indicating the condition has been corrected.

Name of Owner or Occupant

Address

Building No. or Location or System No.

List Emergency Impairments:

§34.723. Enforcement.

(a) The state fire marshal is authorized and directed to enforce the provisions of the Insurance Code Article 5.43-3 and this subchapter. The state fire marshal shall make, or cause to be made, inspections from time to time and as circumstances dictate

to determine that licensed firms and persons engaged in the business act in conformity with the requirements of the law and this subchapter.

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

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

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

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

Issued at Austin, Texas, on _____, 2006.

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

IT IS THEREFORE THE ORDER of the Commissioner of Insurance that amendments to §34.706, §34.707, §34.710, §34.711, §34.713, §34.714, §34.716, §34.717, and new §§34.718 - §34.725 specified herein, concerning regulation of fire protection sprinkler systems, are adopted.

AND IT IS SO ORDERED.

MIKE GEESLIN
COMMISSIONER OF INSURANCE

ATTEST:

Gene C. Jarmon
General Counsel and Chief Clerk

COMMISSIONER'S ORDER NO. _____