

**Subchapter E. Fire Extinguisher Rules
28 TAC §34.515****Subchapter F. Fire Alarm Rules
28 TAC §34.614****Subchapter G. Fire Sprinkler Rules
28 TAC §34.714****Subchapter H. Storage and Sale of Fireworks Rules
28 TAC §34.814****Subchapter M. Scheduled Administrative Penalties
28 TAC §34.1302**

INTRODUCTION. The commissioner of insurance adopts amendments to 28 TAC §§34.515, 34.614, 34.714, and 34.814, concerning the fees charged by the State Fire Marshal's Office (SFMO) to revise or change an address for fire extinguisher, fire alarm, fire sprinkler, and firework permits, licenses, and certificates of registration. The amendments set fees of \$0 for requests to update an address, provided the change of address is done within the prescribed 14 days, as provided by 28 TAC §§34.510 - 34.512, 34.610, 34.611, 34.710, 34.711, and 34.810. The commissioner of insurance also adopts amendments to 28 TAC §34.1302, concerning the administrative penalty schedule, to add a new penalty of \$250 for failure to revise or change an address within the required 14 days.

Sections 34.515, 34.614, 34.714, and 34.814 are adopted with changes to the proposed text published in the December 20, 2024, issue of the *Texas Register* (49 TexReg

10286). Section 34.1302 is adopted with changes to the figures in subsections (a) - (d) and (f).

REASONED JUSTIFICATION. The purpose of these amendments is to allow for licensees and certificate holders for the fire extinguisher, fire alarm, fire sprinkler, and firework programs to conveniently update their addresses by eliminating the fees currently required to make those updates. The amendments outline online address changes. Insurance Code §6001.055(c) and §6002.054(c) provide that the commissioner set a fee not to exceed \$20, and Insurance Code §6003.055(c) provides that the commissioner set a fee not to exceed \$70 for any request for changes to or a duplicate of a registration, certificate, license, or permit.

Under the previous version of the rules, a request to change an address was treated the same way as other certificate and license change requests: it was subject to a \$20 fee (§§34.515, 34.614, and 34.814) or \$35 fee (§34.714). The amendments to §§34.515, 34.614, 34.714, and 34.814 establish a \$0 fee for licensees and certificate holders requesting a change of address for fire extinguisher, fire alarm, fire sprinkler, and firework licenses and certificates. The amendments will promote overall efficiency and convenience in keeping address information updated and reduce compliance costs for the industry.

SFMO requires an accurate address for its licensees and certificate holders. Under Government Code §417.005, the commissioner, after consulting with the state fire marshal, may adopt rules necessary to guide the state fire marshal in the performance of other duties for the commissioner. Government Code §417.010 requires the commissioner to adopt by rule a schedule of administrative penalties for violations that are subject to a penalty to ensure that the penalty amount is appropriate to the violation. It further

provides that the state fire marshal may impose an administrative penalty. The new administrative penalties schedule in §34.1302(a) - (c) and (f) enables SFMO to enforce violations of address update requirements through a citation without the need to refer the matter to TDI Enforcement. The text of Figure 28 TAC §34.1302(a), Figure 28 TAC §34.1302(b), Figure 28 TAC §34.1302(c), Figure 28 TAC §34.1302(d), and Figure 28 TAC §34.1302(f) as proposed has been changed to remove unnecessary decimal places from the listed dollar amounts of penalties, to simplify the contents of the figures, and provide consistency with how dollar amounts for penalties are listed in them.

SUMMARY OF COMMENTS. TDI provided an opportunity for public comment on the rule proposal for a period that ended on November 25, 2024. TDI did not receive any comments on the proposed amendments.

Subchapter E. Fire Extinguisher Rules
28 TAC §34.515

STATUTORY AUTHORITY. The commissioner adopts amendments to 28 TAC §34.515 under Government Code §417.005 and Insurance Code §6001.055(c) and §36.001.

Government Code §417.005 states that the commissioner, after consulting with the state fire marshal, may adopt rules necessary to guide the state fire marshal in the performance of duties for the commissioner.

Insurance Code §6001.055(c) provides that the commissioner set a fee not to exceed \$20 for duplicate or changed fire extinguisher licenses and certificates.

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

TEXT.**§34.515. Fees.**

(a) Except for fees specified in subsection (d) of this section, all fees payable must be submitted by cashier's check or money order made payable to the Texas Department of Insurance or by online payment. Except for overpayments resulting from mistakes of law or fact, all fees are nonrefundable.

(b) Fees are as follows.

(1) Certificates of registration:

(A) initial fee--\$450;

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

(C) renewal late fee (expired 1 day to 90 days)--\$225 plus \$50 for each branch office operated by the registered firm;

(D) renewal late fee (expired 91 days to two years)--\$450 plus \$100 for each branch office operated by the registered firm;

(E) branch office initial fee--\$100;

(F) branch office renewal fee (for two years)--\$200.

(2) Certificate of registration (Type C):

(A) initial fee--\$250;

(B) renewal fee (for two years)--\$300;

(C) renewal late fee (expired 1 day to 90 days)--\$125;

- (D) renewal late fee (expired 91 days to two years)--\$250.
 - (3) Fire extinguisher license (Type A, B, and K):
 - (A) initial fee--\$70;
 - (B) renewal fee (for two years)--\$100;
 - (C) renewal late fee (expired 1 day to 90 days)--\$35;
 - (D) renewal late fee (expired 91 days to two years)--\$70.
 - (4) Fire extinguisher license (Type PL):
 - (A) initial fee--\$70;
 - (B) renewal fee (for two years)--\$100;
 - (C) renewal late fee (expired 1 day to 90 days)--\$35;
 - (D) renewal late fee (expired 91 days to two years)--\$70.
 - (5) Apprentice permit fee--\$30.
 - (6) Change of address request--\$0.
 - (7) Duplicate or revised certificates, licenses, permits, or other requested changes to certificates, licenses, or permits--\$20.
 - (8) Initial test fee (if administered by the SFMO)--\$20.
 - (9) Retest fee (if administered by the SFMO)--\$20.
- (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) Late fees are required of all certificate or license holders who fail to submit complete renewal applications before the expiration of the certificate or license.

Subchapter F. Fire Alarm Rules
28 TAC §34.614

STATUTORY AUTHORITY. The commissioner adopts amendments to §34.641 under Government Code §417.005 and Insurance Code §6002.054(c) and §36.001.

Government Code §417.005 states that the commissioner, after consulting with the state fire marshal, may adopt rules necessary to guide the state fire marshal in the performance of duties for the commissioner.

Insurance Code §6002.054(c) provides that the commissioner set a fee not to exceed \$20 for duplicate or changed fire alarm licenses and certificates.

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

TEXT.

§34.614. Fees.

(a) Except for fees specified in subsection (c) of this section, all fees payable must be submitted by cashier's check or money order made payable to the Texas Department of Insurance or by online payment. Except for overpayments resulting from mistakes of law or fact, all fees are nonrefundable.

(b) 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.

(c) Fees are as follows:

(1) Certificates of registration:

(A) initial fee--\$500;

(B) renewal fee (for two years, subject to the exceptions specified in §34.610(i) of this subchapter (relating to Certificate of Registration) for the initial alignment of the expiration and renewal dates of existing branches)--\$1,000;

(C) renewal late fee (expired 1 day to 90 days)--\$125 plus \$37.50 for each branch office operated by the registered firm;

(D) renewal late fee (expired 91 days to two years)--\$500 plus \$150 for each branch office operated by the registered firm;

(E) branch office initial fee--\$150;

(F) branch office renewal fee (for two years)--\$300;

(2) Certificates of registration--Single Station:

(A) initial fee--\$250;

(B) renewal fee (for two years)--\$500;

(C) renewal late fee (expired 1 day to 90 days)--\$62.50;

(D) renewal late fee (expired 91 days to two years)--\$250;

(E) branch office initial fee--None;

(F) branch office renewal fee (for two years)--None;

(3) Fire alarm licenses (fire alarm technician license, fire alarm monitoring technician license, residential fire alarm superintendent (single station) license; residential fire alarm superintendent license, fire alarm planning superintendent license):

(A) initial fee--\$120;

(B) renewal fee (for two years)--\$200;

(C) renewal late fee (expired 1 day to 90 days)--\$30;

(D) renewal late fee (expired 91 days to two years)--\$120;

(4) Residential fire alarm technician licenses:

- (A) initial fee (for one year)--\$50;
- (B) renewal fee (for two years)--\$100;
- (C) renewal late fee (expired 1 day to 90 days)--\$12.50;
- (D) renewal late fee (expired 91 days to two years)--\$50;
- (5) Training school approval:
 - (A) initial fee (for one year)--\$500;
 - (B) renewal fee (for one year)--\$500;
- (6) Instructor approval:
 - (A) initial fee (for one year)--\$50;
 - (B) renewal fee (for one year)--\$50;
- (7) Change of address request--\$0;
- (8) Duplicate or revised certificates, approvals, or licenses, or other requested changes to certificates, approvals, or licenses--\$20;
- (9) Initial test fee (if administered by the State Fire Marshal's Office)--\$20;
- (10) Retest fee (if administered by the State Fire Marshal's Office)--\$20.
- (d) All fees are forfeited if the applicant does not appear for the scheduled test.
- (e) Late fees are required of all certificate or license holders who fail to submit complete renewal applications before the expiration of the certificate or license except as provided in the Insurance Code §6002.203(g).
- (f) Fees for certificates and licenses that have expired for less than two years include both renewal and late fees.

Subchapter G. Fire Sprinkler Rules
28 TAC §34.714

STATUTORY AUTHORITY. The commissioner adopts amendments to 28 TAC §34.714 under Government Code §417.005 and Insurance Code §6003.055(c) and §36.001.

Government Code §417.005 states that the commissioner, after consulting with the state fire marshal, may adopt rules necessary to guide the state fire marshal in the performance of duties for the commissioner.

Insurance Code §6003.055(c) provides that the commissioner set a fee not to exceed \$70 for duplicate or changed fire sprinkler licenses and certificates.

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

TEXT.

§34.714. Fees.

(a) Except for fees specified in subsection (b) of this section, all fees payable must be submitted by cashier's check or money order made payable to the Texas Department of Insurance or by online payment. Except for overpayments resulting from mistakes of law or fact, all fees are nonrefundable and nontransferable.

(b) 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.

(c) Fees are as follows:

(1) Certificates of registration:

(A) all initial applications must 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 must 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) Change of address request--\$0;

(7) Duplicate or revised certificates or licenses, or other requested changes to certificates or licenses--\$35;

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

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

(e) A license or registration expires 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 will 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.

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

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

Subchapter H. Storage and Sale of Fireworks Rules
28 TAC §34.814

STATUTORY AUTHORITY. The commissioner adopts amendments to §34.814 under Government Code §417.005, Occupations Code §2154.052 and §2154.104, and Insurance Code §36.001 and §36.002.

Government Code §417.005 states that the commissioner, after consulting with the state fire marshal, may adopt rules necessary to guide the state fire marshal in the performance of duties for the commissioner.

Occupations Code §2154.052 provides that the commissioner may issue rules to administer Occupations Code Chapter 2154.

Occupations Code §2154.104 provides that a person must be charged a fee in an amount not to exceed \$20 for duplicate license issued by the commissioner and for any requested change to a license.

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

Insurance Code §36.002 provides that the commissioner may adopt reasonable rules that are appropriate to accomplish the purposes of Occupations Code Chapter 2154

TEXT.**§34.814. Fees.**

(a) All fees payable must be submitted by cashier's check or money order made payable to the Texas Department of Insurance or by online payment. Except for overpayments resulting from mistakes of law or fact, all fees are nonrefundable.

(b) Retail permits may be obtained through participating licensed firms. See §34.815 of this title (relating to Retail Permits).

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

(d) Fees are as follows:

(1) manufacturer license:

- (A) initial fee--\$1,000;
- (B) renewal fee (before expiration)--\$1,000;
- (C) renewal late fee (expired 1 day to 90 days)--\$500;
- (D) renewal late fee (expired 91 days to two years)--\$1,000;

(2) distributor license:

- (A) initial fee--\$1,500;
- (B) renewal fee (before expiration)--\$1,500;
- (C) renewal late fee (expired 1 day to 90 days)--\$750;
- (D) renewal late fee (expired 91 days to two years)--\$1,500;

(3) jobber license:

- (A) initial fee--\$1,000;
- (B) renewal fee (before expiration)--\$1,000;
- (C) renewal late fee (expired 1 day to 90 days)--\$500;
- (D) renewal late fee (expired 91 days to two years)--\$1,000;

(4) pyrotechnic special effects operator license:

- (A) initial fee--\$45;
- (B) renewal fee (before expiration)--\$25;
- (C) renewal late fee (expired 1 day to 90 days)--\$22.50;
- (D) renewal late fee (expired 91 days to two years)--\$45;

(5) pyrotechnic operator license:

- (A) initial fee--\$45;
- (B) renewal fee (before expiration)--\$25;
- (C) renewal late fee (expired 1 day to 90 days)--\$22.50;

- (D) renewal late fee (expired 91 days to two years)--\$45;
- (6) multiple public display permit:
 - (A) initial fee--\$400;
 - (B) renewal fee (before expiration)--\$400;
- (7) retail permit--\$20;
- (8) single public display permit--\$50;
- (9) agricultural, industrial, and wildlife control permits--\$10;
- (10) flame effects operator:
 - (A) initial fee--\$45;
 - (B) renewal fee (before expiration)--\$25;
 - (C) renewal late fee (expired 1 day to 90 days)--\$22.50;
 - (D) renewal late fee (expired 91 days to two years)--\$45;
- (11) test administered by the State Fire Marshal's Office:
 - (A) initial test fee--\$20;
 - (B) retest fee--\$20;
- (12) change of address request--\$0;
- (13) duplicate or revised permits or licenses, or other requested changes to permits or licenses--\$20.

(e) A renewal application for a license must be accompanied by the renewal fee and may be paid either online or by mail. The renewal application and fee must be submitted before the license's expiration date. A renewal application or payment by mail must be postmarked before the date the license expires. Renewal applications postmarked after the license expiration date must be accompanied by both the renewal fee and the appropriate late fee.

(f) Holders of licenses that have been expired for less than two years cannot be issued new licenses.

Subchapter M. Scheduled Administrative Penalties
28 TAC §34.1302

STATUTORY AUTHORITY. The commissioner adopts the amendments to 28 TAC §34.1302 under Government Code §417.005 and §417.010, Occupations Code §2154.052 and §2154.104, and Insurance Code §36.001 and §36.002.

Government Code §417.005 states that the commissioner, after consulting with the state fire marshal, may adopt rules necessary to guide the state fire marshal in the performance of duties for the commissioner.

Government Code §417.010 requires the commissioner to adopt by rule a schedule of administrative penalties for violations subject to a penalty under §417.010 to ensure that the amount of an administrative penalty imposed is appropriate to the violation, and it provides that the state fire marshal may impose an administrative penalty without referring the violation to TDI for commissioner action.

Occupations Code §2154.052 provides that the commissioner may issue rules to administer Occupations Code Chapter 2154.

Occupations Code §2154.104 provides that a person must be charged a fee in an amount not to exceed \$20 for duplicate license issued by the commissioner and for any requested change to a license.

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

Insurance Code §36.002 provides that the commissioner may adopt reasonable rules that are appropriate to accomplish the purposes of Occupations Code Chapter 2154.

TEXT.

§34.1302. Schedule of Administrative Penalties.

(a) The Fire Extinguisher Penalty Schedule is specified as follows.

Figure: 28 TAC §34.1302(a)

Citation	Violation	Fine	Citation	Violation	Fine
	License and Registration		34.517(e)	Fixed system not installed or serviced by Type A or EPL	\$2,000
6001.152(a)	Branch office registration certificate required	\$1,000		Installation and Service	
6001.161(a)	Apprentice permit required	\$500	34.517(a)(1)	Portable extinguisher not installed/serviced/maintained IAW manufacturer's instructions	\$50- \$500
6001.251(a)(1)	No registration certificate (portable)	\$3,000	34.517(a)(2)	Service tag not attached upon completion	\$250
6001.251(a)(2)	No registration certificate (fixed)	\$3,000	34.517(b)(1)	Fixed system not planned/installed/serviced IAW "manufacturer's Instructions	\$50- \$500
6001.251(a)(3)	No license	\$3,000	34.517(b)(2)	Installation label not affixed to system upon completion	\$250
34.510(e)(10)(A)	No C registration for U.S. DOT extinguishers	\$2,000	34.517(b)(3)	Installation label not signed and affixed to system by Type A or PL licensee (non pre-engineered)	\$500
34.510(e)(10)(B)	No verification of U.S. DOT registration	\$2,000	34.517(b)(3)	Licensee who signed label was not at final test (non pre-engineered)	\$500
34.510(f)	Registration information not displayed on vehicle	\$250	34.517(b)(4)	Service tag not attached after service completion	\$500
34.511(f)(1)	Licensee not employed by registered firm	\$2,000	34.517(f)	Pre-engineered kitchen system not UL300	\$2,000
34.511(f)(3)	Failure to notify SFMO of termination of employee within 14 days	\$250	34.517(h)	Fusible link manufacturer date not within 1 year	\$500
34.513	Alteration of certificates, licenses, or permits	\$3,000	34.517(i)	Actuation cartridge not dated	\$500
34.514(a)(5)(b)	Failure to maintain proof of insurance on file at SFMO	\$750	34.517(j)	Tamper indicator not dated	\$500
34.510(k); 34.511(d)	Failure to revise or change an address within the required 14 days of change	\$250			
	Adopted Standards		34.518(a)	Shop drawings not on file or not given to owner	\$500
34.517(a)(1)	Failure to abide by adopted standards or manufacturers portable extinguishers	\$50 - \$500	34.518(c)	Shop drawings not signed by EPL	\$500
34.517(b)(1)	Failure to abide by adopted standards or manufacturers requirements for fixed extinguishers		34.519(a)	Service tag not completed in detail	\$250
	Location and Business Practices		34.520(b)	Service tag not completed each time service is performed	\$500

34.510(d)	Failure to maintain business location	\$500		34.521(a)	Owner not notified immediately of impaired portable or fixed extinguisher	\$500
34.510(e)	Failure to maintain shop	\$50- \$500		34.521(a)	AHJ not notified within 24 hrs of impaired portable or fixed extinguisher	\$500
6001.252(a)(3)	Misrepresentation of goods or services	\$250- \$1,000		34.521(a)	Written notice to owner; copy of written notice to AHJ within 3 days	\$500
34.517(c)	Pre-engineered system not installed or serviced by authorized licensee	\$2,000		34.521(a)	Failed to attach red tag to impaired extinguisher	\$500
34.517(e)	Fixed system not planned by EPL or professional engineer	\$2,000		34.521(a)	Service tag attached to impaired extinguisher	\$1,000

34.514(a)(5)(B)		Lapse of Insurance			
Months	Punitive	+	Amount saved	=	Total
0 - 1	\$200	+	\$125	=	Warning Letter
1 - 2	\$500	+	\$250	=	\$750
2 - 3	\$500	+	\$375	=	\$875
3 - 4	\$500	+	\$500	=	\$1,000
4 - 5	\$500	+	\$625	=	\$1,125
5 - 6	\$500	+	\$750	=	\$1,250
6 - 7	\$750	+	\$875	=	\$1,625
7 - 8	\$750	+	\$1,000	=	\$1,750
8 - 9	\$750	+	\$1,125	=	\$1,875
9 - 10	\$750	+	\$1,250	=	\$2,000
10 - 11	\$750	+	\$1,375	=	\$2,125
11 - 12	\$750	+	\$1,500	=	\$2,250

(b) The Fire Alarm Penalty Schedule is specified as follows.

Figure: 28 TAC §34.1302(b)

6002.152(a)	Branch office registration certificate required	\$1,000		34.617	Failure to distribute/retain certificate	\$500
6002.154(a)	No licensed employee	\$1000		34.618	Installation inspection improperly performed/documented	\$50- \$500
6002.154(b)	No license	\$3,000		34.618	Installation inspection improperly documented	\$500
6002.154(c)	Licensee not an employee of registered firm	\$750		34.618	Installation inspection docs not on file for 5 yrs	\$500
6002.301	Engage in business w/o license or registration certificate	\$3,000				
	Adopted Standards			34.619(a)	System/modification not planned by authorized person	\$3,000
34.616(b)(4)	Violation of standards established by 34.607	\$50- \$500		34.619(b)	Plans not submitted to AHJ	\$500
34.6616(b)(4)	Violation of standards established by manufacturers requirements (NFPA 72, §10.3.2)	\$50- \$500		34.619(b)	Plans incorrectly submitted to AHJ	\$250
					Labels	
	Location Business Practices			34.620(a)	Installation label not affixed to inside of control panel cover	\$500

34.610(a)	Failure to maintain business location	\$500		34.620(d)	Installation label improperly formatted or incomplete	\$500
34.610(b)	Designated employee	\$500		34.620(f)	Installation label incorrectly formatted or incomplete (1 or 2 family)	\$500
34.610(c)	Registration information not displayed on vehicle	\$250		34.621(a)	Service label not affixed to control panel cover	\$500
34.611(f)(2)	Failure to notify SFMO of termination of employee within 14 days	\$250		34.621(b)	Information about yellow or red label not on service label that corrected the impairments	\$500
34.616(b)(1)	Installation not performed by or under direct supervision of authorized licensee	\$3,000		34.623(c) (yellow) 34.624(c) (red)	Owner or AHJ not notified of impairment	\$500
34.616(b)(1)	Certifying licensee not licensed under ACR of primary registered firm or certifying licensee not present for final acceptance test	\$1,000		34.621(h)	Service label improperly formatted or incomplete	\$500
34.616(b)(2)	Licensee attaching label not licensed under ACR of primary registered firm	\$1,000		34.622(a)	Inspection/test label not filled out in detail or not affixed to inside of control panel cover	\$500
34.616(b)(2)	Service and maintenance not performed by or under direct supervision of authorized licensee	\$3,000		34.622(d)	Owner or AHJ not notified of impairment	\$500
6002.302(a)(3)	Misrepresentation of goods or services	\$250- \$1,000		34.622(j)	Inspection/test label incorrectly formatted/incomplete	\$500
34.610(h); 34.611(d)	Failure to revise or change an address within the required 14 days of change	\$250				
	Monitoring			34.623(a)	Completed yellow label not attached to outside of control panel of impaired system	\$500
34.616(c)(1)	Monitoring an alarm for an unregistered firm	\$3,000		34.623(g)	Yellow label incorrectly formatted/incomplete	\$500
34.616(c)(2)(A)	Connecting an alarm to an unregistered monitoring firm	\$2,000		34.624(a)	Completed red label not attached to outside of impaired system	\$1,000
34.616(3)	No licensed technician at central station	\$1,000		34.624(g)	Red label improperly formatted/incomplete	\$500

34.613(a)(5)(B)		Lapse of Insurance			
Months	Punitive	+	Amount saved	=	Total
0 - 1	\$200	+	\$125	=	Warning Letter
1 - 2	\$500	+	\$250	=	\$750
2 - 3	\$500	+	\$375	=	\$875
3 - 4	\$500	+	\$500	=	\$1,000
4 - 5	\$500	+	\$625	=	\$1,125
5 - 6	\$500	+	\$750	=	\$1,250
6 - 7	\$750	+	\$875	=	\$1,625
7 - 8	\$750	+	\$1,000	=	\$1,750
8 - 9	\$750	+	\$1,125	=	\$1,875
9 - 10	\$750	+	\$1,250	=	\$2,000
10 - 11	\$750	+	\$1,375	=	\$2,125
11 - 12	\$750	+	\$1,500	=	\$2,250

(c) The Fire Protection Sprinkler Penalty Schedule is specified as follows.

Figure: 28 TAC §34.1302(c)

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

Citation	Violation	Fine		Citation	Violation	Fine
	Certificates of Registration and Licenses				Planning and Installation	
6003.151(a)	Engage in business w/o registration certificate	\$3,000		34.717(b)	Failed to maintain copy of updated plans	\$500
6003.153(b)	Act as responsible managing employee (RME) w/o holding license	\$3,000		34.717(c)	Plans do not contain required signatures/ information about firm or licensee	\$500
34.710(a)	Subcontracting to unregistered firm to perform work of fire protection sprinkler contractor	\$3,000		34.717(c)(2)	Plans not submitted to AHJ for review/permit/rating/record	\$500
34.711(a)	Firm's RME not licensed, or license expired	\$1,000		34.717(c)(2)	Plans incorrectly submitted to AHJ	\$250
34.711(e)(1)	Licensee working not employed by registered firm	\$750			Tags	
34.711(e)(2)	Firm failed to notify SFMO of termination of employee w/in 14 days	\$250		34.718(a)	Installation tag not completed, not completed in detail, not attached to riser	\$500
34.710(g); 34.711(d)	Failure to revise or change an address within the required 14 days of change	\$250				
	Adopted Standards			34.718(b)	ITM tag not attached to riser after installation/required tests and inspections	\$500
34.716(i)	Planning/installation/service not in accordance with adopted standards	\$50-\$500		34.719(a)	Service tag not completed and/or not attached to riser	\$500
	Location/Business Practices			34.719(c)	New service tag not attached after service	\$500
34.710(b)	Failure to maintain business location on certificate of registration	\$500		34.719(g)	Service tags improperly formatted	\$250
34.711(f)	Individual not licensed for work performed	\$3,000		34.720(a)	ITM tag not completed and/or attached to riser after scheduled inspection, testing or maintenance service	\$500
34.716(a)	System not installed under supervision of appropriately licensed individual	\$3,000		34.720(c)	New ITM tag not completed and attached after each service	\$500
34.716(b)	Individual did not affix material and test certificate on or near riser	\$500		34.720(g)	ITM tag improperly formatted	\$250
34.716(c)	Inspection/test/maintenance service not conducted by appropriately licensed individual	\$3,000		34.721(a)	Yellow tag not completed and/or attached to noncompliant system	\$500
34.716(d)	Records not available for examination	\$500		34.721(c)	Building owner/representative/AHJ not notified of noncompliant system	\$500
34.716(e)	Vehicles do not display co. name, tel. number and certificate of registration	\$250		34.721(f)	Yellow tag improperly formatted	\$250
34.716(g)	The planning not performed under the direct supervision of the appropriately licensed RME.	\$500		34.722(a)	Red tag not completed and attached to system with an emergency impairment	\$500
34.716(h)	Planning, installation, or service of a fire protection sprinkler system not in accord with the minimum requirements of the applicable adopted standards	\$3,000		34.722(b)	Owner/representative/AHJ not orally notified immediately of impairment	\$500
6003.252(3)	Misrepresentation	\$250-\$1,000		34.722(b)	Owner/representative/AHJ not notified in writing of impairment within 24 hours	\$500
	Planning and Installation			34.722(g)	Red tag improperly formatted	\$250
34.717(a)	Failed to provide as built plans to the owner	\$500				
34.717(a)	Failed to maintain a copy of plans	\$500				
34.717(b)	Failed to provide updated plans to owner	\$500				

34.713(a)(7)(B)	Lapse of Insurance			
Months	Punitive	+	Amount saved	Total
0 - 1	\$200	+	\$125	= Warning Letter

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

1 - 2	\$500	+	\$250	=	\$750
2 - 3	\$500	+	\$375	=	\$875
3 - 4	\$500	+	\$500	=	\$1,000
4 - 5	\$500	+	\$625	=	\$1,125
5 - 6	\$500	+	\$750	=	\$1,250
6 - 7	\$750	+	\$875	=	\$1,625
7 - 8	\$750	+	\$1,000	=	\$1,750
8 - 9	\$750	+	\$1,125	=	\$1,875
9 - 10	\$750	+	\$1,250	=	\$2,000
10 - 11	\$750	+	\$1,375	=	\$2,125
11 - 12	\$750	+	\$1,500	=	\$2,250

(d) The Fireworks Indoor Retail Stand Penalty Schedule is specified as follows.

Figure: 28 TAC §34.1302(d)

Code	GENERAL	FINE	Code	PATHWAYS/CORRIDORS OF EGRESS cont	Fine
34.817(m)	TRASH, cardboard or high grass within 10 ft of site	\$50	36.2.5.8	No clear exit path AROUND CHECKOUT aisle	\$250
34.832(12)	Supervisor less than 18 YEARS OLD (site closed until corrected)	\$500	7.11.5	Building has DEAD END CORRIDORS	\$150
34.832(12)	Individuals less than 16 YEARS OLD SELLING Fireworks	\$50	7.2.1.11.1	Turnstile, ropes or other DEVICES OBSTRUCT EGRESS	\$150
34.817(h)	Operator consuming or under influence of ALCOHOL	\$500		EXIT DOORS	
2154.252(c)	Fireworks sold or offered to CHILDREN under 16 years old or to an intoxicated or incompetent person	\$500	7.11.4	Less than TWO means of EGRESS if room >200 sqft	\$500
34.817(l)	No off highway PARKING provided	\$100	7.11.1	No EXIT WITHIN 75 ft of any point in the building	\$150
34.817(g)	SMOKING inside the site	\$500	7.7.1	Exits do not TERMINATE in open space (i.e. blocked)	\$150
34.817(g)	SMOKING outside within 10 feet of site	\$250	7.2.1.2.3.2	DOOR OPENINGS less than 32" wide	\$150
2154.202(g)	Selling fireworks OUTSIDE selling SEASON	\$250 TO \$500	7.2.1.4.2	Door "doesn't SWING OUT in direction of egress	\$250
	FIREWORKS STORAGE		7.2.1.3.1	Floor ELEVATION change Interior >½" or Exterior door >8"	\$100
34.832(6)	Stored fireworks in sales area ACCESSIBLE to public	\$100	7.2.1.3.3	THRESHOLD at door exceeds ½" in height	\$100
34.832(7)	Fireworks storage room not RESTRICTED to employees only	\$100	7.11.6	DOORS latch or lock not fire or PANIC HARDWARE	\$1,000
34.832(7)	"NO SMOKING" signs not posted in storage room	\$50	7.2.1.5.2	Doors have KEY LOCKS on egress side.	\$500
	STORAGE (and retail sales) OVER 500 CASES		7.2.1.4.1(3)	Ex (a&c) Not LOCKED OPEN when occupied	\$250
34.823(a2)	Not of SOLID CONSTRUCTION or sound engineering	Case	7.2.1.4.1(3)	Ex (b) No "This Door To Remain OPEN etc..." SIGN	\$100
34.823(a3)	Electrical does not meet NATIONAL ELECTRIC CODE	\$25 TO \$250	Code	EXIT DOORS (cont)	Fine
34.823(a3)	No outside MASTER ELECTRICAL SWITCH	\$250	7.2.1.4.1(3)	Ex (e) No ONE PANIC hardware door without a roll-up	\$500
34.823(a4A)	LESS 50ft from inhabited bldg(s) or surface of highways	\$500		SIGNS	
34.823(a4A)	Not in compliance with distances in TABLE 1 34.824	\$500	7.10.1.2.1	Not all exits have "EXIT" SIGNS. (if exit not obvious)	\$100
34.823(a4B)	WINDOWS or sunlight on fireworks not diffused	\$50	7.10.6.1.1	"EXIT" SIGNS NON-COMPLIANT with standard	\$50
34.823(a4C)	STOVE, exposed flame or electric heater in storage area	\$500	7.10.2.1	Missing DIRECTIONAL SIGNS to exits (if not apparent)	\$50
34.823(a4D)	Swing EXIT DOOR locked, not marked or obstructed	\$250	7.10.6.2.1	Directional SIGNS NON-COMPLIANT with standard	\$50
34.823(a4E)	No Class A EXTINGUISHER for each 1000 sqft of floor	\$100	7.10.8.3	Missing "NO EXIT" sign on doors that could be mistaken	\$250
34.823(a4F)	Brush, dry grass, leaves or COMBUSTIBLES within 10ft	\$100	34.817(g)	"NO SMOKING" sign not posted OUTSIDE entrance doors	\$100
34.823(a4G)	Missing "NO SMOKING" signs. (4" letters)	\$100	34.817(g)	"NO SMOKING" sign not posted INSIDE entrance doors	\$100
34.823(a5)	No fence, SECURITY ALARM or 24 hr. personnel on site	\$500	34.817(g)	"NO SMOKING" sign not posted several location inside	\$100
34.823(a6)	Class I COMBUSTIBLES (gasoline) less 100 ft from bldg	\$100	34.817(g)	"NO SMOKING" sign lettering less than 4 inches high	\$50

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

34.823(a6)	CLASS I dispensing or vents less than 100 ft from bldg (site closed)	\$500			EMERGENCY LIGHTING (if over 3000 sq.ft.)	
34.823(b1)	No SUPERVISOR at least 18 years old on duty (site closed until corrected)	\$500	36.2.9		No EMERGENCY LIGHTING provided	\$500
34.832(3A)	< 60ft from INHABITED bldg. (w/o permit before 11-18-02)	\$500	7.8.1.3		Emergency lighting doesn't ILLUMINATE paths of egress	\$250
34.832(3B)	< 30ft from PROPERTY line (w/o permit before 11-18-02)	\$250	7.9.2.1		Emergency lighting DURATION is less than 1½ hrs	\$250
34.832(3C)	Does not comply with TABLE 1 or have fire sprinklers	\$500	7.9.3.1.1		No RECORD of emergency lighting inspection & TEST	\$100
	PATHWAYS/CORRIDORS OF EGRESS				STRUCTURE	
36.2.5.5	Means of EGRESS/AISLES less than 36 inches	\$150	34.832(1)		Building is not FREE STANDING or durable	Case
36.2.5.10	Means of egress < 36" + CART LENGTH (if using carts)	\$150	34.832(1)		Mezzanine or 2nd STORY accessible to the public	\$150
34.817(e)	Path to exit door OBSTRUCTED	\$250	34.832(1)		Selling from a TENT, boat, or mobile vehicle (site closed)	\$500
7.1.10.1	Egress not CONTINUALLY FREE of obstructions	\$150	34.817(k)		Bldg. single or multi-family RESIDENTIAL STRUCTURE (site closed)	\$500
Code	STRUCTURE cont	Fine	Code		STAIRS	Fine
34.832(1)	Sales area Multi-Use (other business) or MULTI-TENANT (site closed)	\$500	7.2.2.2.1		RISER not 4"-7" or TREADS less than 11" wide	\$100
34.832(18)	Sales area >2500 sqft with ave. CEILING HEIGHT < 12 ft	\$500	7.2.2.2.1.2		Less than 36" WIDE or < 56" wide if occupancy over 2000	\$100
34.832(10)	Stored behind glass with impinging direct SUNLIGHT	\$50	7.2.2.3.3.1		Stairs treads not SOLID	\$100
34.832(14)	No outside MASTER electrical switch	\$100	7.2.2.4.1.1		No HANDRAILS 34" to 38" high provided	\$100
9.1.2	Electrical WIRING and equipment APPEAR HAZARDOUS	\$25 TO \$250	7.1.8		Open stairs over 30" rise without a GUARD RAIL	\$100
	INTERIOR				STAIR LANDINGS	
34.832(5)	Inadequate PREVENTION of customers handling fwks	\$100	7.2.2.3.2.1		No LANDING at door opening	\$100
34.832(5)	RESTRAINT around displayed fireworks not durable	\$100	7.2.2.3.2.3		Landing LENGTH in direction of travel is less than width.	\$100
34.832(5)	Customers HANDLING fireworks w/o attendant assistance	\$50	7.2.2.3.3.1		Horizontal landing not SOLID (i.e. grating or see through)	\$100
34.832(9)	small quantities of unused BOXES in sales/storage area	\$50			HANDRAILS	
34.832(11)	EXTENSION CORD located where public can walk over	\$50	7.2.2.4.4.1		Not 34" to 38" HIGH above leading edge of tread	\$100
34.832(11)	EXTENSION CORD supplies > one device w/o power strip	\$50	7.2.2.4.4.5		Less than 2¼" CLEARANCE between rail and wall	\$100
34.832(11)	EXTENSION CORD unprotected from accidental damage	\$50	7.2.2.4.4.6		Handrails are not a CIRCULAR cross-section of 1¼" to 2"	\$100
34.832(11)	EXTENSION CORD used in lieu of fixed structural wiring	\$25	7.2.2.4.4.7		Rail is not CONTINUOUS	\$100
34.832(11)	Power STRIP without internal circuit breaker	\$25	7.2.2.4.4.6		Improper TERMINATION or EXTENSION of rail	\$100
34.832(13)	Trash CONTAINERS not METAL or heavy plastic	\$25			GUARD RAILS	
34.832(13)	Trash CONTAINERS < 10ft AWAY from fireworks	\$250	7.1.8		No GUARD RAIL where egress is > 30" above floor/grade	\$100
34.832(15)	SPACE HEATER in sales/storage areas	\$100	7.2.2.4.5.2		Guard RAIL is less than 42" high.	\$100
34.832(17)	COOKING EQUIPMENT in sales/storage areas	\$100	7.2.2.4.5.3		Over 4" between any point in VERTICAL RAILS up to 34" high	\$100
34.817(d)	No 2A EXTINGUISHER per 2,000 sqft & within 75 ft travel	\$500			RAMPS	
34.817(p)	Internal combustion ENGINES operating inside retail site	\$500	7.2.5.3.2(1).		No LANDING at top, bottom or at door openings.	\$100
36.3.3.2	Interior wall and ceiling FINISH is not type Class A or B	\$500	Tab 7.2.5.2		Single ramp in excess of a 30" RISE.	\$100
6.1.14.4.1	No FIREWALL -Btwn High Hazard & other occup > 200 sqft	\$500	Tab 7.2.5.2		SLOPE in excess of 1 in 8	\$100
	PAPERWORK		Tab 7.2.5.2		Less than 30" WIDE	\$100
34.817(j)	Original permit not posted in sales area	\$100	7.2.5.3.1(1)		Not permanent FIXED construction	\$100
34.817(j)	No permit (site closed until corrected)	\$500	7.2.5.3.1(4)		Not SOLID construction.	\$100
34.832(8)	Local FD or County FD not NOTIFIED of location in writing	\$100	7.2.5.4		No GUARD or HANDRAIL on ramp with rise over 6"	\$100
34.832(16)	PLAN not on file at SFMO office (site closed until corrected)	\$250			BULK MERCHANDISING > 12,000 sqft	
	FIREWORKS		36.4.5		Violation(s) of Bulk Merchandising requirements	Case
21543	Illegal fireworks e.g. Bottle or Pop Rockets, M-80's	\$1,000			OTHER NFPA LIFE SAFETY CODE	
21543(b)	ILLEGAL fireworks (Bottle or Pop Rockets, M-80's)	\$1,000				
2154.251(2)	Sell <100' from storage and dispensing of flammables (closed until corrected)	\$500	34.832(19)		Violations of NFPA 101 the Life Safety Code®	Case

34.817(o)	Fireworks do not conform to USCPs LABELING	\$500		9.1.2	One or more FAULTS identified on Receptacle tester	\$25
34.817(i)	OTHER than fireworks or fireworks promotional items	100				

(e) The Fireworks Retail Site Penalty Schedule is specified as follows.

Figure: 28 TAC §34.1302(e)

Code	Violation	Penalty
Occupations Code §2154.003	Illegal fireworks e.g. Bottle or Pop Rockets, M-80's	\$1,000
Occupations Code §2154.251(2)	Sell <100' from storage and dispensing of flammables (closed until corrected)	\$500
Occupations Code §2154.252(c)	Fireworks sold or offered to children under 16 or to an intoxicated or incompetent person	\$500
Occupations Code §2154.254	Sales personnel <16 years of age	\$500
28 TAC §34.809(c)	No permit (stand closed until corrected)	\$500
28 TAC §34.809(c)	Original permit not posted	\$100
28 TAC §34.817(a)	Stand not supervised, 18 years of age or older (closed until corrected)	\$500
28 TAC §34.817(d)	No equipment to extinguish small exterior fires	\$50
28 TAC §34.817(e)	Exit pathway obstructed	\$50
28 TAC §34.817(g)	Smoking inside the stand	\$500
28 TAC §34.817(g)	Smoking within 10 ft of stand	\$250
28 TAC §34.817(g)	"NO SMOKING" signs not posted (4" letters)	\$50
28 TAC §34.817(h)	Stand operator consuming or under influence of alcohol (closed until corrected)	\$500
28 TAC §34.817(l)	No off-highway parking provided	\$100
28 TAC §34.817(f), (k)	Selling fireworks from a single or multi-family residential structure, tent, or motor vehicle	\$500
28 TAC §34.817(j)	No permit for retail stand (1 for ea. non connected stand) (stand closed until corrected)	\$100
28 TAC §34.817(m)	Trash, empty cardboard boxes, or high grass within 10 ft of stand	\$50
28 TAC §34.817(o)	Fireworks do not conform to USCPs LABELING	\$500
28 TAC §34.818(2)	Violations related to exit doors and proper operation	\$100

28 TAC §34.818(5)-(8)	Violations related to electrical inside and outside stand	\$100
28 TAC §34.818(9)	Violations related to generator location/no portable extinguisher	\$100
28 TAC §34.818(10)	Electric heater does not have a tip over cutoff switch	\$50
28 TAC §34.818(10)	Heat or light source with open flames in stand	\$100

(f) The Fireworks Distributor Licensing Retailer Permit Penalty is specified as follows.

Figure: 28 TAC §34.1302(f)

CODE	VIOLATION	FINE
2154.252(b)	Offering 1.4G fireworks for sale from other than an authorized retail location	\$1,000
2154.252(d)	Sells fireworks to person who does not hold license or permit	\$1,000
34.815(b)(1)	Purchase of 1.4G Fireworks from an unlicensed distributor or jobber.	\$500
2154.201(a)	Issue other permit to a person under 18 years old.	\$500
34.815(c)(1)	Failed to return permits by March 1 st	\$100
34.832(16)	No site plan on file with SFMO	\$1,000
34.809(a)	Conduct 1.3G display without a permit	\$3,000
34.809(a)	Conduct a display without the appropriate licensed operator	\$3,000
34.826(c)	Failed to conduct display in compliance with NFPA 1123	\$500- \$1,000
34.826(f)	Failed to conduct a proximate display in compliance with NFPA 1126	\$500- \$1,000
34.826(h)	Used a flame effect and failed to comply with NFPA 160	\$500- \$1,000
34.810(e)	Failure to revise or change an address within the required 14 days of change	\$250

2025-9213

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

Adopted Sections
Page 24 of 24

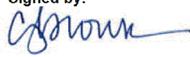
CERTIFICATION. The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Issued at Austin, Texas, on March 20, 2025.

Signed by:

5DAC5618BBC74D4... _____
Jessica Barta, General Counsel
Texas Department of Insurance

The amendments to 28 TAC §§34.515, 34.614, 34.714, 34.814, and 34.1302 are adopted.

Signed by:

FC5D7EDDFFB4F8... _____
Cassie Brown
Commissioner of Insurance

Commissioner's Order No. 2025-9213