

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 Texas Department of Insurance (TDI) proposes to amend 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.

TDI also proposes to amend 28 TAC §34.1302(a) - (c) and (f), 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.

EXPLANATION. The purpose of these proposed 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 current version of the rules, a request to change address is treated the same way as other certificate and license change requests: it is 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 are intended to 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.

Descriptions of the proposed amendments follow.

Section 34.515. Amendments to §34.515 add the change-of-address request fee as \$0 and renumber paragraphs as appropriate to reflect the addition. A proposed change removes unnecessary language concerning potential ways online payments could be accepted.

Section 34.614. Amendments to §34.614 add the change-of-address request fee as \$0 and renumber paragraphs as appropriate to reflect the addition. Amendments also make nonsubstantive grammatical changes for readability and add an Insurance Code citation. A proposed change removes unnecessary language concerning potential ways online payments could be accepted.

Section 34.714. Amendments to §34.714 add the change-of-address request fee as \$0 and renumber paragraphs as appropriate to reflect the addition. Amendments also make nonsubstantive grammatical changes for readability. A proposed change removes unnecessary language concerning potential ways online payments could be accepted.

Section 34.814. Amendments to §34.814(a) revise the text addressing fee payment for consistency with other sections and remove language addressing retail firework permits and the option to pay by cash. Amendments in §34.814(b) remove text stating that fees must be paid at the State Fire Marshal's Office or an address it specifies. Changes in §34.814(c) make nonsubstantive grammatical corrections. Revisions in §34.814(d) include the addition of subsection (d)(12) for the change-of-address request fee of \$0 and subsection (d)(13), which states that the fee for duplicate or revised certificates or licenses and other requested changes to certificates or licenses is \$20.

This addition looks new to the section, but a \$20 fee has always been collected for both duplicate license and license changes. This fee has historically been collected under Occupations Code §2154.104. The updated rule text of §34.814 accurately reflects the historical practice; it does not change it. The rule change brings the \$20 fee charged under the Occupations Code into the text of §34.814, which governs all the other fees. The change is made for simplicity and clarity.

An amendment also corrects capitalization in subsection (d)(11) and amendments to subsection (e) improve clarity and readability.

Section 34.1302. Amendments to the tables in Figure: 28 TAC §34.1302(a), Figure: 28 TAC §34.1302(b), Figure: 28 TAC §34.1302(c), and Figure: 28 TAC §34.1302(f) add a new penalty of \$250 for failure to revise or change an address within the required 14 days for the Fire Extinguisher Penalty Schedule, Fire Alarm Penalty Schedule, Fire Protection Sprinkler Penalty Schedule, and Fireworks Distributor Licensing Retailer Permit Penalty. Nonsubstantive amendments also add "is" to each table's introductory text.

FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT. Linda Villarreal, director of the State Fire Marshal's Office, has determined that during each year of the first five years the proposed amendments are in effect, there will be no measurable fiscal impact on state and local governments as a result of enforcing or administering the proposed amendments, other than that imposed by statute. Ms. Villarreal made this determination because the proposed amendments do not add to or decrease state revenues or expenditures, and because local governments are not involved in enforcing or complying with the proposed amendments.

Ms. Villarreal does not anticipate a measurable effect on local employment or the local economy as a result of this proposal.

PUBLIC BENEFIT AND COST NOTE. For each year of the first five years the proposed amendments are in effect, Ms. Villarreal expects that administering the proposed amendments will have the public benefit of ensuring that TDI's rules promote efficiency and accuracy in the program. Ms. Villarreal expects that the proposed amendments will decrease costs for change of address and will impose a fee on noncompliant licensees.

Insurance Code §§6001.055(c), 6002.054(c), and 6003.055(c) require that the commissioner set a fee not to exceed \$20 (§6001.055(c), §6002.054(c)) or \$70 (§6003.055(c)) for any request for changes to a certificate of registration, license, or permit. Occupations Code §2154.104 provides that a person must be charged a fee in an amount not to exceed \$20 for a duplicate of or any requested change to a license. The proposed amendments to §§34.515, 34.614, 34.714, and 34.814 reduce those fees to \$0 for a change of address. Online payment may require a service fee, but other payment options are available.

A \$20 fee has been collected for both duplicate license requests and license changes. The fee is collected under the authority of Occupations Code §2154.104. The proposed rule text in §34.814 reflects current practice; it does not change it. The amendment adds the \$20 fee currently imposed by SFMO on regulated persons under the Occupations Code into the text of §34.814. This proposed amendment aligns the rule text with current agency practice and makes consistent the fee provisions in the sections included in this proposal.

Proposed amendments to the administrative penalty schedule in §34.1302(a) - (c) and (f) set an administrative penalty of \$250 for failure to revise or change an address within the required 14 days of change as provided under §§34.510 - 34.512, 34.610, 34.611, 34.710, 34.711, and 34.810. Whether a licensee is required to pay an administrative penalty depends on the licensee's compliance with the current applicable regulations. The amended penalty schedules may result in some costs to noncompliant licensees for fire alarm, fire extinguisher, fire sprinkler, and firework firms, but they will be limited to costs relating to (1) responding to the alleged violation, and (2) the administrative penalty paid.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS. TDI has determined that the proposed amendments will have little to no economic effect on small

or micro businesses. The proposed license fees will not impact businesses. The fees are applicable only to licensees.

The proposed amendments to the administrative penalty schedule in §34.1302 are important to better protect the health and safety of the public. There are no regulatory alternatives to the adoption of the penalty matrix in this proposal that will sufficiently protect the health and safety of Texas citizens affected by the rules. As a result, and in accordance with Government Code §2006.002(c), TDI is not required to prepare a regulatory flexibility analysis.

EXAMINATION OF COSTS UNDER GOVERNMENT CODE §2001.0045. TDI has determined that this rule proposal to amend the address fee from \$20 to \$0 will reduce costs for licensed individuals and certificate holders. The addition of the \$20 fee in §34.814 does not impose a cost on regulated persons because SFMO has collected the fee under Occupations Code §2154.104. The inclusion of the fee in rule text reflects current agency practice and is consistent with other fees in this rule sections. There is no new cost. The proposed amendments allow SFMO to more efficiently regulate the industry, which is necessary to protect the health, safety, and welfare of the residents of this state.

While not a standard fee, a \$250 penalty is proposed for those who are not in compliance with the address change rule. TDI expects the cost to be zero for the vast majority of licensees; the penalty would only be applicable in the discretion of the licensee. In the event the licensee has violated the rule, then a penalty is appropriate. Enforcing the penalty is necessary for the health, safety and welfare of the citizens of Texas. Because of this, no additional rule amendments are required under Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT. TDI has determined that for each year of the first five years that the proposed amendments are in effect, the proposed rule:

- will not create or eliminate a government program;
- will not require the creation of new employee positions or the elimination of existing employee positions;
- will not require an increase or decrease in future legislative appropriations to the agency;
- will require an increase or decrease in fees paid to the agency;
- will not create a new regulation;
- will expand an existing regulation;
- will not increase or decrease the number of individuals subject to the rule's applicability; and
- will not positively or adversely affect the Texas economy.

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

REQUEST FOR PUBLIC COMMENT. TDI will consider any written comments on the proposal that are received by TDI no later than 5:00 p.m., central time, on January 20, 2025. Send your comments to ChiefClerk@tdi.texas.gov or to the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030.

To request a public hearing on the proposal, submit a request before the end of the comment period to ChiefClerk@tdi.texas.gov or to the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030. The request for public hearing must be separate from any comments and received by TDI no later than 5:00 p.m., central time, on January 20, 2025. If a public hearing is held, TDI will consider written and oral comments presented at the hearing.

Subchapter E. Fire Extinguisher Rules 28 TAC §34.515

STATUTORY AUTHORITY. TDI proposes amendments to §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.

CROSS-REFERENCE TO STATUTE. Section 34.515 implements Insurance Code §6001.055.

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 the State Fire Marshal's Office,~~] or by online payment. [~~Should the department authorize other online or electronic original applications or other transactions, applicants must submit fees with the transaction as directed by the department, the Texas OnLine Authority, or other online provider.~~] 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) ~~(6)~~ Change of address request --\$0.

(7) ~~(6)~~ Duplicate or revised certificates, licenses, permits, or other requested changes to certificates, licenses, or permits--\$20.

(8) ~~(7)~~ Initial test fee (if administered by the SFMO) --\$20.

(9) ~~(8)~~ 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. TDI proposes amendments to §34.614 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.

CROSS-REFERENCE TO STATUTE. Section 34.614 implements Insurance Code §6002.054.

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 the State Fire Marshal's Office,~~] or by online payment. [~~Should the department authorize other online or electronic original applications or other transactions, persons must submit fees with the transaction as directed by the department, the Texas OnLine Authority, or other online provider.~~] 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) [(7)] Duplicate or revised certificates, [~~certificate,~~] approvals, or licenses,
[~~license~~] or other requested changes to certificates, approvals, or licenses--\$20;

(9) [(8)] Initial test fee (if administered by the State Fire Marshal's Office) --
\$20;

(10) [(9)] 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. TDI proposes amendments to §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.

CROSS-REFERENCE TO STATUTE. Section 34.714 implements Insurance Code §6003.055.

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 the State Fire Marshal's Office,~~] or by online payment. [~~Should the department authorize other online or electronic original applications or other transactions, applicants must submit fees with the transaction as directed by the department, the Texas OnLine Authority, or other online provider.~~] Except for overpayments resulting from mistakes of law or fact, all fees are nonrefundable and nontransferable [~~non-transferable~~].

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

(8) [(7)] 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. TDI proposes amendments to §34.814 under Government Code §417.005, Occupations Code §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 §2154.104 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.

CROSS-REFERENCE TO STATUTE. Section 34.814 implements Occupations Code §2154.104.

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 the State Fire Marshal's Office,] or by online payment. Except for overpayments resulting from mistakes of law or fact, all fees are nonrefundable. [Fees payable to the department and required by the Occupations Code Chapter 2154 and this subchapter, must be paid by cash, money order, check, or by online payment. Money orders and checks must be made payable to the Texas Department of Insurance. Except for overpayments resulting from mistakes of law or fact, or credits for unused retail fireworks permits, all fees are nonrefundable.]

(b) [Fees payable to the department must be paid at the Office of the State Fire Marshal in Austin or mailed to an address specified by the state fire marshal.] Retail permits may [also] be obtained through participating licensed firms. See §34.815 of this title (relating to Retail Permits).

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

(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 [~~Tests~~] 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. [A renewal application for a license accompanied by the

~~renewal fee deposited with the United States Postal Service is deemed to be timely filed when its envelope bears a legible postmark on or before the expiration date of the license being renewed. Any renewal application postmarked after the expiration date must be accompanied by the renewal fee and the appropriate late fee.]~~

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

Subchapter M. Scheduled Administrative Penalties **28 TAC §34.1302**

STATUTORY AUTHORITY. TDI proposes amendments to §34.1302 under Government Code §417.005 and §417.010, 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.

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.

CROSS-REFERENCE TO STATUTE. Section 34.1302 implements Government Code §417.005 and §417.010.

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	\$2,000.00
6001.152(a)	Branch office registration certificate required	\$1,000.00		Installation and Service	
6001.161(a)	Apprentice permit required	\$500.00	34.517(a)(1)	Portable extinguisher not installed/serviced/maintained IAW manufacturer's instructions	\$50.00- \$500.00
6001.251(a)(1)	No registration certificate (portable)	\$3,000.00	34.517(a)(2)	Service tag not attached upon completion	\$250.00
6001.251(a)(2)	No registration certificate (fixed)	\$3,000.00	34.517(b)(1)	Fixed system not planned/installed/serviced IAW "manufacturer's Instructions	\$50.00- \$500.00
6001.251(a)(3)	No license	\$3,000.00	34.517(b)(2)	Installation label not affixed to system upon completion	\$250.00
34.510(e)(10)(A)	No C registration for U.S. DOT extinguishers	\$2,000.00	34.517(b)(3)	Installation label not signed and affixed to system by Type A or PL licensee (non pre-engineered)	\$500.00
34.510(e)(10)(B)	No verification of U.S. DOT registration	\$2,000.00	34.517(b)(3)	Licensee who signed label was not at final test (non pre-engineered)	\$500.00
34.510(f)	Registration information not displayed on vehicle	\$250.00	34.517(b)(4)	Service tag not attached after service completion	\$500.00
34.511(f)(1)	Licensee not employed by registered firm	\$2,000.00	34.517(f)	Pre-engineered kitchen system not UL300	\$2,000.00
34.511(f)(3)	Failure to notify SFMO of termination of employee within 14 days	\$250.00	34.517(h)	Fusible link manufacturer date not within 1 year	\$500.00
34.513	Alteration of certificates, licenses, or permits	\$3,000.00	34.517(i)	Actuation cartridge not dated	\$500.00
34.514(a)(5)(b)	Failure to maintain proof of insurance on file at SFMO	\$750.00	34.517(j)	Tamper indicator not dated	\$500.00
34.510(k); 34.511(d)	Failure to revise or change an address within the required 14 days of change	\$250.00			
	Adopted Standards		34.518(a)	Shop drawings not on file or not given to owner	\$500.00
34.517(a)(1)	Failure to abide by adopted standards or manufacturers portable extinguishers	\$50.00 - \$500.00	34.518(c)	Shop drawings not signed by EPL	\$500.00
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	\$250.00
	Location and Business Practices		34.520(b)	Service tag not completed each time service is performed	\$500.00
34.510(d)	Failure to maintain business location	\$500.00	34.521(a)	Owner not notified immediately of impaired portable or fixed extinguisher	\$500.00
34.510(e)	Failure to maintain shop	\$50.00- \$500.00	34.521(a)	AHJ not notified within 24 hrs of impaired portable or fixed extinguisher	\$500.00
6001.252(a)(3)	Misrepresentation of goods or services	\$250.00- \$1,000.00	34.521(a)	Written notice to owner; copy of written notice to AHJ within 3 days	\$500.00
34.517(c)	Pre-engineered system not installed or serviced by authorized licensee	\$2,000.00	34.521(a)	Failed to attach red tag to impaired extinguisher	\$500.00

34.517(e)	Fixed system not planned by EPL or professional engineer	\$2,000.00		34.521(a)	Service tag attached to impaired extinguisher	\$1,000.00
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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	\$1,000.00		34.617	Failure to distribute/retain certificate	\$500.00
6002.154(a)	No licensed employee	\$1000.00		34.618	Installation inspection improperly performed/documented	\$50.00- \$500.00
6002.154(b)	No license	\$3,000.00		34.618	Installation inspection improperly documented	\$500.00
6002.154(c)	Licensee not an employee of registered firm	\$750.00		34.618	Installation inspection docs not on file for 5 yrs	\$500.00
6002.301	Engage in business w/o license or registration certificate	\$3,000.00				
	Adopted Standards			34.619(a)	System/modification not planned by authorized person	\$3,000.00
34.616(b)(4)	Violation of standards established by 34.607	\$50.00- \$500.00		34.619(b)	Plans not submitted to AHJ	\$500.00
34.6616(b)(4)	Violation of standards established by manufacturers requirements (NFPA 72, §10.3.2)	\$50.00- \$500.00		34.619(b)	Plans incorrectly submitted to AHJ	\$250.00
					Labels	
	Location Business Practices			34.620(a)	Installation label not affixed to inside of control panel cover	\$500.00
34.610(a)	Failure to maintain business location	\$500.00		34.620(d)	Installation label improperly formatted or incomplete	\$500.00
34.610(b)	Designated employee	\$500.00		34.620(f)	Installation label incorrectly formatted or incomplete (1 or 2 family)	\$500.00
34.610(c)	Registration information not displayed on vehicle	\$250.00		34.621(a)	Service label not affixed to control panel cover	\$500.00
34.611(f)(2)	Failure to notify SFMO of termination of employee within 14 days	\$250.00		34.621(b)	Information about yellow or red label not on service label that corrected the impairments	\$500.00
34.616(b)(1)	Installation not performed by or under direct supervision of authorized licensee	\$3,000.00		34.623(c) (yellow) 34.624(c) (red)	Owner or AHJ not notified of impairment	\$500.00
34.616(b)(1)	Certifying licensee not licensed under ACR of primary registered firm or certifying licensee not present for final acceptance test	\$1,000.00		34.621(h)	Service label improperly formatted or incomplete	\$500.00

34.616(b)(2)	Licensee attaching label not licensed under ACR of primary registered firm	\$1,000.00		34.622(a)	Inspection/test label not filled out in detail or not affixed to inside of control panel cover	\$500.00
34.616(b)(2)	Service and maintenance not performed by or under direct supervision of authorized licensee	\$3,000.00		34.622(d)	Owner or AHJ not notified of impairment	\$500.00
6002.302(a)(3)	Misrepresentation of goods or services	\$250.00- \$1,000.00		34.622(j)	Inspection/test label incorrectly formatted/incomplete	\$500.00
34.610(h); 34.611(d)	Failure to revise or change an address within the required 14 days of change	\$250.00				
	Monitoring			34.623(a)	Completed yellow label not attached to outside of control panel of impaired system	\$500.00
34.616(c)(1)	Monitoring an alarm for an unregistered firm	\$3,000.00		34.623(g)	Yellow label incorrectly formatted/incomplete	\$500.00
34.616(c)(2)(A)	Connecting an alarm to an unregistered monitoring firm	\$2,000.00		34.624(a)	Completed red label not attached to outside of impaired system	\$1,000.00
34.616(3)	No licensed technician at central station	\$1,000.00		34.624(g)	Red label improperly formatted/incomplete	\$500.00

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)

Citation	Violation	Fine	Citation	Violation	Fine
	Certificates of Registration and Licenses			Planning and Installation	
6003.151(a)	Engage in business w/o registration certificate	\$3,000.00	34.717(b)	Failed to maintain copy of updated plans	\$500.00
6003.153(b)	Act as responsible managing employee (RME) w/o holding license	\$3,000.00	34.717(c)	Plans do not contain required signatures/ information about firm or licensee	\$500.00
34.710(a)	Subcontracting to unregistered firm to perform work of fire protection sprinkler contractor	\$3,000.00	34.717(c)(2)	Plans not submitted to AHJ for review/permit/rating/record	\$500.00
34.711(a)	Firm's RME not licensed, or license expired	\$1,000.00	34.717(c)(2)	Plans incorrectly submitted to AHJ	\$250.00
34.711(e)(1)	Licensee working not employed by registered firm	\$750.00		Tags	
34.711(e)(2)	Firm failed to notify SFMO of termination of employee w/in 14 days	\$250.00	34.718(a)	Installation tag not completed, not completed in detail, not attached to riser	\$500.00
34.710(g); 34.711(d)	Failure to revise or change an address within the required 14 days of change	\$250.00			

	Adopted Standards			34.718(b)	ITM tag not attached to riser after installation/required tests and inspections	\$500.00
34.716(i)	Planning/installation/service not in accordance with adopted standards	\$50.00- \$500.00		34.719(a)	Service tag not completed and/or not attached to riser	\$500.00
	Location/Business Practices			34.719(c)	New service tag not attached after service	\$500.00
34.710(b)	Failure to maintain business location on certificate of registration	\$500.00		34.719(g)	Service tags improperly formatted	\$250.00
34.711(f)	Individual not licensed for work performed	\$3,000.00		34.720(a)	ITM tag not completed and/or attached to riser after scheduled inspection, testing or maintenance service	\$500.00
34.716(a)	System not installed under supervision of appropriately licensed individual	\$3,000.00		34.720(c)	New ITM tag not completed and attached after each service	\$500.00
34.716(b)	Individual did not affix material and test certificate on or near riser	\$500.00		34.720(g)	ITM tag improperly formatted	\$250.00
34.716(c)	Inspection/test/maintenance service not conducted by appropriately licensed individual	\$3,000.00		34.721(a)	Yellow tag not completed and/or attached to noncompliant system	\$500.00
34.716(d)	Records not available for examination	\$500.00		34.721(c)	Building owner/representative/AHJ not notified of noncompliant system	\$500.00
34.716(e)	Vehicles do not display co. name, tel. number and certificate of registration	\$250.00		34.721(f)	Yellow tag improperly formatted	\$250.00
34.716(g)	The planning not performed under the direct supervision of the appropriately licensed RME.	\$500.00		34.722(a)	Red tag not completed and attached to system with an emergency impairment	\$500.00
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	\$3,000.00		34.722(b)	Owner/representative/AHJ not orally notified immediately of impairment	\$500.00
6003.252(3)	Misrepresentation	\$250.00- \$1,000.00		34.722(b)	Owner/representative/AHJ not notified in writing of impairment within 24 hours	\$500.00
	Planning and Installation			34.722(g)	Red tag improperly formatted	\$250.00
34.717(a)	Failed to provide as built plans to the owner	\$500.00				
34.717(a)	Failed to maintain a copy of plans	\$500.00				
34.717(b)	Failed to provide updated plans to owner	\$500.00				

34.713(a)(7)(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

(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	\$50.00	36.2.5.8	No clear exit path AROUND CHECKOUT aisle	\$250.00
34.832(12)	Supervisor less than 18 YEARS OLD (site closed until corrected)	\$500.00	7.11.5	Building has DEAD END CORRIDORS	\$150.00
34.832(12)	Individuals less than 16 YEARS OLD SELLING Fireworks	\$50.00	7.2.1.11.1	Turnstile, ropes or other DEVICES OBSTRUCT EGRESS	\$150.00
34.817(h)	Operator consuming or under influence of ALCOHOL	\$500.00		EXIT DOORS	
2154.252(c)	Fireworks sold or offered to CHILDREN under 16 years old or to an intoxicated or incompetent person	\$500.00	7.11.4	Less than TWO means of EGRESS if room >200 sqft	\$500.00
34.817(l)	No off highway PARKING provided	\$100.00	7.11.1	No EXIT WITHIN 75 ft of any point in the building	\$150.00
34.817(g)	SMOKING inside the site	\$500.00	7.7.1	Exits do not TERMINATE in open space (i.e. blocked)	\$150.00
34.817(g)	SMOKING outside within 10 feet of site	\$250.00	7.2.1.2.3.2	DOOR OPENINGS less than 32" wide	\$150.00
2154.202(g)	Selling fireworks OUTSIDE selling SEASON	\$250.00 TO \$500.00	7.2.1.4.2	Door "doesn't SWING OUT in direction of egress	\$250.00
	FIREWORKS STORAGE		7.2.1.3.1	Floor ELEVATION change Interior >½" or Exterior door >8"	\$100.00
34.832(6)	Stored fireworks in sales area ACCESSIBLE to public	\$100.00	7.2.1.3.3	THRESHOLD at door exceeds ½" in height	\$100.00
34.832(7)	Fireworks storage room not RESTRICTED to employees only	\$100.00	7.11.6	DOORS latch or lock not fire or PANIC HARDWARE	\$1,000.00
34.832(7)	"NO SMOKING" signs not posted in storage room	\$50.00	7.2.1.5.2	Doors have KEY LOCKS on egress side.	\$500.00
	STORAGE (and retail sales) OVER 500 CASES		7.2.1.4.1(3)	Ex (a&c) Not LOCKED OPEN when occupied	\$250.00
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	\$100.00
34.823(a3)	Electrical does not meet NATIONAL ELECTRIC CODE	\$25.00 TO \$250.00	Code	EXIT DOORS (cont)	Fine
34.823(a3)	No outside MASTER ELECTRICAL SWITCH	\$250.00	7.2.1.4.1(3)	Ex (e) No ONE PANIC hardware door without a roll-up	\$500.00
34.823(a4A)	LESS 50ft from inhabited bldg(s) or surface of highways	\$500.00		SIGNS	
34.823(a4A)	Not in compliance with distances in TABLE 1 34.824	\$500.00	7.10.1.2.1	Not all exits have "EXIT" SIGNS. (if exit not obvious)	\$100.00
34.823(a4B)	WINDOWS or sunlight on fireworks not diffused	\$50.00	7.10.6.1.1	"EXIT" SIGNS NON-COMPLIANT with standard	\$50.00
34.823(a4C)	STOVE, exposed flame or electric heater in storage area	\$500.00	7.10.2.1	Missing DIRECTIONAL SIGNS to exits (if not apparent)	\$50.00
34.823(a4D)	Swing EXIT DOOR locked, not marked or obstructed	\$250.00	7.10.6.2.1	Directional SIGNS NON-COMPLIANT with standard	\$50.00
34.823(a4E)	No Class A EXTINGUISHER for each 1000 sqft of floor	\$100.00	7.10.8.3	Missing "NO EXIT" sign on doors that could be mistaken	\$250.00
34.823(a4F)	Brush, dry grass, leaves or COMBUSTIBLES within 10ft	\$100.00	34.817(g)	"NO SMOKING" sign not posted OUTSIDE entrance doors	\$100.00
34.823(a4G)	Missing "NO SMOKING" signs. (4" letters)	\$100.00	34.817(g)	"NO SMOKING" sign not posted INSIDE entrance doors	\$100.00
34.823(a5)	No fence, SECURITY ALARM or 24 hr. personnel on site	\$500.00	34.817(g)	"NO SMOKING" sign not posted several location inside	\$100.00
34.823(a6)	Class I COMBUSTIBLES (gasoline) less 100 ft from bldg	\$100.00	34.817(g)	"NO SMOKING" sign lettering less than 4 inches high	\$50.00
34.823(a6)	CLASS I dispensing or vents less than 100 ft from bldg (site closed)	\$500.00		EMERGENCY LIGHTING (if over 3000 sq.ft.)	
34.823(b1)	No SUPERVISOR at least 18 years old on duty (site closed until corrected)	\$500.00	36.2.9	No EMERGENCY LIGHTING provided	\$500.00
34.832(3A)	< 60ft from INHABITED bldg. (w/o permit before 11-18-02)	\$500.00	7.8.1.3	Emergency lighting doesn't ILLUMINATE paths of egress	\$250.00
34.832(3B)	< 30ft from PROPERTY line (w/o permit before 11-18-02)	\$250.00	7.9.2.1	Emergency lighting DURATION is less than 1½ hrs	\$250.00
34.832(3C)	Does not comply with TABLE 1 or have fire sprinklers	\$500.00	7.9.3.1.1	No RECORD of emergency lighting inspection & TEST	\$100.00
	PATHWAYS/CORRIDORS OF EGRESS			STRUCTURE	
36.2.5.5	Means of EGRESS/AISLES less than 36 inches	\$150.00	34.832(1)	Building is not FREE STANDING or durable	Case
36.2.5.10	Means of egress < 36" + CART LENGTH (if using carts)	\$150.00	34.832(1)	Mezzanine or 2nd STORY accessible to the public	\$150.00
34.817(e)	Path to exit door OBSTRUCTED	\$250.00	34.832(1)	Selling from a TENT, boat, or mobile vehicle (site closed)	\$500.00
7.1.10.1	Egress not CONTINUALLY FREE of obstructions	\$150.00	34.817(k)	Bldg. single or multi-family RESIDENTIAL STRUCTURE (site closed)	\$500.00
	STRUCTURE cont	Fine		STAIRS	Fine
34.832(1)	Sales area Multi-Use (other business) or MULTI-TENANT (site closed)	\$500.00	7.2.2.2.1	RISER not 4"-7" or TREADS less than 11" wide	\$100.00
34.832(18)	Sales area >2500 sqft with ave. CEILING HEIGHT < 12 ft	\$500.00	7.2.2.2.1.2	Less than 36" WIDE or < 56" wide if occupancy over 2000	\$100.00
34.832(10)	Stored behind glass with impinging direct SUNLIGHT	\$50.00	7.2.2.3.3.1	Stairs treads not SOLID	\$100.00
34.832(14)	No outside MASTER electrical switch	\$100.00	7.2.2.4.1.1	No HANDRAILS 34" to 38" high provided	\$100.00
9.1.2	Electrical WIRING and equipment APPEAR HAZARDOUS	\$25.00 TO \$250.00	7.1.8	Open stairs over 30" rise without a GUARD RAIL	\$100.00
	INTERIOR			STAIR LANDINGS	
34.832(5)	Inadequate PREVENTION of customers handling fwks	\$100.00	7.2.2.3.2.1	No LANDING at door opening	\$100.00
34.832(5)	RESTRAINT around displayed fireworks not durable	\$100.00	7.2.2.3.2.3	Landing LENGTH in direction of travel is less than width.	\$100.00
34.832(5)	Customers HANDLING fireworks w/o attendant assistance	\$50.00	7.2.2.3.3.1	Horizontal landing not SOLID (i.e. grating or see through)	\$100.00
34.832(9)	small quantities of unused BOXES in sales/storage area	\$50.00		HANDRAILS	
34.832(11)	EXTENSION CORD located where public can walk over	\$50.00	7.2.2.4.4.1	Not 34" to 38" HIGH above leading edge of tread	\$100.00

34.832(11)	EXTENSION CORD supplies > one device w/o power strip	\$50.00		7.2.2.4.4.5	Less than 2¼" CLEARANCE between rail and wall	\$100.00
34.832(11)	EXTENSION CORD unprotected from accidental damage	\$50.00		7.2.2.4.4.6	Handrails are not a CIRCULAR cross-section of 1½" to 2"	\$100.00
34.832(11)	EXTENSION CORD used in lieu of fixed structural wiring	\$25.00		7.2.2.4.4.7	Rail is not CONTINUOUS	\$100.00
34.832(11)	Power STRIP without internal circuit breaker	\$25.00		7.2.2.4.4.6	Improper TERMINATION or EXTENSION of rail	\$100.00
34.832(13)	Trash CONTAINERS not METAL or heavy plastic	\$25.00			GUARD RAILS	
34.832(13)	Trash CONTAINERS < 10ft AWAY from fireworks	\$250.00		7.1.8	No GUARD RAIL where egress is > 30" above floor/grade	\$100.00
34.832(15)	SPACE HEATER in sales/storage areas	\$100.00		7.2.2.4.5.2	Guard RAIL is less than 42" high.	\$100.00
34.832(17)	COOKING EQUIPMENT in sales/storage areas	\$100.00		7.2.2.4.5.3	Over 4" between any point in VERTICAL RAILS up to 34" high	\$100.00
34.817(d)	No 2A EXTINGUISHER per 2,000 sqft & within 75 ft travel	\$500.00			RAMPS	
34.817(p)	Internal combustion ENGINES operating inside retail site	\$500.00		7.2.5.3.2(1).	No LANDING at top, bottom or at door openings.	\$100.00
36.3.3.2	Interior wall and ceiling FINISH is not type Class A or B	\$500.00		Tab 7.2.5.2	Single ramp in excess of a 30" RISE.	\$100.00
6.1.14.4.1	No FIREWALL -Btwn High Hazard & other occup > 200 sqft	\$500.00		Tab 7.2.5.2	SLOPE in excess of 1 in 8	\$100.00
	PAPERWORK			Tab 7.2.5.2	Less than 30" WIDE	\$100.00
34.817(j)	Original permit not posted in sales area	\$100.00		7.2.5.3.1(1)	Not permanent FIXED construction	\$100.00
34.817(j)	No permit (site closed until corrected)	\$500.00		7.2.5.3.1(4)	Not SOLID construction.	\$100.00
34.832(8)	Local FD or County FD not NOTIFIED of location in writing	\$100.00		7.2.5.4	No GUARD or HANDRAIL on ramp with rise over 6"	\$100.00
34.832(16)	PLAN not on file at SFMO office (site closed until corrected)	\$250.00			BULK MERCHANDISING >12,000 sqft	
	FIREWORKS			36.4.5	Violation(s) of Bulk Merchandising requirements	Case
2154.003	Illegal fireworks e.g. Bottle or Pop Rockets, M-80's	\$1,000.00			OTHER NFPA LIFE SAFETY CODE	
2154.003(b)	ILLEGAL fireworks (Bottle or Pop Rockets, M-80's)	\$1,000.00				
2154.251(2)	Sell <100' from storage and dispensing of flammables (closed until corrected)	\$500.00		34.832(19)	Violations of NFPA 101 the Life Safety Code®	Case
34.817(o)	Fireworks do not conform to USCPs LABELING	\$500.00		9.1.2	One or more FAULTS identified on Receptacle tester	\$25.00
34.817(i)	OTHER than fireworks or fireworks promotional items	100.00				

(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	\$1,000.00
2154.252(d)	Sells fireworks to person who does not hold license or permit	\$1,000.00
34.815(b)(1)	Purchase of 1.4G Fireworks from an unlicensed distributor or jobber.	\$500.00
2154.201(a)	Issue other permit to a person under 18 years old.	\$500.00
34.815(c)(1)	Failed to return permits by March 1 st	\$100.00
34.832(16)	No site plan on file with SFMO	\$1,000.00
34.809(a)	Conduct 1.3G display without a permit	\$3,000.00

34.809(a)	Conduct a display without the appropriate licensed operator	\$3,000.00
34.826(c)	Failed to conduct display in compliance with NFPA 1123	\$500.00- \$1,000.00
34.826(f)	Failed to conduct a proximate display in compliance with NFPA 1126	\$500.00- \$1,000.00
34.826(h)	Used a flame effect and failed to comply with NFPA 160	\$500.00- \$1,000.00
34.810(e)	Failure to revise or change an address within the required 14 days of change	\$250.00

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

Issued in Austin, Texas, on December 3, 2024.

Signed by:
Jessica Barta
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Jessica Barta, General Counsel
Texas Department of Insurance