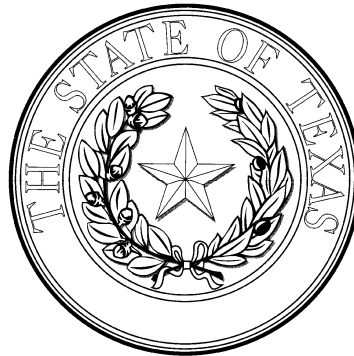


Texas Insurance Code
Chapter 6002
(formerly Article 5.43-2)
Fire Detection and
Alarm Device Installation
and
28 TAC §§ 34.600
The Fire Alarm Rules



Texas Department of Insurance

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<http://www.tdi.texas.gov/fire/fmlialarm.html>

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TEXAS INSURANCE CODE
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**TEXAS INSURANCE CODE
TITLE 20. REGULATION OF OTHER OCCUPATIONS
CHAPTER 6002. FIRE DETECTION AND ALARM DEVICE INSTALLATION
SUBCHAPTER A. GENERAL PROVISIONS**

Sec. 6002.001. PURPOSE.

The purpose of this chapter is to safeguard lives and property by:

- (1) regulating the planning, certifying, leasing, selling, servicing, installing, monitoring, and maintaining of fire detection and fire alarm devices and systems; and
- (2) except as provided by rules adopted under Section 6002.051 or 6002.052, prohibiting fire detection and fire alarm devices, equipment, and systems not labeled or listed by a nationally recognized testing laboratory.

Added by Acts 2007, 80th Leg., R.S., Ch. 730, Sec. 1J.001, eff. April 1, 2009.

Sec. 6002.002. DEFINITIONS.

Except as otherwise provided by this chapter, in this chapter:

- (1) "Fire alarm device" means any device capable, through audible or visible means, of warning that fire or combustion has occurred or is occurring.
- (2) "Fire alarm planning superintendent" means a licensed individual designated by a registered firm to:
 - (A) plan a fire alarm or detection system that conforms to applicable adopted National Fire Protection Association standards or other adopted standards; and
 - (B) certify that each fire alarm or detection system as planned meets the standards as provided by law.
- (3) "Fire alarm technician" means a licensed individual designated by a registered firm to:
 - (A) inspect and certify that each fire alarm or detection system as installed meets the standards provided by law; or
 - (B) perform or directly supervise the servicing or maintaining of a previously installed fire alarm device or system and certify that service or maintenance.
- (4) "Fire detection device" means any arrangement of materials, the sole function of which is to indicate the existence of fire, smoke, or combustion in its incipient stages.
- (5) "Individual" means a natural person, including an owner, manager, officer, employee, occupant, or other individual.
- (6) "Installation" means:
 - (A) the initial placement of equipment; or
 - (B) the extension, modification, or alteration of equipment already in place.
- (7) "Insurance agent" means:
 - (A) an individual, firm, or corporation licensed under:
 - (i) Subchapter E, Chapter 981; or
 - (ii) Subchapter A, B, C, D, E, or G, Chapter 4051; or
 - (B) an individual authorized to represent an insurance fund or pool created by a municipality, county, or other political subdivision of this state under Chapter 791, Government Code.
- (8) "Maintenance" means the maintenance of a fire alarm device or a fire detection device in a condition of repair that provides performance as originally designed or intended.
- (9) "Monitoring" means the receipt of fire alarm and supervisory signals or communication of those signals to a fire service communications center in this state or serving property in this state.
- (10) "Organization" means a corporation, a government or a governmental subdivision or agency, a business trust, an estate, a trust, a partnership, a firm or association, two or more individuals with a joint or common interest, or any other legal or commercial entity.
- (11) "Registered firm" means an individual or organization that holds a registration certificate.
- (12) "Residential fire alarm superintendent" means a licensed individual designated by a registered firm to:
 - (A) plan a residential single-family or two-family fire alarm or detection system that conforms to applicable adopted National Fire Protection Association standards or other adopted standards; and
 - (B) certify that each fire alarm or detection system as planned meets the standards as provided by law.

(12-a) "Residential fire alarm technician" means a licensed individual who is designated by a registered firm to install, service, inspect, and certify residential single-family or two-family fire alarm or detection systems.

(13) "Sale" means the sale or offer for sale, lease, or rent of any merchandise, equipment, or service at wholesale or retail, to the public or any individual, for an agreed sum of money or other consideration.

(14) "Service" or "servicing" means inspection, maintenance, repair, or testing of a fire alarm device or a fire detection device.

Added by Acts 2007, 80th Leg., R.S., Ch. 730, Sec. 1J.001, eff. April 1, 2009.
Added by Acts 2009, 81st Leg., R.S., Ch. 87, Sec. 14.018, eff. September 1, 2009.

Sec. 6002.003. EFFECT ON LOCAL REGULATION.

(a) This chapter and the rules adopted under this chapter have uniform force and effect throughout this state. A municipality or county may not enact an ordinance or rule inconsistent with this chapter or rules adopted under this chapter. An inconsistent ordinance or rule is void and has no effect.

(b) Notwithstanding Subsection (a), a municipality or county may:

(1) mandate that a fire alarm or detection system be installed in certain facilities, if the installation conforms to applicable state law;

(2) require a better type of alarm or detection system or otherwise safer condition than the minimum required by state law; and

(3) require regular inspections by local officials of smoke detectors in dwelling units, as that term is defined by Section 92.251, Property Code, and require the smoke detectors to be operational at the time of inspection.

(c) A municipality, county, or other political subdivision of this state may not require, as a condition of engaging in business or performing any activity authorized under this chapter, that a registered firm, a license holder, or an employee of a license holder:

(1) obtain a registration, franchise, or license from the political subdivision;

(2) pay any fee or franchise tax to the political subdivision; or

(3) post a bond.

(d) Notwithstanding any other provision of this section or Section 6002.155, a municipality or county may require a registered firm to obtain a permit and pay a permit fee for the installation of a fire alarm or fire detection device or system and require that the installation of such a system be in conformance with the building code or other construction requirements of the municipality or county and state law.

(e) Notwithstanding Subsection (d), a municipality or county may not impose qualification or financial responsibility requirements other than proof of a registration certificate.

(f) A political subdivision may not require a registered firm, a license holder, or an employee of a registered firm to maintain a business location or residency within that political subdivision to engage in a business or perform any activity authorized under this chapter.

(g) A municipality or county may by ordinance require a registered firm to make a telephone call to a monitored property before the firm notifies the municipality or county of an alarm signal received by the firm from a fire detection device.

Added by Acts 2007, 80th Leg., R.S., Ch. 730, Sec. 1J.001, eff. April 1, 2009.
Added by Acts 2009, 81st Leg., R.S., Ch. 87, Sec. 14.018, eff. September 1, 2009.

Sec. 6002.004. PROVISION OF CERTAIN SERVICES BY POLITICAL SUBDIVISION.

(a) In this section, "monitoring" means the receipt of fire alarm or supervisory signals or retransmission or communication of those signals to a fire service communications center that is located in this state or serves property in this state.

(b) Except as provided by Subsection (c), a political subdivision may not offer alarm system sales, service, installation, or monitoring unless the political subdivision has been providing monitoring services within the boundaries of the political subdivision as of September 1, 1999. Any fee charged by the political subdivision under this subsection may not exceed the cost of the monitoring.

(c) A political subdivision may:

(1) offer service, installation, or monitoring for property owned by the political subdivision or another political subdivision;

(2) allow for the response to an alarm or detection device by:

(A) a law enforcement agency or fire department; or

(B) a law enforcement officer or firefighter acting in an official capacity; or

(3) offer monitoring to a financial institution, as defined by Section 59.301, Finance Code, that requests, in writing, that the political subdivision provide monitoring service to the financial institution.

(d) Subsection (b) does not apply to a political subdivision:

(1) in a county with a population of less than 80,000; or

- (2) in which monitoring is not otherwise provided or available.
(e) This section is not intended to require a political subdivision to hold a license under this chapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 730, Sec. 1J.001, eff. April 1, 2009.
Added by Acts 2009, 81st Leg., R.S., Ch. 87, Sec. 14.018, eff. September 1, 2009.

SUBCHAPTER B. POWERS AND DUTIES OF COMMISSIONER, DEPARTMENT, AND STATE FIRE MARSHAL

Sec. 6002.051. ADMINISTRATION OF CHAPTER; RULES.

- (a) The department shall administer this chapter.
(b) The commissioner may adopt rules as necessary to administer this chapter, including rules the commissioner considers necessary to administer this chapter through the state fire marshal.

Added by Acts 2007, 80th Leg., R.S., Ch. 730, Sec. 1J.001, eff. April 1, 2009.

Sec. 6002.052. ADOPTION OF RULES; STANDARDS.

- (a) In adopting necessary rules, the commissioner may use:
- (1) recognized standards, such as, but not limited to:
 - (A) standards of the National Fire Protection Association;
 - (B) standards recognized by federal law or regulation; or
 - (C) standards published by a nationally recognized standards-making organization;
 - (2) the National Electrical Code; or
 - (3) information provided by individual manufacturers.
- (b) Under rules adopted under Section 6002.051, the department may create specialized licenses or registration certificates for an organization or individual engaged in the business of planning, certifying, leasing, selling, servicing, installing, monitoring, or maintaining fire alarm or fire detection devices or systems. The rules must establish appropriate training and qualification standards for each kind of license and certificate.
- (c) The commissioner shall also adopt standards applicable to fire alarm devices, equipment, or systems regulated under this chapter. In adopting standards under this subsection, the commissioner may allow the operation of a fire alarm monitoring station that relies on fire alarm devices or equipment approved or listed by a nationally recognized testing laboratory without regard to whether the monitoring station is approved or listed by a nationally recognized testing laboratory if the operator of the station demonstrates that the station operating standards are substantially equivalent to those required to be approved or listed.

Added by Acts 2007, 80th Leg., R.S., Ch. 730, Sec. 1J.001, eff. April 1, 2009.

Sec. 6002.053. RULES RESTRICTING ADVERTISING OR COMPETITIVE BIDDING.

- (a) The commissioner may not adopt rules restricting advertising or competitive bidding by the holder of a license or registration certificate issued under this chapter except to prohibit false, misleading, or deceptive practices.
- (b) In the commissioner's rules to prohibit false, misleading, or deceptive practices, the commissioner may not include a rule that:
- (1) restricts the use of any medium for advertising;
 - (2) restricts the use of a license or registration certificate holder's personal appearance or voice in an advertisement;
 - (3) relates to the size or duration of an advertisement by the license or registration certificate holder; or
 - (4) restricts the license or registration certificate holder's advertisement under a trade name.

Added by Acts 2007, 80th Leg., R.S., Ch. 730, Sec. 1J.001, eff. April 1, 2009.

Sec. 6002.0531. RULES REQUIRING FINANCIAL RESPONSIBILITY.

The commissioner may not adopt a rule to administer this chapter that requires a person who holds a license under this chapter to obtain additional certification that imposes a financial responsibility on the license holder.

Added by Acts 2009, 81st Leg., R.S., Ch. 87, Sec. 14.018, eff. September 1, 2009.

Sec. 6002.054. FEES.

- (a) The commissioner shall set the fee for:
- (1) an initial registration certificate in an amount not to exceed \$500;
 - (2) the renewal of a registration certificate for each year in an amount not to exceed \$500;
 - (3) the renewal of a registration certificate for an individual or organization engaged in the business of planning, certifying, leasing, selling, servicing, installing, monitoring, or maintaining exclusively single station devices in an amount not to exceed \$250 annually;

- (4) an initial branch office registration certificate in an amount not to exceed \$150;
 - (5) the renewal of a branch office registration certificate for each year in an amount not to exceed \$150;
 - (6) an initial or renewal training school approval in an amount not to exceed \$500 annually;
 - (7) an initial or renewal of a training school instructor approval in an amount not to exceed \$50 annually;
 - (8) an initial license in an amount not to exceed \$120, except as provided by Subdivision (10);
 - (9) the renewal of a license for each year in an amount not to exceed \$100, except as provided by Subdivision (10); and
 - (10) an initial license fee, in an amount not to exceed \$50, and an annual renewal fee, in an amount not to exceed \$50, for a residential fire alarm technician license.
- (b) Unless the examination or reexamination for a license is administered by a testing service, the commissioner shall set a nonrefundable fee for:
- (1) the initial examination in an amount not to exceed \$30; and
 - (2) each reexamination in an amount not to exceed \$20.
- (c) The commissioner shall set a fee in an amount not to exceed \$20 for:
- (1) a duplicate registration certificate or license issued under this chapter; and
 - (2) any request requiring changes to a registration certificate or license.

Added by Acts 2007, 80th Leg., R.S., Ch. 730, Sec. 1J.001, eff. April 1, 2009.
Added by Acts 2009, 81st Leg., R.S., Ch. 87, Sec. 14.018, eff. September 1, 2009.

Sec. 6002.055. DEPOSIT IN OPERATING ACCOUNT.

The fees collected under this chapter shall be deposited in the state treasury to the credit of the Texas Department of Insurance operating account.

Added by Acts 2007, 80th Leg., R.S., Ch. 730, Sec. 1J.001, eff. April 1, 2009.

Sec. 6002.056. DEPARTMENT RECORDS.

Records maintained by the department under this chapter on the home address, home telephone number, driver's license number, or social security number of an applicant or a license or registration holder are confidential and are not subject to mandatory disclosure under Chapter 552, Government Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 87, Sec. 14.018, eff. September 1, 2009.

SUBCHAPTER D. REGISTRATION, LICENSE, AND APPROVAL REQUIREMENTS

Sec. 6002.151. FIRM REGISTRATION CERTIFICATE REQUIRED; LIMITED CERTIFICATE.

(a) An individual or organization may not engage in the business of planning, certifying, leasing, selling, installing, servicing, monitoring, or maintaining fire alarm or fire detection devices or systems unless the individual or organization holds a registration certificate issued by the department.

(b) The department may issue a limited registration certificate to an individual or organization whose business is restricted to monitoring.

(c) Applications for registration certificates and qualifications for those certificates are subject to rules adopted by the commissioner.

Added by Acts 2007, 80th Leg., R.S., Ch. 730, Sec. 1J.001, eff. April 1, 2009.

Sec. 6002.152. BRANCH OFFICE REGISTRATION CERTIFICATE REQUIRED.

(a) Except as provided by Subsection (c), each separate office location of a registered firm, other than the location identified on the firm's registration certificate, must have a branch office registration certificate issued by the department.

(b) Before issuing a branch office registration certificate, the department must determine that the branch office location is part of a registered firm.

(c) A registered firm that is engaged in the business of planning, certifying, leasing, selling, servicing, installing, monitoring, or maintaining exclusively single station devices is not required to apply for or obtain a branch office registration certificate for a separate office or location of the firm.

Added by Acts 2007, 80th Leg., R.S., Ch. 730, Sec. 1J.001, eff. April 1, 2009.

Sec. 6002.153. REQUIRED INSURANCE COVERAGE FOR REGISTRATION CERTIFICATE.

(a) The department may not issue a registration certificate under this chapter unless the applicant files with the department evidence of a general liability insurance policy that includes products and completed operations coverage. The policy must be conditioned to pay on behalf of the insured those amounts that the insured becomes legally obligated to pay as damages because of bodily injury and property damage caused by an occurrence involving the insured or the insured's officer, agent, or employee in the conduct of any business that requires a registration certificate or license under this chapter.

(b) Unless the commissioner increases or decreases the limits under rules adopted under Section 6002.051(b), the limits of insurance coverage required by Subsection (a) must be at least:

(1) \$100,000 combined single limits for bodily injury and property damage for each occurrence; and

(2) \$300,000 aggregate for all occurrences for each policy year.

(c) The evidence of insurance required by this section must be in the form of a certificate of insurance executed by an insurer authorized to engage in the business of insurance in this state and countersigned by an insurance agent licensed in this state. A certificate of insurance for surplus lines coverage procured in compliance with Chapter 981 through a surplus lines agent that is licensed under Subchapter E, Chapter 981, and resident in this state may be filed with the department as evidence of the coverage required by this section.

(d) An insurance certificate executed and filed with the department under this section remains in force until the insurer has terminated future liability by the notice required by the department.

(e) Failure to maintain the liability insurance required by this section constitutes grounds for the denial, suspension, or revocation, after notice and opportunity for hearing, of a registration certificate issued under this chapter.

(f) For an individual or organization licensed to install or service burglar alarms under Chapter 1702, Occupations Code, compliance with the insurance requirements of that chapter constitutes compliance with the insurance requirements of this section if the insurance held by the individual or organization complies with the requirements of this section in amounts and types of coverage.

(g) This section does not affect the rights of the insured to negotiate or contract for limitations of liability with a third party, including a customer of the insured.

Added by Acts 2007, 80th Leg., R.S., Ch. 730, Sec. 1J.001, eff. April 1, 2009.

Sec. 6002.154. FIRE ALARM TECHNICIAN, RESIDENTIAL FIRE ALARM SUPERINTENDENT, AND FIRE ALARM PLANNING SUPERINTENDENT.

(a) Each registered firm, including a firm engaged in the business of planning, certifying, leasing, selling, servicing, installing, monitoring, or maintaining exclusively single station devices, must employ at least one employee who is a fire alarm technician, residential fire alarm superintendent, or fire alarm planning superintendent.

(b) A fire alarm technician, residential fire alarm technician, residential fire alarm superintendent, or fire alarm planning superintendent must hold a license issued by the department, conditioned on the successful completion of a written license examination.

(c) To engage in the activity for which the license is granted, an individual licensed under this chapter must be an employee or agent of an individual or entity that holds a registration certificate.

(d) A fire alarm technician may perform or supervise monitoring. A fire alarm planning superintendent may act as a fire alarm technician or a residential fire alarm superintendent. A residential fire alarm superintendent may act as a fire alarm technician.

(d-1) A residential fire alarm technician may only provide direct on-site supervision to an employee of a registered firm for work performed under this chapter in a single-family or two-family dwelling.

(d-2) An applicant for a residential fire alarm technician license must provide with the required license application evidence of the applicant's successful completion of the required instruction from a training school approved by the state fire marshal in accordance with Section 6002.158.

(e) Applications for licenses and qualifications for those licenses are subject to rules adopted by the commissioner.

Added by Acts 2007, 80th Leg., R.S., Ch. 730, Sec. 1J.001, eff. April 1, 2009.
Added by Acts 2009, 81st Leg., R.S., Ch. 87, Sec. 14.018, eff. September 1, 2009.

Sec. 6002.155. ACTIVITIES NOT REGULATED BY CHAPTER.

The licensing provisions of this chapter do not apply to:

(1) an individual or organization in the business of building construction that installs electrical wiring and devices that may include, in part, the installation of a fire alarm or detection system if:

(A) the individual or organization is a party to a contract that provides that:

(i) the installation will be performed under the direct supervision of and certified by a licensed employee or agent of a firm registered to install and certify such an alarm or detection device; and

(ii) the registered firm assumes full responsibility for the installation of the alarm or detection device; and

(B) the individual or organization does not plan, certify, lease, sell, service, or maintain fire alarms or detection devices or systems;

(2) an individual or organization that:

(A) owns and installs a fire detection or fire alarm device on the individual's or organization's own property; or

(B) if the individual or organization does not charge for the device or its installation, installs the device for the protection of the individual's or organization's personal property located on another's property and does not install the device as a normal business practice on the property of another;

(3) an individual who holds a license or other authority issued by a municipality to practice as an electrician and who installs fire or smoke detection and alarm devices only in a single family or multifamily residence if:

(A) the devices installed are:

(i) single station detectors; or

(ii) multiple station detectors capable of being connected in a manner that actuation of one detector causes all integral or separate alarms to operate if the detectors are not connected to a control panel or to an outside alarm, do not transmit a signal off the premises, and do not use more than 120 volts; and

(B) all installations comply with the adopted edition of National Fire Protection Association Standard No. 72;

(4) an individual or organization that:

(A) sells fire detection or fire alarm devices exclusively over-the-counter or by mail order; and

(B) does not plan, certify, install, service, or maintain the devices;

(5) a law enforcement agency or fire department or a law enforcement officer or firefighter acting in an official capacity that responds to a fire alarm or detection device;

(6) an engineer licensed under Chapter 1001, Occupations Code, acting solely in the engineer's professional capacity;

(7) an individual or organization that provides and installs at no charge to the property owners or residents a battery-powered smoke detector in a single-family or two-family residence if:

(A) the smoke detector bears a label of listing or approval by a testing laboratory approved by the department;

(B) the installation complies with the adopted edition of National Fire Protection Association Standard No. 72;

(C) the installers are knowledgeable in fire protection and the proper use of smoke detectors; and

(D) the detector is a single station installation and not a part of or connected to any other detection device or system;

(8) an employee of a registered firm who is under the direct on-site supervision of a license holder;

(9) a building owner, the owner's managing agent, or an employee of the owner or agent who installs battery-operated single station smoke detectors or monitor fire alarm or fire detection devices or systems in the owner's building, and in which the monitoring:

(A) is performed at the owner's property at no charge to the occupants of the building;

(B) complies with applicable standards of the National Fire Protection Association as may be adopted by rule under this chapter; and

(C) uses equipment approved by a testing laboratory approved by the department for fire alarm monitoring;

(10) an individual employed by a registered firm that sells and installs a smoke or heat detector in a single-family or two-family residence if:

(A) the detector bears a label of listing or approval by a testing laboratory approved by the department;

(B) the installation complies with the adopted edition of National Fire Protection Association Standard No. 72;

(C) the installers are knowledgeable in fire protection and the proper use and placement of detectors; and

(D) the detector is a single station installation and not a part of or connected to any other detection device or system; or

(11) an individual or organization licensed to install or service burglar alarms under Chapter 1702, Occupations Code, that provides and installs in a single-family or two-family residence a combination keypad that includes a panic button to initiate a fire alarm signal if the fire alarm signal:

(A) is monitored by a fire alarm firm registered under this chapter; and

(B) is not initiated by a fire or smoke detection device.

Added by Acts 2007, 80th Leg., R.S., Ch. 730, Sec. 1J.001, eff. April 1, 2009.
Added by Acts 2009, 81st Leg., R.S., Ch. 87, Sec. 14.018, eff. September 1, 2009.

Sec. 6002.156. LICENSE EXAMINATION.

(a) The state fire marshal shall establish the scope and type of an examination required by this chapter. The examination must cover this chapter and commissioner rules and include specific testing of all license categories.

(b) The state fire marshal may administer the examination or may enter into an agreement with a testing service.

(c) If a testing service is used, the state fire marshal may contract with the testing service regarding requirements for the examination, including:

(1) examination development;

(2) scheduling;

(3) site arrangements;

(4) grading;

(5) reporting;

(6) analysis; or

(7) other administrative duties.

(d) The state fire marshal may require the testing service to:

(1) correspond directly with an applicant regarding the administration of the examination;

(2) collect a reasonable fee from an applicant for administering the examination; or

(3) administer the examination at a specific location or time.

(e) Approval for a testing service is valid for one year.

(f) The state fire marshal shall adopt rules as necessary to implement examination requirements under this chapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 730, Sec. 1J.001, eff. April 1, 2009.

Sec. 6002.157. EXAMINATION RESULTS.

(a) Not later than the 30th day after the date on which an examination is administered under this chapter, the state fire marshal shall send notice to each examinee of the results of the examination.

(b) If an examination is conducted, graded, or reviewed by a testing service, the state fire marshal shall send notice to each examinee of the results of the examination within two weeks after the date on which the state fire marshal receives the results from the testing service.

(c) If the notice of the examination results will be delayed for more than 90 days after the examination date, the state fire marshal shall send notice to the examinee of the reason for the delay before the 90th day.

(d) The state fire marshal may require a testing service to notify an examinee of the results of the examinee's examination under this section.

(e) If requested in writing by an individual who fails the examination administered under this chapter, the state fire marshal shall send to the individual an analysis of the individual's performance on the examination.

Added by Acts 2007, 80th Leg., R.S., Ch. 730, Sec. 1J.001, eff. April 1, 2009.

Sec. 6002.158. TRAINING SCHOOLS AND INSTRUCTORS; APPROVAL.

(a) An applicant for approval as a training school must submit an application to the state fire marshal, accompanied by the applicant's complete course or testing curriculum. A registered firm, or an affiliate of a registered firm, is not eligible for approval as a training school.

(b) The state fire marshal shall review the materials submitted for course approval and shall approve or deny approval in a letter provided not later than the 60th day after the date of receipt of the application. A denial of approval must disclose specific reasons for the denial. An applicant whose approval is denied may reapply at any time.

(c) Training school instructors must be approved by the state fire marshal. To be eligible for approval, an instructor must hold a fire alarm planning superintendent license and have at least three years of experience in fire alarm installation, service, or monitoring.

(d) Approval for a training school or instructor is valid for one year.

(e) The curriculum for a residential fire alarm technician course must consist of at least seven hours of instruction on installing, servicing, and maintaining single-family and two-family residential fire alarm systems as defined by National Fire Protection Standard No. 72 and an examination on National Fire Protection Standard No. 72 for which at least one hour is allocated for completion. The examination must consist of at least 25 questions, and an applicant must accurately answer at least 80 percent of the questions to pass the examination.

(f) After approval, each training school must annually conduct, within 125 miles of each county with a population greater than 500,000, at least two classes that are open to the public.

Added by Acts 2007, 80th Leg., R.S., Ch. 730, Sec. 1J.001, eff. April 1, 2009.

Added by Acts 2009, 81st Leg., R.S., Ch. 87, Sec. 14.018, eff. September 1, 2009.

Added by Acts 2011, 82nd Leg., R.S., Sec. 15.001, eff. September 1, 2011.

Sec. 6002.159. CONTINUING EDUCATION PROGRAMS.

(a) The commissioner may adopt procedures for certifying and may certify continuing education programs.

(b) Participation in the continuing education programs is voluntary.

Added by Acts 2007, 80th Leg., R.S., Ch. 730, Sec. 1J.001, eff. April 1, 2009.

Sec. 6002.160. RECIPROCAL LICENSE.

The department may waive any license requirement for an applicant who holds a license issued by another state that has license requirements substantially equivalent to the license requirements of this state.

Added by Acts 2007, 80th Leg., R.S., Ch. 730, Sec. 1J.001, eff. April 1, 2009.

Sec. 6002.161. NOT TRANSFERABLE.

A registration certificate or license issued under this chapter is not transferable.

Added by Acts 2007, 80th Leg., R.S., Ch. 730, Sec. 1J.001, eff. April 1, 2009.

SUBCHAPTER E. RENEWAL OF REGISTRATION CERTIFICATE OR LICENSE

Sec. 6002.201. RENEWAL REQUIRED; FEE.

(a) A renewal of a registration certificate or license issued under this chapter is valid for a period of two years. The license or registration renewal fee for each year of the two-year period is payable on renewal.

(b) The commissioner by rule may adopt a system under which registration certificates and licenses expire on various dates during the year. For the year in which an expiration date of a registration certificate or license is less than one year from its issuance or anniversary date, the fee shall be prorated on a monthly basis so that each holder of a registration certificate or license pays only that portion of the renewal fee that is allocable to the number of months during which the registration certificate or license is valid. The total renewal fee is payable on renewal on the new expiration date.

Added by Acts 2007, 80th Leg., R.S., Ch. 730, Sec. 1J.001, eff. April 1, 2009.

Sec. 6002.202. NOTICE OF EXPIRATION.

At least 30 days before the expiration date of a registration certificate or license, the state fire marshal shall send written notice of the impending expiration to the holder of the registration certificate or license at the holder's last known address.

Added by Acts 2007, 80th Leg., R.S., Ch. 730, Sec. 1J.001, eff. April 1, 2009.

Sec. 6002.203. RENEWAL PROCEDURES.

(a) The holder of an unexpired registration certificate or license may renew the certificate or license by paying the required renewal fee to the department before the expiration date of the certificate or license.

(b) An individual or organization whose registration certificate or license has been expired for 90 days or less may renew the certificate or license by paying to the department:

- (1) the required renewal fee; and
- (2) a fee that does not exceed one-fourth of the initial fee for the certificate or license.

(c) An individual or organization whose registration certificate or license has been expired for more than 90 days but less than two years may renew the certificate or license by paying to the department:

- (1) all unpaid renewal fees; and
- (2) a fee that does not exceed the initial fee for the certificate or license.

(d) An individual or organization whose registration certificate or license has been expired for two years or longer may not renew the certificate or license. The individual or organization may obtain a new registration certificate or license by complying with the requirements and procedures for obtaining an initial registration certificate or license.

(e) This section may not be construed to prevent the department from denying or refusing to renew a license under applicable law or commissioner rules.

(f) A license or registration certificate issued under this chapter expires at midnight on the date printed on the license or certificate. A renewal application and fee for the license or registration certificate must be postmarked on or before the expiration date to be accepted as timely.

(g) If a renewal application is not complete but there has been no lapse in the required insurance, the applicant is entitled to 30 days from the date that the applicant is notified by the department of the deficiencies in the renewal application to comply with any additional requirement. If an applicant fails to respond and correct all deficiencies in the renewal application within the 30-day period, the department may charge a late fee.

Added by Acts 2007, 80th Leg., R.S., Ch. 730, Sec. 1J.001, eff. April 1, 2009.

Sec. 6002.204. RENEWAL OF CERTAIN LICENSES.

A license holder with an unexpired license who is not employed by a registered firm at the time of the license renewal may renew that license, but the license holder may not engage in any activity for which the license was granted until the license holder is employed by a registered firm.

Added by Acts 2007, 80th Leg., R.S., Ch. 730, Sec. 1J.001, eff. April 1, 2009.

SUBCHAPTER F. SELLING OR LEASING OF FIRE ALARM OR FIRE DETECTION DEVICES

Sec. 6002.251. REQUIRED LABEL; EXCEPTIONS.

(a) Except as provided by Subsections (b) and (c), a detection or alarm device, alarm system, or item of monitoring equipment, a purpose of which is to detect or give alarm of fire, may not be sold, offered for sale, leased, installed, or used to monitor property in this state unless the device, system, or item of equipment carries a label of approval or listing of a testing laboratory approved by the department.

(b) Except as provided by Subsection (c), a detection or alarm device, alarm system, or item of monitoring equipment in a one-family or two-family residence, a purpose of which is to detect or give alarm of fire, may not be sold, offered for sale, leased, installed, or used to monitor property in this state after April 14, 1989, unless the device, system, or equipment carries a label of approval or listing of a testing laboratory approved by the department.

(c) Subsections (a) and (b) do not prohibit the continued use or monitoring of equipment in place if the equipment:

- (1) complied with the law applicable on the date of the equipment's original placement; and
- (2) has not been extended, modified, or altered.

(d) Fire alarm devices that are not required by this chapter or rules adopted under this chapter and that do not impair the operation of fire alarm or fire detection devices required by this chapter or the rules adopted under this chapter are exempt from the label and listing requirements described by Subsections (a) and (b) if the devices are approved by the local authority with jurisdiction.

Added by Acts 2007, 80th Leg., R.S., Ch. 730, Sec. 1J.001, eff. April 1, 2009.

Sec. 6002.252. REQUIRED PURCHASE AND INSTALLATION INFORMATION.

A fire detection or fire alarm device may not be sold or installed in this state unless the device is accompanied by printed information that:

- (1) is supplied to the owner by the supplier or installing contractor; and
- (2) concerns:
 - (A) instructions describing the installation, operation, testing, and proper maintenance of the device;
 - (B) information to aid in establishing an emergency evacuation plan for the protected premises;
 - (C) the telephone number and location, including notification procedures, of the nearest fire department; and
 - (D) information that will aid in reducing the number of false alarms.

Added by Acts 2007, 80th Leg., R.S., Ch. 730, Sec. 1J.001, eff. April 1, 2009.
Added by Acts 2009, 81st Leg., R.S., Ch. 87, Sec. 14.018, eff. September 1, 2009.

Sec. 6002.253. TRAINING AND SUPERVISION OF CERTAIN EXEMPT EMPLOYEES.

Each registered firm that employs an individual who is exempt from the licensing requirements of this chapter under Section 6002.155(10) shall appropriately train and supervise the individual to ensure that:

- (1) each installation complies with the adopted provisions of National Fire Protection Association Standard No. 72 or other adopted standards;
- (2) each smoke or heat detector installed or sold carries a label or listing of approval by a testing laboratory approved by the department; and
- (3) the individual is knowledgeable in fire protection and the proper use and placement of detectors.

Added by Acts 2007, 80th Leg., R.S., Ch. 730, Sec. 1J.001, eff. April 1, 2009.
Added by Acts 2009, 81st Leg., R.S., Ch. 87, Sec. 14.018, eff. September 1, 2009.

SUBCHAPTER G. PROHIBITED PRACTICES AND DISCIPLINARY PROCEDURES

Sec. 6002.301. PROHIBITED PRACTICES.

An individual or organization may not:

- (1) plan, certify, lease, sell, service, install, monitor, or maintain a fire alarm or fire detection device or system without a license or registration certificate;
- (2) obtain or attempt to obtain a registration certificate or license by fraudulent representation; or
- (3) plan, certify, lease, sell, service, install, monitor, or maintain a fire alarm or fire detection device or system in violation of this chapter or the rules adopted under this chapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 730, Sec. 1J.001, eff. April 1, 2009.

Sec. 6002.302. DISCIPLINARY ACTIONS.

(a) The state fire marshal may suspend, revoke, or refuse to issue or renew a registration certificate or license if, after notice and hearing, the state fire marshal finds that the applicant, registrant, or license holder has engaged in acts that:

- (1) violate this chapter;
- (2) violate rules or standards adopted under this chapter; or
- (3) constitute misrepresentation made in connection with the sale of products or services rendered.

(b) An original or renewal registration certificate, license, or testing laboratory approval may be denied, suspended, or revoked, if after notice and public hearing the commissioner, through the state fire marshal, determines from the evidence presented at the hearing that this chapter or a rule adopted under this chapter has been violated.

Added by Acts 2007, 80th Leg., R.S., Ch. 730, Sec. 1J.001, eff. April 1, 2009.

Sec. 6002.303. DISCIPLINARY HEARING.

(a) If the state fire marshal proposes to suspend, revoke, or refuse to renew a license or registration certificate issued under this chapter, the holder of the license or certificate is entitled to a hearing conducted by the State Office of Administrative Hearings.

(b) Proceedings for a disciplinary action are governed by Chapter 2001, Government Code.

(c) Rules of practice adopted by the commissioner applicable to the proceedings for a disciplinary action may not conflict with rules adopted by the State Office of Administrative Hearings.

Added by Acts 2007, 80th Leg., R.S., Ch. 730, Sec. 1J.001, eff. April 1, 2009.

Sec. 6002.304. REAPPLICATION REQUIREMENTS.

(a) A holder of a registration certificate, license, or testing laboratory approval that has been revoked under this chapter may not file another application for a registration certificate, license, or approval before the first anniversary of the effective date of the revocation.

(b) An individual or organization reapplying under this section must request a public hearing to show cause why the issuance of a new registration certificate, license, or approval should not be denied.

Added by Acts 2007, 80th Leg., R.S., Ch. 730, Sec. 1J.001, eff. April 1, 2009.

SUBCHAPTER H. CRIMINAL PENALTY

Sec. 6002.351. CRIMINAL PENALTY.

(a) An individual or organization commits an offense if the individual or organization violates Section 6002.151, 6002.152, or 6002.154.

(b) An offense under this section is a Class B misdemeanor.

(c) Venue for an offense under this section is in Travis County or the county in which the offense is committed.

Added by Acts 2007, 80th Leg., R.S., Ch. 730, Sec. 1J.001, eff. April 1, 2009.

Texas Insurance Code Article 5.43-2, Fire Detection and Alarm Devices

Acts 1975, 64th Leg., p. 853, ch. 326, § 1, eff. May 30, 1975. Amended by Acts 1977, 65th Leg., p. 363, ch. 178, § 1, eff. Aug. 29, 1977; Acts 1979, 66th Leg., p. 2173, ch. 830, § 1, eff. Sept. 1, 1979; Acts 1981, 67th Leg., p. 421, ch. 175, §§ 2, 3, eff. Sept. 1, 1981; Acts 1983, 68th Leg., p. 1093, ch. 245, §§ 4, 5, eff. May 27, 1983; Acts 1983, 68th Leg., p. 3935, ch. 622, §§ 25, 48 to 50, eff. Sept. 1, 1983; Acts 1987, 70th Leg., ch. 267, §§ 11 to 21, eff. June 5, 1987; Acts 1987, 70th Leg., ch. 866, § 1, eff. Aug. 31, 1987; Acts 1989, 71st Leg., ch. 762, §§ 9 to 16, 21, eff. June 15, 1989; Acts 1989, 71st Leg., ch. 823, §§ 4 to 6, eff. June 14, 1989; Acts 1991, 72nd Leg., ch. 242, § 2.36A, eff. Sept. 1, 1991; Acts 1991, 72nd Leg., ch. 628, §§ 13, 14, eff. Sept. 1, 1991; Acts 1991, 72nd Leg., ch. 857, §§ 1 to 6, eff. Aug. 26, 1991; Acts 1995, 74th Leg., ch. 331, § 1, eff. June 8, 1995; Acts 1995, 74th Leg., ch. 939, § 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1172, §§ 4.05 to 4.10, 4.14, eff. Sept. 1, 1997; 76th Leg., ch. 1465, §§ 1, 2, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 1014, §§ 3, 4, eff. June 20, 2003; 80th Leg., ch. 1051, §§ 1 to 9, eff. Sept. 1, 2007.

Texas Insurance Code Chapter 6002, Fire Detection and Alarm Device Installation

Re-codified with nonsubstantive changes HB2636, 80th Leg.; Added by Acts 2007, 80th Leg., R.S., ch. 730, § 1J.001, eff. April 1, 2009; Acts 2009, 81st Leg., R.S., ch. 87, § 14.018, eff. September 1, 2009, 82nd Leg., R.S., § 15.001, eff. September 1, 2011.

*Re-codified with nonsubstantive changes to clarify and simplify the statutes and to make the statutes more accessible, understandable and usable, per Government Code, Sec. 323.007
Sections amended September 1, 2011 are marked with a vertical line in the margin.*

**TEXAS ADMINISTRATIVE CODE
TITLE 28. TEXAS DEPARTMENT OF INSURANCE
PART 1. TEXAS DEPARTMENT OF INSURANCE
CHAPTER 34. STATE FIRE MARSHAL
SUBCHAPTER F. FIRE ALARM RULES
28 TAC §§34.601-34.630**

§34.601. Purpose.

The purpose of this subchapter is to administer through the state fire marshal the law set forth in the Insurance Code Chapter 6002 regarding inspecting, planning, certifying, leasing, selling, servicing, testing, installing, monitoring, and maintaining fire alarm or fire detection devices and systems in the interest of safeguarding lives and property.

§34.602. Title.

The sections of this subchapter shall be known as and may be cited as the Fire Alarm Rules.

§34.603. Applicability of Sections.

The sections of this subchapter shall apply to persons and organizations engaged in the business of inspecting, planning, certifying, leasing, selling, servicing, testing, installing, monitoring, and maintaining fire alarm or fire detection devices and systems, and not to the general public.

§34.604. Exceptions.

The exceptions of the Insurance Code §6002.155 are applicable to the sections of this subchapter.

§34.605. Notices.

Notice by the state fire marshal, as required by the Insurance Code Chapter 6002 or of this subchapter, may be given by personal service or mail, postage prepaid, addressed to the person to be notified at the last known address of the person's residence or business as it appears on the records in the State Fire Marshal's Office.

§34.606. Definitions.

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

(1) Approval--The document issued by the State Fire Marshal's Office to an individual or entity acknowledging that the individual or entity meets the requirements to perform the functions of an approved instructor or approved training school under this subchapter and the Insurance Code Chapter 6002.

(2) Business--Inspecting, planning, certifying, leasing, selling, servicing, testing, installing, monitoring, or maintaining of fire alarm or fire detection devices and systems.

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

(4) Certify--To attest to the proper planning or servicing, installing, or maintaining of fire detection and fire alarm devices and systems, including monitoring equipment, by attaching a completed installation/service record label and completing an installation certificate form or other additional form required by a governmental authority.

(5) Commissioner--The commissioner of insurance.

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

(7) Designated employee--An individual specified by a registered firm as a full-time employee and a licensee under this subchapter.

(8) Direct supervision--The control of work, excluding the installation of conduit, raceways, junction boxes, back boxes, or similar electrical enclosures, as it is being performed on fire detection or fire alarm devices and systems by a licensed fire alarm technician or a licensed fire alarm planning superintendent..

(9) Firm--An individual or an organization, as defined in the Insurance Code §6002.002.

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

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

(12) Instructor--An individual approved under the Insurance Code Chapter 6002 and this subchapter to provide training in installing, servicing, inspecting, and certifying fire alarm or detection systems in single-family or two-family residences.

(13) Local authority having jurisdiction--A fire chief, fire marshal, or other designated official having statutory authority.

(14) Monitoring equipment--Equipment used to transmit and receive fire alarm, trouble, and supervisory signals from protected premises to a firm registered to monitor or one exempt from licensing by the Insurance Code Chapter 6002.

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

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

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

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

(19) Primary registered firm--The registered fire alarm company with the responsibility for the fire alarm system certification.

(20) Repair--To restore to proper operating condition.

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

(22) Training school--An entity that is approved under the Insurance Code Chapter 6002 and this subchapter to provide approved training in installing, certifying, inspecting, and servicing fire alarm or detection systems in single-family or two-family residences by approved instructors for the purpose of meeting the training requirements of an applicant for a residential fire alarm technician license issued under the applicable statutes and this subchapter.

§34.607. Adopted Standards.

(a) The commissioner adopts by reference those sections of the following copyrighted minimum standards, recommendations, and appendices concerning fire alarm, fire detection, or supervisory services or systems, except to the extent they are at variance with sections of this subchapter, Insurance Code Chapter 6002, or other state statutes. The standards are published by and are available from the National Fire Protection Association, Quincy, Massachusetts. A copy of the standards will be kept available for public inspection at the State Fire Marshal's Office.

(1) NFPA 11-2010, Standard for Low-, Medium-, and High-Expansion Foam.

(2) NFPA 12-2008, Standard on Carbon Dioxide Extinguishing Systems.

(3) NFPA 12A-2009, Standard on Halon 1301 Fire Extinguishing Systems.

(4) NFPA 13-2010, Standard for the Installation of Sprinkler Systems.

(5) NFPA 13D-2010, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes.

(6) NFPA 13R-2010, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height.

(7) NFPA 15-2007, Standard for Water Spray Fixed Systems for Fire Protection.

(8) NFPA 16-2007, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems.

(9) NFPA 17-2009, Standard for Dry Chemical Extinguishing Systems.

(10) NFPA 17A-2009, Standard for Wet Chemical Extinguishing Systems.

(11) NFPA 25-2008, Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems.

(12) NFPA 70-2008, National Electrical Code.

(13) NFPA 72-2007, National Fire Alarm Code.

(14) NFPA 90A-2009, Standard for the Installation of Air Conditioning and Ventilating Systems.

(15) NFPA 101®-2009, or later editions, Code for Safety to Life from Fire in Buildings and Structures (Life Safety Code)®, or a local jurisdiction may adopt one set of the model codes listed in subsection (b) of this section in lieu of NFPA 101.

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

(17) NFPA 2001-2008, Standard on Clean Agent Fire Extinguisher Systems.

(b) The acceptable alternative model code sets are:

(1) the International Building Code®-2003 or later editions, and the International Fire Code-2003 or later editions; or

(2) the International Residential Code® for One- and Two-Family Dwellings-2003 or later editions.

§34.608. Approved Testing Laboratories.

The commissioner approves an organization as an approved testing laboratory which lists equipment and appurtenances for use in compliance with standards adopted in §34.607 of this title (relating to Adopted Standards) if the organization meets the requirements of an approved testing laboratory in accordance with Subchapter D of this chapter (relating to Testing Laboratory Rules).

§34.609. Approved Testing Organization.

The commissioner approves the National Institute for Certification in Engineering Technologies (NICET) as a testing standards organization for testing license applicants.

§34.610. Certificate of Registration.

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

(b) Designated Employee. Each registered firm must specify one full-time employee holding a license under this subchapter as the firm's designated employee on their Fire Alarm Certificate of Registration Application, Form No. SF031, and on their Renewal Application for Fire Alarm Certificate of Registration, Form No. SF084. Any change in the designated employee under this section must be submitted in writing to the State Fire Marshal's Office within 14 days of its occurrence. An individual may not serve as a designated employee for more than one registered firm.

(c) Business vehicles. All vehicles regularly used in installation, service, maintenance, testing, or certification activities must prominently display the company name, telephone number, and certificate number. The numbers and letters must be at least one inch high and permanently affixed or magnetically attached to each side of the vehicle in a color contrasting with the background color of the vehicle. The certificate number must be designated in the following format: TX ACR-(number).

(d) Change of ownership.

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

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

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

(f) Branch Office Initial Certificate of Registration Fees and Expiration Dates. The initial fee for a branch office certificate of registration is \$150 and is not prorated. Branch office certificates of registration expire and renew on the same date as the certificate of registration for the registered firm's main office.

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

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

(i) Initial Alignment of the Expiration and Renewal Dates of Existing Branches. For branch offices in existence as of the effective date of this rule, branch office certificates of registration shall expire and renew on the same date as the certificate of registration issued to the main office for that firm. All fees associated with the initial alignment of expiration and renewal dates for the branch office certificate of registration shall be prorated accordingly.

§34.611. Licenses and Approvals.

(a) Types of licenses and approvals. The following licenses and approvals are issued by the State Fire Marshal's Office in accordance with Insurance Code Chapter 6002 and this subchapter. As required by Insurance Code Chapter 6002, an individual or entity must be licensed or approved to lawfully perform the functions for which the license or approval is issued.

(1) Fire alarm technician license--For installing, inspecting, servicing, testing, maintaining, monitoring, and certifying fire alarm or fire detection devices and systems.

(2) Fire alarm monitoring technician license--For the monitoring of fire alarm or fire detection devices and systems.

(3) Instructor approval--For providing training at an approved training school in installing, certifying, inspecting, and servicing fire alarm or detection systems in single-family or two-family residences.

(4) Residential fire alarm superintendent single station license--For planning, installing, certifying, inspecting, testing, servicing, and maintaining to single station smoke or heat detectors which are not a part of or connected to any other detection device or system in single-family or two-family residences.

(5) Residential fire alarm superintendent license--For planning, installing, certifying, inspecting, testing, servicing, monitoring, and maintaining fire alarm or fire detection devices and systems in single-family or two-family residences. A residential fire alarm superintendent may act as a fire alarm technician.

(6) Fire alarm planning superintendent license--For planning, installing, certifying, inspecting, testing, servicing, monitoring, and maintaining fire alarm or fire detection devices.

(7) Residential fire alarm technician license--For installing, certifying, inspecting, and servicing, but not planning, fire alarm or fire detection devices and systems in single-family or two-family residences.

(8) Training school approval--For conducting required training necessary for obtaining a residential fire alarm technician license.

(b) Pocket license and approval.

(1) A licensee must carry a pocket license for identification while engaged in the activities of the business.

(2) An instructor must carry the instructor's approval while providing training in an approved training school on the installing, certifying, inspecting, and servicing of fire alarm or detection systems in single-family or two-family residences.

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

(d) Licensee responsibilities relating to revised licenses. A change in the licensee's name, the licensee's mailing address, or a new or additional registered firm employing the licensee requires a revised license. Within 14 days after the change requiring the revision, the license holder must submit written notification of the necessary change accompanied by the required fee.

(e) Registered firms' responsibilities relating to licensees. A registered firm must submit notification of any licensee employment, termination, or resignation within 14 days of its occurrence.

(f) Restrictions on licensees and registered firms.

(1) A licensee must not engage in any act of the business unless employed by or as an agent of a registered firm.

(2) Each person who engages in the activities of the business must have the appropriate license issued by the state fire marshal unless excepted from the licensing provisions by Insurance Code §6002.155.

(g) Restrictions on approval holders. Approvals are not transferable.

(h) Responsibilities relating to revised approvals. A change in an instructor's name or mailing address requires a revised approval. The change in the mailing address of a fire alarm training school requires a revised approval. Within 14 days after the change requiring the revision, the approval holder must submit written notification of the necessary change accompanied by the required fee.

§34.612. Alteration of Certificates, Licenses, or Approvals.

The alteration of certificates, licenses, or approvals renders them invalid and is the basis for administrative action pursuant to the Insurance Code §6002.302.

§34.613. Applications.

(a) Approvals and Certificates of Registration.

(1) Applications for approvals, certificates, and branch office certificates must be submitted on the forms adopted by reference in §34.630 of this subchapter (relating to Application and Renewal Forms) and be accompanied by all fees, documents, and information required by the Insurance Code Chapter 6002 and this subchapter. An application will not be deemed complete until all required forms, fees, and documents have been received in the State Fire Marshal's Office.

(2) Applications must be signed by the sole proprietor, or by each partner of a partnership, or by an officer of a corporation. For applicants using an assumed name, the application must also be accompanied by evidence of compliance with the Assumed Business or Professional Name Act, Texas Business and Commerce Code Chapter 71. The application must also include written authorization by the applicant permitting the state fire marshal or his representative to enter, examine, and inspect any premises, building, room, or establishment used by the applicant while engaged in the business to determine compliance with the provisions of the Insurance Code Chapter 6002 and this subchapter.

(3) For corporations, the application must also include the name of each shareholder owning more than 25% of the shares issued by the corporation, the corporate taxpayer identification number, the charter number, a copy of the corporate charter of a Texas corporation, or, in the case of a foreign corporation, a copy of the Texas certificate of authority to do business, and a copy of the corporation's current franchise tax certificate of good standing issued by the State Comptroller's office.

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

(5) Insurance is required as follows:

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

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

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

(7) Applicants for a certificate of registration who engage in monitoring must provide the specific business location(s) where monitoring will take place and the name and license number of the fire alarm licensee(s) at each business location. A fire alarm licensee may not serve in this capacity for a registered firm other than the firm applying for a certificate of registration. In addition, the applicants must provide evidence of listing or certification as a central station by a testing laboratory approved by the commissioner and a statement that the monitoring service is in compliance with NFPA 72 as adopted in §34.607 of this subchapter (relating to Adopted Standards).

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

(b) Fire Alarm Licenses.

(1) To be complete, applications for a license from an employee or agent of a registered firm must be submitted on forms provided by the state fire marshal and be accompanied by all fees, documents, and information required by Insurance Code Chapter 6002 and this subchapter. Applications must be signed by the applicant and by a person authorized to sign on behalf of the registered firm. All applicants for any type of license must successfully complete a qualifying test regarding Insurance Code Chapter 6002 and the Fire Alarm Rules as designated by the State Fire Marshal's Office.

(2) Applicants for fire alarm technician licenses must:

(A) furnish notification from NICET confirming the applicant's successful completion of the test requirements in work elements pertaining to fire alarm systems, as determined by the state fire marshal; or

(B) successfully complete a technical qualifying test as designated by the State Fire Marshal's Office.

(3) Applicants for a fire alarm monitoring technician license must successfully complete a technical qualifying test as designated by the State Fire Marshal's Office or provide evidence of current registration in Texas as a registered engineer.

(4) Applicants for a residential fire alarm superintendent (single station) license must successfully complete a technical qualifying test as designated by the State Fire Marshal's Office.

(5) Applicants for a residential fire alarm superintendent license must:

(A) furnish notification from NICET confirming the applicant's successful completion of the test requirements in work elements pertaining to fire alarm systems, as determined by the state fire marshal; or

(B) successfully complete a technical qualifying test as designated by the State Fire Marshal's Office.

(6) Applications for a fire alarm planning superintendent license must be accompanied by one of the following documents as evidence of technical qualifications for a license:

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

(B) a copy of NICET's notification letter confirming the applicant's successful completion of the test requirements for NICET certification at Level III for fire alarm systems.

(7) An applicant for a residential fire alarm technician license must provide evidence of the applicant's successful completion of the required residential fire alarm technician training course from a training school approved by the State Fire Marshal's Office.

(c) Instructor and Training School Approvals.

(1) Instructor approvals. An applicant for approval as an instructor must:

(A) hold a current fire alarm planning superintendent's license issued by the State Fire Marshal's Office;

(B) submit a completed Instructor Approval Application, Form No. SF247, signed by the applicant, that is accompanied by all fees; and

(C) furnish written documentation of a minimum of three years of experience in fire alarm installation, service, or monitoring of fire alarm systems, unless the applicant has held a fire alarm planning superintendent's license for three or more years.

(2) Training school approvals.

(A) An applicant for approval of a training school must submit a completed Training School Approval Application, Form No. SF 246, to the State Fire Marshal's Office. To be complete, the application must be:

(i) signed by the applicant, the sole proprietor, by each partner of a partnership, or by an officer of a corporation or organization as applicable;

(ii) accompanied by a detailed outline of the proposed subjects to be taught at the training school and the number and location of all training courses to be held within one year following approval of the application; and

(iii) accompanied by all required fees.

(B) After review of the application for approval for a training school, the state fire marshal shall approve or deny the application within 60 days following receipt of the materials. A letter of denial shall state the specific reasons for the denial. An applicant that is denied approval may reapply at any time by submitting a completed application that includes the changes necessary to address the specific reasons for denial.

(d) Renewal Applications.

(1) In order to be complete, renewal applications for certificates, licenses, instructor approvals, and training school approvals must be submitted on the forms adopted by reference in §34.630 of this subchapter and be accompanied by all fees, documents, and information required by the Insurance Code Chapter 6002 and this subchapter. A complete renewal application deposited with the United States Postal Service is deemed to be timely filed, regardless of actual date of delivery, when its envelope bears a postmark date which is before the expiration of the certificate or license being renewed.

(2) A licensee with an unexpired license who is not employed by a registered firm at the time of the licensee's renewal may renew that license; however, the licensee may not engage in any activity for which the license was granted until the licensee is employed and qualified by a registered firm.

(e) Complete Applications. The application form for a license, registration, instructor approval, and training school approval must be accompanied by the required fee and must, within 180 days of receipt by the State Fire Marshal's Office of the initial application, be complete and accompanied by all other information required by the Insurance Code Chapter 6002 and this subchapter, or a new application must be submitted including all applicable fees.

§34.614. Fees.

(a) Except for fees specified in subsection (c) of this section, all fees payable shall be submitted by check or money order made payable to the Texas Department of Insurance or the State Fire Marshal's Office, or if the license is renewable over the internet, where the renewal application is to be submitted under the Texas OnLine Project, in which case fees shall be submitted as directed by the Texas OnLine Authority. Should the department authorize other online or electronic original applications or other transactions, persons shall submit fees with the transaction as directed by the department or the Texas OnLine Authority. Except for overpayments resulting from mistakes of law or fact, all fees are non-refundable.

(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) Duplicate or revised certificate or license or other requested changes to certificates, approvals, or licenses--\$20;

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

(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 which have been expired for less than two years include both renewal and late fees.

§34.615. Test.

(a) Each applicant for a license must pass the appropriate tests. Tests may be supplemented by practical tests or demonstrations necessary to determine the applicant's knowledge and ability.

(1) The license test will include a section on this subchapter and the Insurance Code Chapter 6002 and a technical qualifying test to be conducted by:

- (A) the State Fire Marshal's Office;
- (B) NICET; or
- (C) an outsource testing service.

(2) The standards used in tests will be those adopted in §34.607 of this title (relating to Adopted Standards).

(b) Examinees who fail must file a retest application accompanied by the required fee in order to be retested on the next scheduled test date.

(c) A person whose license has been expired for two years or longer who makes application for a new license must take and pass another test. No test is required for a licensee whose license is renewed within two years of expiration.

(d) An applicant may only schedule each type of test three times within a twelve-month period.

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

§34.616. Sales, Installation, and Service.

(a) Residential Alarms (Single Station).

(1) Registered firms may employ persons exempt from the licensing provisions of the Insurance Code §6002.155(10) to sell, install, and service residential, single station alarms. Exempted persons must be under the supervision of a residential fire alarm superintendent (single station), residential fire alarm superintendent, or fire alarm planning superintendent.

(2) Each registered firm that employs persons exempt from licensing provisions of the Insurance Code §6002.155(10) is required to maintain documentation to include lesson plans and annual test results demonstrating competency of said employees regarding the provisions of the Insurance Code Chapter 6002, adopted standards, and this subchapter applicable to single station devices.

(b) Fire Detection and Fire Alarm Devices or Systems Other than Residential Single Station.

(1) The installation of all fire detection and fire alarm devices or systems, including monitoring equipment, subject to the Insurance Code Chapter 6002 must be performed by or under the direct on-site supervision of a licensed fire alarm technician, residential fire alarm technician, residential fire alarm superintendent, or a fire alarm planning superintendent, for the work permitted by the license. The certifying licensee must be licensed under the ACR number of the primary registered firm and must be present for the final acceptance test prior to certification.

(2) The maintenance or servicing of all fire detection and fire alarm devices or systems must be performed by or under the direct on-site supervision of a licensed fire alarm technician, residential fire alarm technician, residential fire alarm superintendent or a fire alarm planning superintendent, for the work permitted by the license. The licensee attaching a label must be licensed under the ACR number of the primary registered firm.

(3) If the installation or servicing of a fire alarm system also includes installation or servicing of any part of a fire protection sprinkler system and/or a fire extinguisher system other than inspection and testing of detection or supervisory devices, the licensing requirements of the Insurance Code Chapters 6001 and 6003 must be satisfied, as appropriate.

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

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

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

(c) Monitoring Requirements.

(1) A registered firm may not monitor a fire alarm system located in the State of Texas for an unregistered firm.

(2) A registered firm may not connect a fire alarm system to a monitoring service unless:

(A) the monitoring service is registered under the Insurance Code Chapter 6002 or is exempt from the licensing requirements of that chapter; and

(B) the monitoring equipment being used is in compliance with the Insurance Code §6002.25.

(3) A registered firm must employ at least one technician licensee at each central station location. Each dispatcher at the central station is not required to be a fire alarm technician licensee.

(4) A registered firm subcontracting monitoring services to another registered firm must advise the monitoring services subscriber of the identity and location of the registered firm actually providing such services unless the registered firm's contract with the subscriber contains a clause giving the registered firm the right, at the registered firm's sole discretion, to subcontract any or all of the work or service.

(5) A registered monitoring firm, reporting an alarm or supervisory signal to a municipal or county emergency services center, shall provide, at a minimum, the type of alarm, address of alarm, name of subscriber, dispatcher's identification and call-back phone number. If requested, the firm shall also provide the name, registration number, and call-back phone number of the firm contracted with the subscriber to provide monitoring service if other than the monitoring station.

(6) If the monitoring service provided under this subchapter is discontinued before the end of the contract with the subscriber, the monitoring firm, central station, and/or service provider shall notify the owner or owner's representative of the monitored property and the local authority having jurisdiction, a minimum of seven days before terminating the monitoring service. If the monitored property is a one- or two-family-dwelling, notification of the local authority having jurisdiction is not required.

§34.617. Certification.

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

- (1) original at the site of installation after completion of the installation;
- (2) one copy retained for the life of the system or ten years, whichever occurs first, by the certifying company for access by the State Fire Marshal's Office; and
- (3) one copy to be sent within 10 days after completion of installation to the local authority having jurisdiction.

§34.618. Installation Inspections.

The following inspections shall be performed by the licensed firm in order to assure proper installation techniques are followed:

- (1) At the completion of the device back-box installation but prior to the start of cable installation;
- (2) At the completion of cable installation but prior to the start of device installation; and
- (3) At the completion of device installation but prior to activating the fire alarm system. The above-referenced inspections shall be performed by a licensed fire alarm technician or planner and be documented on the inspection form. The registered firm shall notify the authority having jurisdiction if initiation of corrective action does not take place within ten calendar days. The completed form shall be kept on file at the licensed firm's office for a period of five years from the date of system certification. (See the following Fire Alarm System Installation Inspection Form.)

**FIRE ALARM SYSTEM
INSTALLATION INSPECTION FORM**

Project: _____

Address: _____

Primary Licensed Firm: _____

ACR No.: _____

DEVICE BACK-BOX INSTALLATION

Name of Licensee: _____

License Number: _____ ACR No.: _____

Signature: _____

Date: _____

Problems Noted: _____

CABLE INSTALLATION

Name of Licensee: _____

License Number: _____ ACR No.: _____

Signature: _____

Date: _____

Problems Noted: _____

DEVICE INSTALLATION

Name of Licensee: _____

License Number: _____ ACR No.: _____

Signature: _____

Date: _____

Problems Noted: _____

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

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

(b) Except for plans sealed by a Texas registered engineer or where specifically waived by the local authority having jurisdiction, at least one set of plans submitted for review, rating, permit, or record purposes must be dated and signed with an original signature, unless waived by the local authority having jurisdiction, by the applicable licensed planner, certifying that the plans meet the applicable codes and standards or were copied from sealed engineering plans with any violations of the applicable codes and standards noted. In addition, the plans must contain the license number of the licensee, the name, address, phone number, and the certificate of registration number of the registered firm. This information may be in the form of a stamp as shown in subsection (d) of this section.

(c) Record drawings showing details, in accordance with applicable codes and standards, including the sequence of operation, must be provided to the building owner or his representative and shall comply with the requirements of subsection (b) of this section. Subsequent modifications, additions, or alterations must be legibly noted on the record drawings and provided to the owner or his representative.

(d) Plan review and record drawings stamp:

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

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

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

§34.620. Installation Labels.

(a) After the completion of an installation of new fire alarm equipment or a new system, or the extension, alteration, or modification to a fire alarm system already in place, an installation label must be affixed to the inside of the control panel cover, or, if the system has no panel, in a permanent location. Yellow or red labels must not be attached for the installation of a new system or new equipment used in

the extension, alteration, or modification to an existing fire alarm system. Attachment of the installation label for a one- or two-family residence certifies that the fire alarm equipment or system has been tested and complies with the requirements of Insurance Code Chapter 6002, this subchapter, the adopted codes and standards, and the manufacturer's requirements.

(b) Installation labels must be white with black lettering.

(c) Installation labels must be approximately three inches in height and approximately three inches in width and must have an adhesive on the back.

(d) Installation labels for commercial building or non-one-or-two-family residence shall contain the following information in the format of the label as indicated in subsection (e) of this section:

(1) **DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL** (all capital letters in at least 10-point bold face type);

(2) **INSTALLATION RECORD** (all capital letters in at least 10-point bold face type);

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

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

(5) the name of the fire alarm planning superintendent and license number or professional engineer's name and license number who planned the system.

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

DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL (for life of system) COMMERCIAL or non-1-or-2 family residence fire detection and fire alarm devices or system INSTALLATION RECORD (Post inside panel) <i>Registered Firm's Name</i> <i>Street Address</i> <i>City, State, Zip</i> <i>Phone Number ACR- (number)</i>		
Installation Date	Licensee Signature	License #
Alarm Planning Superintendent (printed name)-License # or Professional Engineer's name and License Number copied from record drawings used to install the system.		

(f) Installation labels for one-or-two-family residence must contain the following information in the format of the label as set forth in subsection (g) of this section:

(1) **DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL** (all capital letters in at least 10-point bold face type);

(2) **INSTALLATION RECORD** (all capital letters in at least 10-point bold face type);

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

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

(5) the inscription "I certify, on behalf of the registered firm, that the fire alarm equipment or system has been tested and complies with the requirements of Insurance Code Chapter 6002, the Fire Alarm Rules, the adopted codes and standards, and the manufacturer's requirements."

(g) One-or-two-family residence installation label:

DO NOT REMOVE BY ORDER OF
TEXAS STATE FIRE MARSHAL
(for life of system)
1 or 2 family fire alarm/detection devices or system
INSTALLATION RECORD
(Post inside panel or if no panel in a permanent location)

Registered Firm's Name
Street Address
City, State, Zip
Phone Number ACR-(number)

Installation Date	Licensee Signature	License #
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I hereby certify, on behalf of the registered firm, that the fire alarm equipment or system has been tested and complies with the requirements of Insurance Code Chapter 6002, the Fire Alarm Rules, the adopted codes and standards, and the manufacturer's requirements.

§34.621. Service Labels.

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

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

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

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

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

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

(g) Approximately 1/2 inch of the adhesive on the top back of the label should be used to attach the label over the previous service label to permit viewing of the previous label and the maintaining of a brief history.

(h) Service labels must contain the following information in the format of the service label as set forth in subsection (i) of this section:

(1) DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL (all capital letters in at least 10-point bold face type);

(2) SERVICE RECORD (all capital letters in at least 10-point bold face type);

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

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

(5) a list of services performed; and

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

(i) Service label:

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

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

§34.622. Inspection/test Labels.

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

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

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

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

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

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

(g) Approximately 1/2 inch of the adhesive on the top back of the label should be used to attach the label over the previous inspection/test label to permit viewing of the previous label and the maintaining of a brief history.

(h) Inspection/test labels must contain the following information in the format of the inspection/test label as set forth in subsection (i) of this section:

(1) DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL (all capital letters in at least 10-point bold face type);

(2) INSPECTION/TEST RECORD (all capital letters in at least 10-point bold face type);

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

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

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

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

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

(i) Inspection/test label:

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

§34.623. Yellow Labels.

(a) If, after any service, inspection, or test, a system does not comply with applicable codes and standards adopted at the time the system was installed or is not being tested or maintained in accord with those standards, a completed yellow label must be attached to the outside of the control panel cover or, if the system has no panel, in a permanent location to indicate that corrective action is necessary.

(b) The signature of the licensee on a yellow label certifies that the conditions listed on the label cause the system to be out of compliance with applicable codes and standards.

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

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

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

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

(g) Yellow labels must bear the following information in the format of the label as set forth in subsection (h) of this section:

(1) DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL (all capital letters in at least 10-point bold face type);

(2) SYSTEM DOES NOT COMPLY WITH APPLICABLE CODES & STANDARDS (all capital letters in at least 10-point bold face type);

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

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

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

(h) Yellow label:

<p>DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL (until all conditions are corrected) SYSTEM DOES NOT COMPLY WITH APPLICABLE CODES & STANDARDS (at the time the system was installed)</p> <p><i>Registered Firm's Name</i> <i>Street Address, City, State, Zip</i> <i>Phone Number ACR-(number)</i></p> <hr/> <table><tr><td>Date</td><td>Licensee Signature</td><td>License #</td></tr></table> <p>List Conditions: _____</p> <hr/> <hr/>			Date	Licensee Signature	License #
Date	Licensee Signature	License #			
<p>REPORT STATUS TO OWNER & AHJ (in writing within 5 business days)</p>					

§34.624. Red Labels.

(a) If, after any service, inspection or test, a system or any part thereof is inoperable, has a fault condition, or is impaired from normal operation, excluding the area(s) of a building under construction, a completed red label must be attached to the outside of the control panel cover or, if the system has no panel, in a permanent location, to indicate that corrective action is necessary.

(b) The signature of the licensee on a red label certifies that the conditions listed on the label have caused the system to be inoperable, have a fault condition, or be impaired from normal operation.

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

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

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

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

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

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

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

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

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

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

(h) Red label:

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

§34.625. Enforcement.

(a) The state fire marshal, or the state fire marshal's representative, may conduct investigations of registered firms to determine compliance with the Insurance Code Chapter 6002 and this subchapter. An investigation may be initiated on the written complaint of any party or by the department on its own motion.

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

(c) The failure to comply with the provisions of this subchapter and the provisions of Insurance Code Chapter 6002 by certificate holders or licensees may subject them, as provided in the Government Code §417.010, to administrative action including, but not limited to, suspension, revocation, or refusal to issue or renew a license or a certificate of registration or issuance of a cease and desist order and/or administrative penalty and/or order for restitution to persons harmed.

§34.626. Severability.

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

§34.627. Requirements for Instructors and Training Schools.

(a) An instructor must comply with the following requirements:

(1) All training provided by an instructor must be conducted through an approved training school.

(2) The instructor must teach the subjects in the outline of the training course submitted by the training school and approved by the State Fire Marshal's Office.

(b) A training school must comply with the following requirements:

(1) The training school must only use instructors who hold an approval issued by the State Fire Marshal's Office to provide the training in installing, certifying, inspecting, and servicing fire alarm or detection systems in single-family or two-family residences.

(2) The entity responsible for the training school must obtain approval of the outline of each residential fire alarm technician training course from the State Fire Marshal's Office before conducting a class.

(3) The entity responsible for the training school may not be a firm registered through the State Fire Marshal's Office or an affiliate of a registered firm.

(4) A training school may not provide training for a residential fire alarm technician license without being approved by the State Fire Marshal. Training school approvals are not transferable and apply only to the entity specified as the responsible entity on the completed Training School Approval Application, Form No. SF246. The training school may not change the entity responsible for the training school without first applying for and receiving a new approval.

(5) The training school must conduct two or more classes, open to the public, within 125 miles of each county in the state that has a population in excess of 500,000 people according to the last decennial census, within each calendar year from the date the approval is issued.

(c) Any individual or entity that provides general training or instruction relating to fire alarm or detection systems not specific to fulfill a requirement to obtain a license is not required to have an approval.

§34.628. Requirements for Residential Fire Alarm Technician Training Course.

The training curriculum for a residential fire alarm technician training course must consist of at least seven hours of instruction on installing, servicing, and maintaining single-family and two-family residential fire alarm systems as defined by National Fire Protection Association Standard No. 72. The training curriculum for a residential fire alarm technician training course must include the following minimum instruction time for the following subjects:

(1) one hour of instruction on Insurance Code Chapter 6002 and the Fire Alarm Rules;

(2) one hour of instruction on the National Electric Code, NFPA 70;

(3) four and one-half hours of total combined instruction on:

(A) NFPA 72;

(B) NFPA 101, the Life Safety Code; and

(C) the International Residential Code for One- and Two-Family Dwellings; and

(4) one-half hour of instruction on the monitoring of household fire alarm systems.

§34.630. Application and Renewal Forms.

(a) The commissioner adopts by reference the License Application for Individuals For All Types of Fire Alarm Licenses, Form Number SF032, which contains instructions for completion of the form and requires information to be provided regarding the applicant and the applicant's employer.

(b) The commissioner adopts by reference the Renewal Application For Fire Alarm Individual License, Form Number SF094, which contains instructions for completion of the form; information regarding late fees; and requires information to be provided regarding the renewing applicant.

(c) The commissioner adopts by reference the Instructor Approval Application, Form Number SF247, which contains instructions for completion of the form and requires information to be provided regarding the applicant.

(d) The commissioner adopts by reference the Renewal Application For Instructor Approval, Form Number SF255, which contains instructions for completion of the form and requires information to be provided regarding the applicant.

(e) The commissioner adopts by reference the Training School Approval Application, Form Number SF246, which contains instructions for completion of the form, provides information regarding necessary

filing documents pursuant to business entity type, and requires information to be provided regarding the applicant and course location and schedule.

(f) The commissioner adopts by reference the Renewal Application for Training School Approval form, which contains instructions for completion of the form, provides information regarding necessary filing documents pursuant to business entity type, and requires information to be provided regarding the applicant and course location and schedule.

(g) The commissioner adopts by reference the Fire Alarm Certificate of Registration Application, Form Number SF031, which contains instructions for completion of the form; provides information regarding necessary filing documents pursuant to business entity type, and requires information to be provided regarding the applicant.

(h) The commissioner adopts by reference the Renewal Application For Fire Alarm Certificate of Registration, Form Number SF031, which contains instructions for completion of the form and requires information to be provided regarding the applicant.

(i) The forms adopted by reference in this section are available at the department's website at www.tdi.texas.gov.

*Substantive Sections Amended February 14, 2013,
Are Marked With a Vertical Line in the Margin*



Texas Department of Insurance

State Fire Marshal's Office, Mail Code 112-FM
333 Guadalupe • P. O. Box 149221, Austin, Texas 78714-9221
512-305-7900 • 512-305-7910 fax • www.tdi.texas.gov
e-mail fire.marshall@tdi.texas.gov

LICENSING INVESTIGATION COMPLAINT FORM

Upon receipt, the SFMO will give this complaint a case number and assign it to an investigator. The investigator may contact you to obtain additional information. This form may be mailed, faxed or e-mailed to the State Fire Marshal's Office.

You may request a copy of the investigation report under the Open Records Act after the investigation has been completed. A written request is necessary and may be submitted by mail, fax, e-mail or in person to the attention of the "Open Records Request".

PLEASE PRINT OR TYPE

YOUR INFORMATION		
Your name	Phone number for contact	Employer (Optional)
Address (street address, city, state, zip code)		Date

ALLEGED VIOLATOR <i>(Optional)</i>	
Company Name of Alleged Violator (optional)	Registration Number (if known)
Individual Involved in Alleged Violation(optional)	License Number (if known)

LOCATION OF ALLEGED VIOLATION <i>(At least one location must be provided)</i>
Name of property
Location address and city
Name of contact person and phone number (If known)

BRIEF BACKGROUND/DESCRIPTION OF THE COMPLAINT <i>(Attach additional sheets if necessary)</i>

By submission of this form to the State Fire Marshal's Office, it is implied that the information herein is true and correct to the best of my knowledge.

NOTICE ABOUT CERTAIN INFORMATION LAWS AND PRACTICES

With few exceptions, you are entitled to be informed about the information that the Texas Department of Insurance (TDI) collects about you. Under sections 552.021 and 552.023 of the Texas Government Code, you have a right to review or receive copies of information about yourself, including private information. However, TDI may withhold information for reasons other than to protect your right to privacy. Under section 559.004 of the Texas Government Code, you are entitled to request that TDI correct information that TDI has about you that is incorrect. For more information about the procedure and costs for obtaining information from TDI or about the procedure for correcting information kept by TDI, please contact the Agency Counsel Section of TDI's Legal & Compliance Division at 512-475-1757 or visit the Corrections Procedure section of TDI's web page at www.tdi.texas.gov DVJRY



Texas Department of Insurance
State Fire Marshal's Office, Mail Code 112-FM
 333 Guadalupe • P. O. Box 149221, Austin, Texas 78714-9221
 512-305-7900 • 512-305-7910 fax • www.tdi.texas.gov

FIRE ALARM INSTALLATION CERTIFICATE

After completion of an installation, modification, or addition of a system or single station detector (excluding a one or two family residence) the licensee shall complete and present this certificate to the owner or their representative or post the certificate near the main control panel according to the Fire Alarm Rules 28TAC§34.617
DISTRIBUTION: **Original** to owner or posted on site at control panel. **Copy 1** to main authority having jurisdiction. **Copy 2** Certifying firm to retain in their office for access by SFMO.

Property Name: _____
 Bldg. or Floor No.: _____
 Street: _____
 City / Zip: _____

Name of **CERTIFYING** firm: _____
 City / State / Zip: _____
 Phone Number: _____
ACR- _____

Type of Installation:	The system complies with the following codes and standards.			
	Code or Std.	Year/Edition	Code or Std.	Year/Edition
___ New				
___ Modification	NFPA 72		IBC / IFC	
___ Addition	NFPA 70			
___ _____	NFPA 101			

Name of nearest Fire Department: _____
 Fire Department (non-emergency) Phone: _____
 Emergency Phone Number: _____

SYSTEM INFORMATION

Control Panel Manufacturer: _____ Model # _____ Other: _____

Check all the applicable system types below that were installed by the above certifying firm or the system type(s) in which the firm made modifications or additions.

___ Fire Alarm/Evacuation ___ Fire Detection ___ Smoke Damper Control ___ Sprinkler System Supervision ___ _____
 ___ Voice Notification ___ Elevator Control ___ HVAC Control/Shutdown ___ Magnetic Door Holder/Release ___ _____

INITIATING DEVICES		INITIATING DEVICES		NOTIFICATION APPLIANCES		SUPERVISORY DEVICES		CIRCUIT STYLE	CIRCUIT STYLE/CLASS		
Type	Quantity	Type	Quantity	Type	Quantity	Type	Quantity	Quantity	Quantity		
Smoke Detectors	_____	UV/IR	_____	Bell, Horn or Chime	_____	Valve Tamper Switches	_____	SLC 4	_____	NAC Y or B	_____
Heat Detectors	_____	Isolation Modules	_____	Strobe	_____	High / Low Air Pressure	_____	SLC 6	_____	NAC Z or A	_____
Duct Smoke Detectors	_____	Kitchen Suppression	_____	Speaker	_____	Fire Pump	_____	SLC 7	_____		_____
Beam Smoke Detectors	_____	Sprinkler Flow Switch	_____	Horn/Chime/Strobe	_____		_____	IDC A	_____		_____
Fire Alarm Boxes	_____	Gas Fire Protection Syst.	_____	Speaker Strobe	_____		_____	IDC B	_____		_____
	_____		_____	Fire Phones	_____		_____		_____		_____
	_____		_____	Annunciation Panel	_____		_____		_____		_____

RECORD DRAWINGS

Company _____
 City / State _____
 Planner's Name _____
 License Num. PE or APS _____
 Date on Plan _____
 Revision number/date _____

___ Record Drawings (One with original planner's signature.)
 ___ Instructions describing, operation, test & maintenance
 ___ Information to **aid in establishing** an Emergency Evacuation Plan
The above required documents were supplied to:
 Person's name: _____
 Company's name: _____
 Date: _____

I hereby certify, on behalf of the registered certifying firm, that this fire alarm system has been tested and complies with the requirements of Texas Insurance Code, Chapter 6002, the Fire Alarm Rules, the applicable codes and standards and the manufacturer's installation requirements.

Signature of Licensee: _____

License Number: _____

Printed name of Licensee: _____

Date signed: _____