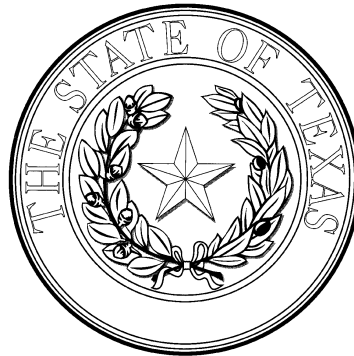


**Texas Insurance Code  
Article 5.43-2  
Fire Detection and Alarm Devices  
&  
28 TAC §§ 34.600  
the Fire Alarm Rules**



**Texas Department of Insurance**

**State Fire Marshal's Office  
P. O. Box 149221  
Austin, Texas 78714-9221  
512/305-7900**

Additional copies of this booklet, along with forms and applications, are available at our web site.

<http://www.tdi.state.tx.us/fire/fmli.html>

**Spring 2006**

**TEXAS INSURANCE CODE**  
**CHAPTER FIVE. RATING AND POLICY FORMS**  
**SUBCHAPTER C. FIRE INSURANCE AND ALLIED LINES**  
**Article 5.43-2. Fire Detection and Alarm Devices**

Section 1.	Purpose.....	3
Section 2.	Definitions .....	3
Section 3.	Exceptions.....	4
Section 4.	Administration .....	5
Section 5.	Registration and Licensing.....	5
Section 5A.	Expiration Dates of Licenses .....	6
Section 5B.	Required Insurance.....	6
Section 5C.	Renewal .....	6
Section 5D.	Examination .....	7
Section 5E.	Continuing Education.....	8
Section 5F.	License by Reciprocity .....	8
Section 6.	Powers and Duties of the Commissioner.....	8
Section 6A.	Certain Rules Prohibited .....	8
Section 7.	Certain Acts Prohibited .....	8
Section 8.	Fees Collected .....	9
Section 9.	Selling or Leasing Fire Alarm or Fire Detection Devices .....	9
Section 10.	Applications and Hearings on Licenses and Certificates.....	9
Section 10A.	Disciplinary Hearing .....	10
Section 11.	Penalties .....	10

**TITLE 28. INSURANCE**  
**Part I. Texas Department of Insurance**  
**Chapter 34. State Fire Marshal**  
**Subchapter F. Fire Alarm Rules**

**28 TAC §§ 34.601-34.624**

Section 34.601.	Purpose .....	11
Section 34.602.	Title .....	11
Section 34.603.	Applicability of Sections.....	11
Section 34.604.	Exceptions .....	11
Section 34.605 .	Notices.....	11
Section 34.606.	Definitions.....	11
Section 34.607.	Adopted Standards.....	12
Section 34.608.	Approved Testing Laboratories .....	13
Section 34.609.	Approved Testing Organization.....	13
Section 34.610.	Certificate of Registration .....	13
Section 34.611.	Licenses .....	13
Section 34.612.	Alteration of Certificates or Licenses.....	14
Section 34.613.	Applications .....	14
Section 34.614.	Fees.....	15
Section 34.615.	Test.....	16
Section 34.616.	Sales, Installation, and Service .....	16
Section 34.617.	Certification.....	17
Section 34.618.	Installation Inspections .....	17
Section 34.619.	Fire Alarm and Detection System Plans and Record Drawings.....	19
Section 34.620.	Installation Labels.....	19
Section 34.621.	Service Labels .....	21
Section 34.622.	Inspection/test Labels.....	22
Section 34.623.	Yellow Labels .....	23
Section 34.624.	Red Labels .....	24
Section 34.625.	Enforcement .....	25
Section 34.626.	Severability .....	25

**TEXAS INSURANCE CODE**  
**CHAPTER FIVE. RATING AND POLICY FORMS**  
**SUBCHAPTER C. FIRE INSURANCE AND ALLIED LINES**  
**Article 5.43-2. Fire Detection and Alarm Devices**

**Sec. 1. Purpose**

The purpose of this article is to regulate the planning, certifying, leasing, selling, servicing, installing, monitoring, and maintaining of fire detection and fire alarm devices and systems and, except as provided by rules adopted under Section 6 of this article, to prohibit fire detection and fire alarm devices, equipment, and systems not labeled or listed by a nationally recognized testing laboratory, in the interest of safeguarding lives and property.

**Sec. 2. Definitions**

As used in this article:

- (1) "Person" means a natural person, including an owner, manager, officer, employee, occupant, or individual.
- (2) "Organization" means a corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership, firm or association, two or more persons having a joint or common interest, or any other legal or commercial entity.
- (3) Repealed by Acts 1997, 75th Leg., ch. 1172, § 4.14, eff. Sept. 1, 1997.
- (4) "Board" means the State Board of Insurance.
- (5) "Sale" means sale or offering for sale, lease, or rent any merchandise, equipment, or service at wholesale or retail, to the public or any person, for an agreed sum of money or other consideration.
- (6) "Installation" means the initial placement of equipment and/or the extension, modification, or alteration of equipment already in place.
- (7) "Maintenance" means to maintain in a condition of repair that will allow performance as originally designed or intended.
- (8) "Monitoring" means the receipt of fire alarm and supervisory signals and retransmission or communication of those signals to a fire service communications center that is located in this state or serves property in this state.
- (9) "Service, servicing" means inspecting, maintaining, repairing, or testing.
- (10) "Fire detection device" means any arrangement of materials, the sole function of which is to provide indication of fire, smoke, or combustion in its incipient stages.
- (11) "Fire alarm device" means any device capable, through audible and/or visible means, of sounding a warning that fire or combustion has taken or is taking place.
- (12) "Fire alarm technician" means a licensed individual who shall be designated by a registered firm to:
  - (A) inspect and certify that each fire alarm or detection system as installed meets the standards as provided for by law; or
  - (B) perform or directly supervise the servicing or maintaining of a previously installed fire alarm device or system and to certify such service or maintenance. A fire alarm technician may perform or supervise monitoring.
- (13) "Fire alarm planning superintendent" means a licensed individual who shall be designated by a registered firm to plan any fire alarm or detection system conforming to applicable adopted National Fire Protection Association standards or other adopted standards and to certify that each fire alarm or detection system as planned meets the standards as provided by law. A fire alarm planning superintendent can function as a fire alarm technician or a residential fire alarm superintendent.
- (14) "Insurance agent" means:
  - (A) a person, firm, or corporation licensed under Article 21.14 or 1.14-2 of this code;
  - (B) a salaried, state, or special agent; or
  - (C) a person authorized to represent an insurance fund or pool created by a city, county, or other political subdivision of the state under The Interlocal Cooperation Act (Article 4413(32c), Vernon's Texas Civil Statutes).
- (15) "Registered firm" means a person or organization holding a certificate of registration.
- (16) "Residential fire alarm superintendent" means a licensed individual who shall be designated by a

registered firm to plan a residential single-family or two-family fire alarm or detection system conforming to applicable adopted National Fire Protection Association standards or other adopted standards and to certify that each fire alarm or detection system as planned meets the standards as provided by law. A residential fire alarm superintendent can function as a fire alarm technician.

### **Sec. 3. Exceptions**

(a) The provisions of this article and the rules and regulations promulgated under this article shall have uniform force and effect throughout the state and no municipality or county shall enact any ordinances, rules, or regulations inconsistent with the provisions of this article or rules and regulations promulgated pursuant to this article and any such ordinances, rules, or regulations are void and shall have no effect; provided, however, that a municipality or county shall have the right to:

(1) mandate that a fire alarm or detection system be installed in certain facilities, so long as said installation conforms to applicable state law; and

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

(b) The licensing provisions of this article shall not apply to:

(1) a person 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 person or organization is a party to a contract that provides that 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 that the registered firm assumes full responsibility for the installation of the alarm or detection device; and

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

(2) a person or organization that owns and installs fire detection or fire alarm devices on the person's or organization's own property or, if the person or organization does not charge for the device or its installation, installs it for the protection of the person's or organization's personal property located on another's property and does not install the devices as a normal business practice on the property of another;

(3) a person who holds a license or other form of permission issued by an incorporated city or town to practice as an electrician and who installs fire or smoke detection and alarm devices in no building other than 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 such 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 provisions of the adopted edition of Household Fire Warning Equipment, National Fire Protection Association Standard No. 74;

(4) a person or organization that sells fire detection or fire alarm devices if the sales are exclusively over-the-counter or by mail order and if the person or organization does not plan, certify, install, service, or maintain this equipment;

(5) response to a fire alarm or detection device by a law enforcement agency or fire department or by a law enforcement officer or fireman acting in an official capacity;

(6) a Texas registered professional engineer acting solely in his professional capacity;

(7) a person or an 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 State Board of Insurance;

(B) the installation complies with provisions of the adopted edition of National Fire Protection Association Standard No. 74;

(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) a regular employee of a registered firm who is under the direct supervision of a licensee;

(9) a building owner, the owner's managing agent, or their employees who install battery-operated single-station smoke detectors or who monitor fire alarm or fire detection devices or systems in the owner's building, and in which the monitoring is performed at the owner's property and monitored at no charge to the occupants of the building, and complies with applicable standards of the National Fire Protection Association as may be adopted

by rule promulgated under this Act, and utilizes equipment approved by a testing laboratory approved by the State Board of Insurance for fire alarm monitoring;

(10) a person 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 State Board of Insurance;

(B) the installation complies with provisions of the adopted edition of National Fire Protection Association Standard No. 74;

(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) a person or organization licensed to install or service burglar alarms under the Private Investigators and Private Security Agencies Act (Article 4413 (29bb), Vernon's Texas Civil Statutes) 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 article; and

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

(c) Registered companies, licensees, and employees of licensees shall not be required to obtain any registration, franchise, or license from or pay any fee or franchise tax to or post any bond by any municipality, county, or other political subdivision of this state to engage in business or perform any activities authorized under this Act. Notwithstanding any other provisions of this section, a municipality or county may require a registered firm to obtain a permit and pay a fee therefor for the installation of a fire alarm or fire detection device or system and require that the installation of such system be in conformance with the building code or other construction requirements of the municipality or county and state law but may not impose qualification or financial responsibility requirements other than proof of a valid certificate of registration.

#### **Sec. 4. Administration**

The board shall administer this article and it may issue rules and regulations which it considers necessary to its administration through the state fire marshal. The board, in promulgating necessary rules and regulations, may utilize recognized standards such as, but not limited to, those of the National Fire Protection Association, the National Electrical Code, those recognized by federal law or regulation, those published by any nationally recognized standards-making organization, or any information furnished by individual manufacturers.

**Sec. 4A.** Repealed by Acts 1997, 75th Leg., ch. 1172, § 4.14, eff. Sept. 1, 1997.

#### **Sec. 5. Registration and Licensing**

(a) Each person or organization engaged in the business of planning, certifying, leasing, selling, servicing, installing, monitoring, or maintaining fire alarm or fire detection devices or systems shall have a certificate of registration issued by the commissioner. The initial fee for the certificate of registration must be in an amount not to exceed \$500 and the renewal fee for each year thereafter must be in an amount not to exceed \$500. The renewal fee for a person or organization engaged in the business of planning, certifying, leasing, selling, servicing, installing, monitoring, or maintaining exclusively single station devices shall be in an amount not to exceed \$250. A registered person or firm shall retain at least one fire alarm technician, residential fire alarm superintendent or fire alarm planning superintendent as an employee. A registered person or firm that is engaged in the business of planning, certifying, leasing, selling, servicing, installing, monitoring, or maintaining exclusively single station devices shall have at least one fire alarm technician, residential fire alarm superintendent, or fire alarm planning superintendent. A limited certificate of registration may be issued to persons or organizations whose business is restricted to monitoring.

(b) Each separate office location of a registered firm, other than the location identified on the certificate of registration, shall have a branch office registration certificate issued by the commissioner. The initial fee for this branch office registration certificate must be in an amount not to exceed \$150 and the renewal fee for each year thereafter must be in an amount not to exceed \$150. The commissioner shall identify each branch office location as a part of a registered organization before a branch office registration certificate may be issued.

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

(c) Each fire alarm technician, residential fire alarm superintendent or fire alarm planning superintendent

must obtain a license issued by the board. The initial fee for the license must be in an amount not to exceed \$120 and the renewal fee for each year thereafter must be in an amount not to exceed \$100. Unless the examination is administered by a testing service, a nonrefundable fee for the initial examination must not exceed \$30. Unless the reexamination is administered by a testing service, a nonrefundable fee not to exceed \$20 shall be charged for each reexamination.

(d) A fee in an amount not to exceed \$20 shall be charged for a duplicate certificate of registration or license issued by the board and for any requested change to a certificate of registration or license.

(e) Repealed by Acts 1989, 71st Leg., ch. 762, § 21, eff. June 15, 1989.

(f) A person licensed pursuant to this article shall be an employee or agent of an organization that holds a valid certificate of registration in order to engage in the activity for which the license was granted.

(g) Repealed by Acts 1989, 71st Leg., ch. 762, § 21, eff. June 15, 1989.

(h) A certificate of registration or license issued under this article is not transferable.

(i) The board shall, within the limits fixed by this section, prescribe the fees to be charged under this section.

### **Sec. 5A. Expiration Dates of Licenses**

Each renewal of a certificate of registration or license issued under this article is valid for a period of two years. The fee for both years is payable on renewal.

### **Sec. 5B. Required Insurance**

(a) The board shall not issue a certificate of registration under this article unless the applicant files with the board evidence of a general liability insurance policy that includes products and completed operations coverage. The policy shall be conditioned to pay on behalf of the insured those sums 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 servant, officer, agent, or employee in the conduct of any business registered or licensed under this article.

(b) The limits of insurance coverage required by Subsection (a) of this section shall not be less than \$100,000 combined single limits for bodily injury and property damage for each occurrence and not less than \$300,000 aggregate for all occurrences per policy year, unless the board increases or decreases those limits under Section 6 of this article.

(c) The evidence of general liability insurance required by this section must be in the form of a certificate of insurance executed by an insurer authorized to do business 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 Article 1.14-2 of this code through a licensed Texas surplus lines agent resident in this state may be filed with the board as evidence of coverage required by this section. Insurance certificates executed and filed with the board under this section remain in force until the insurer has terminated future liability by the notice required by the board.

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

(e) For a person who is licensed to install or service burglar alarms under the Private Investigators and Private Security Agencies Act, as amended (Article 4413(29bb), Vernon's Texas Civil Statutes), compliance with the insurance requirements of that Act constitutes compliance with the insurance requirements of this section if the insurance held by the person complies with the requirements of this section in amounts and types of coverage.

(f) For a person who is licensed to install or service burglar alarms under the Private Investigators and Private Security Agencies Act, as amended (Article 4413(29bb), Vernon's Texas Civil Statutes), compliance with the bond and insurance requirements of that Act constitutes compliance with the bond and insurance requirements of this section.

(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.

### **Sec. 5C. Renewal**

(a) An unexpired license or registration may be renewed by paying the required renewal fee to the board before the expiration of the license or registration. If a license or registration has been expired for not longer than 90 days, the license or registration may be renewed by paying to the board the required renewal fee and a fee that is not to exceed one-fourth of the original fee for the license or registration. If a license or registration has been expired for longer than 90 days but less than two years, the license or registration may be renewed by paying to the board all unpaid renewal fees and a fee that is not to exceed the original fee for the license or registration. If a license or registration has been expired for two years or longer, the license or registration may not be renewed. A new license or registration may be obtained by complying with the requirements and

procedures for obtaining an original license or registration. At least 30 days before the expiration of a license or registration, the State Fire Marshal shall send written notice of the impending license or registration expiration to the licensee or registrant at his or its last known address. This section may not be construed to prevent the board from denying or refusing to renew a license under applicable law or rules of the State Board of Insurance. 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 under a registered firm.

(b) The State Board of Insurance by rule may adopt a system under which licenses and registrations expire on various dates during the year. For the year in which the license or registration expiration date is less than one year from its issuance or anniversary date, the fee shall be prorated on a monthly basis so that each licensee or registrant shall pay only that portion of the fee that is allocable to the number of months during which the license or registration is valid. On each subsequent renewal, the total renewal fee is payable.

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

#### **Sec. 5D. Examination**

(a) Each applicant for a license must pass a written examination. Examinations shall be conducted by the State Fire Marshal or a testing service selected by the State Fire Marshal. Examinations shall cover this article and board rules and shall include specific testing of all categories of licensure. Not later than the 30th day after the day on which an examination is administered under this article, the State Fire Marshal shall send notice to each examinee of the results of the examination. If an examination is conducted, graded, or reviewed by a testing service, the State Fire Marshal shall send notice to the examinees 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. If the notice of the examination results will be delayed for longer 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. If requested in writing by a person who fails the examination administered under this article, the State Fire Marshal shall send to the person an analysis of the person's performance on the examination.

(a-1) The state fire marshal may require a testing service to notify a person of the results of the person's examination under Subsection (a).

(b) A training school shall make an application for approval to the State Fire Marshal. Applications shall include complete course or testing curriculum. The State Fire Marshal shall review the materials for course approval and shall provide a letter of course approval or a letter of denial within 60 days. Denials of approval shall be in writing and shall disclose specific reasons for the denial. Denied applicants may reapply at any time. Approval for a training school or testing service shall be valid for one year, and the initial and renewal fee for a training school approval shall not exceed \$500. A registered firm, or an affiliate of a registered firm, shall not be approved as a training school.

(c) Instructors for training schools shall be approved by the State Fire Marshal. Instructors must have a minimum of three years of experience in fire alarm installation, service, or monitoring and shall have a valid fire alarm planning superintendent license. An instructor's approval shall be effective for one year, and the initial or renewal fee for approval of an instructor shall not exceed \$50.

(d) The training curriculum for a fire alarm technician and a residential fire alarm superintendent course shall consist of 16 hours of classroom instruction on all categories of licensure.

(e) Training schools must conduct two or more classes, open to the public, each calendar year from the issuance of registration, 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.

(f) The state fire marshal shall establish the scope and type of an examination required by this article. The state fire marshal may administer the examination or may enter into an agreement with a testing service.

(g) The state fire marshal may contract with the testing service regarding requirement for the examination, including examination development, scheduling, site arrangements, grading, reporting, analysis, or other administrative duties. 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.

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



### **Sec. 5E. Continuing Education**

The State Board of Insurance may adopt procedures for certifying and may certify continuing education programs. Participation in the programs is voluntary.

### **Sec. 5F. License by Reciprocity**

The board may waive any license requirement for an applicant with a valid license from another state having license requirements substantially equivalent to those of this state.

### **Sec. 6. Powers and Duties of the Commissioner**

(a) The commissioner may adopt rules as necessary to administer this article. The rules may establish specialized licenses and certificates of registration for organizations or persons engaged in the business of planning, certifying, leasing, selling, servicing, installing, monitoring, or maintaining fire alarm or fire detection devices or systems. The rules shall establish appropriate training and qualification standards for each kind of license and certificate of registration.

(b) The commissioner shall also adopt standards applicable to any fire alarm device, equipment, or system regulated under this article. In adopting standards under this subsection, the commissioner may permit the operation of a fire alarm monitoring station that relies on fire alarm devices or equipment that is 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 as long as the operator of the station demonstrates that its operating standards are substantially equivalent to those required in order to be approved or listed.

(c) An advisory council appointed in accordance with Subsection (d) of this section shall periodically review rules implementing this article and recommend changes in the rules to the commissioner.

(d) The advisory council is appointed by the commissioner and is composed of seven individuals as follows:

(1) three individuals employed by any registered firm in the fire protection industry who have a minimum of three years experience in the sale, installation, maintenance, or manufacturing of fire alarm or fire detection devices;

(2) two individuals who must either be experienced in the engineering of fire prevention services or be a member of a fire protection association;

(3) one person experienced and employed by a municipality or county as a fire prevention officer; and

(4) one person who is employed by any registered firm and who has at least three years experience in the operation of a central fire alarm monitoring station.

### **Sec. 6A. Certain Rules Prohibited**

(a) The commissioner may not adopt rules restricting competitive bidding or advertising by the holder of a license or registration issued under this article 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 holder's personal appearance or voice in an advertisement;

(3) relates to the size or duration of an advertisement by the license or registration holder; or

(4) restricts the license or registration holder's advertisement under a trade name.

### **Sec. 7. Certain Acts Prohibited**

(a) No person or organization may do any of the following:

(1) plan, certify, lease, sell, service, install, monitor, or maintain fire alarm or fire detection devices or systems without a valid license or certificate of registration;

(2) obtain or attempt to obtain a license or certificate of registration by fraudulent representation; or

(3) plan, certify, lease, sell, service, install, monitor, or maintain fire alarm or fire detection devices or systems contrary to the provisions of this article or the rules formulated by the board under the authority of this article.

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

(c) A political subdivision may:

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

(2) allow for the response of an alarm or detection device by a law enforcement agency or fire

department or by 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) The limitations in Subsection (b) do not apply to a political subdivision in a county with a population of less than 80,000 or in a political subdivision where monitoring is not otherwise provided or available.

(e) For purposes of Subsections (b), (c), and (d), the definition of "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. This is not intended to require a political subdivision to be licensed under Article 5.43-2, Insurance Code.

### **Sec. 8. Fees Collected**

The fees herein provided for, when collected, shall be deposited in the State Treasury to the credit of the State Board of Insurance operating fund.

### **Sec. 9. Selling or Leasing Fire Alarm or Fire Detection Devices**

(a) Except as provided in Subsection (b) of this section, no detection or alarm device, alarm system, or monitoring equipment, a purpose of which is to detect and/or give alarm of fire, may be sold, offered for sale, leased, installed, or used to monitor property in this state unless it carries a label of approval or listing of a testing laboratory approved by the State Board of Insurance; provided, however, that the continued use or monitoring of equipment in place which complied with applicable law at the time of its original placement, without extension, modification, or alteration is not prohibited.

(b) No detection or alarm device, alarm system, or monitoring equipment in one-family or two-family residences, a purpose of which is to detect and/or give alarm of fire, may be sold, offered for sale, leased, installed, or used to monitor property in this state after April 14, 1989, unless it carries a label of approval or listing of a testing laboratory approved by the State Board of Insurance; provided, however, that the continued use or monitoring of equipment in place which otherwise complied with applicable law at the time of its original placement, without extension, modification, or alteration is not prohibited.

(c) Fire alarm devices that are not required by this statute<sup>1</sup> or rules adopted under this statute<sup>1</sup> and that do not impair the operation of fire alarm or fire detection devices required by this statute<sup>1</sup> or the rules adopted under this statute are exempt from the requirement of a label of approval or listing of a testing laboratory approved by the Board if such devices are approved by the local authority having jurisdiction.

(d) No fire detection or fire alarm device may be sold or installed in this state unless accompanied by printed information supplied to the owner by the supplier or installing contractor concerning:

(1) instructions describing the installation, operation, testing, and proper maintenance of the device;

(2) information which will aid in establishing an emergency evacuation plan for the protected premises;

and

(3) the telephone number and location, including notification procedures, of the nearest fire department.

(e) Each registered firm that employs persons that are exempt from the licensing provisions of this article pursuant to Section 3(b)(10) of this article is required to appropriately train and supervise such exempt persons so as to ensure that each installation complies with the adopted provisions of National Fire Protection Standard No. 74 or other adopted standards, that each smoke or heat detector installed or sold carries a label or listing of approval by a testing laboratory approved by the State Board of Insurance, and that such exempt persons are knowledgeable in fire protection and the proper use and placement of detectors.

### **Sec. 10. Applications and Hearings on Licenses and Certificates**

(a) Applications and qualifications for certificates and licenses issued hereunder shall be made pursuant to rules and regulations adopted by the board.

(b) The State Fire Marshal may refuse to issue or renew or may suspend or revoke a certificate of registration or license if, after notice and hearing, he finds that the applicant, registrant, or licensee has engaged in acts:

(1) that violate this article;

(2) that violate rules or standards adopted pursuant to this article; or

(3) constituting misrepresentation made in connection with the sale of products or services rendered.

(c) A certificate of registration, license, or testing laboratory approval may be denied, or same duly issued may be suspended or revoked, or the renewal thereof refused, if after notice and public hearing, the board, through the State Fire Marshal, finds from the evidence presented at said hearing that one or more provisions of this article or of any rule or regulation promulgated under this article has been violated.

(d) A person or organization that has had a certificate of registration, license, or testing laboratory approval revoked may not reapply for the certificate, license, or approval within one year from the date of revocation. A

person or organization reapplying under this subsection must request a public hearing to show cause why a certificate of registration, license, or testing laboratory approval should not be denied.

### **Sec. 10A. Disciplinary Hearing**

If the State Fire Marshal proposes to suspend, revoke, or refuse to renew a license or certificate of registration of a person, the person is entitled to a hearing conducted by the State Office of Administrative Hearings. Proceedings for a disciplinary action are governed by the administrative procedure law, Chapter 2001, Government Code. 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.

### **Sec. 11. Penalties**

In addition to any other penalties, any person or organization that performs a function that requires a certificate of registration or license as described herein without first obtaining such certificate of registration or license commits a Class B misdemeanor, venue for which is in Travis County or in the county in which the offense is committed.

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.

<sup>1</sup> Reads "Acts" in Acts 1991, 72nd Leg., ch. 857, § 6.

*Sections amended June 20, 2003, are marked with a vertical line in the margin.*

**TEXAS ADMINISTRATIVE CODE**  
**TITLE 28. INSURANCE**  
**Part I. Texas Department of Insurance**  
**Chapter 34. State Fire Marshal**  
**Subchapter F. Fire Alarm Rules**

**28 TAC §§ 34.601-34.624**

**§ 34.601. Purpose**

The purpose of this chapter is to administer through the state fire marshal the law set forth in the Insurance Code, Article 5.43-2, 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 chapter shall be known as and may be cited as the Fire Alarm Rules.

**§ 34.603. Applicability of Sections**

The sections of this chapter 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, Article 5.43-2, §3, are applicable to the sections of this chapter.

**§ 34.605. Notices**

Notice by the state fire marshal, as required by provisions of the statutes or of this chapter, 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 Office of the State Fire Marshal.

**§ 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) Business--Inspecting, planning, certifying, leasing, selling, servicing, testing, installing, monitoring, or maintaining of fire alarm or fire detection devices and systems.
- (2) Certificate--The certificate of registration issued by the state fire marshal.
- (3) 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.
- (4) Commissioner--The commissioner of insurance.
- (5) Department--The Texas Department of Insurance.
- (6) 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.
- (7) Firm--A person or an organization, as defined in the Insurance Code, Article 5.43-2.
- (8) Full-time--The number of hours that represents the regular, normal, or standard amount of time per week each employee of the firm devotes to work-related activities.
- (9) Full-time employment--An employee is considered to work on a full-time basis if the employee works per week at least the average number of hours worked per week by all other employees of the firm.
- (10) Local authority having jurisdiction--As used in the Texas Insurance Code, Article 5.43-2, §9(c), means a fire chief, fire marshal, or other designated official having statutory authority.
- (11) Monitoring equipment--Equipment used to transmit and receive fire alarm, trouble, and supervisory signals from protected premises to a firm registered to monitor or one exempt from licensing by the Insurance Code, Article 5.43-2.
- (12) NFPA--National Fire Protection Association, a nationally recognized standards-making organization.

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

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

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

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

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

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

### § 34.607. Adopted Standards

(a) The commissioner adopts by reference those sections of the following copyrighted minimum standards, recommendations, and appendices concerning fire alarm, fire detection, or supervisory services or systems, except to the extent they are at variance to sections of this chapter, the Texas Insurance Code, Article 5.43-2, or other state statutes. The standards are published by and are available from the National Fire Protection Association, Quincy, Massachusetts. A copy of the standards shall be kept available for public inspection at the state fire marshal's office.

(1) NFPA 11-2002, Standard for Low-Expansion Foam.

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

(3) NFPA 12-2000, Standard on Carbon Dioxide Extinguishing Systems.

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

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

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

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

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

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

(10) NFPA 17-2002, Standard for Dry Chemical Extinguishing Systems.

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

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

(13) NFPA 70-2005, National Electrical Code.

(14) NFPA 72-2002, National Fire Alarm Code.

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

(16) NFPA 101®-2003, 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.

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

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

(b) The acceptable alternative model code sets are:

(1) the Uniform Building Code-1991 and later editions, and the Uniform Fire Code-1991 and later editions; or

(2) the SBCCI Building Code-1991 and later editions, and the SBCCI Fire Code-1991 and later editions; or

(3) the BOCA Building Code-1991 and later editions, and the BOCA Fire Code-1991 and later editions; or

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

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

(6) NFPA 5000™, Building Construction and Safety Code™-2003 or later editions, and NFPA 1 Uniform Fire Code™ 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 Chapter 520 of this title (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) Posting. Each certificate must be posted conspicuously for public view at the business location.

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

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

### **§ 34.611. Licenses**

(a) Types of licenses.

(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) 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.

(4) 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.

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

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

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

(d) 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.

(e) Revised licenses. The change of a licensee's registered firm or mailing address requires a revised license. Within 14 days after the change requiring the revision, the license holder or registered firm must submit written notification of the necessary change accompanied by the required fee.

(f) Restrictions.

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

(2) A registered firm must notify the state fire marshal within 14 days after termination of employment of a licensee.

(3) 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 the Insurance Code, Article 5.43-2, §3(b).

### **§ 34.612. Alteration of Certificates or Licenses**

The alteration of certificates or licenses renders them invalid and is the basis for administrative action pursuant to the Insurance Code, Article 5.43-2, §10(b).

### **§ 34.613. Applications**

(a) Certificates of registration.

(1) Applications for certificates and branch office certificates must be submitted on forms provided by the state fire marshal and be accompanied by all fees, documents, and information required by the Insurance Code, Article 5.43-2, and the sections of this chapter. 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 36. 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, Article 5.43-2, and the sections of this chapter.

(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 required.

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

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

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

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

(8) 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) In order 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 the Insurance Code, Article 5.43-2, 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, Article 5.43-2, 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.

(c) Renewal applications.

(1) In order to be complete, renewal applications for certificates and licenses must be submitted on forms provided by the state fire marshal and be accompanied by all fees, documents, and information required by the Insurance Code, Article 5.43-2, 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.

(d) Complete applications. The application form for a license or registration must be accompanied by the required fee and must, within 180 days of receipt by the department of the initial application, be complete and accompanied by all other information required by the Insurance Code Article 5.43-2 and this subchapter, or a new application must be submitted including all applicable fees.

#### **§ 34.614. Fees**

(a) Every fee payable to the department and required in accordance with the provisions of the Insurance Code, Article 5.43-2, and this subchapter must be paid by cash, money order, or check. Money orders and checks must be made payable to the Texas Department of Insurance. Except for overpayments resulting from mistakes of law or fact, all fees are non-refundable.

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

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

(d) Fees are as follows:

(1) Certificates of registration:

(A) initial fee - \$500;

(B) renewal fee (for two years) - \$1,000;

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

(D) renewal late fee (expired 91 days to two years) - \$500;

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

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

(G) branch office late fee (expired 1 day to 90 days) - \$37.50;

(H) branch office late fee (expired 91 days to two years) - \$150;

(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) Duplicate or revised certificate or license or other requested changes to certificates, or licenses - \$20;
- (5) Initial test fee (if administered by the State Fire Marshal's Office) - \$20;
- (6) Retest fee (if administered by the State Fire Marshal's Office) - \$20.
- (e) All fees are forfeited if the applicant does not appear for the scheduled test.
- (f) 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, Article 5.43-2, §5C(c).
- (g) 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, Article 5.43-2, 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, Article 5.43-2, §3(b)(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, Article 5.43-2, §3(b)(10), is required to maintain documentation to include lesson plans and annual test results demonstrating competency of said employees regarding the provisions of Article 5.43-2, adopted standards, and this chapter 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, Article 5.43-2 must be performed by or under the direct supervision of a licensed fire alarm technician, residential fire alarm superintendent, or a fire alarm planning superintendent. The certifying licensee must be licensed under the ACR number of the primary registered firm and must be present for the final acceptance test prior to certification.
  - (2) The maintenance or servicing of all fire detection and fire alarm devices or systems must be performed by or under the direct on-site supervision of a licensed fire alarm technician, residential fire alarm superintendent or a fire alarm planning superintendent.
  - (3) If the installation or servicing of a fire alarm system also includes installation or servicing of any part of a fire protection sprinkler system and/or a fire extinguisher system other than inspection and testing of detection or supervisory devices, the licensing requirements of the appropriate Insurance Code, Article 5.43-1 or 5.43-3, must be satisfied.
  - (4) Installation of fire detection or fire alarm devices or systems, including monitoring equipment, must be in accordance with standards adopted in §34.607 of this title (relating to Adopted Standards) except when the installation complies with a more recent edition of an adopted standard or a Tentative Interim Amendment published as effective by the NFPA.

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

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

(c) Monitoring requirements.

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

(2) A registered firm may not connect a fire alarm system to a monitoring service unless the monitoring service is registered under or is exempt from the licensing requirements of Insurance Code Article 5.43-2, so long as the monitoring equipment being used is in compliance with Article 5.43-2, §9.

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

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

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

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

#### **§ 34.617. Certification**

After completion of the installation, modification, or addition of a system or single station detector unit, except for a one-or-two-family residence, the licensee shall complete 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 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:

<p><input type="checkbox"/> <b>FOR SUBMITTAL</b>   <input type="checkbox"/> <b>RECORD DRAWINGS</b></p> <p>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.</p> <p style="text-align: center;"><i>Registered Firm's Name</i> <i>Street Address</i> <i>City, State, Zip</i> <i>Phone Number   ACR- (number)</i></p> <hr/> <p>APS Licensee Signature   -   License #</p> <hr/> <p>APS Printed name                      Date</p>
---

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

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

**§ 34.620. Installation Labels**

(a) After the completion of an installation of new fire alarm equipment or a new system, or the extension, alteration or modification to a fire alarm system already in place, an installation label must be affixed to the inside of the control panel cover, or, if the system has no panel, in a permanent location. Yellow or red labels shall not be attached for the installation of a new system or new equipment used in the extension, alteration or modification to an existing fire alarm system. Attachment of the installation label for a one-or-two-family residence certifies that the fire alarm equipment or system has been tested and complies with the requirements of the Insurance Code Article 5.43-2, this subchapter, the adopted codes and standards, and the manufacturer's requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) the inscription "I hereby certify, on behalf of the registered firm, that the fire alarm equipment or system has been tested and complies with the requirements of the Insurance Code Article 5.43-2, the Fire Alarm Rules, the adopted codes and standards, and the manufacturer's requirements."

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

**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 #

I hereby certify, on behalf of the registered firm, that the fire alarm equipment or system has been tested and complies with the requirements of the Texas Insurance Code Art. 5.43-2, the Fire Alarm Rules, the adopted codes and standards, and the manufacturer's requirements.

**§ 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**

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

Date - Licensee Signature - License #

List Services: \_\_\_\_\_

Performed  General service listed above  
Corrected  RED label dated \_\_\_\_\_  
Corrected  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:

<b>DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL</b> (for at least five years) <b>INSPECTION/TEST RECORD</b>		
<i>Registered Firm's Name</i> <i>Street Address      City, State, Zip</i> <i>Phone Number      ACR- (number)</i>		
<hr style="border-top: 1px solid black;"/>		
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 style="border-top: 1px solid black;"/>		
<i>Status After Inspection/Test</i>		
<input type="checkbox"/> Acceptable	<input type="checkbox"/> Yellow Label	<input type="checkbox"/> Red Label
	<i>(attached)</i>	<i>(attached)</i>

**§ 34.623. Yellow Labels**

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

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

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

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

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

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

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

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

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

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

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

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

(h) Yellow label:



**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)

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

---

Date - Licensee Signature - License #

List Conditions: \_\_\_\_\_

---

**REPORT STATUS TO OWNER & AHJ**  
(in writing within 5 business days)

**§ 34.624. Red Labels**

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

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

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

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

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

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

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

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

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

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

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

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

(h) Red label:

<b>DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL</b>		
(until all conditions are corrected)		
<input type="checkbox"/> System <b>INOPERABLE</b> <input type="checkbox"/> <b>IMPAIRED</b> or <b>FAULT</b>		
<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/Area _____		
<p style="text-align: center;"><b>REPORT INOPERABLE TO OWNER &amp; AHJ</b> (Orally immediately &amp; in writing within next business day)</p> <p style="text-align: center;"><b>REPORT ALL OTHER TO OWNER &amp; AHJ</b> (In writing within three business days)</p>		

**§ 34.625. Enforcement**

(a) The state fire marshal, or the state fire marshal's representative, may conduct investigations of registered firms to determine compliance with Insurance Code Article 5.43-2 and this subchapter. An investigation may be initiated on the written complaint of any party or by the department on its own motion.

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

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

**§ 34.626. Severability**

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

Effective April 14, 1989, 14 TexReg 1639; amended to be effective February 1, 1991, 16 TexReg 312; transferred effective September 1, 1991, as published in the Texas Register March 6, 1992, 17 TexReg 1745; amended to be effective June 4, 1993, 18 TexReg 3297; amended to be effective November 29, 1993, 18 TexReg 8361; amended to be effective February 27, 1995, 20 TexReg 1021; amended to be effective September 20, 1995, 20 TexReg 7077; amended to be effective November 27, 1995, 20 TexReg 9449; amended to be effective August 26, 1996, 21 TexReg 7663; amended to be effective December 4, 1996, 21 TexReg 11521; transferred effective September 1, 1997, 22 TexReg 11091; amended to be effective July 14, 1999, 24 TexReg 5212; amended to be effective September 23, 2003, 28 TexReg 8345; amended to be effective June 3, 2004, 29 TexReg 5403.

*Sections amended April 1, 2006 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.state.tx.us](http://www.tdi.state.tx.us)  
e-mail [Fire.Marshall@tdi.state.tx.us](mailto:Fire.Marshall@tdi.state.tx.us)

## 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 to 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

NATURE OF COMPLAINT
Indicate alleged violation and/or alleged violator

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>
<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

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.state.tx.us](http://www.tdi.state.tx.us).



**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.state.tx.us

**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-** \_\_\_\_\_

<b>Type of Installation:</b>	<b>The system complies with the following codes and standards.</b>			
____ New	<u>Code or Std.</u>	<u>Year/Edition</u>	<u>Code or Std.</u>	<u>Year/Edition</u>
____ 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, Art 5.43-2, 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: \_\_\_\_\_