

**Texas Insurance Code
Article 5.43-3
Fire Protection Sprinkler Systems
&
28 TAC §§ 34.700
the Fire Sprinkler Rules**



Texas Department of Insurance

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TEXAS INSURANCE CODE
CHAPTER FIVE. RATING AND POLICY FORMS
SUBCHAPTER C. FIRE INSURANCE AND ALLIED LINES
Article 5.43-3. Fire Protection Sprinkler Systems

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

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Sec. 1. Definitions

In this article:

- (1) "Person" means a natural person, including an owner, manager, officer, employee, or occupant.
- (2) "Organization" means a corporation, a partnership or other business association, a governmental entity, or any other legal or commercial entity.
- (3) "Board" means the State Board of Insurance.
- (4) Repealed by Acts 1997, 75th Leg., ch. 1172, § 4.14, eff. Sept. 1, 1997.
- (5) "Installation" means the initial placement of equipment or the extension, modification, or alteration of equipment after the initial placement.
- (6) "Maintenance" means to maintain in the condition of repair that provides performance as originally planned.
- (7) "Service" means to maintain, repair, or test.
- (8) "Fire protection sprinkler system contractor" means a person or organization that offers to undertake, represents itself as being able to undertake, or does undertake the plan, sale, installation, maintenance, or servicing of a fire protection sprinkler system or any part of such a system.
- (9) "Fire protection sprinkler system" means an assembly of underground or overhead piping or conduits that conveys water with or without other agents to dispersal openings or devices to extinguish, control, or contain fire and to provide protection from exposure to fire or the products of combustion.
- (10) "Responsible managing employee" means an individual or individuals who shall be designated by each company that plans, sells, installs, maintains, or services a fire protection sprinkler system to assure that each fire protection sprinkler system as installed, maintained, or serviced meets the standards as provided for by law.
- (11) "Certificate of Registration" means the document issued to a fire protection sprinkler system contractor authorizing same to conduct business in this state.
- (12) "License" means the document issued to a responsible managing employee authorizing same to engage in the fire protection sprinkler system business in this state.
Text of (12) as added by Acts 1989, 71st Leg., ch. 762, § 17
- (13) "Registered firm" means a firm holding a valid certificate of registration.
Text of (13) as added by Acts 1989, 71st Leg., ch. 823, § 7
- (13) "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).

Sec. 2. 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. A municipality or county may not enact an order, ordinance, rule, or regulation requiring a fire protection sprinkler system contractor to obtain a certificate of registration from the municipality or county. Notwithstanding any other provisions of this Act, a municipality or county may require a fire protection sprinkler system contractor to obtain a permit and pay a fee therefor for the installation of a fire protection sprinkler system and require the installation of such system in conformance with the building code or other construction requirements of the municipality or county, but may not impose qualification or financial responsibility requirements other than proof of a valid certificate of registration. A municipal or county order,

ordinance, rule, or regulation that is in effect on the effective date of this article is not invalidated because of any provisions of this article.

(b) This article does not apply to:

(1) an employee of the United States, this state, or any political subdivision of this state who acts as a fire protection sprinkler system contractor for the employing governmental entity;

(2) the plan, sale, installation, maintenance, or servicing of a fire protection sprinkler system in any property owned by the United States or this state;

(3) a person or organization acting under court order as authorization;

(4) a person or organization that sells or supplies products or materials to a registered fire protection sprinkler system contractor;

(5) an installation, maintenance, or service project for which the total contract price for labor, materials, and all other services is less than \$100, if:

(A) the project is not a part of a complete or more costly project, whether the complete project is to be undertaken by one or more fire protection sprinkler system contractors; or

(B) the project is not divided into contracts of less than \$100 for the purpose of evading this article;

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

(7) a regular employee of a registered fire protection sprinkler system contractor; or

(8) an owner or lessee of property that installs a fire protection sprinkler system on the owned or leased property for its own use or for the use by family members and does not offer such property for sale or lease within one year after installation of a fire protection sprinkler system.

Sec. 3. Administration

(a) The board shall administer this article and may issue rules necessary to its administration through the State Fire Marshal. Under rules adopted under this subsection, the board may create a specialized licensing or registration program for fire protection sprinkler system contractors.

(b) The board, in adopting necessary rules, may utilize recognized standards such as those adopted by a federal law or regulation, those published by nationally recognized standards-making organizations, or those developed by individual manufacturers.

Sec. 3A. Repealed by Acts 1997, 75th Leg., ch. 1172, § 4.14, eff. Sept. 1, 1997.

Sec. 4. Registration; Licensing; Fees

(a) A fire protection sprinkler system contractor must apply to the board for a certificate of registration on a form prescribed by the board. If the contractor is a partnership or joint venture, it need not register in its own name if each partner or joint venturer is registered. The application fee for the certificate of registration must be in an amount not to exceed \$100, and the fee for issuance of either the initial or the renewal certificate of registration must be in an amount not to exceed \$1,200.

(b) Each fire protection sprinkler system contractor must employ at least one licensed responsible managing employee on a full-time basis.

(c) Each responsible managing employee must obtain a license issued by the board and conditioned on the successful completion of the examination requirement and other requirements prescribed by the rules adopted under this article. Unless the examination is administered by a testing service, a nonrefundable examination fee must be in an amount not to exceed \$100 per examination. The fee for the issuance of either the initial or the renewal responsible managing employee license must be in an amount not to exceed \$200.

(d) A certificate of registration and a license are valid for a period of one year from the date of issue and are renewable annually on payment of the annual fee; provided, however, that the initial certificates of registration or licenses issued on or after September 1, 1983, may be issued for periods of less than one year and the annual fee shall be prorated proportionally.

(e) The fee charged by the board for any request for a duplicate certificate of registration or license or any request requiring change to a certificate of registration or license must be in an amount not to exceed \$70.

(f) Each certificate of registration and license issued under this article must be posted in a conspicuous place in the fire protection sprinkler system contractor's place of business.

(g) All bids, proposals, offers, and installation drawings for fire protection sprinkler systems must prominently display the fire protection sprinkler system contractor's certificate of registration number.

(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. All fees collected under the provisions of this article shall be deposited in the State Treasury to the credit of the State Board of Insurance operating fund for use in carrying out the administration of this article.

Sec. 5. 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 limits of insurance coverage required by this section shall be in an amount not 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 the amounts under Section 7 of this article. The policy shall be conditioned to pay on behalf of the insured those amounts that the insured is 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 under this article.

(b) 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 by 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.

(c) Failure to maintain 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.

Sec. 5A. Renewal

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

(b) An unexpired license or registration may be renewed by paying the required renewal fee to the board before the expiration date 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 one-half 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 equal to 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 initial license or registration. At least 30 days before the expiration of a license or registration, the board 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 board.

(c) The board 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.

Sec. 5B. Examination

(a) 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.

(b) The state fire marshal may contract with the testing service regarding requirements 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.

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

testing service. 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 each 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.

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

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

Sec. 5C. Continuing Education

The board may adopt procedures for certifying and may certify continuing education programs. Participation in the programs is voluntary.

Sec. 5D. 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. Advisory Council

(a) The Fire Protection Advisory Council is created. The commissioner shall appoint the members of the advisory council, who shall serve at the pleasure of the commissioner.

(b) The advisory council, in addition to other duties delegated by the commissioner, shall:

(1) advise the State Fire Marshal concerning practices in the fire protection sprinkler system industry and the rules necessary to implement and administer this article; and

(2) make recommendations to the State Fire Marshal regarding forms and procedures for certificates of registration and licenses.

(c) The advisory council shall have seven members as follows:

(1) three individuals who have been actively engaged in the management of a fire protection sprinkler system business for not less than five years preceding their appointment;

(2) one representative of the engineering section of the board's property division;

(3) one volunteer fire fighter; and

(4) one member from each of two fire departments of incorporated cities of this state.

(d) The advisory council shall periodically review rules implementing this article and recommend changes in the rules to the commissioner.

(e) The State Firemen's and Fire Marshals' Association of Texas may, on request by the commissioner, recommend a volunteer fire fighter for appointment to the advisory council.

Sec. 7. Powers and Duties of Board

(a) The board may delegate authority to exercise all or part of its functions, powers, and duties under this article, including the issuance of licenses and certificates of registration, to the State Fire Marshal, who shall implement the rules adopted by the board for the protection and preservation of life and property in controlling:

(1) the registration of a person or an organization engaged in the business of planning, selling, installing, maintaining, or servicing fire protection sprinkler systems; and

(2) the requirements for the plan, sale, installation, maintenance, or servicing of fire protection sprinkler systems by:

(A) determining the criteria and qualifications for certificates of registration holders;

(B) evaluating the qualifications of an applicant for a certificate of registration to engage in the business of planning, selling, installing, maintaining, or servicing fire protection sprinkler systems and issuing certificates to qualified applicants;

(C) determining the criteria and qualifications for licenses; and

(D) conducting examinations and evaluating the qualifications of applicants for licenses and issuing licenses to qualified applicants.

(b) The board shall establish a procedure for reporting and processing complaints relating to the business of planning, selling, installing, maintaining, or servicing fire protection sprinkler systems in Texas.

(c) The board may, after notice and opportunity for hearing, increase or decrease the limits of insurance coverage.

Sec. 7A. Certain Rules Prohibited

(a) The commissioner may not adopt rules restricting competitive bidding or advertising by the holder of a certificate of registration, license, or permit 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 certificate, license, or permit holder's personal appearance or voice in an advertisement;
- (3) relates to the size or duration of an advertisement by the certificate, license, or permit holder; or
- (4) restricts the certificate, license, or permit holder's advertisement under a trade name.

Sec. 8. Prohibited Acts

A person or organization may not:

- (1) plan, sell, install, maintain, or service a fire protection sprinkler system without a valid certificate of registration;
- (2) act as a fire protection sprinkler system contractor under a certificate of registration without having at least one full-time employee who holds a valid responsible managing employee license; provided, however, that a person or organization with a current certificate of registration may act as a fire protection sprinkler system contractor for 30 days after the death or dissociation of its licensed responsible managing employee or for such longer period as may be approved by the board pursuant to the rules adopted hereunder;
- (3) act as a responsible managing employee for a fire protection sprinkler system contractor without a valid license;
- (4) obtain or attempt to obtain a certificate of registration or license by fraudulent representation; or
- (5) plan, sell, install, maintain, or service a fire protection sprinkler system in violation of this article or the rules adopted under this article.

Sec. 9. Denial, Suspension, or Revocation of Certificate of Registration or License

(a) The State Fire Marshal may refuse to issue or renew or may suspend or revoke a certificate of registration, license, or permit if, after notice and hearing, he finds that the applicant, registrant, licensee, or permit holder 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.

(b) Proceedings for the denial, suspension, or revocation of a certificate of registration or license and appeals from those proceedings are governed by the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes).¹

(c) No applicant, certificate of registration holder, or licensee whose certificate of registration or license has been denied, refused, or revoked hereunder (except for the failure to pass a required written examination) shall be entitled to file another application for a certificate of registration or license in the fire protection sprinkler system business in this state within one year from the effective date of such denial, refusal, or revocation or, if judicial review of such denial, refusal, or revocation is sought, within one year from the date of final court order or decree affirming such action. Such application, when filed after one year, may be denied unless the applicant shows good cause why the denial, refusal, or revocation of the certificate of registration or license shall not be deemed a bar to the issuance of a new certificate of registration or license.

Sec. 9A. Disciplinary Hearing

If the State Fire Marshal proposes to suspend, revoke, or refuse to renew a certificate of registration, license, or permit 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. 10. Penalties

- (a) A person commits an offense if the person knowingly or intentionally violates Section 8 of this article.
- (b) An offense under this section is a Class B misdemeanor.
- (c) Venue for the offense is in Travis County or in the county in which the offense is committed.

Sec. 11. Prohibited Practice

Nothing in this article shall authorize a person or organization to practice professional engineering except in compliance with The Texas Engineering Practice Act, as amended (Article 3271a, Vernon's Texas Civil Statutes).

Acts 1983, 68th Leg., p. 534, ch. 113, § 1, eff. Sept. 1, 1983. Amended by Acts 1987, 70th Leg., ch. 267, §§ 22 to 25, eff. June 5, 1987; Acts 1989, 71st Leg., ch. 762, §§ 17 to 19, eff. June 15, 1989; Acts 1989, 71st Leg., ch. 823, §§ 7 to 9, eff. June 14, 1989; Acts 1991, 72nd Leg., ch. 628, §§ 15, 16, eff. Sept. 1, 1991; Acts 1995, 74th Leg., ch. 337, § 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1172, §§ 4.11, 4.12, 4.14, eff. Sept. 1, 1997; Acts 2003, 78th Leg., ch 1014, §§ 5, 6, eff. June 20, 2003.

¹ Repealed; see, now, V.T.C.A., Government Code § 2001.001 et seq.

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 G. Fire Sprinkler Rules

28 TAC §§ 34.701-34.723

§ 34.701. Purpose

The purpose of this subchapter is to regulate the persons engaged in the business of planning, selling, installing, maintaining, or servicing fire protection sprinkler systems in the interest of safeguarding lives and property pursuant to the Insurance Code, Article 5.43-3.

§ 34.702. Title

The sections of this subchapter shall be known and may be cited as the sprinkler rules and shall be administered by and through the state fire marshal.

§ 34.703. Applicability of Subchapter

This subchapter shall apply to all firms and persons engaged in the business of planning, selling, installing, maintaining, or servicing fire protection sprinkler systems, and not to the general public.

§ 34.704. Exceptions

The exceptions of the Insurance Code, Article 5.43-3, §2, are applicable to the sections of this subchapter.

§ 34.705. Notices

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

§ 34.706. Definitions

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

- (1) Business--Planning, selling, installing, maintaining, or servicing fire protection sprinkler systems.
- (2) Certificate--The certificate of registration issued by the state fire marshal.
- (3) Certify--To attest to the proper planning, installing, maintaining, or servicing of fire protection sprinkler systems by executing a contractor's material and test certificate or other form required by a governmental authority or by attaching a completed service tag.
- (4) Department--The Texas Department of Insurance.
- (5) Emergency impairment--A condition where a water-based fire protection system or portion thereof is out of order due to an unexpected occurrence, such as ruptured pipe, an operated sprinkler, or an interruption of the water supply to the system.
- (6) Firm - A person or organization as defined in this section.
- (7) Full-time--The number of hours that represents the regular, normal, or standard amount of time per week each employee of the firm devotes to work-related activities.
- (8) Full-time employment basis--An employee is considered to work on a full-time basis if the employee works per week at least the average number of hours worked per week by all other employees of the firm.
- (9) Inspection--A visual examination of a system or portion thereof to verify that it appears to be in operating condition and is free of physical damage.
- (10) Inspection, testing, and maintenance service--A service program provided by a qualified contractor in which all components unique to the property's systems are inspected and tested at the required times and necessary maintenance is provided and/or recommended. This program includes logging and retention of relevant records.
- (11) NFPA--National Fire Protection Association, a nationally recognized standards-making organization.
- (12) NICET--National Institute for the Certification in Engineering Technologies.
- (13) Organization--A corporation, partnership or other business association, or a governmental entity.

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

(15) Person--A natural person.

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

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

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

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

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

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

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

(C) includes, as the portion of the sprinkler system aboveground, a network of specially sized or hydraulically designed piping installed in a building, structure, or area, generally overhead, and to which sprinklers are connected in a systematic pattern;

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

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

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

§ 34.707. Adopted Standards

The Commissioner adopts by reference in their entirety the following copyrighted standards and recommended practices published by and available from the National Fire Protection Association, Inc. (NFPA), Batterymarch Park, Quincy, Massachusetts 02269. A copy of the standards shall be kept available for public inspection in the Office of the State Fire Marshal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 34.708. Approved Testing Laboratories

The commission approves an organization as an approved testing laboratory which lists equipment and appurtenances for use in compliance with standards adopted in §34.707 of this title (relating to Adopted Standards) if the organization meets the requirements of an approved testing laboratory in accordance with Subchapter D of this title (relating to Testing Laboratory Rules).

§ 34.709. Approved Certification Organization

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

§ 34.710. Certificates of Registration

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

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

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

(d) Change of ownership.

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

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

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

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

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

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

(i) Types.

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

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

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

§ 34.711. Responsible Managing Employee (RME) License

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

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

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

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

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

(f) Restrictions.

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

(2) A registered firm must notify the state marshal within 14 days after termination of employment of an RME.

(3) A license is neither temporarily nor permanently transferable from one person to another.

(g) Types.

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

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

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

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

§ 34.712. Alteration of Certificates or Licenses

Alteration of certificates or licenses renders them invalid and is the basis for administrative action pursuant to the Insurance Code, Article 5.43-3, §9.

§ 34.713. Applications

(a) Certificates of registration.

(1) Applications for certificates must be submitted on forms provided by the state fire marshal and must be accompanied by all other information required by the Insurance Code, Article 5.43-3, and this subchapter. An application will not be deemed complete until all required forms and documents have been received in the state fire marshal's office.

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

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

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

(5) A registered firm must not conduct any business as a fire protection sprinkler contractor until a full-time RME, as applicable to the business conducted, is employed. An individual with an RME-General Inspector's license does not constitute compliance with the requirements of this subsection.

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

(7) Insurance required.

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

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

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

(b) Responsible managing employee licenses.

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

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

(A) RME - General

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

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

(B) RME - Dwelling

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

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

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

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

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

(C) RME - Underground Fire Main

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

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

(D) RME-General Inspector:

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

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

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

§ 34.714. Fees

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

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

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

(d) Fees are as follows:

(1) Certificates of registration:

(A) all initial applications shall include an application fee of--\$50;

(B) initial fee--\$900;

(C) renewal fee (for two years)--\$1,800;

(D) renewal late fee (expired 1 day to 90 days)--\$450;

(E) renewal late fee (expired 91 days to two years)--\$900;

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

(A) all initial applications shall include an application fee of--\$50;

(B) initial fee--\$300;

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

(D) renewal late fee (expired 1 day to 90 days)--\$150;

(E) renewal late fee (expired 91 days to two years)--\$300;

(3) Responsible managing employee license (General):

- (A) initial fee--\$200;
 - (B) renewal fee (for two years)--\$350;
 - (C) renewal late fee (expired 1 day to 90 days)--\$100;
 - (D) renewal late fee (expired 91 days to two years)--\$200;
 - (4) Responsible managing employee licenses (Dwelling, or Underground fire main):
 - (A) initial fee--\$150;
 - (B) renewal fee (for two years)--\$200;
 - (C) renewal late fee (expired 1 day to 90 days)--\$75;
 - (D) renewal late fee (expired 91 days to two years)--\$150;
 - (5) Responsible managing employee license (General Inspector):
 - (A) initial fee--\$50;
 - (B) renewal fee (for two years)--\$100;
 - (C) renewal late fee (expired 1 day to 90 days)--\$25;
 - (D) renewal late fee (expired 91 days to two years)--\$50;
 - (6) Duplicate or revised certificate or license or other requested changes to certificates, or licenses--\$35.00;
 - (7) Test fee (if administered by the State Fire Marshal's Office)--\$50.
- (e) Late fees are required of all certificate or license holders who fail to submit renewal applications before their expiration dates.
- (f) A license or registration shall expire at 12:00 midnight on the date printed on the license or registration. A renewal application and fee for license or registration must be postmarked on or before the date of expiration to be accepted as timely. If a renewal application is not complete but there has been no lapse in the required insurance, the applicant shall have 30 days from the time the applicant is notified by the State Fire Marshal's Office of the deficiencies in the renewal application to submit any additional requirement. If an applicant fails to respond and correct all deficiencies in a renewal application within the 30-day period, a late fee may be charged.
- (g) Holders of certificates and licenses which have been expired for less than two years cannot be issued new certificates or licenses.
- (h) Fees for certificates and licenses which have been expired for less than two years include both renewal and late fees.

§ 34.715. Tests

- (a) Each applicant for a license shall take and pass with at least a 70% grade a test covering this subchapter and the Insurance Code, Article 5.43-3 and if applicable, a technical qualifying test as specified in §34.713(b) of this title (relating to Applications). The content, frequency, and location of the test shall be designated by the State Fire Marshal's Office.
- (b) Examinees who fail must file a retest application accompanied by the required fee.
- (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 examinee who is scheduled for a test to be conducted on a religious holy day by the State Fire Marshal's Office and who wishes to observe the religious holy day may request the rescheduling of the test to an alternate date.
- (e) An applicant may only schedule each type of test three times within a twelve-month period.

§ 34.716. Installation, Maintenance, and Service

- (a) All fire protection sprinkler systems installed under the Insurance Code, Article 5.43-3, must be installed under the supervision of the appropriate licensed responsible managing employee.
 - (1) An "RME - General" may supervise the installation of any fire protection sprinkler system including one- and two-family dwellings.
 - (2) An "RME - Dwelling" may only supervise the installation of a fire protection sprinkler system in one- and two-family dwellings.
 - (3) An "RME - Underground Fire Main" may only supervise the installation of an assembly of underground piping or conduits, that conveys water with or without other agents, used as an integral part of any type of fire protection sprinkler system.
- (b) Upon completion of the installation, the licensed responsible managing employee shall have affixed a contractor's material and test certificate for aboveground and/or underground piping on or near the system riser. If the adopted installation standard does not require testing, all other sections except the testing portion of the contractor's material and test certificate must still be completed. The contractor's material and test certificate shall be obtained from the state fire marshal's office. The certificate shall be distributed as follows:

(1) original copy kept at the site after completion of the installation;

(2) second copy retained by the installing company at its place of business in a separate file used exclusively by that firm to retain all "Contractor's Material and Test Certificates." The certificates shall be available for examination by the state fire marshal or the state fire marshal's representative upon request. The certificates shall be retained for the life of the system; and

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

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

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

(e) All vehicles used in service, maintenance, testing, or certification activities shall prominently display the company name, telephone number, and certificate of registration number. The numbers and letters must be at least two inches in height and must be permanently affixed or magnetically attached to a side panel and/or front door panel in a color contrasting with the background color of the vehicle. The certificate of registration number shall be designated as: Texas Fire Sprinkler Registration (number) or it may be abbreviated to Tex: SCR (number).

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

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

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

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

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

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

(i) The planning, installation or service of a fire protection sprinkler system must be in accordance with the minimum requirements of the applicable adopted standards in §34.707 of this subchapter (relating to Adopted Standards) except when the plan, installation or service complies with a more recent edition of the standard that has been adopted by the political subdivision in which the system is installed.

§ 34.717. Sprinkler System Plans

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

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

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

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

(2) At least one set of plans submitted to an authority having jurisdiction, for review, rating, permit, or record purposes must be signed with an original signature, unless waived by the local authority having jurisdiction, dated by the RME, and certified that the plans comply with the adopted NFPA standards. In addition, the plans must contain the license number of the RME, the name, address, phone number, and the certificate of

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

(d) Sample RME plan stamp:

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

§ 34.718. Installation Tags

(a) Upon completion of the installation of a fire protection sprinkler system, all information for an installation tag must be completed in detail to indicate the water supply test data obtained during the time of installation. The tag shall be securely attached by a durable method to the riser of each system.

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

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

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

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

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

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

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

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

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

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

(5) name and address of owner or occupant;

(6) building number, location or system number;

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

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

(9) signature of service person.

(h) Sample installation tag:

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

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

**ORIGINAL
INSTALLATION
TAG**

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

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

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

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

Name of Owner or Occupant

Address

Building No. or Location or System No.

MAIN DRAIN TEST at lead-in or riser

Static: _____ psi

Flowing: _____ psi

WATER SUPPLY FLOW TEST used to hydraulically design the system (i.e. at street)

Static: _____ psi

Residual: _____ psi

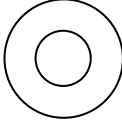
with: _____ GPM Flowing

Signature of Service Person

§ 34.719. Service Tags

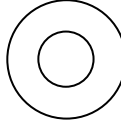
- (a) After any service, all sections of a service tag must be completed in detail, indicating all the services that have been performed, and then the tag must be attached to the respective riser of each system.
- (b) After any service, if impairments are found, the service person must attach, in addition to attaching a service tag, the appropriate yellow tag or red tag in accordance with the procedures in this subchapter for completing and attaching yellow and red tags.
- (c) A new service tag must be attached each time service is performed.
- (d) Service tags shall remain on the system for five years after which time they may only be removed by an authorized employee of a registered firm. An employee of the state fire marshal's office or an authorized representative of a governmental agency with appropriate regulatory authority may remove excess tags at any time.
- (e) Tags may be printed for a multiple period of years.
- (f) Tags must be white in color, 5 1/4 inches in height, and 2 5/8 inches in width.
- (g) Service tags shall contain the following information in the format of the sample tag as set forth in subsection (h) of this section:
 - (1) "DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL" (all capital letters, at least 10-point boldface type);
 - (2) firm's name, address and phone number;
 - (3) firm's certificate of registration number;
 - (4) applicable RME's name and license number;
 - (5) signature of service person;
 - (6) day, month, and year (to be punched);
 - (7) type of work (to be punched);

- (8) name and address of owner or occupant;
 - (9) building, location or system number;
 - (10) a list of services performed;
 - (11) date any yellow tag conditions were corrected (punch if applicable); and
 - (12) date any red tag conditions were corrected (punch if applicable).
- (h) Sample service tag:



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

16	1	<p>SERVICE TAG</p> <p><i>Name & Address of Sprinkler Firm Phone Number SCR-Number</i></p> <hr/> <p>RME's Name</p> <hr/> <p>RME's License No.</p> <hr/> <p>Signature of Service Person</p> <p>TYPE OF WORK</p> <p><input type="checkbox"/> Service</p> <p><input type="checkbox"/> Remodel</p> <p><input type="checkbox"/> Other</p>	17	2	18	3	19	4	20	5	21	6	22	7	23	8	24	9	25	10	26	11	27	12	28	13	29	14	30	15	31
			JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	2005	2006	2007	2008	2009	2010											



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

Name of Owner or Occupant

Address

Building No. or Location or System No.

List Services:

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

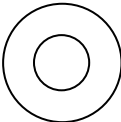
Corrected all **RED TAG** conditions from tag dated _____

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

- (a) After a new installation or a scheduled inspection, testing and maintenance (ITM) service, all portions of an ITM tag must be completed in detail, indicating the ITM service was performed according to the adopted standards, and the tag must be attached to the respective riser of each system.
- (b) After any ITM service, the inspector must complete and attach an ITM tag, and if impairments are found, the inspector must attach the appropriate yellow or red tag in accordance with the procedures in this subchapter.
- (c) A new ITM tag must be attached each time an inspection, testing and maintenance service is performed.
- (d) ITM tags shall remain on the system for five years after which time they may only be removed by an authorized employee of a registered firm. An employee of the state fire marshal's office or an authorized representative of a governmental agency with appropriate regulatory authority may remove excess tags at any time.
- (e) ITM tags may be printed for a multiple period of years.
- (f) ITM tags must be light blue in color, 5 1/4 inches in height, and 2 5/8 inches in width.
- (g) ITM tags shall contain the following information in the format of the sample tag in subsection (h) of this section:

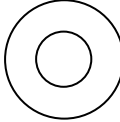
- (1) "DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL" (all capital letters, at least 10-point boldface type);
- (2) type of ITM: initial installation, monthly, quarterly, annual, third year, or fifth year (to be punched);
- (3) system status after ITM: acceptable, yellow tag attached, or red tag attached (to be punched);
- (4) license number;
- (5) name of inspector;
- (6) signature of inspector;
- (7) day, month, and year (to be punched);
- (8) firm's name, address, phone number and registration number;
- (9) name and address of owner or occupant;
- (10) building, location or system number; and
- (11) the static and flowing pressure of the main drain test, taken at the time the inspection, testing and maintenance service was performed.

(h) Sample ITM tag:



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

16	1	<p>ITM TAG Inspection, Test & Maintenance Tag</p> <p>TYPE of ITM</p> <input type="checkbox"/> Initial Installation <input type="checkbox"/> Monthly <input type="checkbox"/> Quarterly <input type="checkbox"/> ANNUAL <input type="checkbox"/> Third Year <input type="checkbox"/> Fifth Year <p>SYSTEM STATUS AFTER ITM</p> <input type="checkbox"/> Acceptable <input type="checkbox"/> Yellow Tag (attached) <input type="checkbox"/> Red Tag (attached) <p>License Number after 1-2008 _____</p> <p>Name of Inspector _____</p> <p>Signature of Inspector _____</p>	17	2	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 20px;">JAN</td><td style="width: 20px;">2005</td></tr> <tr><td>FEB</td><td></td></tr> <tr><td>MAR</td><td></td></tr> <tr><td>APR</td><td>2006</td></tr> <tr><td>MAY</td><td>2007</td></tr> <tr><td>JUN</td><td></td></tr> <tr><td>JUL</td><td>2008</td></tr> <tr><td>AUG</td><td></td></tr> <tr><td>SEP</td><td>2009</td></tr> <tr><td>OCT</td><td></td></tr> <tr><td>NOV</td><td></td></tr> <tr><td>DEC</td><td>2010</td></tr> </table>	JAN	2005	FEB		MAR		APR	2006	MAY	2007	JUN		JUL	2008	AUG		SEP	2009	OCT		NOV		DEC	2010	18	3
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After an inspection, test and maintenance service, attach this ITM tag to the applicable system riser. Also attach a yellow or red tag if appropriate. Tags shall be retained on the riser for five years.

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

Name of Owner or Occupant

Address

Building No. or Location or System No.

Note: _____

MAIN DRAIN TEST at lead-in or riser

Static: _____psi Flowing: _____psi

§ 34.721. Yellow Tags

(a) If a fire protection sprinkler system is found to be noncompliant with the applicable NFPA standards or to contain equipment that has been recalled by the manufacturer, but the noncompliance or recalled equipment does not constitute an emergency condition, a completed yellow tag must be attached to the respective riser of each system to permit convenient inspection, to not hamper the system's actuation or operation, and also to indicate that corrective action is necessary.

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

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

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

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

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

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

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

(3) firm's certificate of registration number;

(4) license number of RME;

(5) printed name of service person or inspector;

(6) signature of service person or inspector;

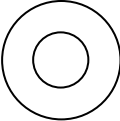
(7) day, month, and year (to be punched);

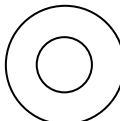
(8) name and address of owner or occupant;

(9) building number, location or system number; and

(10) list of impairments not compliant with NFPA standards.

(g) Sample yellow tag:

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

	
<p>If the system is not compliant with the NFPA standard, at the time it was installed, attach this yellow tag to the applicable system riser. An authorized individual may remove this tag after a service tag has been attached indicating the condition has been corrected.</p>	
<p>_____</p> <p>Name of Owner or Occupant</p>	
<p>_____</p> <p>Address</p>	
<p>_____</p> <p>Building No. or Location or System No.</p>	
<p>List impairments not compliant with NFPA standards:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	

§ 34.722. Red Tags

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

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

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

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

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

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

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

(h) of this section:

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

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

(3) firm's certificate of registration number;

(4) license number of RME;

(5) printed name of service person or inspector;

(6) signature of service person or inspector;

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

(8) name and address of owner or occupant;

(9) building number, location or system number; and

(10) list of emergency impairments.

(h) Sample red tag:

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

RED TAG

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

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

RME's License Number

Printed name of service
person

Signature of authorized
service person

**IMMEDIATELY
REPORT STATUS TO
OWNER AND AHJ
(and in writing within
24 hrs)**

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

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

Name of Owner or Occupant

Address

Building No. or Location or System No.

List Emergency Impairments:

§ 34.723. Enforcement

(a) The state fire marshal is authorized and directed to enforce the provisions of the Insurance Code Article 5.43-3 and this subchapter. The state fire marshal shall make, or cause to be made, inspections from time to time and as circumstances dictate to determine that licensed firms and persons engaged in the business act in conformity with the requirements of the law and this subchapter.

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

§ 34.724. Administrative Actions

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

§ 34.725. Severability

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

Effective May 10, 1984, 9 TexReg 2380; amended to be effective October 17, 1986, 11 TexReg 4161; amended to be effective April 14, 1989, 14 TexReg 1644; transferred effective September 1, 1991, as published in the Texas Register March 6, 1992, 17 TexReg 1745; amended to be effective December 14, 1994, 19 TexReg 9526; amended to be effective September 20, 1995, 20 TexReg 7077; amended to be effective August 26, 1996, 21 TexReg 7663; transferred effective September 1, 1997, 22 TexReg 11091; amended to be effective June 3, 2004, 29 TexReg 5404; amended to be effective April 1, 2006, 31 TexReg 1716.

Sections amended April 1, 2006 are marked with a vertical line in the margin.

Texas State Fire Marshal's Office

P. O. Box 149221, MC: 112-FM

Austin, Texas 78714-9221

Contractor's Material and Test Certificate for Aboveground Piping

PROCEDURE

Upon completion of work, inspection and tests shall be made by the contractor's representative and witnessed by an owner's representative. All defects shall be corrected and system left in service before contractor's personnel finally leave the job.

A certificate shall be filled out and signed by both representatives. Copies shall be prepared for approving authorities, owners, contractor, and the State Fire Marshal. It is understood the owner's representative's signature in no way prejudices any claim against contractor for faulty material, poor workmanship, or failure to comply with approving authorities requirements or local ordinances.

Property Name						Date		
Property Address					City	State	Zip	
PLANS	Accepted by approving authorities(names)							
	Address							
	Installation conforms to accepted plans				<input type="checkbox"/> Yes	<input type="checkbox"/> No		
Equipment used is approved?				<input type="checkbox"/> Yes	<input type="checkbox"/> No			
If no, explain deviations								
INSTRUCTIONS	Has person in charge of fire equipment been instructed as to location of control valves and care and maintenance of this new equipment?							
	If no, explain				<input type="checkbox"/> Yes	<input type="checkbox"/> No		
	Have copies of the following been left on the premises?							
1. System Components Instructions				<input type="checkbox"/> Yes	<input type="checkbox"/> No			
2. Care and Maintenance Instructions				<input type="checkbox"/> Yes	<input type="checkbox"/> No			
3. NFPA 25				<input type="checkbox"/> Yes	<input type="checkbox"/> No			
LOCATION OF SYSTEM	Supplies buildings							
SPRINKLERS	Make	Model	Year of Manufacture	Orifice Size	Quantity	Temperature Rating		
PIPE AND FITTINGS	Type of pipe							
	Type of fittings							
ALARM VALVE OR FLOW INDICATOR	ALARM DEVICES				Maximum time to operate through test connection			
	Type	Make	Model	Minutes	Seconds			
DRY PIPE OPERATING TEST	DRY VALVE			Q.O.D.				
	Make	Model	Serial No.	Make	Model	Serial No.		
		Time to trip through test connection ^{1,2}	Water Pressure	Air Pressure	Trip Point Air Pressure	Time water reached test outlet ^{1,2}	Alarm operated properly	
		Minutes	Seconds	psi	psi	psi	Minutes	Seconds
	Without Q.O.D.						Yes	No
	With Q.O.D.							
If no, explain								
DELUGE & PREACTION VALVES	Operation <input type="checkbox"/> Pneumatic <input type="checkbox"/> Electric <input type="checkbox"/> Hydraulic							
	Piping supervised <input type="checkbox"/> Yes <input type="checkbox"/> No			Detection media supervised <input type="checkbox"/> Yes <input type="checkbox"/> No				
	Does valve operate from the manual trip, remote, or both control stations?					<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	Is there an accessible facility in each circuit for testing? <input type="checkbox"/> Yes <input type="checkbox"/> No				If no, explain			
	Make	Model	Does each circuit operate supervision loss alarm?		Does each circuit operate valve release?		Maximum time to operate release?	
			Yes	No	Yes	No	Minutes	Seconds

¹ Measured from time inspector's test connection is opened.

² NFPA 13 only requires the 60-second limitation in specific sections

PRESSURE REDUCING VALVE TEST	Location & Floor	Make & Model	Setting	STATIC PRESSURE		RESIDUAL PRESSURE (flowing)		FLOW RATE
				Inlet (psi)	Outlet (psi)	Inlet (psi)	Outlet (psi)	Flow (GPM)
TEST DESCRIPTION	<p>HYDROSTATIC: Hydrostatic tests shall be made at not less than 200 psi (13.6 bars) for two hours or 50 psi (3.4 bars) above static pressure in excess of 150 psi (10.2 bars) for two hours. Differential Dry-Pipe Valve clappers shall be left open during test to prevent damage. All aboveground piping leakage shall be stopped.</p> <p>PNEUMATIC: Establish 40 psi (2.7 bars) air pressure and measure drop, which shall not exceed 1-1/2 psi (0.1 bars) in 24 hours. Test pressure tanks at normal water level and air pressure and measure air pressure drop, which shall not exceed 1-1/2 psi (0.1 bars) in 24 hours.</p>							
TESTS	All pipe hydraulically tested at: _____ psi (_____ bar) for _____ hrs			If no, state reason				
	Dry Pipe pneumatically tested <input type="checkbox"/> Yes <input type="checkbox"/> No							
	Equipment operates properly <input type="checkbox"/> Yes <input type="checkbox"/> No							
	Do you certify as the sprinkler contractor that additives and corrosive chemicals, sodium silicate or derivatives of sodium silicate, brine, or other corrosive chemicals were not used for testing systems or stopping leaks? <input type="checkbox"/> Yes <input type="checkbox"/> No							
	DRAIN TEST	Reading of gage located near water supply test connection: _____ psi (_____ bar)			Residual pressure with valve in test connection open wide. _____ psi (_____ bar)			
BLANK TESTING GASKETS	Number used		Locations				Number removed	
	Welded piping <input type="checkbox"/> Yes <input type="checkbox"/> No							
	If yes...							
	Do you certify as the sprinkler contractor that welding procedures comply with the requirements of at least AWS B2.1? <input type="checkbox"/> Yes <input type="checkbox"/> No							
Do you certify that the welding was performed by welders qualified in compliance with the requirements of at least AWS B2.1? <input type="checkbox"/> Yes <input type="checkbox"/> No								
Do you certify that the welding was carried out in compliance with a documented quality control procedure to ensure that all discs are retrieved, that openings in piping are smooth, that slag and other welding residue are removed, and that the internal diameters of piping are not penetrated? <input type="checkbox"/> Yes <input type="checkbox"/> No								
CUTOUTS (DISCS)	Do you certify that you have a control feature to ensure that all cutouts (disks) are retrieved? <input type="checkbox"/> Yes <input type="checkbox"/> No							
HYDRAULIC DATA NAMEPLATE	Nameplate provided? <input type="checkbox"/> Yes <input type="checkbox"/> No			If no, explain				
REMARKS	DATE left in service with all control valves open: _____							
Signature	Name of sprinkler contractor					C of R No. SCR-		
	Contractor's Address				City	State	Zip	
	Tests witnessed by							
	For property owner (signed)				Title	Date		
	For sprinkler contractor (signed)				Title	Date		
Additional explanation and notes								
RME CERTIFICATION	I certify that the information herein is true and that this sprinkler system was installed in accordance with Article 5.43-3, Texas Insurance Code and the rules and standards adopted by the State Fire Marshal's Office.							
	Responsible Managing Employee (signature)							
	Responsible Managing Employee (print or type name)							
RME License Number					Date			

DISTRIBUTION: Original COPY 1 posted at site. COPY 3 for approving authority.
 COPY 2 for the installing firm. COPY 4 for the Texas State Fire Marshal's Office.

Texas State Fire Marshal's Office

P. O. Box 149221, MC: 112-FM Austin, Texas 78714-9221

Contractor's Material and Test Certificate for **U**nderground Piping

PROCEDURE

Upon completion of work, inspection and tests shall be made by the contractor's representative and witnessed by an owner's representative. All defects shall be corrected and system left in service before contractor's personnel finally leave the job.

A certificate shall be filled out and signed by both representatives. Copies shall be prepared for approving authorities, owners, contractor, and the State Fire Marshal. It is understood the owner's representative's signature in no way prejudices any claim against contractor for faulty material, poor workmanship, or failure to comply with approving authority's requirements or local ordinances.

Property Name	Date
---------------	------

Property Address	City	State	Zip
------------------	------	-------	-----

PLANS	Accepted by approving authorities (names)		
	Address		
	Installation conforms to accepted plans	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Equipment used is approved	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	If no, state deviations		

INSTRUCTIONS	Has person in charge of fire equipment been instructed as to location of control valves and care and maintenance of this new equipment? If no, explain			<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Have copies of appropriate instructions and care and maintenance charts been left on premises? If no, explain			<input type="checkbox"/> Yes	<input type="checkbox"/> No

LOCATION	Supplies buildings
-----------------	--------------------

UNDERGROUND PIPES AND JOINTS	Pipe types and class		Type joints	
	Pipe conforms to _____ Standard	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	Fittings conform to _____ Standard	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	If no, explain			
	Joints needed anchorage clamped, strapped or blocked in accordance with _____ standard		<input type="checkbox"/> Yes	<input type="checkbox"/> No
	If no, explain			

TEST DESCRIPTION	FLUSHING: Flow the required rate until water is clear as indicated by no collection of foreign material in burlap bags at outlets such as hydrants and blow-offs. Flush at flows not less than 390 GPM (1476 L/min) for 4-inch pipe, 880 GPM (3331 L/min) for 6-inch pipe, 1560 GPM (5905 L/min) for 8-inch pipe, 2440 GPM (9235 L/min) for 10-inch pipe, and 3520 GPM (13323 L/min) for 12-inch pipe. When supply cannot produce stipulated flow rates, obtain maximum available.				
	HYDROSTATIC: Hydrostatic tests shall be made at not less than 200 psi (13.8 bars) for two hours or 50 psi (3.4 bars) above static pressure in excess of 150 psi (10.3 bars) for two hours.				
	LEAKAGE: New pipe laid with rubber gasketed joints shall, if the workmanship is satisfactory, have little or no leakage at the joints. The amount of leakage at the joints shall not exceed 2 quarts per hour (1.89 L/hr) per 100 joints irrespective of pipe diameter. The leakage shall be distributed over all joints. If such leakage occurs at a few joints, the installation shall be considered unsatisfactory and necessary repairs made. The amount of allowable leakage specified above can be increased by 1 fl oz per inch valve diameter per hour (30 mL/25 mm/hr) for each metal seated valve isolating the test section. If dry barrel hydrants are tested with the main valve open so the hydrants are under pressure, an additional 5 oz per minute (150 mL/min) leakage is permitted for hydrant.				

FLUSHING TESTS	New underground piping flushed according to _____ standard by (company)		<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	If no, explain				
	How flushing flow was obtained		Through what type of opening		
	<input type="checkbox"/> Public water	<input type="checkbox"/> Tank or reservoir	<input type="checkbox"/> Fire pump	<input type="checkbox"/> Hydrant butt	<input type="checkbox"/> Open pipe
	Lead-ins flushed according to _____ standard by (company)		<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	If no, explain				
	How flushing flow was obtained		Through what type of opening		
	<input type="checkbox"/> Public water	<input type="checkbox"/> Tank or reservoir	<input type="checkbox"/> Fire pump	<input type="checkbox"/> Y connection to flange spigot	<input type="checkbox"/> Open pipe

HYDROSTATIC TEST	All new underground piping hydrostatically tested at _____ psi for _____ hours		Joints covered <input type="checkbox"/> Yes <input type="checkbox"/> No		
LEAKAGE TEST	Total amount of leakage measured _____ gallons _____ hours				
	Allowable leakage _____ gallons _____ hours				
HYDRANTS	Number installed _____	Type and make _____	All operate satisfactorily <input type="checkbox"/> Yes <input type="checkbox"/> No		
CONTROL VALVES	Water control valves left wide open If no, state reason _____		<input type="checkbox"/> Yes <input type="checkbox"/> No		
	Hose threads of fire department connections and hydrants interchangeable with those of the fire department answering alarm		<input type="checkbox"/> Yes <input type="checkbox"/> No		
REMARKS	Date left in service _____ _____ _____				
Signature	Name of installing contractor _____		C of R No. SCR-		
	Contractor's Address _____		City _____	State _____	Zip _____
	Tests witnessed by _____				
	For property owner (signed) _____		Title _____	Date _____	
	For installing contractor (signed) _____		Title _____	Date _____	
Additional explanation and notes _____ _____					

RME CERTIFICATION	I certify that the information herein is true and that this portion of the sprinkler system was installed in accordance with Article 5.43-3, Texas Insurance Code and the rules and standards adopted by the State Fire Marshal's Office.	
	Responsible Managing Employee (signature) _____	
	Responsible Managing Employee (print or type name) _____	
	RME License Number _____	Date _____

DISTRIBUTION: Original COPY 1 posted at site. COPY 2 for the installing firm. COPY 3 for approving authority. COPY 4 for the Texas State Fire Marshal's Office.