



# Fire Marshal's Alert!

May 10, 2002

## State Fire Marshal Announces Fire Extinguisher Rule Changes

Senate Bill 327 (SB 327), adopted by the 77<sup>th</sup> Texas Legislature, amends Article 5.43-1 of the Texas Insurance Code regulating the leasing, renting, selling, installing and servicing of portable fire extinguishers. Art. 5.43-1 requires that portable fire extinguishers bear a label and be listed by a testing laboratory approved by the Texas Department of Insurance.

After a portable fire extinguisher has been exposed to harsh environmental elements in industrial and outdoor settings over time, its label of approval is often missing or defaced. Formerly, a fire extinguisher missing its original label of approval could not be legally serviced. Consequently, fire extinguishers missing labels were often discarded. SB 327 allows **certain** portable fire extinguishers to be serviced regardless of whether the fire extinguisher carries the label of approval or listing by a testing laboratory approved by the Texas Department of Insurance.

SB 327 directed the Texas Department of Insurance to write rules outlining conditions, in which certain fire extinguishers that had lost their label of approval, could be serviced. Accordingly, the Fire Extinguisher Rules were amended and became effective on March 7, 2002.

Article 5.43-1 still requires that all fire extinguishers sold in Texas carry a label of approval. Nothing in the rule requires owners of these types of portable extinguishers to service rather than replace unlabeled extinguishers. The new rules read as follows:

### **§ 34.517. Installation and Service**

*(3) When requested in writing by the owner, a portable fire extinguisher of the type described in subparagraphs (A), (B) and (C) of this paragraph may be serviced in accordance with the requirements of this subchapter, regardless of whether it carries the label of approval or listing of a testing laboratory approved in accordance with this subchapter.*

*(A) All portable fire extinguishers that are serviced in accordance with the requirements of the United States Coast Guard and installed for use in foreign shipping vessels;*

*(B) All portable carbon dioxide fire extinguishers that are serviced in accordance with the requirements of the United States Department of Transportation; or*

*(C) Cartridge actuated portable fire extinguishers used exclusively by employees of the firm owning the extinguishers.*

*(4) A licensee who services portable fire extinguishers in accordance with paragraph (3) of this subsection, shall comply with the following:*

*(A) The back of the service tag shall be plainly marked with the words "No Listing Mark".*

*(B) All missing markings, code symbols, instructions and information, required by the applicable performance standard and fire test standard specified in § 34.507(1) of this subchapter (relating to adopted standards and recommendations), except for the approving or listing mark of the testing laboratory, shall be affixed to each extinguisher in the form of a label designated in the standard.*

All rules are posted at the Texas Department of Insurance Web site, <http://www.tdi.state.tx.us>. To read the current fire extinguisher rules, go to the Fire Extinguisher Licensing home page, <http://www.tdi.state.tx.us/fire/fmliexting.html>, and click on "Rules."

Please distribute this bulletin to your licensed employees. If you have questions, contact Mark Redlitz, P.E., Director of Licensing, State Fire Marshal's Office, 512-305-7927.

**Fire.Marshal@tdi.state.tx.us (e-mail) <http://www.tdi.state.tx.us/fire/index.html> (Web site)**

**State Fire Marshal's Office, Texas Department of Insurance 1-051002**