



Texas Department of Insurance

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NEW RESPONSIBLE MANAGING EMPLOYEE INSPECTOR LICENSE (RME-I)

The fire sprinkler rules, 28TAC §34.716 (c), requires "Service, maintenance, or testing, when conducted by someone other than an owner, must be conducted by a registered sprinkler firm in compliance with the appropriate adopted standards. After January 1, 2009, the inspection, test and maintenance service (ITM) 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."

The Fire Sprinkler Rules 28TAC §34.706 (10), (and NFPA 25) defines "Inspection, testing, and maintenance service" (ITM) - 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.

Note: ITM is a composite of inspection and testing and maintenance after which the licensee may attach a blue ITM tag according to 28TAC §34.720 in the fire sprinkler rules. A stand alone inspection or a stand alone test or a stand alone maintenance is not ITM, and is therefore not required to be performed by a licensee. Those independent actions are "services" requiring the attachment of a service tag according to the fire sprinkler rules 28TAC §34.719. The service person would list, on the back of the tag, the individual service(s) performed.

With the implementation of this new fire sprinkler rule some questions have arisen. The following are common questions concerning the new RME-I license.

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1. QUESTION:

Can an RME-I sign the new ITM blue tag or must this be done by an RME-G (general)? Is it the intent that only an RME-I can sign the ITM tag after performing an NFPA 25 inspection?

RESPONSE:

An RME-G can perform any of the functions of the RME-I. Therefore, in this document, when an RME-I is referenced it means "RME-I or an RME-G." In all cases the RME must perform the ITM and personally attach the blue ITM tag. The blue ITM tag can NOT be signed by an RME and given to a non-licensed person to attach. The intent is that the RME would personally attach the ITM tag, after signing it, since they would be on-site after performing the required service. This is not like other sprinkler tags (service, yellow red, etc.) that only require the printed name and license number of the firm's RME-G

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2. QUESTION:

Can only those holding an RME-I license perform the ITM for a sprinkler system?

RESPONSE:

No. An RME-G (general) can function as an RME-I. In addition those exempted from the licensing requirements in the Texas Insurance Code 5.43-3 Sec. 2.(b) can perform any work (i.e. test or inspection) on the fire sprinkler system (i.e. Texas Professional Engineer acting in their professional capacity, owner or employee of property owner working on own system, etc.). However only an RME-G or RME-I can sign, use or attach the State of Texas, blue, ITM tag.

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3. QUESTION:

A licensed RME-I goes to a property, that has two separate sprinklered buildings, with another unlicensed employee (i.e. fitter, or someone learning to be an RME-I), to perform an Inspection Test and Maintenance (ITM). Can the RME-I do the ITM for one building and the unlicensed individual do the ITM for the other building and then the RME-I signs both blue ITM tags?

RESPONSE:

No. The RME-I can be accompanied and assisted by an unlicensed individual(s) to perform flow tests, maintenance, etc. However the actual inspection and tests for the ITM must be performed by/with the RME-I. The intent of the rule is that any inspection or test performed pursuant to the ITM by an unlicensed "person in training", must be done under the direct on-site supervision/observation of the RME-I.

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4. QUESTION:

If during the course of the ITM, maintenance is required, must the RME-I do the maintenance or must it be done under the direct supervision of the RME-I?

RESPONSE:

No. The definition of ITM (above) states that the "necessary maintenance is provided and/or recommended." Therefore an unlicensed fitter, employed by a registered fire sprinkler firm, can do any maintenance alone the next day or alone the same day during the ITM. (See also the next question)

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5. QUESTION:

Can an unlicensed employee (i.e. fitter) of a registered sprinkler firm, do the 200 psi for 2 hour hydrostatic "test", either initially for the system or after adding sprinklers, without the presence of an RME-I? Can an unlicensed fitter perform maintenance (i.e. fix a leak) without the RME-I? After fixing the leak can a fitter visually "inspect" the system to ensure there are no more leaks or other items that need attention? After providing some service can an unlicensed fitter "test" the system by opening the inspector test valve to ensure the system is operational?

RESPONSE:

Yes. All the above cases are examples of "service" and can be performed by an employee of a registered sprinkler contractor without on-site supervision by a licensed RME. All service would require the attachment of a white service tag by the unlicensed service person. Hint: ITM is the whole package, usually performed on a scheduled basis each year, after which a blue tag is attached signifying everything is acceptable and has been inspected and tested according to NFPA 25 with any subsequent required maintenance noted. In the examples

above, the "inspection", "test", and "maintenance" was done independently and not as a whole. ITM, which requires an RME-I is defined as the "Inspection, Test AND Maintenance", not just "inspection", OR "test", OR "maintenance". Then when the ITM is scheduled, the RME-I may need to repeat the inspection and tests, required by NFPA 25, that were previously performed by the service person.

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6. QUESTION:

Does the RME-I only have to perform the inspection, test and maintenance items specified in NFPA 25?

RESPONSE:

No. In addition to the requirements of NFPA 25, the fire sprinkler rules state in part, "If a fire protection sprinkler system is found to be noncompliant with the applicable NFPA standards ... but the noncompliance ... does not constitute an emergency condition, a completed yellow tag must be attached to the respective riser of each system ... to indicate that corrective action is necessary." During the course of an ITM the RME-I must make a reasonable effort, during the visual inspection, to identify and note items that do not comply with the applicable codes.

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7. QUESTION:

If an RME-I attaches a yellow tag to a sprinkler system after performing the ITM, is an RME-I required to review the corrections before the yellow tag could be removed or could the service technician performing the repairs remove the tag?

RESPONSE:

An authorized employee of a registered firm (i.e. a service technician) can remove the yellow tag. The fire sprinkler rules permit an authorized service person to attach a yellow tag if, at anytime, the system is found non-compliant with the applicable NFPA standards. Likewise, the service person (non-licensee), can remove a yellow tag after corrections are performed. A service person, performing any correction or service, must attach a white service tag and indicate, on the tag, the work performed . Only an RME-I can attach a blue ITM tag but any authorized employee of a registered sprinkler firm can attach or remove any other tag. The blue ITM tag with the listed deficiencies should remain unless the owner chooses to have the RME-I remove/replace it. Reading the ITM tag, that lists the deficiencies, in conjunction with the service tag(s), that indicates all the deficiencies were corrected, would represent that the system is currently in compliance.

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8. QUESTION:

Company A's RME-I performs an ITM and fails to identify deficiencies and does not attach a red or yellow tag. The next year Company B's RME-I identifies deficiencies that were present the previous year and attaches a yellow tag. Would there be some type of penalty to Company A, or its RME-I, for not performing the inspection correctly? Also what recourse would the property owner have against Company A?

RESPONSE:

The RME performing a deficient ITM can be held responsible and their employer is responsible for the actions of their employees. The SFMO may take administrative action against either or both based on the circumstances. The RME-I must exercise reasonable "due diligence" performing the ITM. The property owner may pursue any remedial action of their choice.

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9. QUESTION:

A water based fixed fire extinguisher system is connected to the fire sprinkler system to protect a kitchen hood system. Can an RME-I, working for a registered sprinkler firm, perform the ITM on this system or must the firm also hold an extinguisher Certificate of Registration?

RESPONSE:

An RME-I, employed by a fire sprinkler firm, can perform the ITM on this system without any other company or individual license or registration. In fact, since the piping is a part of the fire sprinkler system, they would be obligated to do the ITM, unless there was a recent service tag attached by another registered firm. "However the ITM would cover how it affects the sprinkler system. The RME-I would not be able to "certify" that the kitchen hood system meets NFPA 96, by attaching a tag to the kitchen system itself, unless it is just has sprinklers according to NFPA 13. Certifying compliance with NFPA 96 would have to be done by a licensed employee of an SFMO registered extinguisher firm."

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10. QUESTION:

Is there any pending consideration to extend the January 1, 2009 date that requires all ITM's to be performed by a licensed RME?

RESPONSE:

No.

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11. QUESTION:

Who is going to do the required ITM's since there are not enough licensed RME's to do the work?

RESPONSE:

There are currently approximately 227 individuals holding an RME-I license and approximately 380 holding an RME-G license. I'm sure the market will be driven and eventually balanced by the supply and demand principle.

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12. QUESTION:

Will property owners be fined because they are on a waiting list with a registered sprinkler firm to perform the fire sprinkler system ITM?

RESPONSE:

The property owner can always call another contractor. However the municipality requires the ITM and the local authority having jurisdiction should determine the appropriate action.

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13. QUESTION:

Can an RME-I work for multiple registered sprinkler firms?

RESPONSE:

Yes. The Texas Insurance Code and the Fire Sprinkler Rules state in part:

Sec. 1. Definitions

"In this article:

(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."

§ 34.711. Responsible Managing Employee (RME) License

"(e) Revised licenses. The change of licensee's employer, ...requires a revised license. ... The license holder must submit written notification of the necessary change ... accompanied by the required fee."

An RME "is designated" by their employer. Therefore the name of the registered firm is printed on each RME license. When working for multiple firms, the RME must have multiple licenses one with the name of each registered firm. After the initial license fee, the RME may request a license with the name of the additional firm(s) by requesting a revised/duplicate license through the SFMO accompanied by the \$35 revision fee. An RME-I can NOT work for another firm until they receive the revised/duplicate license.

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14. QUESTION:

Who will enforce these laws and what will be the penalties?

RESPONSE:

The Fire Sprinkler Rules state in part:

§ 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 Texas Insurance Code states in part:

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."

The Texas Government Code states in part:

Sec. 417.010. Alternate Remedies.

"The state fire marshal, in the enforcement of a law that is enforced by or through the state fire marshal, may in lieu of canceling, revoking, or suspending a license or certificate of registration impose on the holder of the license or certificate of registration an order directing the holder to do one or more of the following:

- (1) cease and desist from a specified activity;
- (2) remit to the commissioner within a specified time a monetary forfeiture not to exceed \$10,000 for each violation of an applicable law or rule; and
- (3) make restitution to a person harmed by the holder's violation of an applicable law or rule."

In addition, the tags used by the fire sprinkler industry, outlined in the fire sprinkler rules are "government documents." Falsifying a government document may be punishable under the Texas Penal Code.

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15. QUESTION:

Can a local AHJ mandate that an RME be present at times other than an ITM? For example, can the local AHJ require an RME to accompany them during a final sprinkler system walk-through?

RESPONSE:

The individual building permit, inspection, and certificate of occupancy process, falls under the adopted code and authority of the local AHJ. As a result they have a wide latitude in determining the requirements, in their municipality, prior to issuing a building certificate of occupancy. This may include on-site consultation with specified individuals employed by the registered sprinkler firm (i.e. president, owner, manger, technical expert, planner, licensee, etc) to ensure the system was installed in compliance with their adopted codes and standards.

If you have any further questions you may contact:

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