

BILL ANALYSIS

Senate Research Center
78R2439 MXM-D

H.B. 472
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Intergovernmental Relations
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Engrossed

DIGEST AND PURPOSE

The state fire marshal's office currently administers eleven different types of required licensing examinations, all administered in Austin. H.B. 472 authorizes the state fire marshal's Office to administer examinations by agreement with a testing service for certain licensing programs.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the state fire marshal in SECTION 2 (Section 7, Article 5.43-1, Insurance Code), SECTION 4 (Section 5D, Article 5.43-2, Insurance Code), SECTION 6 (Section 5B, Article 5.43-3, Insurance Code), and SECTION 7 (Section 2154.1025, Occupations Code).

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 4 (c-1), Article 5.43-1, Insurance Code, to require the initial fee for the license required by Subsection (c) of this section to be in an amount not to exceed \$70, rather than \$50. Requires a nonrefundable fee, unless the examination is administered by a testing service, to be in an amount not to exceed \$30. Adds a new condition for a reexamination fee.

SECTION 2. Amends Section 7, Article 5.43-1, Insurance Code, by adding Subsections (e), (f), (g-1), and (j), as follows:

(e) Requires the state fire marshal to examine each applicant for a license issued under this article and to establish the scope and any type of an examination required by this article. Authorizes the state fire marshal to administer the examination or to enter into an agreement with a testing service.

(f) Authorizes the state fire marshal to contract with the testing service regarding requirements for the examination, including examination development, scheduling, site arrangements, grading, reporting, analysis, or other administrative duties. Authorizes the state fire marshal to require the testing service to perform certain tasks.

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

(j) Authorizes the state fire marshal to adopt rules as necessary to implement examination requirements under this article.

SECTION 3. Amends Section 5(c), Article 5.43-2, Insurance Code, to increase the initial fee for the license from \$100 to \$120. Makes conforming changes.

SECTION 4. Amends Section 5D, Article 5.43-2, Insurance Code, by amending Subsection (a) and adding Subsections (a-1), (f), (g), and (h), as follows:

(a) Requires examinations to be conducted by the state fire marshal or a testing service selected by the state fire marshal.

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

(f) Requires the state fire marshal to establish the scope and type of an examination required by this article. Authorizes the state fire marshal to administer the examination and to enter into an agreement with a testing service.

(g) Authorizes the state fire marshal to contract with the testing service regarding requirements for the examination, including examination development, scheduling, site arrangements, grading, reporting, analysis, or other administrative duties. Authorizes the state fire marshal to require the testing service to perform certain tasks.

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

SECTION 5. Amends Section 4(c), Article 5.43-3, Insurance Code, to make a conforming change.

SECTION 6. Amends Section 5B, Article 5.43-3, Insurance Code, as follows:

Sec. 5B. EXAMINATION. (a) Requires the state fire marshal to establish the scope and type of an examination required by this article. Authorizes the state fire marshal to administer the examination or to enter into an agreement with a testing service.

(b) Authorizes the state fire marshal to contract with the testing service regarding requirements for the examination, including examination development, scheduling, site arrangements, grading, reporting, analysis, or other administrative duties. Authorizes the state fire marshal to require the testing service to perform certain tasks.

(c) Replaces the State Board of Insurance with state fire marshal in text regarding examination results.

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

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

SECTION 7. Amends Subchapter C, Chapter 2154, Occupations Code, by adding Sections 2154.1025 and 2154.1026, as follows:

Sec. 2154.1025. STATE FIRE MARSHAL'S AUTHORITY REGARDING EXAMINATIONS; RULES. (a) Requires the state fire marshal to establish the scope and type of an examination required under this chapter.

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

(c) Requires the state fire marshal to adopt rules as necessary to implement examination requirements under this chapter.

Sec. 2154.1026. USE OF TESTING SERVICE FOR EXAMINATION. (a) Authorizes the state fire marshal, if a testing service is used, to contract with the testing service regarding requirements for the examination required by this chapter, including examination development, scheduling, site arrangements, grading, reporting, analysis, or other administrative duties.

(b) Authorizes the state fire marshal to require the testing service to perform

certain tasks.

SECTION 8. Amends Section 2154.103, Occupations Code, by adding Subsection (e) to authorize the state fire marshal to require a testing service to notify a person of the results of the person's examination.

SECTION 9. Amends Section 2154.154(d), Occupations Code, to increase the nonrefundable initial examination fee from \$30 to \$50. Adds a new condition relating to the reexamination administered by a testing service.

SECTION 10. Amends Section 2154.155(d), Occupations Code, to make conforming changes.

SECTION 11. Makes application of this Act prospective.

SECTION 12. Effective date: upon passage or September 1, 2003.