

BILL ANALYSIS

Senate Research Center
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H.B. 3866
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Many state agencies and local governments, as part of their oversight process, require licensed facilities or regulated entities to undergo periodic fire safety inspections. However, most directives do not specify who can perform these inspections and to what standard they are to be inspected. As a result, many facility operators contract with inspectors who have no specific training or expertise in the fire safety inspection process, and often there is no written standard to guide the property owner or the inspector. Consequently, the agency, the business owner, and the building occupants do not get what was intended or paid for, and the results can be devastating.

H.B. 3866 requires a state-mandated fire inspection to be performed by a certified fire inspector and requires that the inspection meet either the most recent local fire code or the most recent state fire code, which is the National Fire Protection Agency's Life Safety Code, NFPA 101. The bill exempts state agency personnel who conduct a life safety code survey of a building or facility in connection with issuing or renewing certain licenses from the bill's provisions.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter Z, Chapter 419, Government Code, by adding Section 419.908, as follows:

Sec. 419.908. FIRE SAFETY INSPECTIONS. (a) Authorizes only an individual certified by the Texas Commission on Fire Protection as a fire inspector to conduct a fire safety inspection required by a state or local law, rule, regulation, or ordinance.

(b) Requires that a fire safety inspection required by a state or local law, rule, regulation, or ordinance be conducted in accordance with the most recent local fire code or the most recent fire code adopted by the state fire marshal.

(c) Provides that this section does not apply to state agency personnel who conduct a life safety code survey of a building or facility in connection with determining whether to issue or renew a license under Chapter 142 (Home and Community Support Services), 242 (Convalescent and Nursing Homes and Related Institutions), 247 (Assisted Living Facilities), or 252 (Intermediate Care Facilities for the Mentally Retarded), Health and Safety Code, or Chapter 103 (Adult Day Care), Human Resources Code.

SECTION 2. (a) Makes application of Section 419.908(a), Government Code, as added by this Act prospective to September 1, 2011.

(b) Makes application of Section 419.908(b), Government Code, as added by this Act prospective.

SECTION 3. Effective date: September 1, 2009.