

## **BILL ANALYSIS**

Senate Research Center

C.S.H.B. 3866  
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Business & Commerce  
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Committee Report (Substituted)

### **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.

C.S.H.B. 3866 amends current law relating to fire safety inspections.

### **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), 241 (Hospitals), 242 (Convalescent and Nursing Homes and Related Institutions), 243 (Ambulatory Surgical Centers), 244 (Birthing Centers), 245 (Abortion Facilities), 247 (Assisted Living Facilities), 248 (Special Care Facilities), 251 (End Stage Renal Disease Facilities), 252 (Intermediate Care Facilities for the Mentally Retarded), 464 (Facilities Treating Alcoholics and Drug-Dependent Persons), 466 (Regulation of Narcotic Drug Treatment Programs), or 577 (Private Mental Hospitals and Other Mental Health Facilities), 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.