

1-1 By: Galindo, et al. (Senate Sponsor - Menéndez) H.B. No. 3089
 1-2 (In the Senate - Received from the House May 11, 2015;
 1-3 May 15, 2015, read first time and referred to Committee on Business
 1-4 and Commerce; May 22, 2015, reported favorably by the following
 1-5 vote: Yeas 6, Nays 0; May 22, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16			X	

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to fire protection sprinkler systems in certain
 1-20 residential high-rise buildings in certain counties; creating a
 1-21 criminal offense.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Chapter 766, Health and Safety Code, is amended
 1-24 by designating Sections 766.001, 766.002, 766.0021, 766.0025, and
 1-25 766.003 as Subchapter A and adding a subchapter heading to read as
 1-26 follows:

1-27 SUBCHAPTER A. SMOKE DETECTORS AND FIRE SAFETY INFORMATION

1-28 SECTION 2. Chapter 766, Health and Safety Code, is amended
 1-29 by adding Subchapter B to read as follows:

1-30 SUBCHAPTER B. FIRE PROTECTION SPRINKLER SYSTEMS IN CERTAIN

1-31 RESIDENTIAL HIGH-RISE BUILDINGS IN CERTAIN COUNTIES

1-32 Sec. 766.051. DEFINITIONS. In this subchapter:

1-33 (1) "Fire protection sprinkler system" means an
 1-34 assembly of underground or overhead piping or conduits that conveys
 1-35 water with or without other agents to dispersal openings or devices
 1-36 to:

1-37 (A) extinguish, control, or contain fire; and

1-38 (B) provide protection from exposure to fire or
 1-39 the products of combustion.

1-40 (2) "Residential high-rise building" means a building
 1-41 used primarily for a residential purpose and that extends 75 feet or
 1-42 more from the ground.

1-43 Sec. 766.052. APPLICABILITY OF SUBCHAPTER. This subchapter
 1-44 applies only to a residential high-rise building:

1-45 (1) that is located in a county with a population of
 1-46 more than 1.5 million in which more than 75 percent of the
 1-47 population resides in a single municipality;

1-48 (2) in which at least 50 percent of the residents are
 1-49 elderly individuals, individuals with a disability, or individuals
 1-50 with a mobility impairment; and

1-51 (3) that is not designated as a historically or
 1-52 archaeologically significant site by the Texas Historical
 1-53 Commission or the governing body of the county or municipality in
 1-54 which the building is located.

1-55 Sec. 766.053. FIRE PROTECTION SPRINKLER SYSTEMS REQUIRED;
 1-56 STANDARD. (a) A residential high-rise building must be equipped
 1-57 with a complete fire protection sprinkler system that is in good
 1-58 working order and is in compliance with this section.

1-59 (b) The governing body of a municipality in which a
 1-60 residential high-rise building subject to this subchapter is
 1-61 located or, if the building is not located in a municipality, the

2-1 commissioners court of the county in which the building is located
 2-2 shall adopt a standard for the installation of fire protection
 2-3 sprinkler systems in a residential high-rise building.

2-4 (c) The standard adopted must be in compliance with National
 2-5 Fire Protection Association 13: Standard for the Installation of
 2-6 Sprinkler Systems. Until the governing body of the municipality or
 2-7 commissioners court of the county, as applicable, adopts a standard
 2-8 as required by this section, the standard is the Standard for the
 2-9 Installation of Sprinkler Systems of the National Fire Protection
 2-10 Association, as that standard existed on September 1, 2015.

2-11 Sec. 766.054. PHASE-IN COMPLIANCE FOR OWNERS OF CERTAIN
 2-12 RESIDENTIAL HIGH-RISE BUILDINGS. (a) This section applies only to
 2-13 an owner of a residential high-rise building built before September
 2-14 1, 2015.

2-15 (b) Not later than September 1, 2018, an owner of a
 2-16 residential high-rise building shall provide notice of the owner's
 2-17 intent to comply with this subchapter to:

2-18 (1) if the building is located in a municipality, the
 2-19 appropriate code official of the municipality in which the building
 2-20 is located; or

2-21 (2) if the building is not located in a municipality,
 2-22 the county clerk of the county in which the building is located.

2-23 (c) Not later than September 1, 2021, the owner of a
 2-24 residential high-rise building shall install a water supply on all
 2-25 floors of the building in accordance with National Fire Protection
 2-26 Association 13: Standard for the Installation of Sprinkler Systems.

2-27 (d) Not later than September 1, 2024, the owner of a
 2-28 residential high-rise building shall install a fire protection
 2-29 sprinkler system in accordance with this subchapter on at least 50
 2-30 percent of the floors of the building.

2-31 (e) Not later than September 1, 2027, the owner of a
 2-32 residential high-rise building shall install a fire protection
 2-33 sprinkler system in accordance with this subchapter on all floors
 2-34 of the building.

2-35 (f) Notwithstanding Subsections (b), (c), (d), and (e), an
 2-36 owner of multiple residential high-rise buildings built before
 2-37 September 1, 2015, is considered to have met the requirements of
 2-38 this section if a fire protection sprinkler system is installed on
 2-39 all floors of:

2-40 (1) at least 33 percent of the owner's residential
 2-41 high-rise buildings not later than September 1, 2021;

2-42 (2) at least 66 percent of the owner's residential
 2-43 high-rise buildings not later than September 1, 2024; and

2-44 (3) all of the owner's residential high-rise buildings
 2-45 not later than September 1, 2027.

2-46 (g) If a residential high-rise building is a condominium as
 2-47 defined by Section 81.002 or 82.003, Property Code, the apartment
 2-48 or unit owners of the condominium may comply with this subchapter by
 2-49 acting jointly through the council of owners or unit owners'
 2-50 association, as applicable, of the condominium.

2-51 (h) For purposes of Sections 766.055 and 766.056, a
 2-52 residential high-rise building is in compliance with this
 2-53 subchapter if the owner of the building has met the requirements of
 2-54 this section.

2-55 (i) This section expires September 1, 2028.

2-56 Sec. 766.055. INJUNCTION. (a) The attorney general, the
 2-57 county attorney of a county in which a residential high-rise
 2-58 building is located, or the district attorney of a county in which
 2-59 the building is located may bring an action in the name of the state
 2-60 for an injunction to enforce this subchapter against the owner or
 2-61 person in charge of a residential high-rise building not in
 2-62 compliance with this subchapter.

2-63 (b) The action must be brought in the district court of the
 2-64 county in which the residential high-rise building is located.

2-65 (c) The attorney general, county attorney of the county in
 2-66 which the residential high-rise building is located, or district
 2-67 attorney of the county in which the building is located, as
 2-68 applicable, shall give the owner or person in charge of the building
 2-69 notice of the time and place of a hearing for an action brought

3-1 under this section not later than the 10th day before the date of
3-2 the hearing.

3-3 (d) A district judge may issue a mandatory injunction
3-4 against the owner or person in charge of a residential high-rise
3-5 building not in compliance with this subchapter to enforce this
3-6 subchapter. Violation of an injunction issued under this section
3-7 constitutes contempt of court and is punishable in the manner
3-8 provided for contempt.

3-9 Sec. 766.056. CRIMINAL PENALTY. (a) A person commits an
3-10 offense if the person is the owner of a residential high-rise
3-11 building that is not in compliance with this subchapter.

3-12 (b) A person commits an offense if the person serves as an
3-13 agent for an owner who is not a resident of this state in the care,
3-14 management, supervision, control, or rental of a residential
3-15 high-rise building not in compliance with this subchapter.

3-16 (c) An offense under this section is punishable by a fine of
3-17 not more than \$10,000.

3-18 SECTION 3. This Act takes effect September 1, 2015.

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