

CHAPTER 951

H.B. No. 1768

AN ACT

relating to identification requirements for certain fire hydrants and flush valves.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 341.0357, Health and Safety Code, is amended by adding Subsection (d) to read as follows:

(d) This section does not apply within the jurisdiction of a governmental entity described by Section 341.03571(b).

SECTION 2. Subchapter C, Chapter 341, Health and Safety Code, is amended by adding Section 341.03571 to read as follows:

Sec. 341.03571. IDENTIFICATION REQUIREMENT FOR CERTAIN FIRE HYDRANTS AND FLUSH VALVES IN CERTAIN MUNICIPALITIES. (a) In this section, "hydrant" means:

(1) a fire hydrant; or

(2) a metal flush valve that:

(A) has the appearance of a fire hydrant; and

(B) is located in a place that an entity responsible for providing fire suppression services in a fire emergency would expect a fire hydrant to typically be located.

(b) This section applies only to a county, or a municipality in a county, that:

(1) borders the United Mexican States or is adjacent to a county that borders the United Mexican States;

(2) has a population of at least 400,000 or has a

1 population of at least 20,000 and is adjacent to a county that has a
2 population of at least 400,000; and

3 (3) is within 200 miles of the Gulf of Mexico.

4 (c) Each public water system responsible for any hydrant
5 shall:

6 (1) paint all or the cap of the hydrant white if the
7 hydrant is available to be used only to fill a water tank on a fire
8 truck used for fire suppression services; and

9 (2) paint all or the cap of the hydrant black if the
10 hydrant is unavailable for use by the entity providing fire
11 suppression services in a fire emergency.

12 (d) For purposes of Subsection (c)(2), a hydrant is
13 unavailable for use in a fire emergency if it is unavailable for
14 pumping directly from the hydrant or is unavailable for use in
15 filling a water tank on a fire truck used for fire suppression
16 services.

17 (e) A public water system may place a black tarp over the
18 hydrant or use another means to conceal the hydrant instead of
19 painting all or the cap of the hydrant black as required under
20 Subsection (c)(2) if the hydrant is temporarily unavailable for use
21 in a fire emergency for a period not to exceed 45 days. Not later
22 than the 45th day after the date a hydrant is concealed as provided
23 by this subsection, the public water system responsible for the
24 hydrant shall:

25 (1) if the hydrant is available for the provision of
26 fire suppression services, remove the tarp or other means of
27 concealment; or

1 (2) if the hydrant continues to be unavailable for use
2 in a fire emergency, paint all or the cap of the hydrant black as
3 required by Subsection (c)(2).

4 (f) A public water system that paints all or the cap of a
5 hydrant black as required by Subsection (c)(2) may also ensure by
6 any reasonable means that the hydrant is identifiable in low-light
7 conditions, including by installing reflectors.

8 (g) This section does not apply:

9 (1) within the jurisdiction of a governmental entity
10 that maintains its own system for labeling or color coding its
11 hydrants; or

12 (2) to any public water system that has entered into a
13 contract with a municipality or volunteer fire department to
14 provide a water supply for fire suppression services if the
15 contract specifies a different system for labeling or color coding
16 hydrants.

17 (h) For purposes of Subsection (g), a system for labeling or
18 color coding hydrants may include the assignment of different
19 colors to identify hydrants that are available for direct pumping,
20 hydrants that are available for filling a water tank on a fire truck
21 used for fire suppression services, and hydrants that are
22 unavailable for use by an entity providing fire suppression
23 services in a fire emergency.

24 (i) The fact that all or the cap of a hydrant for which a
25 public water system is responsible under this section is not
26 painted black as described by Subsection (c)(2) or concealed in the
27 manner described by Subsection (e) does not constitute a guarantee

1 by the public water system that the hydrant will deliver a certain
2 amount of water flow at all times. Notwithstanding any provision of
3 Chapter 101, Civil Practice and Remedies Code, to the contrary, a
4 public water system is not liable for a hydrant's inability to
5 provide adequate water supply in a fire emergency.

6 SECTION 3. Not later than January 1, 2014, each public water
7 system responsible for hydrants under Section 341.03571, Health and
8 Safety Code, as added by this Act, shall ensure that its hydrants
9 comply with the requirements imposed by that section.

10 SECTION 4. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2013.

David Newkurt

President of the Senate

Joe Straus

Speaker of the House

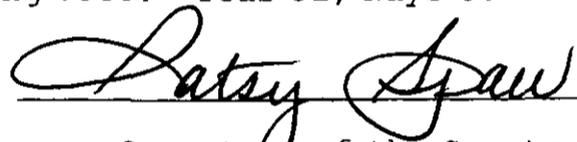
I certify that H.B. No. 1768 was passed by the House on April 25, 2013, by the following vote: Yeas 136, Nays 0, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 1768 on May 16, 2013, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1768 on May 25, 2013, by the following vote: Yeas 142, Nays 1, 2 present, not voting.

Robert Haney

Chief Clerk of the House

H.B. No. 1768

I certify that H.B. No. 1768 was passed by the Senate, with amendments, on May 13, 2013, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1768 on May 26, 2013, by the following vote: Yeas 31, Nays 0.


Secretary of the Senate

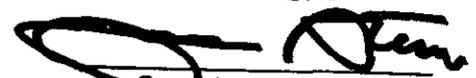
APPROVED: 14 JUNE '13

Date


Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10PM O'CLOCK

JUN 14 2013


Secretary of State