

# ADOPTED RULES

Adopted rules include new rules, amendments to existing rules, and repeals of existing rules. A rule adopted by a state agency takes effect 20 days after the date on which it is filed with the Secretary of State unless a later date is required by statute or specified in the rule (Government Code, §2001.036). If a rule is adopted without change to the text of the proposed rule, then the *Texas Register* does not republish the rule text here. If a rule is adopted with change to the text of the proposed rule, then the final rule text is included here. The final rule text will appear in the Texas Administrative Code on the effective date.

## TITLE 19. EDUCATION

### PART 2. TEXAS EDUCATION AGENCY

#### CHAPTER 61. SCHOOL DISTRICTS

##### SUBCHAPTER CC. COMMISSIONER'S RULES CONCERNING SCHOOL FACILITIES

###### 19 TAC §61.1034

The Texas Education Agency (TEA) adopts an amendment to §61.1034, concerning the new instructional facility allotment (NIFA). The amendment is adopted without changes to the proposed text as published in the January 3, 2025 issue of the *Texas Register* (50 TexReg 17) and will not be republished. The adopted amendment clarifies existing statutory provisions and administrative procedures to calculate the allotment.

**REASONED JUSTIFICATION:** Texas Education Code, §42.158, enacted by Senate Bill 4, 76th Texas Legislature, 1999, created the NIFA for public school districts. The NIFA is provided for operational expenses associated with the opening of a new instructional facility and is available to all public school districts and open-enrollment charter schools that meet the requirements of the statute and rule. The adopted amendment to §61.1034 clarifies the criteria a school district or charter district must meet to be eligible for the NIFA.

New subsection (b)(2)(E) was added to clarify the current TEA practice of requiring average daily attendance (ADA) for students attending a career and technical education campus to be reported when the ADA for those students is reported at their respective home campuses for purposes of calculating the NIFA.

New subsection (b)(4) clarifies that retaining an existing gymnasium on an instructional campus does not affect the eligibility of a new instructional facility for the NIFA.

**SUMMARY OF COMMENTS AND AGENCY RESPONSES:** The public comment period on the proposal began January 3, 2025, and ended February 3, 2025. No public comments were received.

**STATUTORY AUTHORITY.** The amendment is adopted under Texas Education Code (TEC), §48.004, which authorizes the commissioner of education to adopt rules as necessary to implement and administer the Foundation School Program; and TEC, §48.152, which entitles school districts to an allotment of \$1,000 for each student in average daily attendance in a manner prescribed by TEC, §48.152(d), for operational expenses associated with opening a new instructional facility as defined by TEC, §48.152(a), and requires the commissioner to reduce each district's allotment under this section in the manner provided by TEC, §48.266(f), if the total amount of allotments to which dis-

tricts are entitled under this section for a school year exceeds the amount appropriated under §48.152(f).

**CROSS REFERENCE TO STATUTE.** The amendment implements Texas Education Code, §48.004 and §48.152.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on March 24, 2025.

TRD-202500989

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Texas Education Agency

Effective date: April 13, 2025

Proposal publication date: January 3, 2025

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## TITLE 28. INSURANCE

### PART 1. TEXAS DEPARTMENT OF INSURANCE

#### CHAPTER 34. STATE FIRE MARSHAL

The commissioner of insurance adopts amendments to 28 TAC §§34.515, 34.614, 34.714, and 34.814, concerning the fees charged by the State Fire Marshal's Office (SFMO) to revise or change an address for fire extinguisher, fire alarm, fire sprinkler, and firework permits, licenses, and certificates of registration. The amendments set fees of \$0 for requests to update an address, provided the change of address is done within the prescribed 14 days, as provided by 28 TAC §§34.510 - 34.512, 34.610, 34.611, 34.710, 34.711, and 34.810. The commissioner of insurance also adopts amendments to 28 TAC §34.1302, concerning the administrative penalty schedule, to add a new penalty of \$250 for failure to revise or change an address within the required 14 days.

Sections 34.515, 34.614, 34.714, and 34.814 are adopted with changes to the proposed text published in the December 20, 2024, issue of the *Texas Register* (49 TexReg 10286). Section 34.1302 is adopted with changes to the figures in subsections (a) - (d) and (f). These rules will be republished.

**REASONED JUSTIFICATION.** The purpose of these amendments is to allow for licensees and certificate holders for the fire extinguisher, fire alarm, fire sprinkler, and firework programs to conveniently update their addresses by eliminating the fees currently required to make those updates. The amendments outline online address changes. Insurance Code §6001.055(c) and

§6002.054(c) provide that the commissioner set a fee not to exceed \$20, and Insurance Code §6003.055(c) provides that the commissioner set a fee not to exceed \$70 for any request for changes to or a duplicate of a registration, certificate, license, or permit.

Under the previous version of the rules, a request to change an address was treated the same way as other certificate and license change requests: it was subject to a \$20 fee (§§34.515, 34.614, and 34.814) or \$35 fee (§34.714). The amendments to §§34.515, 34.614, 34.714, and 34.814 establish a \$0 fee for licensees and certificate holders requesting a change of address for fire extinguisher, fire alarm, fire sprinkler, and firework licenses and certificates. The amendments will promote overall efficiency and convenience in keeping address information updated and reduce compliance costs for the industry.

SFMO requires an accurate address for its licensees and certificate holders. Under Government Code §417.005, the commissioner, after consulting with the state fire marshal, may adopt rules necessary to guide the state fire marshal in the performance of other duties for the commissioner. Government Code §417.010 requires the commissioner to adopt by rule a schedule of administrative penalties for violations that are subject to a penalty to ensure that the penalty amount is appropriate to the violation. It further provides that the state fire marshal may impose an administrative penalty. The new administrative penalties schedule in §34.1302(a) - (c) and (f) enables SFMO to enforce violations of address update requirements through a citation without the need to refer the matter to TDI Enforcement. The text of Figure 28 TAC §34.1302(a), Figure 28 TAC §34.1302(b), Figure 28 TAC §34.1302(c), Figure 28 TAC §34.1302(d), and Figure 28 TAC §34.1302(f) as proposed has been changed to remove unnecessary decimal places from the listed dollar amounts of penalties, to simplify the contents of the figures, and provide consistency with how dollar amounts for penalties are listed in them.

**SUMMARY OF COMMENTS.** TDI provided an opportunity for public comment on the rule proposal for a period that ended on November 25, 2024. TDI did not receive any comments on the proposed amendments.

## SUBCHAPTER E. FIRE EXTINGUISHER RULES

### 28 TAC §34.515

**STATUTORY AUTHORITY.** The commissioner adopts amendments to 28 TAC §34.515 under Government Code §417.005 and Insurance Code §6001.055(c) and §36.001.

Government Code §417.005 states that the commissioner, after consulting with the state fire marshal, may adopt rules necessary to guide the state fire marshal in the performance of duties for the commissioner.

Insurance Code §6001.055(c) provides that the commissioner set a fee not to exceed \$20 for duplicate or changed fire extinguisher licenses and certificates.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

§34.515. *Fees.*

(a) Except for fees specified in subsection (d) of this section, all fees payable must be submitted by cashier's check or money order

made payable to the Texas Department of Insurance or by online payment. Except for overpayments resulting from mistakes of law or fact, all fees are nonrefundable.

(b) Fees are as follows.

(1) Certificates of registration:

(A) initial fee--\$450;

(B) renewal fee (for two years)--\$600;

(C) renewal late fee (expired 1 day to 90 days)--\$225 plus \$50 for each branch office operated by the registered firm;

(D) renewal late fee (expired 91 days to two years)--\$450 plus \$100 for each branch office operated by the registered firm;

(E) branch office initial fee--\$100;

(F) branch office renewal fee (for two years)--\$200.

(2) Certificate of registration (Type C):

(A) initial fee--\$250;

(B) renewal fee (for two years)--\$300;

(C) renewal late fee (expired 1 day to 90 days)--\$125;

(D) renewal late fee (expired 91 days to two years)--\$250.

(3) Fire extinguisher license (Type A, B, and K):

(A) initial fee--\$70;

(B) renewal fee (for two years)--\$100;

(C) renewal late fee (expired 1 day to 90 days)--\$35;

(D) renewal late fee (expired 91 days to two years)--\$70.

(4) Fire extinguisher license (Type PL):

(A) initial fee--\$70;

(B) renewal fee (for two years)--\$100;

(C) renewal late fee (expired 1 day to 90 days)--\$35;

(D) renewal late fee (expired 91 days to two years)--\$70.

(5) Apprentice permit fee--\$30.

(6) Change of address request--\$0.

(7) Duplicate or revised certificates, licenses, permits, or other requested changes to certificates, licenses, or permits--\$20.

(8) Initial test fee (if administered by the SFMO)--\$20.

(9) Retest fee (if administered by the SFMO)--\$20.

(c) Fees for tests administered by an outsource testing service are payable to the testing service in the amount and manner required by the testing service.

(d) Late fees are required of all certificate or license holders who fail to submit complete renewal applications before the expiration of the certificate or license.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on March 20, 2025.

TRD-202500977  
Jessica Barta  
General Counsel  
Texas Department of Insurance  
Effective date: April 9, 2025  
Proposal publication date: December 20, 2024  
For further information, please call: (512) 676-6555



## SUBCHAPTER F. FIRE ALARM RULES

### 28 TAC §34.614

STATUTORY AUTHORITY. The commissioner adopts amendments to §34.614 under Government Code §417.005 and Insurance Code §6002.054(c) and §36.001.

Government Code §417.005 states that the commissioner, after consulting with the state fire marshal, may adopt rules necessary to guide the state fire marshal in the performance of duties for the commissioner.

Insurance Code §6002.054(c) provides that the commissioner set a fee not to exceed \$20 for duplicate or changed fire alarm licenses and certificates.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

#### §34.614. Fees.

(a) Except for fees specified in subsection (c) of this section, all fees payable must be submitted by cashier's check or money order made payable to the Texas Department of Insurance or by online payment. Except for overpayments resulting from mistakes of law or fact, all fees are nonrefundable.

(b) Fees for tests administered by an outsource testing service are payable to the testing service in the amount and manner required by the testing service.

(c) Fees are as follows:

(1) Certificates of registration:

(A) initial fee--\$500;

(B) renewal fee (for two years, subject to the exceptions specified in §34.610(i) of this subchapter (relating to Certificate of Registration) for the initial alignment of the expiration and renewal dates of existing branches)--\$1,000;

(C) renewal late fee (expired 1 day to 90 days)--\$125 plus \$37.50 for each branch office operated by the registered firm;

(D) renewal late fee (expired 91 days to two years)--\$500 plus \$150 for each branch office operated by the registered firm;

(E) branch office initial fee--\$150;

(F) branch office renewal fee (for two years)--\$300;

(2) Certificates of registration--Single Station:

(A) initial fee--\$250;

(B) renewal fee (for two years)--\$500;

(C) renewal late fee (expired 1 day to 90 days)--\$62.50;

(D) renewal late fee (expired 91 days to two years)--\$250;

(E) branch office initial fee--None;

(F) branch office renewal fee (for two years)--None;

(3) Fire alarm licenses (fire alarm technician license, fire alarm monitoring technician license, residential fire alarm superintendent (single station) license; residential fire alarm superintendent license, fire alarm planning superintendent license):

(A) initial fee--\$120;

(B) renewal fee (for two years)--\$200;

(C) renewal late fee (expired 1 day to 90 days)--\$30;

(D) renewal late fee (expired 91 days to two years)--\$120;

(4) Residential fire alarm technician licenses:

(A) initial fee (for one year)--\$50;

(B) renewal fee (for two years)--\$100;

(C) renewal late fee (expired 1 day to 90 days)--\$12.50;

(D) renewal late fee (expired 91 days to two years)--\$50;

(5) Training school approval:

(A) initial fee (for one year)--\$500;

(B) renewal fee (for one year)--\$500;

(6) Instructor approval:

(A) initial fee (for one year)--\$50;

(B) renewal fee (for one year)--\$50;

(7) Change of address request--\$0;

(8) Duplicate or revised certificates, approvals, or licenses, or other requested changes to certificates, approvals, or licenses--\$20;

(9) Initial test fee (if administered by the State Fire Marshal's Office)--\$20;

(10) Retest fee (if administered by the State Fire Marshal's Office)--\$20.

(d) All fees are forfeited if the applicant does not appear for the scheduled test.

(e) Late fees are required of all certificate or license holders who fail to submit complete renewal applications before the expiration of the certificate or license except as provided in the Insurance Code §6002.203(g).

(f) Fees for certificates and licenses that have expired for less than two years include both renewal and late fees.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on March 20, 2025.

TRD-202500978

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Effective date: April 9, 2025

Proposal publication date: December 20, 2024

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## SUBCHAPTER G. FIRE SPRINKLER RULES

### 28 TAC §34.714

STATUTORY AUTHORITY. The commissioner adopts amendments to 28 TAC §34.714 under Government Code §417.005 and Insurance Code §6003.055(c) and §36.001.

Government Code §417.005 states that the commissioner, after consulting with the state fire marshal, may adopt rules necessary to guide the state fire marshal in the performance of duties for the commissioner.

Insurance Code §6003.055(c) provides that the commissioner set a fee not to exceed \$70 for duplicate or changed fire sprinkler licenses and certificates.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

#### §34.714. Fees.

(a) Except for fees specified in subsection (b) of this section, all fees payable must be submitted by cashier's check or money order made payable to the Texas Department of Insurance or by online payment. Except for overpayments resulting from mistakes of law or fact, all fees are nonrefundable and nontransferable.

(b) Fees for tests administered by an outsource testing service are payable to the testing service in the amount and manner required by the testing service.

(c) Fees are as follows:

(1) Certificates of registration:

(A) all initial applications must include an application fee of--\$50;

(B) initial fee--\$900;

(C) renewal fee (for two years)--\$1,800;

(D) renewal late fee (expired 1 day to 90 days)--\$450;

(E) renewal late fee (expired 91 days to two years)--\$900;

(2) Certificates of registration--(Dwelling or Underground fire main):

(A) all initial applications must include an application fee of--\$50;

(B) initial fee--\$300;

(C) renewal fee (for two years)--\$600;

(D) renewal late fee (expired 1 day to 90 days)--\$150;

(E) renewal late fee (expired 91 days to two years)--\$300;

(3) Responsible managing employee license (General):

(A) initial fee--\$200;

(B) renewal fee (for two years)--\$350;

(C) renewal late fee (expired 1 day to 90 days)--\$100;

(D) renewal late fee (expired 91 days to two years)--\$200;

(4) Responsible managing employee licenses (Dwelling, or Underground fire main):

(A) initial fee--\$150;

(B) renewal fee (for two years)--\$200;

(C) renewal late fee (expired 1 day to 90 days)--\$75;

(D) renewal late fee (expired 91 days to two years)--\$150;

(5) Responsible managing employee license (General Inspector):

(A) initial fee--\$50;

(B) renewal fee (for two years)--\$100;

(C) renewal late fee (expired 1 day to 90 days)--\$25;

(D) renewal late fee (expired 91 days to two years)--\$50;

(6) Change of address request--\$0;

(7) Duplicate or revised certificates or licenses, or other requested changes to certificates or licenses--\$35;

(8) Test fee (if administered by the State Fire Marshal's Office)--\$50.

(d) Late fees are required of all certificate or license holders who fail to submit renewal applications before their expiration dates.

(e) A license or registration expires at 12:00 midnight on the date printed on the license or registration. A renewal application and fee for license or registration must be postmarked on or before the date of expiration to be accepted as timely. If a renewal application is not complete but there has been no lapse in the required insurance, the applicant will have 30 days from the time the applicant is notified by the State Fire Marshal's Office of the deficiencies in the renewal application to submit any additional requirement. If an applicant fails to respond and correct all deficiencies in a renewal application within the 30-day period, a late fee may be charged.

(f) Holders of certificates and licenses that have been expired for less than two years cannot be issued new certificates or licenses.

(g) Fees for certificates and licenses that have been expired for less than two years include both renewal and late fees.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on March 20, 2025.

TRD-202500979

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Effective date: April 9, 2025

Proposal publication date: December 20, 2024

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## SUBCHAPTER H. STORAGE AND SALE OF FIREWORKS

### 28 TAC §34.814

STATUTORY AUTHORITY. The commissioner adopts amendments to §34.814 under Government Code §417.005, Occupations Code §2154.052 and §2154.104, and Insurance Code §36.001 and §36.002.

Government Code §417.005 states that the commissioner, after consulting with the state fire marshal, may adopt rules necessary to guide the state fire marshal in the performance of duties for the commissioner.

Occupations Code §2154.052 provides that the commissioner may issue rules to administer Occupations Code Chapter 2154.

Occupations Code §2154.104 provides that a person must be charged a fee in an amount not to exceed \$20 for duplicate license issued by the commissioner and for any requested change to a license.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

Insurance Code §36.002 provides that the commissioner may adopt reasonable rules that are appropriate to accomplish the purposes of Occupations Code Chapter 2154

*§34.814. Fees.*

(a) All fees payable must be submitted by cashier's check or money order made payable to the Texas Department of Insurance or by online payment. Except for overpayments resulting from mistakes of law or fact, all fees are nonrefundable.

(b) Retail permits may be obtained through participating licensed firms. See §34.815 of this title (relating to Retail Permits).

(c) Fees for tests administered by an outsourced testing service are payable to the testing service in the amount and manner the service requires.

(d) Fees are as follows:

(1) manufacturer license:

- (A) initial fee--\$1,000;
- (B) renewal fee (before expiration)--\$1,000;
- (C) renewal late fee (expired 1 day to 90 days)--\$500;
- (D) renewal late fee (expired 91 days to two years)--

\$1,000;

(2) distributor license:

- (A) initial fee--\$1,500;
- (B) renewal fee (before expiration)--\$1,500;
- (C) renewal late fee (expired 1 day to 90 days)--\$750;
- (D) renewal late fee (expired 91 days to two years)--

\$1,500;

(3) jobber license:

- (A) initial fee--\$1,000;
- (B) renewal fee (before expiration)--\$1,000;
- (C) renewal late fee (expired 1 day to 90 days)--\$500;
- (D) renewal late fee (expired 91 days to two years)--

\$1,000;

- (4) pyrotechnic special effects operator license:
  - (A) initial fee--\$45;
  - (B) renewal fee (before expiration)--\$25;
  - (C) renewal late fee (expired 1 day to 90 days)--\$22.50;
  - (D) renewal late fee (expired 91 days to two years)--

\$45;

(5) pyrotechnic operator license:

- (A) initial fee--\$45;
- (B) renewal fee (before expiration)--\$25;
- (C) renewal late fee (expired 1 day to 90 days)--\$22.50;
- (D) renewal late fee (expired 91 days to two years)--

\$45;

(6) multiple public display permit:

- (A) initial fee--\$400;
- (B) renewal fee (before expiration)--\$400;

(7) retail permit--\$20;

(8) single public display permit--\$50;

(9) agricultural, industrial, and wildlife control permits--

\$10;

(10) flame effects operator:

- (A) initial fee--\$45;
- (B) renewal fee (before expiration)--\$25;
- (C) renewal late fee (expired 1 day to 90 days)--\$22.50;
- (D) renewal late fee (expired 91 days to two years)--

\$45;

(11) test administered by the State Fire Marshal's Office:

- (A) initial test fee--\$20;
- (B) retest fee--\$20;

(12) change of address request--\$0;

(13) duplicate or revised permits or licenses, or other requested changes to permits or licenses--\$20.

(e) A renewal application for a license must be accompanied by the renewal fee and may be paid either online or by mail. The renewal application and fee must be submitted before the license's expiration date. A renewal application or payment by mail must be post-marked before the date the license expires. Renewal applications post-marked after the license expiration date must be accompanied by both the renewal fee and the appropriate late fee.

(f) Holders of licenses that have been expired for less than two years cannot be issued new licenses.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on March 20, 2025.  
TRD-202500980

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Effective date: April 9, 2025  
Proposal publication date: December 20, 2024  
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## SUBCHAPTER M. SCHEDULED ADMINISTRATIVE PENALTIES

### 28 TAC §34.1302

**STATUTORY AUTHORITY.** The commissioner adopts the amendments to 28 TAC §34.1302 under Government Code §417.005 and §417.010, Occupations Code §2154.052 and §2154.104, and Insurance Code §36.001 and §36.002.

Government Code §417.005 states that the commissioner, after consulting with the state fire marshal, may adopt rules necessary to guide the state fire marshal in the performance of duties for the commissioner.

Government Code §417.010 requires the commissioner to adopt by rule a schedule of administrative penalties for violations subject to a penalty under §417.010 to ensure that the amount of an administrative penalty imposed is appropriate to the violation, and it provides that the state fire marshal may impose an administrative penalty without referring the violation to TDI for commissioner action.

Occupations Code §2154.052 provides that the commissioner may issue rules to administer Occupations Code Chapter 2154.

Occupations Code §2154.104 provides that a person must be charged a fee in an amount not to exceed \$20 for duplicate license issued by the commissioner and for any requested change to a license.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

Insurance Code §36.002 provides that the commissioner may adopt reasonable rules that are appropriate to accomplish the purposes of Occupations Code Chapter 2154.

### §34.1302. *Schedule of Administrative Penalties.*

(a) The Fire Extinguisher Penalty Schedule is specified as follows.

Figure: 28 TAC §34.1302(a)

(b) The Fire Alarm Penalty Schedule is specified as follows.

Figure: 28 TAC §34.1302(b)

(c) The Fire Protection Sprinkler Penalty Schedule is specified as follows.

Figure: 28 TAC §34.1302(c)

(d) The Fireworks Indoor Retail Stand Penalty Schedule is specified as follows.

Figure: 28 TAC §34.1302(d)

(e) The Fireworks Retail Site Penalty Schedule is specified as follows.

Figure: 28 TAC §34.1302(e) (No change.)

(f) The Fireworks Distributor Licensing Retailer Permit Penalty is specified as follows.

Figure: 28 TAC §34.1302(f)

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on March 20, 2025.

TRD-202500981

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Effective date: April 9, 2025

Proposal publication date: December 20, 2024

For further information, please call: (512) 676-6555

