

7. Discussion and possible action regarding proposed rule changes to title 37 TAC, Chapter 437, Fees, including but not limited to, §437.1, Purpose and Scope, §437.3, Certification Fees, §437.5, Renewal Fees, §437.7, Standards Manual and Certification Curriculum Manual Fees, §437.11, Copying Fees, and §437.13, Processing Fees for Test Application, §437.15, International Fire Service Accreditation Congress (IFSAC) Seal Fees, and §437.17, Records Review Fees.

CHAPTER 437

FEES

§437.1 Purpose and Scope.

- (a) The purpose of this chapter is to set forth requirements governing the fees **charged by the commission** ~~[for the issuance of certificates to fire protection personnel, to establish the procedures for the collection of annual renewal fees and copying fees]~~ as prescribed by the Government Code, §419.025 and §419.026, and commission rule.
- (b) This chapter shall govern all proceedings before and dealing with the commission concerning ~~[certification fees, renewal fees, and copying]~~ fees. Hearings and appellate proceedings regarding these fees shall be governed by this chapter where applicable and by the rules of the practice and procedure of the commission and the Administrative Procedure Act and Texas Register Act, Chapter 2001, of the Texas Government Code.
- (c) If a fee submitted in the form of a check is returned for insufficient funds the certification, seal or test for which the fee was collected will be invalidated.
- (d) Additional fees, such as those charged for exam administration or criminal background checks, may be charged to applicants and regulated entities by service providers other than the commission. The commission does not charge and will not collect these additional fees. Payment of the additional fees shall be made via a separately established agreement between the individual or regulated entity and the applicable service provider.**

§437.3 Certification Application Processing Fees.

- (a) A non-refundable application **processing** fee of \$85 is required for each certificate issued by the Commission. If a certificate is issued within the time provided in §401.125 of this title (relating to Processing Periods), the fee will be applied to the certification. If the certificate is denied, the applicant must pay a new certification application **processing** fee to file a new application.
- (b) The regulated employing entity shall be responsible for all certification **application processing** fees required as a condition of appointment.
- (c) Nothing in this section shall prohibit an individual from paying a certification **application processing** fee for any certificate which he or she is qualified to hold, providing the certificate is not required as a condition of appointment (see subsection (b) of this section concerning certification fees).
- ~~[(d) Any person who holds a certificate, and is no longer employed by an entity that is regulated by the Commission may submit in writing, a request, together with the required fee to receive a one-time certificate stating the level of certification in each discipline held by the person on the date that person left employment pursuant to the Texas Government Code, §419.033(b). Multiple certifications may be listed on the one-time certificate. The one-time fee for the one-time certificate shall be limited to the maximum amount allowed by §419.033(b) of the Texas Government Code.]~~

(d)~~(e)~~ A facility that provides ~~[basic-level]~~ training for any discipline for which the **commission** ~~[Commission]~~ has established a **curriculum** ~~[Basic Curriculum]~~ must be certified by the **commission** ~~[Commission]~~. The training facility will be charged a separate certification **application processing** fee for each discipline or **level of discipline for which application is made**.

§437.5 Renewal Fees.

- (a) A non-refundable annual renewal fee of \$85 shall be assessed for each certified individual and certified training facility. If an individual or certified training facility holds more than one certificate, the **commission** ~~[Commission]~~ may collect only one renewal fee of \$85, which will renew all certificates held by the individual or certified training facility.
- (b) A regulated employing entity shall pay the renewal fee for **each individual who is required to possess certification as a condition of employment**. ~~[all certificates which a person must possess as a condition of employment]~~
- (c) If a person re-enters the fire service whose certificate(s) has been expired for less than one year, the regulated entity must pay all applicable renewal fee(s) and any applicable additional fee(s). Upon payment of the required fees, the certificates previously held by the individual, for which he or she continues to qualify, will be renewed.
- (d) If a person **wishes to renew** ~~[reapplies for]~~ a certificate(s) which has been expired less than one year and the individual is not employed by a regulated employing entity as defined in subsection (b) of this section, the individual must pay all applicable renewal fee(s) and any applicable additional fee(s). Upon payment of the required fee(s), the certificate(s) previously held by the individual, for whom he or she continues to qualify, will be renewed.
- (e) Nothing in this section shall prohibit an individual from paying a renewal fee for any certificate which he or she is qualified to hold providing the certificate is not required as a condition of employment.
- (f) Certification renewal information will be sent to all regulated employing entities and individuals holding certification at least 60 days prior to October 31 of each calendar year. Certification renewal information will be sent to certified training facilities at least 60 days prior to February 1 of each calendar year.
- (g) **If renewal payment is submitted by mail, all** ~~[All]~~ certification renewal fees must be **submitted** ~~[returned]~~ with the renewal **invoice** ~~[statement]~~ to the **commission** ~~[Commission]~~.
- (h) All certification renewal fees must be paid on or before the **last day of the certification period (see subsection (i) of this section)** ~~[renewal date posted on the certification renewal statement]~~ to avoid additional fee(s).
- (i) The certification period shall be a period not to exceed one year. The certification period for employees of regulated employing entities, and individuals holding certification is November 1 to October 31. The certification period of certified training facilities is February 1 to January 31.
- (j) All certification renewal fees received from one to 30 days after the **last day of the certification period** ~~[renewal date posted on the renewal notice]~~ will cause the individual or entity responsible for payment to be assessed a non-refundable late fee of \$42.50 in addition to the renewal fee for each individual for which a renewal fee was due.

- (k) All certification renewal fees received more than 30 days after the **last day of the certification period** ~~[renewal date posted on the renewal notice]~~ will cause the individual or entity responsible for payment to be assessed a non-refundable late fee of \$85 in addition to the renewal fee for each individual for which a renewal fee was due.
- (l) In addition to any non-refundable late fee(s) assessed for certification renewal, the **commission** ~~[Commission]~~ may hold an informal conference to determine if any further action(s) is to be taken.
- (m) An individual or entity may petition the **commission** ~~[Commission]~~ for a waiver of the late fees required by this section if the person's certificate expired because of the individual or regulated employing entity's good faith clerical error, or expired as a result of termination of the person's employment where the person has been restored to employment through a disciplinary procedure or a court action. ~~[All required renewal fees including applicable late fees and all required continuing education must be submitted before the waiver request may be considered.]~~
- (1) Applicants claiming good faith clerical error must submit a sworn statement together with any supporting documentation that evidences the applicant's good faith efforts to comply with **commission** ~~[Commission]~~ renewal requirements and that failure to comply was due to circumstances beyond the control of the applicant.
 - (2) Applicants claiming restoration to employment as a result of a disciplinary or court action must submit a certified copy of the order restoring the applicant to employment.
- (n) An individual, upon returning from activation to military service, whose certification has expired, must notify the **commission** ~~[Commission]~~ in writing. The individual will have any normally associated late fees waived and will be required to pay a renewal fee of \$85.

§437.7 Standards Manual and Certification Curriculum Manual Fees.

- (a) Current versions of the Standards Manual for Fire Protection Personnel and Certification Curriculum Manual are available on the commission's website.
- (b) The **commission** ~~[Commission]~~ does not provide printed copies of the manuals. A printed copy of the **commission's** ~~[Commission's]~~ standards may be obtained from Thomson West, 610 Opperman Drive, Eagan, MN 55123, by requesting "Title 37, Public Safety and Corrections" of the Texas Administrative Code. The web address for Thomson West is www.west.thomson.com.

§437.11 Copying Fees.

- (a) All photographic reproduction of records or documents in the files of the commission and prepared on standard office machines will be furnished for a fee.
- (b) A fee will be charged for address and telephone number lists of fire service agencies.
- (c) A fee will be charged for mailing peel-off labels of fire service agencies.

§437.13 Processing Fees for Test Application.

- (a) A non-refundable application processing fee of \$85 shall be charged for each examination.

- (b) Fees will be paid in advance with the application or the certified training provider may be invoiced or billed if previous arrangements have been approved by the commission in writing via mail, e-mail or fax.
- (1) Any payment postmarked from 61 to 90 days after the invoice date will cause the provider of training to be assessed a non-refundable late fee of one half the amount shown on the invoice. This late fee is in addition to the amount shown on the invoice for test application processing fees.
- (2) Any payment postmarked more than 90 days after the invoice date will cause the provider of training to be assessed a non-refundable late fee in an amount equal to the amount shown on the invoice. This late fee is in addition to the amount shown on the invoice for test application processing fees.

§437.15 International Fire Service Accreditation Congress (IFSAC) Seal Fees.

A non-refundable \$15 fee shall be charged for each IFSAC seal issued by the commission effective October 1, 2012.

§437.17 Records Review Fees.

- (a) A non-refundable fee of \$35 shall be charged for each training records review conducted by the commission for the purpose of determining equivalency to the appropriate commission training program or to establish eligibility to test. Applicants submitting training records for review shall receive a written analysis from the commission.
- (b) The fee provided for in this section shall not apply to an individual who holds an advanced certificate from the State Firemen's and Fire Marshals' Association of Texas.