

**Subchapter C. Standards and Fees for State Fire Marshal Inspections**  
**Division 3. Inspection Fees**  
**28 TAC §34.340**

**INTRODUCTION.** The commissioner of insurance adopts amended 28 TAC §34.340, concerning payment of inspection fees. The amendment is adopted without changes to the proposed text published October 25, 2024, issue of the *Texas Register* (49 TexReg 8543).

**REASONED JUSTIFICATION.** The amendment adds the option of using online payment for inspection fees. This change will make the payment process easier and more efficient for both staff and customers. In 2025, the State Fire Marshal's Office will implement new technology to support electronic payments, making transactions simpler and more convenient.

**SUMMARY OF COMMENTS.** The Texas Department of Insurance (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 amendment.

**STATUTORY AUTHORITY.** The commissioner adopts the amendment to §34.340 under Government Code §417.005 and §417.008(f), and Insurance Code §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.

Government Code §417.008(f) provides that the commissioner, by rule, must prescribe a reasonable fee for an inspection performed by the state fire marshal.

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.

**TEXT.****§34.340. Inspection Fees for Requested Inspections**

(a) The commissioner adopts by reference the Inspection Request Form for use to request a fire safety inspection by the State Fire Marshal's Office. This form is published by and available from the State Fire Marshal's Office.

(b) The amount of money a person requesting an inspection must pay to the department for a state fire marshal fire safety inspection is listed in paragraphs (1) - (7) of this subsection. If the building includes more than one building type as listed in paragraphs (1) - (7) of this subsection, then the requester must pay for the most expensive building type that the building includes, plus the amount of money specified in paragraph (8) of this subsection.

(1) Licensed adult or child day care facility or foster home--\$75;

(2) Licensed nursing home, assisted living or board and care facility, or school--\$100;

(3) Apartment building, hotel, motel, lodge, or rooming house--\$150;

(4) Assembly occupancy, restaurant, or other commercial facility--\$150;

(5) Industrial facility or warehouse--\$200;

- (6) Private prison or jail--\$200;
- (7) Other building not listed in paragraphs (1) - (6) of this subsection:
  - (A) less than 25,000 square feet--\$100;
  - (B) 25,000 square feet to less than 100,000 square feet--\$200; and
  - (C) 100,000 square feet or greater--\$300.
- (8) Each additional building after the first--\$25.

(c) To obtain an inspection, a person requesting an inspection must submit the Inspection Request Form to the State Fire Marshal's Office. The form and payment must be submitted as specified in the Inspection Request Form. All payments are nonrefundable.

(d) A person submitting an inspection request must pay the inspection fee by cashier's check or money order made payable to the Texas Department of Insurance or online payment at the time the Inspection Request Form is submitted to the state fire marshal.

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

Issued at Austin, Texas, on January 23, 2025.


Signed by:  
*Jessica Barta*  
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Jessica Barta, General Counsel  
Texas Department of Insurance

# 2025-9091

TITLE 28. INSURANCE  
Part I. Texas Department of Insurance  
Chapter 34. State Fire Marshal

Adopted Section  
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The amendment to 28 TAC §34.340 is adopted.

Signed by:  
  
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Cassie Brown  
Commissioner of Insurance

Commissioner's Order No. 2025-9091