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HOUSE BILL 1291

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State of Washington                      64th Legislature                      2015 Regular Session

By Representatives Buys, Takko, and Blake

Read first time 01/16/15. Referred to Committee on Labor.

1            AN ACT Relating to the credentialing requirements for the design  
2 and installation of residential fire protection sprinkler systems;  
3 amending RCW 18.160.010, 18.160.020, 18.160.030, and 18.160.040; and  
4 adding a new section to chapter 18.160 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            **Sec. 1.** RCW 18.160.010 and 1990 c 177 s 2 are each amended to  
7 read as follows:

8            The following words or terms shall have the meanings indicated  
9 unless the context clearly indicates otherwise.

10            (1) "Certificate of competency holder" means an individual who  
11 has satisfactorily met the qualifications and has received a  
12 certificate of competency from the state director of fire protection  
13 under the provisions of this chapter.

14            (2) "Fire protection sprinkler system contractor" means a person  
15 or organization that offers to undertake the execution of contracts  
16 for the design, installation, inspection, maintenance, or servicing  
17 of a fire protection sprinkler system or any part of such a system.

18            (3) "Fire protection sprinkler system" means an assembly of  
19 underground and/or overhead piping or conduit beginning at the  
20 connection to the primary water supply, whether public or private,  
21 that conveys water with or without other agents to dispersal openings

1 or devices to extinguish, control, or contain fire and to provide  
2 protection from exposure to fire or other products of combustion.

3 (4) "Fire protection sprinkler system contractor's license" means  
4 the license issued by the state director of fire protection to a fire  
5 protection sprinkler system contractor upon an application being  
6 approved, the fee being paid, and the satisfactory completion of the  
7 requirements of this chapter. The license shall be issued in the name  
8 of the fire protection sprinkler system contractor with the name or  
9 names of the certificate of competency holder noted thereon.

10 (5) "NFPA 13-D" means whatever standard that is used by the  
11 national fire protection association for the installation of fire  
12 protection sprinkler systems in one or two-family residential  
13 dwellings or mobile homes.

14 (6) "NFPA 13-R" means whatever standard that is used by the  
15 national fire protection association for the installation of fire  
16 protection sprinkler systems in residential dwellings up to four  
17 stories in height.

18 (7) "Inspection" means a visual examination of a fire protection  
19 sprinkler system or portion of the system to verify that the system  
20 appears to be in operating condition and is free from physical damage  
21 and complies with the applicable statutes and regulations adopted by  
22 the state director of fire protection.

23 (8) "Installation" means the initial placement of fire protection  
24 sprinkler system equipment or the extension, modification, or  
25 alteration of equipment after the initial placement. Installation  
26 shall include the work from a street or main water access throughout  
27 the entire building.

28 (9) "Maintenance" means to maintain in the condition of repair  
29 that provides performance as originally planned.

30 (10) "Organization" means a corporation, partnership, firm, or  
31 other business association, governmental entity, or any other legal  
32 or commercial entity.

33 (11) "Person" means a natural person, including an owner,  
34 manager, partner, officer, employee, or occupant.

35 (12) "Service" means to repair or test.

36 **Sec. 2.** RCW 18.160.020 and 1990 c 177 s 3 are each amended to  
37 read as follows:

38 ((~~1~~)) A municipality or county may not enact an order,  
39 ordinance, rule, or regulation requiring a fire protection sprinkler

1 system contractor to obtain a fire sprinkler contractor license from  
2 the municipality or county. However, a municipality or county may  
3 require a fire protection sprinkler system contractor to obtain a  
4 permit and pay a fee for the installation of a fire protection  
5 sprinkler system and require the installation of such systems to  
6 conform with the building code or other construction requirements of  
7 the municipality or county, but may not impose financial  
8 responsibility requirements other than proof of a valid license.

9 ~~((2) This chapter does not apply to:~~

10 ~~(a) United States, state, and local government employees,~~  
11 ~~building officials, fire marshals, fire inspectors, or insurance~~  
12 ~~inspectors when acting in their official capacities;~~

13 ~~(b) A person or organization acting under court order;~~

14 ~~(c) A person or organization that sells or supplies products or~~  
15 ~~materials to a licensed fire protection sprinkler system contractor;~~

16 ~~(d) A registered professional engineer acting solely in a~~  
17 ~~professional capacity;~~

18 ~~(e) An employee of a licensed fire protection sprinkler system~~  
19 ~~contractor performing duties for the registered fire protection~~  
20 ~~sprinkler system contractor; and~~

21 ~~(f) An owner/occupier of a single family residence performing his~~  
22 ~~or her own installation in that residence.))~~

23 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.160  
24 RCW to read as follows:

25 This chapter does not apply to:

26 (1) United States, state, and local government employees,  
27 building officials, fire marshals, fire inspectors, or insurance  
28 inspectors when acting in their official capacities;

29 (2) A person or organization acting under court order;

30 (3) A person or organization that sells or supplies products or  
31 materials to a person or organization that: (a) Holds a license or  
32 certificate issued under this chapter; or (b) is exempt under this  
33 section;

34 (4) A registered professional engineer acting solely in a  
35 professional capacity;

36 (5) An employee of a licensed fire protection sprinkler system  
37 contractor performing duties for the licensed fire protection  
38 sprinkler system contractor;

1 (6) An owner/occupier of a single-family residence performing his  
2 or her own installation in that residence;

3 (7) A registered general or specialty contractor contracting for  
4 the installation of a residential fire sprinkler system that is  
5 connected to the building's potable water system;

6 (8) A certified journey level plumber, residential specialty  
7 plumber, or plumber trainee, employed by and performing duties for a  
8 registered contractor engaged in the installation of a residential  
9 fire protection sprinkler system that is connected to the building's  
10 potable water system; and

11 (9) A person or organization designing a residential fire  
12 protection sprinkler system that is connected to the building's  
13 potable water system and meets the performance standards and  
14 requirements under the state building code, chapter 19.27 RCW, for  
15 fire protection sprinkler systems for one and two-family dwellings  
16 and townhouses.

17 **Sec. 4.** RCW 18.160.030 and 2003 c 74 s 1 are each amended to  
18 read as follows:

19 (1) This chapter shall be administered by the state director of  
20 fire protection.

21 (2) The state director of fire protection shall have the  
22 authority, and it shall be his or her duty to:

23 (a) Issue such administrative regulations as necessary for the  
24 administration of this chapter;

25 (b)(i) Set reasonable fees for licenses, certificates, testing,  
26 and other aspects of the administration of this chapter. However, the  
27 license fee for fire protection sprinkler system contractors engaged  
28 solely in the installation, inspection, maintenance, or servicing of  
29 NFPA 13-D fire protection sprinkler systems shall not exceed one  
30 hundred dollars, and the license fee for fire protection sprinkler  
31 system contractors engaged solely in the installation, inspection,  
32 maintenance, or servicing of NFPA 13-R fire protection sprinkler  
33 systems shall not exceed three hundred dollars;

34 (ii) Adopt rules establishing a special category restricted to  
35 contractors registered under chapter 18.27 RCW who install  
36 underground systems that service fire protection sprinkler systems(  
37 ~~The rules shall be adopted within ninety days of March 31, 1992~~);

38 (iii) Subject to RCW 18.160.120, adopt rules defining infractions  
39 under this chapter and fines to be assessed for those infractions;

1 (c) Enforce the provisions of this chapter;

2 (d) Conduct investigations of complaints to determine if any  
3 infractions of this chapter or the regulations developed under this  
4 chapter have occurred;

5 (e) Assign a certificate number to each certificate of competency  
6 holder; and

7 (f) Adopt rules necessary to implement and administer a program  
8 which requires the affixation of a seal any time a fire protection  
9 sprinkler system is installed, which seal shall include the  
10 certificate number of any certificate of competency holder who  
11 installs, in whole or in part, the fire protection sprinkler system.

12 **Sec. 5.** RCW 18.160.040 and 2000 c 171 s 36 are each amended to  
13 read as follows:

14 (1) To become a certificate of competency holder under this  
15 chapter, an applicant must have satisfactorily passed an examination  
16 administered by the state director of fire protection. A certificate  
17 of competency holder can satisfy this examination requirement by  
18 presenting a copy of a current certificate of competency from the  
19 national institute for certification in engineering technologies  
20 showing that the applicant has achieved the classification of  
21 engineering technician level 3 or senior engineering technician level  
22 4 in the field of fire protection, automatic sprinkler system layout.  
23 The state director of fire protection may accept equivalent proof of  
24 qualification in lieu of examination. This examination requirement is  
25 mandatory except as otherwise provided in this chapter.

26 (2) Every applicant for a certificate of competency shall fulfill  
27 the requirements established by the state director of fire protection  
28 under chapter 34.05 RCW.

29 (3) Every applicant for a certificate of competency shall make  
30 application to the state director of fire protection and pay the fees  
31 required.

32 ~~(4) ((Provided the application for the certificate of competency  
33 is made prior to ninety days after May 1, 1991, the state director of  
34 fire protection, in lieu of the examination requirements of the  
35 applicant for a certificate of competency, may accept as satisfactory  
36 evidence of competency and qualification, affidavits attesting that  
37 the applicant has had a minimum of three years' experience.~~

38 (+)) The state director of fire protection may issue a temporary  
39 certificate of competency to an applicant who, in his or her

1 judgment, will satisfactorily perform as a certificate of competency  
2 holder under the provisions of this chapter. The temporary  
3 certificate of competency shall remain in effect for a period of up  
4 to three years. The temporary certificate of competency holder shall,  
5 within the three-year period, complete the examination requirements  
6 specified in subsection (1) of this section. There shall be no  
7 examination exemption for an individual issued a temporary  
8 certificate of competency. Prior to the expiration of the three-year  
9 period, the temporary certificate of competency holder shall make  
10 application for a regular certificate of competency. The procedures  
11 and qualifications for issuance of a regular certificate of  
12 competency shall be applicable to the temporary certificate of  
13 competency holder. When a temporary certificate of competency  
14 expires, the holder shall cease all activities associated with the  
15 holding of a temporary certificate of competency, subject to the  
16 penalties contained in this chapter.

17 ~~((+6))~~ (5) To become a licensed fire protection sprinkler system  
18 contractor under this chapter, a person or firm must comply with the  
19 following:

20 (a) Must be or have in his or her full-time employ a holder of a  
21 valid certificate of competency;

22 (b) Comply with the minimum insurance requirements of this  
23 chapter; and

24 (c) Make application to the state director of fire protection for  
25 a license and pay the fees required.

26 ~~((+7))~~ (6) Each license and certificate of competency issued  
27 under this chapter must be posted in a conspicuous place in the fire  
28 protection sprinkler system contractor's place of business.

29 ~~((+8))~~ (7) All bids, advertisements, proposals, offers, and  
30 installation drawings for fire protection sprinkler systems must  
31 prominently display the fire protection sprinkler system contractor's  
32 license number.

33 ~~((+9))~~ (8) A certificate of competency or license issued under  
34 this chapter is not transferable.

35 ~~((+10))~~ (9) In no case shall a certificate of competency holder  
36 be employed full time by more than one fire protection sprinkler  
37 system contractor at the same time.

38 (10) If the certificate of competency holder should leave the  
39 employment of the fire protection sprinkler system contractor, he or

1 she must notify the state director of fire protection within thirty  
2 days.

3 (11) If the certificate of competency holder should leave the  
4 employment of the fire protection sprinkler system contractor, the  
5 contractor shall have six months or until the expiration of the  
6 current license, whichever occurs last, to submit a new application  
7 identifying another certificate of competency holder who is at the  
8 time of application an owner of the fire protection sprinkler system  
9 business or a full-time employee of the fire protection sprinkler  
10 system contractor, in order to be issued a new license. If such  
11 application is not received and a new license issued within the  
12 allotted time, the state director of fire protection shall revoke the  
13 license of the fire protection sprinkler system contractor.

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