
SENATE BILL 5732

State of Washington

57th Legislature

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By Senators Prentice and Winsley

Read first time 02/01/2001. Referred to Committee on Labor, Commerce & Financial Institutions.

1 AN ACT Relating to fire sprinkler fitters; amending RCW
2 18.160.010, 18.160.030, 18.160.040, 18.160.080, and 18.160.100;
3 adding new sections to chapter 18.160 RCW; and prescribing
4 penalties.

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 read
7 as follows:

8 The (~~following words or terms shall have the meanings~~
9 ~~indicated~~)) definitions in this section apply throughout this
10 chapter unless the context clearly (~~indicates~~) requires
11 otherwise.

12 (1) "Apprentice" or "trainee" means a person who is learning
13 the fire sprinkler fitting trade, under the direct supervision of
14 a state certified fire sprinkler fitter holding a level of
15 certification equal to or above the level of fire sprinkler work
16 being done by the apprentice.

17 (2) "Board" means the state fire protection policy board
18 created in RCW 43.43.932.

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

5 ~~((+2))~~ (4) "Certified fire sprinkler fitter" means a person
6 who has been certified by the board to work under the supervision
7 of a licensed fire protection contractor under the provisions of
8 this chapter.

9 (5) "Fire protection sprinkler fitting" means the installation,
10 maintenance, and repair of sprinkler, standpipe, hose, or other
11 hazard systems for fire protection purposes, that is an assembly
12 of underground and/or overhead piping or conduit beginning at the
13 connection to the primary water supply, whether public or private.

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

19 ~~((+3))~~ (7) "Fire protection sprinkler system" means an
20 assembly of underground and/or overhead piping or conduit
21 beginning at the connection to the primary water supply, whether
22 public or private, that conveys water with or without other agents
23 to dispersal openings or devices to extinguish, control, or
24 contain fire and to provide protection from exposure to fire or
25 other products of combustion.

26 ~~((+4))~~ (8) "Fire protection sprinkler system contractor's
27 license" means the license issued by the state director of fire
28 protection to a fire protection sprinkler system contractor upon
29 an application being approved, the fee being paid, and the
30 satisfactory completion of the requirements of this chapter. The
31 license shall be issued in the name of the fire protection
32 sprinkler system contractor with the name or names of the
33 certificate of competency holder noted thereon.

34 ~~((+5))~~ (9) "Fire sprinkler certificate holder" includes a
35 level I, II, and III fire sprinkler certificate holder, a level IV
36 underground installer certificate holder, a level V inspection,
37 testing, and maintenance technician, and a level VI limited fire

1 sprinkler fitter certificate holder and training certificate
2 holder.

3 (10) "NFPA 13" means whatever standard that is used by the
4 national fire protection association for the installation of fire
5 protection sprinkler systems.

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

10 ~~((+6))~~ (12) "NFPA 13-R" means whatever standard that is used
11 by the national fire protection association for the installation
12 of fire protection sprinkler systems in residential dwellings up
13 to four stories in height.

14 ~~((+7))~~ (13) "NFPA 25" means whatever standard that is used by
15 the national fire protection association establishing minimum
16 requirements for the periodic inspection, testing, and maintenance
17 of water-based fire protection systems.

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

24 ~~((+8))~~ (15) "Installation" means the initial design placement
25 of fire protection sprinkler system equipment or the extension,
26 modification, or alteration of equipment after the initial
27 placement. Installation shall include the work from a street or
28 main water access throughout the entire building.

29 ~~((+9))~~ (16) "Maintenance" means to maintain in the condition
30 of repair that provides performance as originally planned.

31 ~~((+10))~~ (17) "Organization" means a corporation, partnership,
32 firm, or other business association, governmental entity, or any
33 other legal or commercial entity.

34 ~~((+11))~~ (18) "Person" means a natural person, including an
35 owner, manager, partner, officer, employee, or occupant.

36 ~~((+12))~~ (19) "Service" means to repair or test.

37 (20) "State certified level I - journeyman fire sprinkler

1 fitter" means a state certificate holder who is qualified to
2 install, inspect, maintain, or service an NFPA 13-D fire
3 protection sprinkler system or any part of such a system.

4 (21) "State certified level II - journeyman fire sprinkler
5 fitter" means a state certificate holder who is qualified to
6 install, inspect, maintain, or service either an NFPA 13-D, or an
7 NFPA 13-R, or both, fire protection sprinkler system or any part
8 of such a system.

9 (22) "State certified level III - journeyman fire sprinkler
10 fitter" means a state certificate holder who is qualified to
11 install, inspect, maintain, or service a fire protection sprinkler
12 system.

13 (23) "State certified level IV - fire sprinkler underground
14 pipe fitter" means a state certificate holder who is qualified to
15 install, inspect, maintain, or service the underground portions of
16 fire protection systems in conformance with recognized standards
17 adopted by the board.

18 (24) "State certified level V - fire sprinkler system
19 inspection, testing, and maintenance technician" means a state
20 certificate holder who is qualified to inspect, maintain, or test
21 an NFPA 13-D, NFPA 13-R, NFPA 13, or all other fire protection
22 sprinkler systems regulated in this chapter.

23 (25) "State certified level VI - limited journeyman fire
24 sprinkler fitter" means a person with limited certification
25 restricted to working on premises or that part of the premises
26 actually owned or leased, and occupied by the limited certificate
27 holder's employer. A limited certificate holder is limited to
28 working on the properties owned or leased by the limited fire
29 sprinkler fitter's employer, to the level of competence, as
30 certified and documented to the board by the limited certificate
31 holder's employer.

32 (26) "State director" or "director" means the state director of
33 fire protection appointed under RCW 43.43.938.

34 **Sec. 2.** RCW 18.160.030 and 2000 c 171 s 35 are each amended to
35 read as follows:

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

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

3 (a) Issue such administrative (~~(regulations)~~) rules as
4 necessary for the administration of this chapter;

5 (b)(i) Set reasonable fees for licenses, certificates, testing,
6 and other aspects of the administration of this chapter. However,
7 the license fee for fire protection sprinkler system contractors
8 engaged solely in the installation, inspection, maintenance, or
9 servicing of NFPA 13-D fire protection sprinkler systems shall not
10 exceed one hundred dollars, and the license fee for fire
11 protection sprinkler system contractors engaged solely in the
12 installation, inspection, maintenance, or servicing of NFPA 13-R
13 fire protection sprinkler systems shall not exceed three hundred
14 dollars;

15 (ii) Adopt rules establishing a special category restricted to
16 contractors registered under chapter 18.27 RCW who install
17 underground systems that service fire protection sprinkler
18 systems(~~(. The rules shall be adopted within ninety days of March~~
19 ~~31, 1992))~~);

20 (c) Enforce the provisions of this chapter;

21 (d) Conduct investigations of complaints to determine if any
22 infractions of this chapter or the (~~(regulations)~~) rules developed
23 under this chapter have occurred;

24 (e) Assign a certificate number to each certificate of
25 competency holder; (~~and~~)

26 (f) Adopt rules necessary to implement and administer a program
27 which requires the affixation of a seal any time a fire protection
28 sprinkler system is installed, which seal shall include the
29 certificate number of any certificate of competency holder who
30 installs, in whole or in part, the fire protection sprinkler
31 system;

32 (g) Adopt rules necessary to assess and collect fees associated
33 with the enforcement of a correction order. These fees shall
34 include but not be limited to personnel costs and inspection costs
35 associated with compliance of the order;

36 (h) Assess and collect fees associated with the investigation
37 of violations of this chapter and the issuance of a correction
38 order. These fees shall include but not be limited to personnel

1 costs and inspection costs associated with the investigation of
2 the violation of this chapter and the issuance and compliance of
3 the order;

4 (i) Adopt rules necessary to assess monetary penalties of a
5 civil nature for a violation of the provisions of this chapter;

6 (j) Adopt rules, make specific decisions, orders, and rulings,
7 including demands and findings, and take other necessary action
8 for the implementation and investigation of alleged infractions of
9 this chapter; and

10 (k) Adopt rules necessary to collect fees and establish
11 guidelines for conducting plan reviews and inspections when
12 requested.

13 **Sec. 3.** RCW 18.160.040 and 2000 c 171 s 36 are each amended to
14 read as follows:

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

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

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

35 (4) ((Provided the application for the certificate of
36 competency is made prior to ninety days after May 1, 1991, the
37 state director of fire protection, in lieu of the examination

1 requirements of the applicant for a certificate of competency, may
2 accept as satisfactory evidence of competency and qualification,
3 affidavits attesting that the applicant has had a minimum of three
4 years' experience.

5 ~~(5) The state director of fire protection may issue a temporary~~
6 ~~certificate of competency to an applicant who, in his or her~~
7 ~~judgment, will satisfactorily perform as a certificate of~~
8 ~~competency holder under the provisions of this chapter. The~~
9 ~~temporary certificate of competency shall remain in effect for a~~
10 ~~period of up to three years. The temporary certificate of~~
11 ~~competency holder shall, within the three-year period, complete~~
12 ~~the examination requirements specified in subsection (1) of this~~
13 ~~section. There shall be no examination exemption for an individual~~
14 ~~issued a temporary certificate of competency. Prior to the~~
15 ~~expiration of the three-year period, the temporary certificate of~~
16 ~~competency holder shall make application for a regular certificate~~
17 ~~of competency. The procedures and qualifications for issuance of a~~
18 ~~regular certificate of competency shall be applicable to the~~
19 ~~temporary certificate of competency holder. When a temporary~~
20 ~~certificate of competency expires, the holder shall cease all~~
21 ~~activities associated with the holding of a temporary certificate~~
22 ~~of competency, subject to the penalties contained in this chapter.~~

23 ~~(6))~~ To become a licensed fire protection sprinkler system
24 contractor under this chapter, a person or firm must comply with
25 the following:

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

28 (b) Comply with the minimum insurance requirements of this
29 chapter; and

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

32 ~~((7))~~ (5) Each license and certificate of competency issued
33 under this chapter must be posted in a conspicuous place in the
34 fire protection sprinkler system contractor's place of business.

35 ~~((8))~~ (6) All bids, advertisements, proposals, offers, and
36 installation drawings for fire protection sprinkler systems must
37 prominently display the fire protection sprinkler system
38 contractor's license number.

1 (~~(9)~~) (7) A certificate of competency or license issued under
2 this chapter is not transferable.

3 (~~(10)~~) (8) In no case shall a certificate of competency
4 holder be employed full time by more than one fire protection
5 sprinkler system contractor at the same time. If the certificate of
6 competency holder should leave the employment of the fire
7 protection sprinkler system contractor, he or she must notify the
8 state director of fire protection within thirty days. If the
9 certificate of competency holder should leave the employment of
10 the fire protection sprinkler system contractor, the contractor
11 shall have six months or until the expiration of the current
12 license, whichever occurs last, to submit a new application
13 identifying another certificate of competency holder who is at the
14 time of application an owner of the fire protection sprinkler
15 system business or a full-time employee of the fire protection
16 sprinkler system contractor, in order to be issued a new license.
17 If such application is not received and a new license issued
18 within the allotted time, the state director of fire protection
19 shall revoke the license of the fire protection sprinkler system
20 contractor.

21 **Sec. 4.** RCW 18.160.080 and 1997 c 58 s 834 are each amended to
22 read as follows:

23 (1) The state director of fire protection may refuse to issue
24 or renew or may suspend or revoke the privilege of a licensed fire
25 protection sprinkler system contractor or the certificate of a
26 certificate of competency holder to engage in the fire protection
27 sprinkler system business or in lieu thereof, establish and assess
28 civil fines or penalties as prescribed by Washington state law,
29 for any of the following reasons:

30 (a) Gross incompetency or gross negligence in the preparation
31 of technical drawings, installation, repair, alteration,
32 maintenance, inspection, service, or addition to fire protection
33 sprinkler systems;

34 (b) Conviction of a felony;

35 (c) Fraudulent or dishonest practices while engaging in the
36 fire protection sprinkler systems business;

1 (d) Use of false evidence or misrepresentation in an
2 application for a license or certificate of competency;

3 (e) Permitting his or her license to be used in connection with
4 the preparation of any technical drawings which have not been
5 prepared by him or her personally or under his or her immediate
6 supervision, or in violation of this chapter; or

7 (f) Knowingly violating any provisions of this chapter or the
8 (~~regulations~~) rules issued thereunder.

9 (2) The state director of fire protection shall revoke the
10 license of a licensed fire protection sprinkler system contractor
11 or the certificate of a certificate of competency holder who
12 engages in the fire protection sprinkler system business while the
13 license or certificate of competency is suspended.

14 (~~(3) (The state director of fire protection shall immediately
15 suspend any license or certificate issued under this chapter if
16 the holder has been certified pursuant to RCW 74.20A.320 by the
17 department of social and health services as a person who is not in
18 compliance with a support order or a residential or visitation
19 order. If the person has continued to meet all other requirements
20 for issuance or reinstatement during the suspension, issuance or
21 reissuance of the license or certificate shall be automatic upon
22 the director's receipt of a release issued by the department of
23 social and health services stating that the person is in
24 compliance with the order.~~

25 (~~4~~)) Any licensee or certificate of competency holder who is
26 aggrieved by an order of the state director of fire protection
27 suspending or revoking a license or assessing civil fines may,
28 within thirty days after notice of such suspension (~~(or)~~),
29 revocation, or civil fine, appeal under chapter 34.05 RCW. (~~This
30 subsection does not apply to actions taken under subsection (3) of
31 this section.~~)

32 **Sec. 5.** RCW 18.160.100 and 1992 c 116 s 3 are each amended to read
33 as follows:

34 Any fire protection sprinkler system contractor who constructs,
35 installs, or maintains a fire protection sprinkler system in any
36 occupancy, except an owner-occupied single-family dwelling,
37 without first obtaining a fire sprinkler contractor's license from

1 the state of Washington, is guilty of either a gross misdemeanor,
2 or subject to civil fines and penalties, or both. This section may
3 not be construed to create any criminal liability for a prime
4 contractor or an owner of an occupancy unless it is proved that
5 the prime contractor or owner had actual knowledge of ((an)) the
6 illegal construction, installation, or maintenance of a fire
7 protection sprinkler system by a fire protection sprinkler system
8 contractor.

9 NEW SECTION. **Sec. 6.** (1) A person wishing to engage in the
10 trade of fire sprinkler fitting must, within three years of the
11 effective date of this section, obtain and maintain a fire
12 sprinkler fitter certification equal to or greater than the level
13 of work in which the sprinkler fitter will be engaged.

14 (2) No person may engage in or offer to engage in the trade of
15 fire sprinkler fitting without having:

16 (a) A level I journeyman fire sprinkler fitter certificate;

17 (b) A level II journeyman fire sprinkler fitter certificate;

18 (c) A level III journeyman fire sprinkler fitter certificate;

19 (d) A level IV fire sprinkler underground pipe fitter
20 certificate;

21 (e) A level V fire sprinkler system inspection, testing, and
22 maintenance technician certificate;

23 (f) A level VI limited journeyman fire sprinkler fitter
24 certificate; or

25 (g) A training certificate.

26 (3) A trainee must be supervised by a person who has a fire
27 sprinkler certificate level I, II, III, IV, or V, as required by
28 section 7 of this act.

29 (4) No contractor may employ a person to engage in or offer to
30 engage in the trade of fire sprinkler fitting unless the person
31 employed has a level I, II, or III journeyman fire sprinkler
32 fitter certificate or training certificate. For the purposes of
33 this section, "contractor" means any person or entity, corporate
34 or otherwise, engaged in any work covered by the provisions of
35 this chapter, or chapter 18.27 RCW.

36 (5) A violation of subsection (1) of this section is an
37 infraction. Each day in which a person engages in the trade of fire

1 sprinkler fitting in violation of subsection (1) of this section
2 or employs a person in violation of subsection (1) of this section
3 is a separate infraction. Each worksite at which a person engages
4 in the trade of fire sprinkler fitting in violation of subsection
5 (1) of this section or at which a person is employed in violation
6 of subsection (1) of this section is a separate infraction.

7 (6) Notices of infractions for violations of subsection (1) of
8 this section may be issued to one or all of the following:

9 (a) The person engaging in or offering to engage in the trade
10 of fire sprinkler fitting in violation of subsection (1) of this
11 section;

12 (b) The contractor in violation of subsection (1) of this
13 section; and

14 (c) The contractor's employee who authorized the work
15 assignment of the person employed in violation of subsection (1)
16 of this section.

17 NEW SECTION. **Sec. 7.** (1) An applicant for a fire sprinkler
18 fitter certificate must submit an application to the board on a
19 form and in the manner as provided by the board by rule. The
20 application must state the level of certificate requested, and be
21 accompanied by a fee as provided by the board by rule.

22 (2) Upon receipt of the application, the board must review the
23 application and make a determination as to whether the applicant
24 is eligible to take an examination for the level of certification
25 requested.

26 (a) To be eligible to take the examination for a level I
27 journeyman fire sprinkler fitter certificate, the applicant must
28 be at least eighteen years old, and provide a notarized affidavit
29 of at least two thousand hours proven fire sprinkler fitter
30 experience in the employment of a fire sprinkler contractor.

31 (b) To be eligible to take the examination for a level II
32 journeyman fire sprinkler fitter certificate, the applicant must
33 be at least eighteen years old, and provide a notarized affidavit
34 of at least four thousand hours proven fire sprinkler fitter
35 experience in the employment of a level II or III fire sprinkler
36 contractor.

37 (c) To be eligible to take the examination for a level III

1 journeyman fire sprinkler fitter certificate, the applicant must
2 be at least eighteen years old, and provide a notarized affidavit
3 of at least eight thousand hours proven fire sprinkler fitter
4 experience in the employment of a level III fire sprinkler
5 contractor.

6 (d) To be eligible to take the examination for a level IV fire
7 sprinkler underground pipe fitter certificate, the applicant must
8 be at least eighteen years old, and provide a notarized affidavit
9 of at least two thousand hours proven experience installing public
10 or private water mains for an underground or utility contractor.

11 (e) To be eligible to take the examination for a level V fire
12 sprinkler system inspection, testing, and maintenance technician
13 certificate, the applicant must be at least eighteen years old,
14 and provide a notarized affidavit of at least two thousand hours
15 proven fire sprinkler fitter experience in the employment of a
16 level III fire sprinkler contractor.

17 (f) The board may issue a level VI limited journeyman fire
18 sprinkler fitter certificate to an applicant whose employer has
19 submitted documentation to the board certifying that the applicant
20 is qualified to work to the level of competence requested by the
21 applicant, on properties owned or leased and occupied by the
22 employer.

23 (3) The board may adopt rules, make specific decisions, orders,
24 and rulings, including demands and findings, and take other
25 necessary action for the implementation, investigation of alleged
26 infractions of, and enforcement of this chapter and rules adopted
27 under this chapter.

28 (4) Upon determination that the applicant is eligible to take
29 the examination, the board must notify the applicant, and indicate
30 the time and place for taking the exam.

31 (5) Examinations are administered by the board and held at the
32 times and places within the state as the board determines. Each
33 applicant must take and pass an objective, written examination of
34 his or her fitness for a certificate at the level of certification
35 requested by the applicant. The contents and procedures of the
36 examination process must be established by the board by rule.

37 (6) The board must issue certificates to all applicants who

1 have passed the examination and paid the fee for the
2 certificate. The certificate must bear the date of issuance and
3 expire on the date of renewal as set by rule.

4 (7) A person who is indentured in an apprenticeship program
5 approved under chapter 49.04 RCW for the fire sprinkler fitting
6 construction trade, or an individual who is learning the fire
7 sprinkler fitting construction trade, may work in the fire
8 sprinkler fitting construction trade if supervised by a certified
9 fire sprinkler fitter holding a level of certification equal to or
10 greater than the level of fire sprinkler work being done by the
11 apprentice or trainee.

12 (a) All apprentices, trainees, or other individuals learning
13 the fire sprinkler fitting construction trade must obtain a fire
14 sprinkler fitting training certificate from the board. The
15 certificate authorizes the holder to learn the fire sprinkler
16 fitting construction trade while under the direct supervision of a
17 certified fire sprinkler fitter holding certification equal to or
18 greater than the apprentice or trainee fire sprinkler fitter's
19 level of work.

20 (b) A person who has been issued a fire sprinkler fitting
21 training certificate under this chapter must renew the training
22 certificate annually. At the time of renewal, the training
23 certificate holder must provide the board with an accurate list of
24 the holder's employers in the fire sprinkler industry for the
25 previous year and the number of hours worked for each employer.

26 (c) There is an annual fee for the issuance or renewal of a
27 training certificate. The board must set the fee by rule. The fee
28 must cover, but not exceed, the cost of administering and
29 enforcing the training certification and supervision requirements
30 of this chapter. Apprentices, trainees, or others learning the fire
31 sprinkler fitting trade must have their fire sprinkler training
32 certificate card in their possession at all times while they are
33 performing fire sprinkler fitting work. They must produce the
34 certificate for an authorized representative of the board at the
35 representative's request.

36 (8) The board may issue a one-time temporary journeyman fire
37 sprinkler fitter permit whenever a fire sprinkler fitter coming
38 into the state of Washington from another state makes a request to

1 the board for a temporary permit to engage in the trade of fire
2 sprinkler fitting as a state certified level I, II, or III
3 journeyman fire sprinkler fitter, during the period of time
4 between the filing of an application for a certificate and taking
5 the examination as provided for in this section. A temporary permit
6 may be issued for up to ninety calendar days. A temporary permit
7 may not be issued to:

8 (a) A person who has failed to pass the examination for
9 journeyman fire sprinkler fitter certificate;

10 (b) An applicant who has not furnished the board with the
11 evidence required by this section; or

12 (c) To an apprentice or trainee fire sprinkler fitter.

13 NEW SECTION. **Sec. 8.** (1) The board must issue certificates to
14 all applicants who pass the examination and have paid the fee for
15 the certificate. The certificate must bear the date of issuance,
16 and expires three years from the date of issuance.

17 (2) Failure to renew a certificate on or before the renewal
18 date causes the certificate to lapse. It is unlawful thereafter for
19 any person to engage, offer to engage, or hold himself or herself
20 out as a certified journeyman fire sprinkler fitter unless the
21 certificate is renewed.

22 (3) The certificate may not be renewed without retesting unless
23 the certificate holder provides the board, at the time of renewal,
24 with documentation of at least eight hours continuing education
25 during each of the three years, for a total of twenty-four
26 continuing education hours during the licensure period. The
27 continuing education curriculum must include categories covering
28 work place safety, fire sprinkler trade materials and tools, new
29 technologies, and codes and standards, of which no more than eight
30 hours shall be in any one category in a three-year period. The
31 continuing education required under this section may include
32 seminars and conferences. Any employer-sponsored training and its
33 components must be reviewed and approved by the board.

34 (4) Level I journeyman fire sprinkler fitter certificate
35 holders, level II journeyman fire sprinkler fitter certificate
36 holders, level III journeyman fire sprinkler fitter certificate
37 holders, level IV fire sprinkler underground pipe fitter

1 certificate holders, level V fire sprinkler system inspection,
2 testing, and maintenance technicians, and level VI limited
3 journeyman fire sprinkler fitter certificate holders must at all
4 times carry an identification card containing identifying
5 information as prescribed by the board by rule. The identification
6 card must be produced on demand by a state, city, or county fire
7 official. The board must supply the card. The fee for the card must
8 be related to the cost of producing the card.

9 (5) The holder of a fire sprinkler fitter training certificate
10 must renew the certificate annually. At the time of renewal, the
11 holder must provide the board with an accurate list of the
12 training certificate holder's employers in the fire sprinkler
13 fitting construction industry for the previous year and the number
14 of hours worked for each employer.

15 (a) There is an annual fee for the issuance or renewal of the
16 fire sprinkler fitter training certificate. The amount of the
17 annual fee must be set by the board by rule. Individuals learning
18 the fire sprinkler fitting trade must have their fire sprinkler
19 fitter training certificate in their possession at all times while
20 performing fire sprinkler fitting work. They shall produce their
21 certificate for an authorized representative of the board at the
22 representative's request.

23 (b) A person who has been issued a fire sprinkler fitter
24 training certificate under this chapter may engage in the trade of
25 a fire sprinkler fitter if that person is working under the direct
26 supervision of a certified journeyman fire sprinkler fitter.
27 Supervision consists of a person being on the same job site and
28 under the control of the certified journeyman fire sprinkler
29 fitter holding a level of certification equal to or greater than
30 the level of fire sprinkler fitter work being done by the trainee.

31 NEW SECTION. **Sec. 9.** An authorized representative of the board
32 may investigate alleged or apparent violations of this chapter. An
33 authorized representative of the board, upon presentation of
34 credentials, may inspect sites at which a person is doing fire
35 sprinkler fitting work for the purpose of determining whether that
36 person has a certificate issued by the board in accordance with
37 this chapter or is supervised by a person who has such a

1 certificate or permit. Upon the request of the authorized
2 representative of the board, a person doing fire sprinkler fitting
3 work must produce evidence that the person has a certificate or
4 permit issued by the board in accordance with this chapter or is
5 supervised by a person who has such a certificate or permit.

6 NEW SECTION. **Sec. 10.** (1) The board may revoke, suspend, or fine
7 a certified journeyman fire sprinkler fitter, fire sprinkler
8 underground pipe fitter, fire sprinkler system inspection,
9 testing, and maintenance technician, limited journeyman fire
10 sprinkler fitter, or training certificate for any of the following
11 reasons:

12 (a) The certificate was obtained through error or fraud;

13 (b) The certificate holder is judged to be incompetent to carry
14 on the trade; or

15 (c) The certificate holder has violated a provision of this
16 chapter or a rule adopted under this chapter.

17 (2) Before a certificate is revoked or suspended, or a
18 certificate holder is fined, the board must send a written notice
19 by registered mail, with return receipt requested, to the
20 certificate holder's last known address. The notice must list the
21 allegations against the certificate holder and give him or her the
22 opportunity to request a hearing before an administrative law
23 judge. At the hearing, the board and the certificate holder may
24 produce witnesses and give testimony. The hearing must be conducted
25 in accordance with chapter 34.05 RCW. The administrative law judge
26 shall render his or her decision based upon the testimony and
27 evidence presented and must notify the parties immediately upon
28 reaching a decision.

29 (3) The board may deny renewal of a certificate issued under
30 this chapter if the applicant owes outstanding penalties for a
31 final judgment under this chapter. The board must notify the
32 applicant of the denial by registered mail, return receipt
33 requested, to the address on the application. The applicant may
34 appeal the denial within thirty days by filing a notice of appeal
35 with the board. The office of administrative hearings shall conduct
36 the hearing under chapter 34.05 RCW.

1 NEW SECTION. **Sec. 11.** (1) An authorized representative of the
2 board may issue a notice of infraction as specified in section 10
3 of this act, if a person who is doing fire sprinkler fitting work
4 or who is offering to do fire sprinkler fitting work fails to
5 produce evidence of having a certificate or permit issued by the
6 board in accordance with this chapter or of being supervised by a
7 person who has such a certificate or permit. A notice of infraction
8 issued under this section must be personally served on the person
9 named in the notice by an authorized representative of the board
10 or sent by certified mail to the last known address provided to
11 the board of the person named in the notice.

12 (2) The form of the notice of infraction issued under this
13 chapter must include the following:

14 (a) A statement that the notice represents a determination that
15 the infraction has been committed by the person named in the
16 notice and that the determination is final unless contested as
17 provided in this chapter;

18 (b) A statement that the infraction is a noncriminal offense
19 for which imprisonment may not be imposed as a sanction;

20 (c) A statement of the specific infraction for which the notice
21 was issued;

22 (d) A statement of the monetary penalty that has been
23 established for the infraction;

24 (e) A statement of the options provided in this chapter for
25 responding to the notice and the procedures necessary to exercise
26 these options;

27 (f) A statement that at any hearing to contest the
28 determination, the state has the burden of proving, by a
29 preponderance of the evidence, that the infraction was committed;
30 and that the person may subpoena witnesses, including the
31 authorized representative of the board who issued and served the
32 notice of infraction;

33 (g) A statement, which the person shall sign, that the person
34 promises to respond to the notice of infraction in one of the ways
35 provided in this chapter;

36 (h) A statement that refusal to sign the infraction as directed
37 in (g) of this subsection is a misdemeanor; and

1 (i) A statement that failure to respond to a notice of
2 infraction as promised is a misdemeanor and may be punished by
3 either a fine, or imprisonment in jail, or both.

4 NEW SECTION. **Sec. 12.** (1) The board may charge fees for
5 issuance, renewal, and reinstatement of all certificates and
6 permits and for examinations required by this chapter. The board
7 must set the fees by rule.

8 (2) All receipts from fees collected under this chapter must be
9 deposited into the fire protection contractor license fund created
10 in RCW 18.160.050.

11 NEW SECTION. **Sec. 13.** (1) A person found to have committed an
12 infraction in violation of this act is responsible for all costs
13 associated with the board's investigation of the infraction, and
14 may also be assessed a monetary penalty. The board must set by rule
15 a schedule of penalties for infractions imposed under this
16 chapter.

17 (2) The administrative law judge may waive, reduce, or suspend
18 the monetary penalty imposed for the infraction for good cause
19 shown.

20 (3) Monetary penalties collected under this chapter must be
21 deposited in the fire protection contractor license fund created
22 in RCW 18.160.050.

23 NEW SECTION. **Sec. 14.** Sections 6 through 13 of this act are each
24 added to chapter 18.160 RCW.

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