

# Chapter 212-80 WAC

## FIRE SPRINKLER SYSTEM CONTRACTORS

**WAC**

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- 212-80-030 Qualifications for preparation of layout drawings, installations, inspections, maintenance, or servicing. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-030, filed 12/1/94, effective 1/1/95; 92-20-070 (Order 92-08), § 212-80-030, filed 10/5/92, effective 11/5/92; 91-14-086 (Order 91-06), § 212-80-030, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-043.
- 212-80-035 Seals for NFPA 13D, 13R, and 13 systems. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-035, filed 12/1/94, effective 1/1/95; 92-20-070 (Order 92-08), § 212-80-035, filed 10/5/92, effective 11/5/92; 91-14-086 (Order 91-06), § 212-80-035, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-083.
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- 212-80-045 Certificate of competency testing. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-045, filed 12/1/94, effective 1/1/95; 91-14-086 (Order 91-06), § 212-80-045, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-093.
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- 212-80-055 Temporary certificate of competency. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 92-20-070 (Order 92-08), § 212-80-055, filed 10/5/92, effective 11/5/92; 91-14-086 (Order 91-06), § 212-80-055,

- filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-103.
- 212-80-060 Certificate of competency not transferable. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-060, filed 12/1/94, effective 1/1/95; 91-14-086 (Order 91-06), § 212-80-060, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-108.
- 212-80-065 Suspension or revocation of certificates. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-065, filed 12/1/94, effective 1/1/95; 92-20-070 (Order 92-08), § 212-80-065, filed 10/5/92, effective 11/5/92; 91-14-086 (Order 91-06), § 212-80-065, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-205.
- 212-80-070 Certificate of competency employment. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-070, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-113.
- 212-80-075 Renewal certificates. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-075, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-118.
- 212-80-080 Voluntary relinquishment of certificates of competency. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-080, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-123.
- 212-80-085 Certificate of competency prorated fees. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-085, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-128.
- 212-80-090 Licensed fire protection sprinkler system contractor. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-090, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-053.
- 212-80-095 License and certificate posting. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-095, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-028.
- 212-80-100 Posting license number. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-100, filed 7/1/91, effective 8/1/91.] Decodified by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-033.
- 212-80-105 License not transferable. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-105, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-058.
- 212-80-110 Contractor responsibilities, certificate of competency holder employment. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-110, filed 12/1/94, effective 1/1/95; 91-14-086 (Order 91-06), § 212-80-110, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-063.
- 212-80-115 License renewals. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-115, filed 12/1/94, effective 1/1/95; 92-20-070 (Order 92-08), § 212-80-115, filed 10/5/92, effective 11/5/92; 91-14-086 (Order 91-06), § 212-80-115, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-068.
- 212-80-120 Prorated license fees. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-120, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-073.
- 212-80-125 Contractor surety bonds. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 92-20-070 (Order 92-08), § 212-80-125, filed 10/5/92, effective 11/5/92.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-078.
- 212-80-130 Municipality, county, or state regulations. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-130, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-038.
- 212-80-135 Suspension or revocation of licenses. [Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-135, filed 12/1/94, effective 1/1/95; 91-14-086 (Order 91-06), § 212-80-135, filed 7/1/91, effective 8/1/91.] Decodified and amended by 05-05-006, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.43 and 18.160 RCW. Recodified as § 212-80-200.

## GENERAL PROVISIONS

**WAC 212-80-001 Purpose.** The purpose of this regulation is to adopt rules for the licensing of fire protection sprinkler system contractors, the issuance of certificates of competency, trainee certificates, and for the issuance of civil fines and citations as defined in chapters 18.160 and 18.270 RCW.

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-001, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, § 212-80-001, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-001, filed 7/1/91, effective 8/1/91.]

**WAC 212-80-005 Applicability.** This regulation applies to any and all persons or organizations performing as a fire protection sprinkler contractor and/or certificate of competency holder, with or without the required state licensing and/or certification as defined in chapters 18.160 and 18.270 RCW.

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-005, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, § 212-80-005, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-005, filed 7/1/91, effective 8/1/91.]

**WAC 212-80-010 Definitions.** The following definitions shall apply to this regulation: "Authority having jurisdiction (AHJ)" means the organization, office, or individual responsible for approving layout drawings, equipment, an installation or a procedure. Usually the AHJ is the building and/or fire official of the city or county in which the job site is located. In certain cases, such as health care facilities, transient accommodations and day care facilities, the AHJ is the city or county building and/or fire official and the chief of the Washington state patrol, through the director of fire protection.

"Certificate" means a certificate of competency granted by the director of fire protection under chapter 18.270 RCW, and is valid within the state and all political subdivisions, and

meets all of the requirements for license or certification that may be applied by the political subdivision.

"Citation" means written notification issued by the chief of the Washington state patrol, through the director of fire protection, pursuant to RCW 18.160.040 or 18.270.020 of a civil penalty for a violation of any provision of chapters 18.160 or 18.270 RCW. A citation may include, but is not limited to, a description of the violation(s) and a notice of civil penalty assessment.

"Contractor" means any person, corporation, or other entity, licensed under chapter 18.160 RCW, which performs any work covered by the provisions of this chapter.

"Director" means the director of fire protection.

"Director of fire protection" means the state fire marshal and/or his or her authorized representative.

"Dry pipe sprinkler system" means a system employing automatic sprinklers attached to a piping system containing air or nitrogen under pressure, the release of which (as from the opening of a sprinkler) allows the water pressure to open a valve known as a dry pipe valve. The water then flows into the piping system and out to the open sprinkler(s).

"Fire protection sprinkler fitting" means installing, altering, and repairing sprinkler, standpipe, hose, or other hazard systems for fire protection purposes that are an assembly of piping or conduit beginning at the connection to the primary water supply within a building, sprinkler tank heaters, air lines and all tanks and pumps attached thereto.

"Fire protection sprinkler system" means an assembly of underground and/or overhead piping beginning at the connection to the primary water supply, whether public or private, that conveys water with or without other agents to dispersal openings or devices to extinguish, control, or contain fire or other products of combustion. The fire protection sprinkler system (with the exception of residential combination systems) starts at the point where the last nonfire water use is taken from the supply mains. This is the point just down stream of the last tap for domestic or process water, the last water control valve that is required by a city or other authority, or the point where the water can be considered nonflowing.

"Fire pump" means a listed pump supplying water at the flow and pressure required by water based fire protection systems.

"FOR DESIGN ONLY" means a certificate of competency holder only allowed to perform the design of a fire protection sprinkler system consistent with the level of certification he or she holds. In the case of a "State Level U certification," "FOR DESIGN ONLY" merely allows the individual to maintain their certification.

"Formal hearing" means a hearing before a hearing officer where laws, rules, and evidence are presented, considered, and a decision is rendered.

"Hazard" means a condition which could result in injury or death to a person and/or damage to property.

"Hearings request" means the written request for a formal hearing to contest a civil penalty.

"Hose connection" means a combination of equipment provided for connection of a hose to the standpipe system that includes a hose valve with a threaded outlet.

"Inspection" means a visual examination of a fire protection sprinkler system, or portion of the system, to verify that

the system appears to be in operating condition, is free from physical damage, and complies with the applicable statutes and regulations adopted by the state.

"Instance" means the number of times a person has been cited for a violation of chapters 18.160, 18.270 RCW, or this chapter. These will be identified as 1st, 2nd, and 3rd instances.

"Journey-level sprinkler fitter" means any person who has been issued a certificate by the director of fire protection as provided by chapter 18.270 RCW.

"Maintenance" means work performed on a fire suppression sprinkler system to keep the equipment operable, or to make repairs.

"Network fire protection sprinkler system" means a type of multipurpose system utilizing a common piping system supplying domestic plumbing fixtures and fire sprinklers as defined by NFPA 13D.

"NFPA" means the National Fire Protection Association.

"NFPA 13D" means, in addition to the definition contained in chapter 18.160 RCW, the inclusion of minor accessory uses such as garages normally found in residential occupancies.

"NFPA 13R" means the standard used by the National Fire Protection Association for the installation and design of fire suppression sprinkler systems in residential occupancies up to and including four stories in height.

"NFPA 13" means the standard used by the National Fire Protection Association for the installation and design of fire suppression sprinkler systems in commercial or high occupancy facilities.

"NFPA 14" means the standard used by the National Fire Protection Association for the installation of standpipe and hose systems.

"NFPA 20" means the standard used by the National Fire Protection Association for the selection and installation of pumps, both centrifugal and positive displacement, that supply liquid for a private fire protection system.

"NFPA 24" means the standard used by the National Fire Protection Association for the installation of the dedicated underground fire service main of a water based fire protection system.

"NFPA 25" means the standard used by the National Fire Protection Association for the inspection, testing, and maintenance of water based fire protection systems.

"NICET" means the National Institute for Certification in Engineering Technologies.

"NITC" means the National Inspection Testing Certification.

"Person" means one or more individuals, legal representatives, partnerships, joint ventures, associations, corporations (whether or not organized for profit), business trusts, or any organized group of individuals and includes the state, state agencies, counties, municipal corporations, school districts, and other public corporations.

"Preaction system" means a sprinkler system employing automatic sprinklers attached to a piping system containing air, which may or may not be under pressure, with a supplemental detection system installed in the same areas as the sprinklers.

"Qualified" shall mean an individual who has demonstrated through education, training, examination, and/or

national certifications the competency, skill, and ability necessary to perform any work covered and/or defined by this chapter and chapters 18.160 and 18.270 RCW to the satisfaction of a relevant jurisdiction. In matters of compliance with the licensing and certification requirements of this chapter and chapters 18.160 and 18.270 RCW, the relevant jurisdiction shall be the chief of the Washington state patrol, through the director of fire protection.

"Residential-level sprinkler fitter" means anyone who has been issued a certificate by the director of fire protection limited to installation, maintenance, and repair of the fire protection sprinkler system of residential occupancies as defined by NFPA 13, NFPA 13D and NFPA 13R.

"Revoke" means the chief of the Washington state patrol, through the director of fire protection, shall rescind a company's license or an individual's certification. Such action causes said company or individual to cease any and all work in the sprinkler field in Washington state until such time as the chief of the Washington state patrol, through the director of fire protection, is satisfied with the resolution of the issue which caused the license or certificate to be revoked.

"Standpipe" means the vertical portion of the system piping that delivers the water supply for hose connections, and fire sprinklers on combined systems, vertically from floor to floor. The term standpipe also refers to the horizontal portion of the system piping that delivers the water supply for two or more hose connections, and fire sprinklers on combined systems, on a single level as defined by NFPA 14.

"Standpipe system" means an arrangement of piping, valves, hose connections, and allied equipment installed in a building or structure, with the hose connections located in such a manner that water can be discharged in streams or spray patterns through attached hose and nozzles, for the purpose of extinguishing a fire, thereby protecting a building or structure and its contents in addition to protecting the occupants as defined by NFPA 14.

"State certified fire sprinkler system inspection and testing technician" (ITT) means a state certificate of competency holder who is qualified to inspect and/or test NFPA 13D, 13R, or 13, wet and dry pipe fire protection systems per the definition of fire protection sprinkler system in this chapter. However, testing of other fire protection systems such as preaction, deluge, foam, or fire pump and maintenance of any type of system defined under this chapter or chapter 18.160 RCW shall be performed only by contractors who are also qualified and licensed to design and install that type of system or fire pump being tested or maintained.

"State fire marshal" means the director of fire protection or his/her authorized representative.

"State Level 1 certification" means a certificate of competency holder who is qualified to prepare layout drawings, install, inspect, test, maintain, or service an NFPA 13D fire protection sprinkler system or any part of such a system.

"State Level 1 licensing" means a sprinkler contracting company licensed by the chief of the Washington state patrol, through the director of fire protection, to contract and/or offer to bid on the design, installation, service, maintenance, and/or inspection of a NFPA 13D fire protection sprinkler system or any part of such a system.

"State Level 2 certification" means a certificate of competency holder who is qualified to prepare layout drawings,

install, inspect, test, maintain, or service an NFPA 13D and/or an NFPA 13R fire protection sprinkler system or any part of such a system.

"State Level 2 licensing" means a sprinkler contracting company licensed by the chief of the Washington state patrol, through the director of fire protection, to contract and/or offer to bid on the design, installation, service, maintenance, and/or inspection of a NFPA 13D and/or a NFPA 13R fire protection sprinkler system or any part of such a system.

"State Level 3 certification" means a certificate of competency holder who is qualified to prepare layout drawings, install, inspect, maintain, or service an NFPA 13D, NFPA 13R, NFPA 13, or all other systems per the definition of fire protection sprinkler system in chapter 18.160 RCW.

"State Level 3 licensing" means a sprinkler contracting company licensed by the chief of the Washington state patrol, through the director of fire protection, to contract and/or offer to bid on the design, installation, service, maintenance, and/or inspection of a NFPA 13D, NFPA 13R, NFPA 13, or all other systems per the definition of a fire protection sprinkler system in chapter 18.160 RCW.

"State level inspection and testing contractor licensing" means a sprinkler contracting company licensed by the chief of the Washington state patrol, through the director of fire protection, to contract and/or offer to bid on the inspection or testing of a wet or dry pipe NFPA 13D, NFPA 13R, NFPA 13, or other systems per the definition of a fire protection sprinkler system in chapter 18.160 RCW. However, the testing and maintenance of fire protection systems such as preaction, deluge, foam, or fire pumps, shall be performed only by contractors who are also qualified and licensed to design and install that type of system or fire pump being tested or maintained.

"State Level U certification" means a certificate of competency holder who is qualified to certify the installation of the underground portions of fire protection sprinkler systems in conformance with recognized standards adopted by the director of fire protection.

"State Level U licensing" means a sprinkler contracting company licensed by the chief of the Washington state patrol, through the director of fire protection, to contract and/or offer to bid on the installation of the underground portions of fire protection sprinkler systems in conformance with the recognized standards adopted by the chief of the Washington state patrol, through the director of fire protection.

"Suspend" means the chief of the Washington state patrol, through the director of fire protection, holds a license or certificate inactive until such time as the chief of the Washington state patrol, through the director of fire protection, feels confident that the company or individual is in compliance with the requirements of this chapter and chapters 18.160 and 18.270 RCW.

"Testing" means a procedure used to determine the status of a system as intended by conducting periodic physical checks on water-based fire protection systems such as water flow tests, fire pump tests, alarm tests, and trip tests of dry pipe, deluge, or preaction valves. These tests follow up on the original acceptance test at intervals specified in the appropriate chapter of NFPA 25.

"Trainee" means a person who has been issued a training certificate by the chief of the Washington state patrol,

through the director of fire protection, who is learning the fire protection sprinkler fitting trade under the supervision of a journey-level sprinkler fitter or residential sprinkler fitter working in his or her specialty.

"Type" means the classification of violation as minimal, moderate, and severe. These are identified as Types I, II, and III respectively.

"Violation" means any action, general or specific, inconsistent with the intent and letter of chapters 18.160 and 18.270 RCW and shall be further defined as:

(a) "Minimal violation" means a Type I violation which poses a minor hazard or threat to life and property in the event of a fire.

(b) "Moderate violation" means a Type II violation which poses a significant hazard or threat to life or property in the event of a fire.

(c) "Severe violation" means a Type III violation which poses a substantial hazard or threat to life or property in the event of a fire.

"Wet pipe sprinkler system" means a sprinkler system employing automatic sprinklers attached to a piping system containing water and connected to a water supply so that water discharges immediately when any sprinkler is opened by heat from a fire.

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-010, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-010, filed 8/16/05, effective 9/16/05; 05-05-006, § 212-80-010, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 92-20-070 (Order 92-08), § 212-80-010, filed 10/5/92, effective 11/5/92; 91-14-086 (Order 91-06), § 212-80-010, filed 7/1/91, effective 8/1/91.]

**WAC 212-80-015 Compliance.** All fire sprinkler system contractors, certificate of competency holders, or trainees, designing, installing, inspecting, testing or maintaining fire protection sprinkler systems or any part of such a system shall comply with the provisions of this regulation.

**EXCEPTIONS:**

(1) Federal, state, and local government employees, or insurance inspectors when acting in their official capacities.

(2) A person or organization acting under court order.

(3) A person or organization that sells or supplies products or materials to a licensed fire protection sprinkler system contractor.

(4) A registered professional engineer acting solely in a professional capacity.

(5) A person issued a certificate of competency by the Washington state department of labor and industries, under chapter 18.106 RCW, as a journeyman plumber installing a residential network fire protection sprinkler system connected to potable water who works for a contractor as defined herein.

(6) An owner/occupier of a single-family residence performing his or her own installation in that residence. It is the intent of this subsection that builders or contractors will not install their own sprinkler systems in single-family residences under their ownership which they plan to sell, lease, or rent.

(7) A full-time employee, or owner of a facility who is qualified to the satisfaction of the local authority having jurisdiction to perform inspection and testing of fire protection sprinkler systems in said facility.

(12/19/08)

(8) An employee of a licensed electrical contractor installing or testing only the electronic signaling devices of a fire sprinkler system.

(9) A person, licensed by the Washington state department of health, under chapter 246-292 WAC, as a certified backflow assembly tester, performing testing and maintenance of backflow assemblies.

(10) A person licensed by the Washington state department of health, under chapter 246-292 WAC, as a certified backflow assembly tester, and also licensed by the Washington state department of labor and industries, under chapter 18.106 RCW, as a backflow specialty plumber performing repairs of backflow assemblies in accordance with chapter 246-290 WAC.

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-015, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-015, filed 8/16/05, effective 9/16/05; 05-05-006, § 212-80-015, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-015, filed 12/1/94, effective 1/1/95; 92-20-070 (Order 92-08), § 212-80-015, filed 10/5/92, effective 11/5/92; 91-14-086 (Order 91-06), § 212-80-015, filed 7/1/91, effective 8/1/91.]

**WAC 212-80-018 License and certification requirements.** Only a company or individual licensed as a fire protection sprinkler systems contractor, who has at least one designer on staff certified by the chief of the Washington state patrol, through the director of fire protection, can bid, offer to bid, contract, or perform the designing, installation, inspection, testing, maintenance, and/or servicing of a fire protection sprinkler system.

**EXCEPTIONS:** A company or individual licensed as an inspection and testing contractor, whose staff performing the work of inspection and/or testing of a fire protection sprinkler system have all been certified by the chief of the Washington state patrol, through the director of fire protection, as described in this chapter, can bid, offer to bid, contract, or perform only the testing and inspection of a fire protection sprinkler system - excluding preaction, deluge, or foam systems or systems with fire pumps.

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-018, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-018, filed 8/16/05, effective 9/16/05; 05-05-006, § 212-80-018, filed 2/4/05, effective 3/7/05.]

**WAC 212-80-020 Right of appeal.** Any person who is aggrieved by the chief of the Washington state patrol, through the director of fire protection, suspending or revoking the privilege of a licensed fire protection sprinkler system contractor or the certificate of a certificate of competency holder to engage in fire protection sprinkler system business, may appeal to the director within thirty days of the date of the order.

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-020, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-020, filed 8/16/05, effective 9/16/05. Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-020, filed 7/1/91, effective 8/1/91.]

**WAC 212-80-023 Authority having jurisdiction.** (1) Fire protection sprinkler systems shall meet the approval of the authority having jurisdiction. This includes plans, specifications, calculations, contractor's materials and test certificates, and final approval.

(2) In certain types of occupancies the authority having jurisdiction may be the chief of the Washington state patrol, through the director of fire protection, and the building and/or fire official of the city or county in which the installation is located. Generally these dual responsibilities occur in health care facilities, transient accommodations, and day care facilities.

(3) It is the responsibility of the certificate of competency holder to ascertain which agency or agencies have jurisdiction. If there is a question, the certificate of competency holder should contact the chief of the Washington state patrol, through the director of fire protection.

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-023, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, amended and recodified as § 212-80-023, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-025, filed 7/1/91, effective 8/1/91.]

**WAC 212-80-028 License and certificate posting.** Each license and certification issued under this regulation must be posted in a conspicuous place in the fire protection sprinkler system contractor's place of business. The wallet card issued to a designer or journey-level or residential sprinkler fitter certificate of competency holder, trainee, and/or an inspection and testing technician under this chapter will be maintained with the certified individual it was issued to and available for review at any time.

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-028, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-028, filed 8/16/05, effective 9/16/05; 05-05-006, amended and recodified as § 212-80-028, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-095, filed 7/1/91, effective 8/1/91.]

**WAC 212-80-033 Posting license number.** All bids, advertisements, proposals, offers, and installation drawings for fire protection sprinkler systems must prominently display the fire protection sprinkler system contractor's license number.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, recodified as § 212-80-033, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-100, filed 7/1/91, effective 8/1/91.]

**WAC 212-80-038 Municipality, county, or state regulations.** (1) Nothing in this regulation limits the power of a municipality, county, or state to regulate the quality and character of work performed by contractors through a system of permits, fees, and inspections which are designed to assure compliance with and aid in the implementation of state and local building laws or to enforce other local laws for the protection of the public health and safety.

(2) Nothing in this regulation limits the power of the municipality, county, or the state to adopt any system of permits requiring submission to and approval by the municipality, county, or the state of layout drawings and specifications

for work to be performed by contractors before commencement of the work.

(3) The official authorized to issue building or other related permits shall ascertain that the fire protection sprinkler system contractor is duly licensed by requiring evidence of a valid fire protection sprinkler system contractor's license and a valid certificate of competency stamp consistent with the contractor's license.

(4) This regulation applies to any fire protection sprinkler system contractor performing work for any municipality, county, or the state.

(5) Officials of any municipality, county, or the state are required to determine compliance with this regulation before awarding any contracts for the installation, inspection, testing, maintenance, repair, service, alteration, fabrication, or addition of a fire protection sprinkler system.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-038, filed 8/16/05, effective 9/16/05; 05-05-006, amended and recodified as § 212-80-038, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-130, filed 7/1/91, effective 8/1/91.]

**WAC 212-80-043 Qualifications for preparation of layout drawings, installations, inspections, testing, or maintenance.** Only licensed fire protection sprinkler system contractors shall execute contracts for the design, installation, inspection, testing, or maintenance of fire protection sprinkler systems or any part of such a system in the state of Washington.

**EXCEPTIONS:**

(1) A company or individual licensed as an inspection and testing contractor, whose staff performing the work of inspection and testing of a fire protection sprinkler system have all been certified by the chief of the Washington state patrol, through the director of fire protection, as described in this chapter, can bid, offer to bid, contract, or perform only the testing and inspection of a fire protection sprinkler system - excluding preaction, deluge, or foam systems or systems with fire pumps.

(2) Only licensed contractors who have achieved at least State Level U licensure shall execute contracts for the installation, inspection, or maintenance of the underground portions of fire protection sprinkler systems in the state of Washington.

(3) Only licensed fire protection sprinkler contractors who have achieved at least State Level 1 licensure shall execute contracts for the installation, inspection, testing, or maintenance of NFPA 13D fire protection sprinkler systems or any part of such a system in the state of Washington.

(4) Only licensed fire protection sprinkler contractors who have achieved at least State Level 2 licensure shall execute contracts for the installation, inspection, testing, or maintenance of NFPA 13D or NFPA 13R fire protection sprinkler systems or any part of such a system in the state of Washington.

(5) Only licensed fire protection sprinkler contractors who have achieved at least State Level 3 licensure shall execute contracts for the installation, inspection, testing, maintenance and/or servicing of NFPA 13D, NFPA 13R, NFPA 13, and all other systems per the definition of fire protection

sprinkler system in chapter 18.160 RCW or any part of such a system in the state of Washington.

(6) Only those certificate of competency holders who have achieved State Level U certification shall supervise and/or certify the installation of underground supplies to fire protection sprinkler systems. To achieve State Level U certification, persons shall satisfactorily complete an examination administered by the chief of the Washington state patrol, through the director of fire protection.

(7) Only those certificate of competency holders who have achieved at least State Level 1 certification shall supervise and/or certify the preparation of layout drawings, installation, inspection, testing, maintenance, or the installation of NFPA 13D fire protection sprinkler systems or any part thereof. To achieve State Level 1 certification, persons shall hold a current NICET Level 2 classification or satisfactorily complete an examination administered by the chief of the Washington state patrol, through the director of fire protection.

(8) Only those certificate of competency holders who have achieved at least State Level 2 certification shall supervise and/or certify the preparation of layout drawings, installation, inspection, testing, maintenance, or the installation of NFPA 13D and NFPA 13R fire protection sprinkler systems or any part thereof. To achieve State Level 2 certification, persons shall hold a current NICET Level 2 classification.

(9) Only those certificate of competency holders who have achieved at least State Level 3 certification shall supervise and/or certify the preparation of layout drawings, installation, inspection, testing, maintenance, or the installation of NFPA 13D, NFPA 13R, NFPA 13, and all other systems per the definition of fire protection sprinkler system in chapter 18.160 RCW or any part thereof. To achieve State Level 3 certification, persons shall hold a current NICET Level 3 or 4.

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-043, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-043, filed 8/16/05, effective 9/16/05; 05-05-006, amended and recodified as § 212-80-043, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-030, filed 12/1/94, effective 1/1/95; 92-20-070 (Order 92-08), § 212-80-030, filed 10/5/92, effective 11/5/92; 91-14-086 (Order 91-06), § 212-80-030, filed 7/1/91, effective 8/1/91.]

**WAC 212-80-048 Subcontracting.** Subcontracting of any work under the purview of chapter 18.160 RCW involving unlicensed contractors is strictly prohibited and a violation of chapter 18.160 RCW.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, § 212-80-048, filed 2/4/05, effective 3/7/05.]

## FIRE PROTECTION SPRINKLER CONTRACTOR

**WAC 212-80-053 Licensed fire protection sprinkler system contractor.** To become a licensed fire protection sprinkler system contractor under this regulation, a person or firm must comply with the following:

(1) Must be or have in his or her full-time employ a holder of a valid certificate of competency whose level is consistent with the license level.

(2) Make application to the director of fire protection on forms provided and pay the fees required.

(12/19/08)

(3) Meet the bonding requirements of WAC 212-80-078.

(4) Be licensed as a contracting company in the state of Washington by the department of labor and industries and possess the twelve digit alphanumeric business license number assigned by that agency.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-053, filed 8/16/05, effective 9/16/05; 05-05-006, amended and recodified as § 212-80-053, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-090, filed 7/1/91, effective 8/1/91.]

**WAC 212-80-058 Fire protection sprinkler contractor license not transferable.** A license issued under this regulation is not transferable.

### EXCEPTIONS:

Should a currently licensed fire protection sprinkler contractor merge or form another company, that license can be reissued to the newly formed/incorporated company provided:

(1) The principal officers of the licensed company remain the same;

(2) Continues, takes over, or otherwise reestablishes the bond required by chapter 18.160 RCW for licensing;

(3) Continues to perform fire protection sprinkler contractor work as defined by chapter 18.160 RCW;

(4) Employs certificate of competency holders of the appropriate levels; and

(5) Meets the criteria necessary for licensing as a fire protection sprinkler contracting company as defined by chapter 18.160 RCW.

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-058, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, amended and recodified as § 212-80-058, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-105, filed 7/1/91, effective 8/1/91.]

**WAC 212-80-063 Contractor responsibilities, design certificate of competency holder employment.** (1) A fire protection sprinkler system contractor shall have at least one full-time design certificate of competency holder, consistent with the license level, employed to conduct business.

(2) If a design certificate of competency holder should leave the employment of the fire protection sprinkler system contractor, and the contractor has no other design certificate of competency holder on staff, the contractor shall have six months or until the expiration of the current license, whichever occurs last, to submit a new application. In order to be issued a new license, the contractor shall identify a new design certificate of competency holder who, at the time of application, shall be either an owner or full-time employee of that fire protection sprinkler business.

(3) If such application is not received by the chief of the Washington state patrol, through the director of fire protection and a new license issued within the allotted time, the chief of the Washington state patrol, through the director of fire protection, shall revoke the license of the fire protection sprinkler system contractor.

(4) The fire protection sprinkler system contractor may only complete the active phase of existing work in progress which has been approved by the authority having jurisdiction, and may not receive new approvals from the authority having jurisdiction without a design certificate holder's number on

the documents. Installation can continue on approved design plans, however, the contractor's material and test certificate for the system must be stamped by a certificate of competency holder in the full-time employ of the installing contractor.

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-063, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, amended and recodified as § 212-80-063, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-110, filed 12/1/94, effective 1/1/95; 91-14-086 (Order 91-06), § 212-80-110, filed 7/1/91, effective 8/1/91.]

**WAC 212-80-068 License renewals.** (1) All licensed fire protection sprinkler system contractors desiring to continue to be licensed shall secure from the chief of the Washington state patrol, through the director of fire protection, prior to January 1 of each year a renewal license upon payment of the fee as prescribed by the chief of the Washington state patrol, through the director of fire protection.

(2) Application for renewal shall be upon a form prescribed by the chief of the Washington state patrol, through the director of fire protection, and the license holder shall furnish the information required by the chief of the Washington state patrol, through the director of fire protection.

(3) Failure of any license holder to secure his or her renewal license within sixty days after the expiration date shall constitute sufficient cause for the chief of the Washington state patrol, through the director of fire protection, to suspend the license.

(4) The chief of the Washington state patrol, through the director of fire protection, may restore a license that has been suspended. In addition to other provisions of this regulation, any of the following will constitute cause for the chief of the Washington state patrol, through the director of fire protection, not to restore a license that has been suspended:

- (a) Nonreceipt of payment of all delinquent fees;
- (b) Nonreceipt of a late charge and/or application fee;
- (c) Failure to comply with the bonding requirements of chapter 18.160 RCW; and
- (d) Failure to obtain or show evidence of having a full-time employee certified as a design certificate of competency holder of the appropriate level as defined by chapter 18.160 RCW.

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-068, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, amended and recodified as § 212-80-068, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-115, filed 12/1/94, effective 1/1/95; 92-20-070 (Order 92-08), § 212-80-115, filed 10/5/92, effective 11/5/92; 91-14-086 (Order 91-06), § 212-80-115, filed 7/1/91, effective 8/1/91.]

**WAC 212-80-073 Prorated license fees.** The initial license fee shall be prorated based upon the portion of the year such license is in effect. This is allowed only once in the history of the company.

**EXCEPTIONS:** Any contracting company who attempts to license as a fire sprinkler contracting company after performing work covered by this chapter and chapter 18.160 RCW shall be required to pay the full annual licensing fees, in addition to any penalties assessed by the chief of the Washington state patrol,

through the director of fire protection, for unlicensed operation(s).

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-073, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, amended and recodified as § 212-80-073, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-120, filed 7/1/91, effective 8/1/91.]

**WAC 212-80-078 Contractor surety bonds.** (1) The chief of the Washington state patrol, through the director of fire protection, shall not issue a license under this regulation unless:

(a) The fire protection sprinkler system contractor, to be licensed as a Level 3 or Level "U" fire protection sprinkler system contractor, files with the chief of the Washington state patrol, through the director of fire protection, a surety bond executed by a surety company authorized to do business in the state of Washington, in the sum of ten thousand dollars, conditioned to compensate third-party losses caused by the acts of the principal or the principal's servant, officer, agent, or employee in conducting the business registered or licensed under this regulation; or

(b) The fire protection sprinkler system contractor, to be licensed for Level 1 and/or Level 2 systems or a contractor to be licensed as an inspection and testing contractor, files with the chief of the Washington state patrol, through the director of fire protection, a surety bond executed by a surety company authorized to do business in the state of Washington, in the sum of six thousand dollars, conditioned to compensate third-party losses caused by the acts of the principal or the principal's servant, officer, agent, or employee in conducting the business registered or licensed under this regulation.

(2) Upon approval by the chief of the Washington state patrol, through the director of fire protection, property or cash may substitute for a surety bond provided the value matches the appropriate level of bonding required for the level of work to be performed. The value of property shall be determined by an appraiser selected by the chief of the Washington state patrol, through the director of fire protection. All appraisal fees shall be paid by the fire protection sprinkler system contractor.

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-078, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-078, filed 8/16/05, effective 9/16/05; 05-05-006, amended and recodified as § 212-80-078, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 92-20-070 (Order 92-08), § 212-80-125, filed 10/5/92, effective 11/5/92.]

### FIRE SPRINKLER CERTIFICATE OF COMPETENCY HOLDER

**WAC 212-80-083 Stamps for NFPA 13D, 13R, and 13 systems.** (1) Sprinkler system plans, calculations, and contractors' materials and test certificates submitted to the authority having jurisdiction shall be stamped pursuant to subsection (3) of this section.

(2) At least one set of approved plans and calculations, containing information as specified in subsection (3) of this section, shall be maintained on the job site while the work is being performed.

(3) Stamps shall be issued by the chief of the Washington state patrol, through the director of fire protection, and



shall contain the name and certification number of the design certificate of competency holder, name and license number of the holder's employer, the expiration date of the current certificate, a place for the signature of the design certificate of competency holder and the date of the signature. On all plans the stamp shall be easily recognizable and visible.

(4) An original stamp and signature shall appear on each page of plans, on the cover sheet of hydraulic calculations and on all test certificates for fire protection sprinkler systems submitted to the authority having jurisdiction.

(5) Plans and calculations for "underground only" portions of fire protection sprinkler systems submitted to the authority having jurisdiction by a State Level U licensed fire protection sprinkler contractor shall be stamped by either a licensed professional engineer registered in the state of Washington or the appropriate level certificate of competency holder and the State Level U certificate of competency holder employed by the submitting contractor.

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-083, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-083, filed 8/16/05, effective 9/16/05; 05-05-006, amended and recodified as § 212-80-083, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-035, filed 12/1/94, effective 1/1/95; 92-20-070 (Order 92-08), § 212-80-035, filed 10/5/92, effective 11/5/92; 91-14-086 (Order 91-06), § 212-80-035, filed 7/1/91, effective 8/1/91.]

**WAC 212-80-088 Contractor's materials and test certificates.** (1) The design certificate of competency holder shall complete the contractor's material and test certificate(s), affix his/her certificate of competency stamp, and forward the certificate(s) to the authority having jurisdiction.

(2) Contractor's material and test certificate forms shall be of such form as accepted or approved by the chief of the Washington state patrol, through the director of fire protection.

(3) The authority having jurisdiction shall require an approved flow test of heads as part of the approval of NFPA 13R and NFPA 13D fire protection sprinkler systems.

(4) The authority having jurisdiction and the building owner shall retain copies of the contractor's materials and test certificate for a minimum of five years.

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-088, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, amended and recodified as § 212-80-088, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-040, filed 12/1/94, effective 1/1/95; 91-14-086 (Order 91-06), § 212-80-040, filed 7/1/91, effective 8/1/91.]

**WAC 212-80-093 Certificate of competency certification for Level 1 design, Level U, Level 2, and Level 3.** To become a certificate of competency holder under this regulation, an applicant must either:

(1) For State Level 1 design certification, have satisfactorily passed with a final score of eighty percent or better an examination administered by the chief of the Washington state patrol, through the director of fire protection, or show evidence of passing the National Institute for Certification in Engineering Technologies element requirements for Level 2 certification in fire protection system layout design.

(2) For State Level U certification, have satisfactorily passed with a final score of eighty percent or better an exam-

ination administered by the chief of the Washington state patrol, through the director of fire protection.

(3) Be a registered professional engineer acting solely in a professional capacity. Such engineer shall comply with all other requirements of this regulation including payment of fees, completion of the application process, and supplying the director of fire protection with proof that the applicant holds a current, valid state of Washington registration as a professional engineer. Upon completion of the above requirements, the engineer will be granted an equivalency certificate to that of State Level 3 design certification; or

(4) Present a copy of a current certificate from the National Institute for Certification in Engineering Technologies showing that the applicant has achieved the classification. State Level 2 certification requires a minimum certification from the National Institute for Certification in Engineering Technologies of Level 2 in the field of fire protection automatic sprinkler system layout or better. State Level 3 certification requires either Engineering Technician, Level 3 or Senior Engineering Technician, Level 4 in the field of fire protection automatic sprinkler system layout.

(5) The chief of the Washington state patrol, through the director of fire protection, may accept equivalent proof of qualification in lieu of the examination requirements.

(6) Proof of competency to the satisfaction of the chief of the Washington state patrol, through the director of fire protection, is mandatory.

(7) Every applicant for a certificate of competency shall fulfill the requirements established by the chief of the Washington state patrol, through the director of fire protection, under chapters 18.160 and 18.270 RCW.

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-093, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-093, filed 8/16/05, effective 9/16/05; 05-05-006, amended and recodified as § 212-80-093, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-045, filed 12/1/94, effective 1/1/95; 91-14-086 (Order 91-06), § 212-80-045, filed 7/1/91, effective 8/1/91.]

**WAC 212-80-096 Certificate of competency certification for journey-level sprinkler fitter, residential sprinkler fitter, and trainees.** (1) For journey-level sprinkler fitter certification, the applicant must provide evidence to the chief of the Washington state patrol, through the director of fire protection, on forms provided by the director, of at least eight thousand hours of trade related fire protection sprinkler fitting experience, pay an examination fee and satisfactorily pass an examination provided by the director.

(2) For residential sprinkler fitter certification, the applicant must provide evidence to the chief of the Washington state patrol, through the director of fire protection, on a form provided by the director, of at least four thousand hours of trade related fire protection sprinkler fitting experience, or residential sprinkler fitting, pay an examination fee and satisfactorily pass an examination provided by the director.

(3) For a training certificate the applicant shall provide evidence to the chief of the Washington state patrol, through the director of fire protection, on forms provided by the director, of trade related employment by a fire protection sprinkler contractor.

**EXCEPTIONS:**

(a) Provided the application for a journey level sprinkler fitter certificate of competency is made prior to ninety days after the adoption of this chapter, the director, in lieu of the examination requirements of the applicant for a certificate of competency, may accept as satisfactory evidence of competency and qualification an affidavit attesting that the applicant has completed at least eight thousand hours employment as a journey-level sprinkler fitter.

(b) Provided the application for a residential level sprinkler fitter certificate of competency is made prior to ninety days after the adoption of this chapter, the director, in lieu of the examination requirements of the applicant for a certificate of competency, may accept as satisfactory evidence of competency and qualification an affidavit attesting that the applicant has completed at least four thousand hours employment as a residential-level sprinkler fitter.

(4) Proof of competency to the satisfaction of the chief of the Washington state patrol, through the director of fire protection, is mandatory.

(5) Every applicant for a certificate of competency shall fulfill the requirements established by the chief of the Washington state patrol, through the director of fire protection, under chapters 18.160 and 18.270 RCW.

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-096, filed 12/19/08, effective 1/19/09.]

**WAC 212-80-098 Applications/fees for certificate of competency.** (1) Every applicant for a certificate of competency shall apply to the chief of the Washington state patrol, through the director of fire protection, on application forms provided and pay the fees required.

(2) The chief of the Washington state patrol, through the director of fire protection, shall deny renewal of a certificate if the certificate is in revoked or suspended status.

(3) There are two separate fees, including the application fee and the certification fee. The application fee is only charged once when an individual makes the initial application for any of the certificates specified in this section.

(4) Prorated fees shall only be allowed for the initial certificate. Renewals or reinstatements shall not be prorated. The prorated amount shall be calculated using the number of months remaining in the certification cycle.

(5) Renewal timelines:

(a) Levels 1, 2 and 3 design, Level U installer, and Level ITT certificates shall be renewed annually.

(b) Journey-level fire sprinkler fitter, residential fire sprinkler fitter, or temporary fire sprinkler fitter certificates shall be renewed biannually.

(6) Certificate of competency fees for journey-level fire sprinkler fitter, residential fire sprinkler fitter, or temporary fire sprinkler fitter certificates shall be:

(a) Initial application (one time fee) \$100.00;

(b) Certification and renewal of certification \$100.00;

(c) Reinstatement of certificate (no proration permitted) \$100.00.

(7) Certificate fees are nonrefundable once the certificate has been issued.

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-098, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, amended and recodified as § 212-80-098, filed 2/4/05,

effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-050, filed 7/1/91, effective 8/1/91.]

**WAC 212-80-103 Temporary design certificate of competency.** (1) The chief of the Washington state patrol, through the director of fire protection, may issue a temporary design certificate of competency to an applicant who, in his or her judgment, will satisfactorily perform as a certificate of competency holder under the provisions of this regulation.

(2) The temporary design certificate of competency shall remain in effect for a period of one year. If the temporary certificate of competency holder provides evidence to the chief of the Washington state patrol, through the director of fire protection, of testing with NICET in the previous year, the temporary certificate of competency may be renewed two times.

(3) In no case shall a person hold a temporary design certificate of competency for more than three years, either cumulative or consecutive.

(4) To convert from a temporary design certificate of competency to a regular design certificate of competency, a person shall:

(a) Within three years from the initial issuance of the temporary design certificate of competency, apply for a regular design certificate of competency; and

(b) Complete the requirements specified in this regulation and chapter 18.160 RCW.

(5) An individual having a temporary design certificate of competency shall not be exempt from taking an examination to acquire a regular design certificate of competency.

(6) Prior to the expiration of the temporary design certificate of competency at the end of the three-year period, the temporary design certificate of competency holder shall make application for a regular design certificate of competency. Upon expiration of the temporary certificate of competency at the end of the three-year period, if the holder has not met the requirements of subsection (4) of this section, the holder shall cease all activities associated with the holding of a design certificate of competency.

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-103, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, amended and recodified as § 212-80-103, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 92-20-070 (Order 92-08), § 212-80-055, filed 10/5/92, effective 11/5/92; 91-14-086 (Order 91-06), § 212-80-055, filed 7/1/91, effective 8/1/91.]

**WAC 212-80-108 Certificate of competency not transferable.** A certificate of competency issued under this regulation is not transferable. This certification can, however, follow a person to another employer provided that employer is currently licensed at the appropriate level.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, amended and recodified as § 212-80-108, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-060, filed 12/1/94, effective 1/1/95; 91-14-086 (Order 91-06), § 212-80-060, filed 7/1/91, effective 8/1/91.]

**WAC 212-80-113 Certificate of competency employment.** (1) In no case shall a certificate of competency holder be employed full time by more than one fire protection sprinkler system contractor at the same time.

(2) If the certificate of competency holder should leave the employment of the fire protection sprinkler system contractor, he or she shall notify the chief of the Washington state patrol, through the director of fire protection, within thirty days of his or her last day of employment.

(3) Should any individual who meets the criteria to be a design certificate of competency holder as defined by this chapter and chapter 18.160 RCW wish to be certified to perform design work only, he or she may request to work as a "FOR DESIGN ONLY" certificate of competency holder. This certification can also be utilized to maintain state certification, as in the case of the State Level U certification.

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-113, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-113, filed 8/16/05, effective 9/16/05; 05-05-006, amended and recodified as § 212-80-113, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-070, filed 7/1/91, effective 8/1/91.]

**WAC 212-80-118 Certificate of competency renewals.** (1) Level 1, 2, 3, U, or I.T. certificate of competency holders who desire to maintain a current certificate shall, prior to January 1 of each year, apply for renewal to the chief of the Washington state patrol, through the director of fire protection, on the appropriate form along with the required fee as prescribed by the chief of the Washington state patrol, through the director of fire protection.

(2) Journeyman fitter and residential fitter certificate of competency holders, and trainees who desire to maintain a current certificate shall, prior to January 1 of every other year, apply for renewal to the chief of the Washington state patrol, through the director of fire protection, on the appropriate form along with the required fee as prescribed by the chief of the Washington state patrol, through the director of fire protection. Applications for renewal shall not be made more than ninety days prior to the expiration date of the certificate.

(a) Trainees applying for a journeyman fitter certificate of competency shall provide an affidavit showing a minimum of eight thousand hours in fire protection sprinkler fitting experience on a form prescribed by the director of fire protection.

(b) Trainees applying for a residential fire sprinkler fitter certificate of competency shall provide an affidavit showing four thousand hours in fire protection sprinkler fitting experience in residential fitting on a form prescribed by the director of fire protection.

(3) Application for renewal forms shall be provided by the chief of the Washington state patrol, through the director of fire protection, upon request, and the certificate holder or trainee shall furnish the information required by the chief of the Washington state patrol, through the director of fire protection.

(4) The chief of the Washington state patrol, through the director of fire protection, may suspend the Level 1, 2, 3, or I.T. certificate of competency for failure to apply for a renewal certificate of competency within sixty days after the expiration date.

(5) The chief of the Washington state patrol, through the director of fire protection, may upon the receipt of payment of all delinquent fees and a late charge, restore a Level 1, 2,

3, U, or I.T. certificate of competency that had been suspended.

(6) Journeyman sprinkler fitter and residential sprinkler fitter certificate of competency holders, and trainees who desire to maintain a current certificate shall, prior to January 1 of every other year, apply for renewal to the chief of the Washington state patrol, through the director of fire protection, on the appropriate form along with the required fee as prescribed by the chief of the Washington state patrol, through the director of fire protection.

(7) Failure of a trainee, journeyman sprinkler fitter, or residential sprinkler fitter certificate of competency holder, to renew their certificate before its expiration date of December 31 of every other year, shall result in the applicant having to:

(a) File application with the chief of the Washington state patrol, through the director of fire protection, on a form provided by the director.

(b) Pay an examination fee to the chief of the Washington state patrol, through the director of fire protection.

(c) Successfully pass the written examination required by this chapter.

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-118, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, amended and recodified as § 212-80-118, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-075, filed 7/1/91, effective 8/1/91.]

**WAC 212-80-123 Voluntary relinquishment of certificates of competency.** (1) A certificate of competency holder, or trainee, may voluntarily relinquish his or her certificate of competency to the chief of the Washington state patrol, through the director of fire protection. This includes temporary design certificate of competencies that have not been in effect for more than three consecutive and/or accumulative years.

(2) The relinquishment is effective when the certificate is received by the chief of the Washington state patrol, through the director of fire protection.

(3) After relinquishing the certificate of competency, he or she shall not be known as a certificate of competency holder or trainee and shall desist from the practice thereof.

(4) Within two years from the time of relinquishment of the certificate of competency, he or she may again qualify for a certificate of competency, with the approval of the chief of the Washington state patrol, through the director of fire protection, by the payment of the required fee.

(5) If two or more years have elapsed, he or she shall return to the status of a new applicant.

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-123, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, amended and recodified as § 212-80-123, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-080, filed 7/1/91, effective 8/1/91.]

**WAC 212-80-128 Certificate of competency prorated fees.** The initial certificate of competency or trainee fee shall be prorated based upon the portion of the year such certificate of competency is in effect, prior to renewal on January 1.

**EXCEPTIONS:** Any individual who attempts to certify with the chief of the Washington state patrol, through the director of fire protection, after performing work covered by

chapters 18.160 and 18.270 RCW shall be required to pay the full annual certification fees, in addition to any penalties assessed by the chief of the Washington state patrol, through the director of fire protection, for uncertified operation(s).

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-128, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, amended and recodified as § 212-80-128, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 91-14-086 (Order 91-06), § 212-80-085, filed 7/1/91, effective 8/1/91.]

### FIRE PROTECTION SYSTEMS INSPECTION AND TESTING CONTRACTOR

**WAC 212-80-133 Sprinkler system inspection and testing contractor.** To become a licensed sprinkler system inspection and testing contractor under this regulation, a person or firm must comply with the following:

(1) Make application to the chief of the Washington state patrol, through the director of fire protection, on forms provided and pay the fees required.

(2) Meet the bonding requirements of WAC 212-80-125.

(3) Be licensed as a contracting company in the state of Washington by the department of labor and industries and provide the twelve digit alphanumeric business license number to the state fire marshal or his or her designee.

(4) Have each individual working as an inspection and testing technician certified as "qualified" by the chief of the Washington state patrol, through the director of fire protection, as defined by this chapter.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-133, filed 8/16/05, effective 9/16/05.]

**WAC 212-80-138 Sprinkler system inspection and testing contractor—Work allowed by this license.** Any company that becomes licensed as a sprinkler system inspection and testing contractor is allowed to contract for or offer to bid for the inspection and testing of water based fire protection systems as defined by chapter 18.160 RCW and this chapter. However, the inspection and testing of any fire pump system, deluge, preaction, foam, or chemical based fire protection system is not allowed by this license, nor is any sprinkler system inspection and testing contractor allowed to perform any maintenance on a water or chemical based fire protection system.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-138, filed 8/16/05, effective 9/16/05.]

**WAC 212-80-140 Inspection and testing license not transferable.** A license issued under this regulation is not transferable.

#### EXCEPTIONS:

Should a currently licensed inspection and testing contractor merge or form another company, that license can be reissued to the newly formed/incorporated company provided:

(1) The principal officers of the licensed company remain the same;

(2) Continues, takes over, or otherwise reestablishes the bond required by chapter 18.160 RCW for licensing;

(3) Continues to perform inspection and testing contractor work as defined by chapter 212-80 WAC;

(4) Employs at least one full-time inspection and testing technician; and

(5) Meets the criteria necessary for licensing as an inspection and testing contracting company as defined by chapter 212-80 WAC.

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-140, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-140, filed 8/16/05, effective 9/16/05.]

**WAC 212-80-145 Sprinkler system inspection and testing contractor responsibilities.** (1) Any employee of a sprinkler system inspection and testing contractor who physically performs inspection and testing of water based fire protection systems shall be certified by the chief of the Washington state patrol, through the director of fire protection, as an inspection and testing technician as defined in WAC 212-80-170. Under no condition can a sprinkler system inspection and testing contractor perform any inspection and testing of water based fire protection systems without at least one employee on staff certified by the chief of the Washington state patrol, through the director of fire protection, as a qualified inspection and testing technician, to physically perform any such work.

(2) If a sprinkler system inspection and testing contractor should at any time lose all inspection and testing technicians certified by the chief of the Washington state patrol, through the director of fire protection, that company is no longer able to perform work in Washington state as a sprinkler system inspection and testing contractor. Further, all work currently being performed by this contractor will be halted until such time as the company is able to employ full time at least one state certified inspection and testing technician to personally complete any existing physical work.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-145, filed 8/16/05, effective 9/16/05.]

**WAC 212-80-150 Inspection and testing contractor license renewals.** (1) All licensed sprinkler system inspection and testing contractors desiring to continue to be licensed shall secure from the chief of the Washington state patrol, through the director of fire protection, prior to January 1 of each year, a renewal license upon payment of the fee as prescribed by the chief of the Washington state patrol, through the director of fire protection.

(2) Application for renewal shall be upon a form prescribed by the chief of the Washington state patrol, through the director of fire protection, and the license holder shall furnish the information required by the chief of the Washington state patrol, through the director of fire protection.

(3) Failure of any license holder to secure his or her renewal license within sixty days after the due date shall constitute sufficient cause for the chief of the Washington state patrol, through the director of fire protection, to suspend the license.

(4) The chief of the Washington state patrol, through the director of fire protection, may restore a license that has been suspended. In addition to other provisions of this regulation, any of the following will constitute cause for the chief of the

Washington state patrol, through the director of fire protection, not to restore a license that has been suspended:

- (a) Nonreceipt of payment of all delinquent fees;
- (b) Nonreceipt of a late charge and/or application fee;
- (c) Any evidence or complaint which verifies that employees of the sprinkler system inspection and testing contractor have performed inspection and testing technician work without being certified by the chief of the Washington state patrol, through the director of fire protection;
- (d) Failure to comply with the bonding requirements of chapter 18.160 RCW; and
- (e) Failure to obtain or show evidence of having at least one full-time certified sprinkler system inspection and testing technician.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-150, filed 8/16/05, effective 9/16/05.]

**WAC 212-80-155 Sprinkler system inspection and testing contractor—Prorated fees.** The initial license fee shall be prorated based upon the portion of the year such license is in effect. This is allowed only once in the history of the company.

**EXCEPTIONS:** Any sprinkler system inspection and testing contracting company who is required to be licensed as a sprinkler system inspection and testing contractor with the chief of the Washington state patrol, through the director of fire protection, after performing work covered by this chapter and chapter 18.160 RCW shall be required to pay the full annual licensing fee, in addition to any penalties assessed by the chief of the Washington state patrol, through the director of fire protection, for unlicensed operation(s).

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-155, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-155, filed 8/16/05, effective 9/16/05.]

**WAC 212-80-160 Sprinkler system inspection and testing contractor—Surety bonds.** (1) The chief of the Washington state patrol, through the director of fire protection, shall not issue a license under this regulation unless the sprinkler system inspection and testing contractor has in their possession and files with the chief of the Washington state patrol, through the director of fire protection, a surety bond executed by a surety company authorized to do business in the state of Washington in the sum of six thousand dollars, conditioned to compensate third-party losses caused by the acts of the principal or the principal's servant, officer, agent, or employee in conducting the business registered or licensed under this regulation.

(2) Upon approval by the chief of the Washington state patrol, through the director of fire protection, property or cash may substitute for a surety bond provided the value is at least six thousand dollars and the property or cash is not otherwise encumbered. The value of property shall be determined by an appraiser selected by the chief of the Washington state patrol, through the director of fire protection. All appraisal fees shall be paid by the sprinkler system inspection and testing contractor.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-160, filed 8/16/05, effective 9/16/05.]

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## INSPECTION AND TESTING TECHNICIAN

**WAC 212-80-165 Inspection and testing of water based fire protection systems.** (1) All inspection and testing certificates, documentation, and/or other such records of work shall have affixed to them the inspection and testing technician number as provided by the chief of the Washington state patrol, through the director of fire protection, and shall possess the signature of the inspection and testing technician and the date of signature.

(2) Under no condition shall any employee working for a sprinkler system inspection and testing contractor perform any inspection and testing work on a water based fire protection system unless they possess certification as a competent inspection and testing technician by the chief of the Washington state patrol, through the director of fire protection.

(3) Wallet cards shall be issued by the chief of the Washington state patrol, through the director of fire protection, and shall contain the name and technician number of the inspection and testing technician, the expiration date of the current certification, a place for the signature of the inspection and testing technician, and the date of the signature.

(4) An original signature shall appear on each page of documentation for all inspection and testing certificates for water based fire protection sprinkler systems conducted by the inspection and testing technician.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-165, filed 8/16/05, effective 9/16/05.]

**WAC 212-80-170 Inspection and testing technicians—Work allowed by this certification.** (1) Possessing certification as an inspection and testing technician from the chief of the Washington state patrol, through the director of fire protection, shall allow an individual to perform only inspection and testing of water based fire protection systems, with the exception of preaction, deluge, or systems with fire pumps.

(2) All inspection and testing certificates shall be signed by an inspection and testing technician possessing the proper certification by the chief of the Washington state patrol, through the director of fire protection.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-170, filed 8/16/05, effective 9/16/05.]

**WAC 212-80-175 Inspection and testing technician—Certification.** To become an inspection and testing technician under this regulation, an applicant must:

(1) Possess a National Institute for Certification in Engineering Technologies Inspection, Testing and Maintenance Level 2 or Level 3 certification; or

(2) Demonstrate satisfactory completion of educational elements as specified by the chief of the Washington state patrol, through the director of fire protection, through the National Institute for Certification in Engineering Technologies.

(3) Provided the application for the inspection and testing technician certification is made prior to ninety days after final adoption of this rule, the chief of the Washington state patrol, through the director of fire protection, may in lieu of the examination requirements for an inspection and testing

technician, issue a temporary inspection and testing technician certification. The terms for this temporary certification shall be as follows:

(a) The employer of each applicant must provide notarized affidavits and proper documentation attesting that in the last three years the applicant has had a minimum of four thousand hours experience in the installation, inspection, and/or testing of fire sprinkler systems. Each application will be reviewed by the chief of the Washington state patrol, through the director of fire protection, and those found satisfactory shall be appointed a base time of one certification year as a temporary inspection and testing technician.

(b) Before the renewal of any temporary inspection and testing technician certification, the individual shall submit to the chief of the Washington state patrol, through the director of fire protection, sufficient evidence of a good faith effort in attaining certification as an inspection and testing technician as described in subsection (1) or (2) of this section. Such evidence shall qualify the temporary inspection and testing technician for an extension as a temporary inspection and testing technician for not more than a single-certification-year.

(c) No temporary inspection and testing technician shall be allowed more than one base certification year. No temporary inspection and testing technician shall be allowed more than two single-certification-year extensions as a temporary inspection and testing technician. No single-certification-year extension will be issued without first providing evidence of a good faith effort in attempting to attain certification as an inspection and testing technician as described in subsection (1) or (2) of this section. No individual shall possess temporary inspection and testing technician certification for a period of more than three certification-years in the life of the individual, which must be consecutive in nature.

(d) At the end of the base year or any extensions, the temporary inspection and testing technician may provide to the chief of the Washington state patrol, through the director of fire protection, satisfactory evidence of attaining certification as an inspection and testing technician as described in subsection (1) or (2) of this section. Such evidence shall qualify the individual to become an inspection and testing technician.

(e) Any temporary inspection and testing technician who fails to meet the qualifications described in subsection (1) or (2) of this section after the expiration of either their temporary status, or who does not show satisfactory evidence qualifying them for any of two one-certification-year extensions as described in (c) of this subsection, shall not be renewed as a temporary inspection and testing technician and not allowed to continue performing such work until such time as they meet the qualification requirements described in subsection (1) or (2) of this section.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-175, filed 8/16/05, effective 9/16/05.]

**WAC 212-80-180 Application/fees for inspection and testing technician certification.** Every applicant for certification as an inspection and testing technician shall apply to the chief of the Washington state patrol, through the director of fire protection, on application forms provided and pay the fees required.

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[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-180, filed 8/16/05, effective 9/16/05.]

**WAC 212-80-185 Inspection and testing technician certification not transferable.** An inspection and testing technician certification issued under this regulation is not transferable. This certification can, however, follow the inspection and testing technician to another employer provided that employer is currently licensed by this office for work covered by this certification.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-185, filed 8/16/05, effective 9/16/05.]

**WAC 212-80-188 Inspection and testing technician employment.** (1) In no case shall an inspection and testing technician be employed full time by more than one fire protection sprinkler system contractor at the same time.

(2) If the inspection and testing technician should leave the employment of the fire protection sprinkler system contractor, he or she shall notify the chief of the Washington state patrol, through the director of fire protection, within thirty days of the last day of employment.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-188, filed 8/16/05, effective 9/16/05.]

**WAC 212-80-190 Inspection and testing technician renewal certificates.** (1) All inspection and testing technicians who desire to maintain a current certificate shall, prior to January 1 of each year, apply for renewal to the chief of the Washington state patrol, through the director of fire protection, on the appropriate form along with the required fees as prescribed by the chief of the Washington state patrol, through the director of fire protection.

(2) Application for renewal forms shall be provided by the chief of the Washington state patrol, through the director of fire protection, upon request, and the technician shall furnish the information required by the chief of the Washington state patrol, through the director of fire protection.

(3) The chief of the Washington state patrol, through the director of fire protection, may suspend the inspection and testing technician certification for failure to apply for a renewal of their technician certificate within sixty days after the expiration date.

(4) The chief of the Washington state patrol, through the director of fire protection, upon receipt of payment for all delinquent fees and a late charge may restore an inspection and testing technician certification that had been suspended.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-190, filed 8/16/05, effective 9/16/05.]

**WAC 212-80-195 Inspection and testing technician—Prorated fees.** The initial inspection and testing technician fee shall be prorated based upon the portion of the year such certification is in effect, prior to renewal on January 1.

**EXCEPTIONS:** Any individual who attempts to certify with the chief of the Washington state patrol, through the director of fire protection, as an inspection and testing technician after performing work covered by this chapter and chapter 18.160 RCW shall be required to pay the full annual certification

fees, in addition to any penalties assessed by the chief of the Washington state patrol, through the director of fire protection, for uncertified operation(s).

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-195, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-195, filed 8/16/05, effective 9/16/05.]

## REVOCATION OF LICENSE/CERTIFICATE

**WAC 212-80-200 Suspension or revocation of licenses.** (1) The chief of the Washington state patrol, through the director of fire protection, may refuse to issue or renew or may suspend or revoke the privilege of a licensed fire protection sprinkler system contractor or the license of an inspection and testing contractor to engage in the fire protection sprinkler system business or may establish penalties as prescribed by Washington state law for any of the following reasons:

(a) Gross incompetence or gross negligence in the preparation of layout drawings, installation, repair, alteration, testing, maintenance, inspection, or addition to fire protection sprinkler systems.

(b) Conviction of a felony.

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

(d) Use of false evidence or misrepresentation in an application for a license.

(e) Permitting his or her license to be used in connection with the installation of any system when such installation is not under his or her supervision, or in violation of this regulation.

(f) Knowingly violating any provisions of this regulation or chapter 18.160 RCW.

(2) The chief of the Washington state patrol, through the director of fire protection, shall revoke the license of a licensed fire protection sprinkler system contractor or an inspection and testing contractor who engages in the fire protection sprinkler system business while the license is suspended.

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-200, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-200, filed 8/16/05, effective 9/16/05; 05-05-006, amended and recodified as § 212-80-200, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-135, filed 12/1/94, effective 1/1/95; 91-14-086 (Order 91-06), § 212-80-135, filed 7/1/91, effective 8/1/91.]

**WAC 212-80-205 Suspension or revocation of certificates.** (1) The chief of the Washington state patrol, through the director of fire protection, may refuse to issue or renew or may suspend or revoke the privilege of a certificate of competency holder as defined in RCW 18.160.101(1) or chapter 18.270 RCW to engage in the fire protection sprinkler system business or may establish penalties as prescribed by Washington state law for any of the following reasons:

(a) Gross incompetence or gross negligence in the preparation of layout drawings, installation, repair, alteration, testing, maintenance, inspection, or addition to fire protection sprinkler systems.

(b) Conviction of a felony.

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

(d) Use of false evidence or misrepresentation in an application for a certificate of competency.

(e) Permitting his or her certificate to be used in connection with the preparation of any layout drawings, installation, testing, maintenance, inspection, or certification of any system when such activity is not under his or her supervision, or in violation of this regulation.

(f) Knowingly violating any provisions of this regulation or chapters 18.160 or 18.270 RCW.

(2) The chief of the Washington state patrol, through the director of fire protection, shall revoke the certificate of a certificate of competency holder, trainee, or a state certified fire sprinkler inspection and testing technician who engages in the fire protection sprinkler system business while the certificate of competency or trainee certificate is suspended.

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-205, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-205, filed 8/16/05, effective 9/16/05; 05-05-006, amended and recodified as § 212-80-205, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. 94-24-032, § 212-80-065, filed 12/1/94, effective 1/1/95; 92-20-070 (Order 92-08), § 212-80-065, filed 10/5/92, effective 11/5/92; 91-14-086 (Order 91-06), § 212-80-065, filed 7/1/91, effective 8/1/91.]

## CIVIL PENALTIES AND FINES

**WAC 212-80-210 Imposing citations and civil penalties.** The chief of the Washington state patrol, through the director of fire protection, may impose civil penalties and/or fines to any licensed company or certified individual who violates any provision of chapters 18.160, 18.270 RCW, or this chapter. Moreover, the chief of the Washington state patrol, through the director of fire protection, may impose the civil penalties and/or fines listed herein to any unlicensed company or uncertified individual who operates in the state of Washington as a licensed company and/or certified individual.

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-210, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, § 212-80-210, filed 2/4/05, effective 3/7/05.]

**WAC 212-80-215 Citations and penalties.** (1) These rules establish the basis and process by which the citations and penalties will be determined and issued for violations of chapters 18.160, 18.270 RCW, and/or chapter 212-80 WAC.

(2) Each violation is classified and penalties assessed according to the violation type and instance as defined by this chapter.

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-215, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, § 212-80-215, filed 2/4/05, effective 3/7/05.]

**WAC 212-80-220 General rules of citations and penalties.** (1) These rules establish civil penalty criteria for violation Types I, II, and III and the instances for each type of violation.

(2) These rules apply to persons who violate the intent, chapter, and requirements of chapters 18.160, 18.270 RCW, and/or chapter 212-80 WAC.

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(3) Each separate instance of noncompliance with chapters 18.160 and 18.270 RCW and/or chapter 212-80 WAC shall be considered a separate violation.

(4) Each day the violation continues may be considered a separate violation.

(5) In addition to the issuance of citations and/or penalties, the chief of the Washington state patrol, through the director of fire protection, may also revoke, suspend, and/or deny the renewal of any license or certificate issued under chapters 18.160 and 18.270 RCW to person(s) and/or company(ies) who fails to pay any penalties assessed under these rules. Such action does not preclude the chief of the Washington state patrol, through the director of fire protection, from assessing further violations for unlicensed and/or uncertified operations.

(6) The penalty for each violation shall range from \$0.00 to \$5,000.00 per day per violation per occurrence.

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-220, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, § 212-80-220, filed 2/4/05, effective 3/7/05.]

**WAC 212-80-225 Violation types, instances, and penalty assessments.** (1) Penalties shall be assessed according to the violation type.

(2) The violation types are as follows:

- (a) Minimal - Type I;
- (b) Moderate - Type II; and
- (c) Severe - Type III.

(3) The instances are as follows:

(a) 1st - The first time the individual, person, and/or company is in violation of chapters 18.160 or 18.270 RCW and/or chapter 212-80 WAC in any one calendar year, regardless of the number of individual violations or the duration of them;

(b) 2nd - The second time the individual, person, and/or company is in violation of chapters 18.160 or 18.270 RCW and/or chapter 212-80 WAC in any one calendar year, regardless of the number of individual violations or the duration of them; and

(c) 3rd - The third time the individual, person and/or company is in violation of chapters 18.160 or 18.270 RCW and/or chapter 212-80 WAC in any one calendar year, regardless of the number of individual violations or the duration of them.

(4) In the event of a fourth instance in any one calendar year, that company and/or individual will no longer be allowed to work in the sprinkler field in the state of Washington. This decision may be appealed, pursuant to RCW 74.20A.320.

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-225, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, § 212-80-225, filed 2/4/05, effective 3/7/05.]

**WAC 212-80-230 Hearings.** (1) Any person may request a hearing regarding the assessment of a civil penalty.

(2) Hearings requests shall be filed with the chief of the Washington state patrol, through the director of fire protection, within thirty days of the date of the service of a civil penalty.

(3) Any person who requests a hearing shall be entitled to a hearing.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, § 212-80-230, filed 2/4/05, effective 3/7/05.]

**WAC 212-80-235 Informal conference.** (1) The chief of the Washington state patrol, through the director of fire protection, will provide an opportunity for a person to informally discuss a civil penalty that has been assessed against them.

(2) An informal conference may be requested prior to a request for a formal hearing. However, it shall not exceed nor extend their thirty-day timeline allotted for the request of a formal hearing - regardless of the outcome.

(3) The request for an informal hearing may be in any form and:

(a) Shall be addressed to the chief of the Washington state patrol, through the director of fire protection; and

(b) Clearly state the subject to be discussed.

(4) As a result of an informal conference, the chief of the Washington state patrol, through the director of fire protection, may for good cause choose to amend, withdraw, or reduce the civil penalty.

[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, § 212-80-235, filed 2/4/05, effective 3/7/05.]

**WAC 212-80-240 Formal hearing.** (1) A person may request a formal hearing at any time before or after the request of an informal conference, as long as the thirty day period allotted has not elapsed.

(2) The chief of the Washington state patrol, through the director of fire protection, will arrange for a hearings officer to conduct the formal hearing.

(3) The chief of the Washington state patrol, through the director of fire protection, will set a date, time, and location for the formal hearing.

(4) The chief of the Washington state patrol, through the director of fire protection, will notify by letter the person requesting the hearing (or their designated representative) of the date, time, location, and hearings officer conducting the formal hearing.

(5) The hearings officer will hear the case and, within ninety days of the hearing, render a proposed opinion and order including recommended findings of fact and conclusions of law, according to chapter 34.05 RCW.

(6) The formal hearing shall be conducted as follows:

(a) The hearings officer will act as an impartial third party.

(b) It is not necessary for the person who requested the hearing to be represented by legal council.

(c) An official record shall be made through a scribe.

(d) Testimony shall be taken under oath.

(e) All evidence of a type commonly relied upon by a reasonably prudent person in the conduct of their serious affairs is admissible.

(f) Hearsay evidence is admissible if it meets the statutory standards for being reliable and trustworthy.

(g) A proposed opinion and order will be provided.

(7) The proposed opinion and order shall be reviewed by the chief of the Washington state patrol, through the director of fire protection, and if accepted be finalized and issued as a final order.



[Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, § 212-80-240, filed 2/4/05, effective 3/7/05.]

**WAC 212-80-245 Penalty adjustments.** (1) The assessment of adjustment of penalties for amounts other than those set by chapters 18.160 or 18.270 RCW shall be done only by the chief of the Washington state patrol, through the director of fire protection, through a hearings process either formally or informally.

(2) The assessment of penalties for not being in conformance with chapters 18.160 or 18.270 RCW and/or chapter 212-80 WAC may be made only after considering:

(a) The gravity and magnitude of the violation.

(b) The person's previous record.

(c) Such other considerations as the chief of the Washington state patrol, through the director of fire protection, may consider appropriate.

(3) During a formal hearing or informal conference, the chief of the Washington state patrol, through the director of fire protection, may modify or adjust the citation, cited violations, and/or penalties assessed in order to meet the requirements of these rules and to ensure uniformity and consistency in their application statewide.

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-245, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, § 212-80-245, filed 2/4/05, effective 3/7/05.]

**WAC 212-80-250 Payment of civil penalty.** (1) The penalty shall be paid to the chief of the Washington state patrol, through the director of fire protection, within twenty-eight days after an order assessing a civil penalty becomes final by operation of law or on an appeal.

(2) The attorney general may bring an action in the name of the chief of the Washington state patrol, through the director of fire protection, in the superior court of Thurston County or of any county in which the violator may do business to collect any penalty imposed under chapter 18.160 or 18.270 RCW.

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-250, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, § 212-80-250, filed 2/4/05, effective 3/7/05.]

**WAC 212-80-255 Type I (minimal) violations.** (1) Type I violations are subject to penalties ranging from a warning to two hundred dollars a day depending upon the instance and in accordance with chapter 212-80 WAC.

(2) Examples of Type I violations include, but are not limited to:

(a) Failing to inform the chief of the Washington state patrol, through the director of fire protection, of the loss of their primary certificate of competency holder, as required by RCW 18.160.040.

(b) Failing to have the certificate of competency holder stamp plans, calculations, and/or test certificates.

(c) Allowing an employee to certify, install, inspect, test and/or maintain, water based fire sprinkler systems or equipment contrary to NFPA codes, standards, or manufacturers' specifications without specific written permission from the local authority having jurisdiction.

(d) Working without a permit, or permission to do so, by the local authority having jurisdiction.

(12/19/08)

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-255, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, § 212-80-255, filed 2/4/05, effective 3/7/05.]

**WAC 212-80-260 Type II (moderate) violations.** (1) Type II violations are subject to penalties ranging from two hundred dollars to five hundred dollars a day depending upon instance and in accordance with chapter 212-80 WAC.

(2) Examples of Type II violations include, but are not limited to:

(a) Performing work on a sprinkler system where the employee's certificate of competency holder under RCW 18.160.040 or chapter 18.270 RCW does not have a current or valid license.

(b) Working without the appropriate level of license or certificate of competency.

(c) Permitting his or her license to be used in connection with the preparation of any technical drawings that have not been prepared by him or her personally, or under their direct supervision.

(d) Working with an expired license or permit (more than ninety days).

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-260, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-05-006, § 212-80-260, filed 2/4/05, effective 3/7/05.]

**WAC 212-80-265 Type III (serious) violations.** (1) Type III violations are subject to penalties ranging from five hundred dollars to five thousand dollars a day depending on instance and in accordance with chapter 212-80 WAC.

(2) Examples of Type III violations include, but are not limited to:

(a) Demonstrating gross incompetence or gross negligence in the preparation of technical drawings, the installation, inspection, testing, maintenance, repair, alteration, and/or addition to a fire sprinkler system.

(b) Allowing an employee to demonstrate gross incompetence or gross negligence in the installation, inspection, testing, maintenance, repair, alteration, and/or addition to a fire sprinkler system.

(c) Charging a customer for fire sprinkler work not performed.

(d) Offering to contract for fire sprinkler work without a certificate of competency holder, as described in RCW 18.160.040.

(e) Allowing an employee to falsify any fire sprinkler tags, labels, or inspection reports.

(f) Working without a certified full-time certificate of competency holder on staff, or, in the case of an inspection and testing contractor, allowing any employee not certified by the chief of the Washington state patrol, through the director of fire protection, as an inspection and testing technician.

(g) Falsifying an application or document submitted to the chief of the Washington state patrol, through the director of fire protection, to obtain a sprinkler contractor license or certificate of competency.

(h) Committing three or more Level II offenses within a three year period either as a company, through an employee of the company, through an employee acting as a certificate of competency holder for the company, and/or any combination thereof.

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(i) Permitting his or her license to be used in connection with the stamping of any test certificates for work performed by someone other than his or her full-time employees.

[Statutory Authority: RCW 18.270.900. 09-01-114, § 212-80-265, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. 05-17-099, § 212-80-265, filed 8/16/05, effective 9/16/05; 05-05-006, § 212-80-265, filed 2/4/05, effective 3/7/05.]