
Commerce & Labor Committee

HB 2922

Brief Description: Creating a certification process for fire protection sprinkler fitters.

Sponsors: Representatives Cooper and Simpson, G.

Brief Summary of Bill

- Establishes a certification requirement for sprinkler fitters to be administered by the state Fire Marshal's Office.
- Specifies qualifications for certification of journeyman and residential sprinkler fitters with and without examination, and for certification of trainees.
- Establishes an advisory board, and a dedicated account.

Hearing Date: 2/4/04

Staff: Jill Reinmuth (786-7134).

Background:

The state Fire Marshal's Office administers state laws relating to licensing of fire protection sprinkler system contractors and certification of persons designing and installing certain sprinkler systems.

Licensing and Certification Requirement

To construct, install, or maintain a fire protection sprinkler system in an occupancy, a person must be licensed as a fire protection sprinkler system contractor. This requirement does not apply to owners/occupiers of single-family dwellings installing a sprinkler system in those dwellings, government employees acting in their official capacities, and certain other persons. A municipality may not require a contractor to obtain a license from the municipality to install sprinkler systems.

A licensed fire protection sprinkler system contractor is qualified to install, inspect, maintain, or service a fire protection sprinkler system. To become a licensed fire protection sprinkler system contractor, a person or firm must:

- Employ a certificate holder;
- Comply with minimum surety bond requirements; and

- Apply for a license; and
- Pay required fees.

To become a certificate holder, a person must satisfy criteria established by the state Fire Marshal, and pass an examination. The state Fire Marshal may accept equivalent proof of qualification in lieu of examination.

The state Fire Marshal is authorized to refuse or revoke licenses and certificates for reasons including fraud, dishonest practices, felony convictions, and gross incompetence or negligence. Licensing decisions may be appealed as provided in the state Administrative Procedure Act.

Administration

As noted above, the state Fire Marshal's Office administers the licensing and certification requirements. The state Fire Marshal's Office must adopt rules necessary for the administration of these requirements, administer examinations, set reasonable fees for licenses and certificates, investigate complaints, and take other actions necessary to enforce these provisions.

Dedicated Account

The Fire Protection Contractor License Fund exists in the custody of the State Treasurer. License and certificate fees are deposited into the fund. No appropriation is required for expenditures.

Summary of Bill:

In addition to licensing and certification requirements applicable to fire protection sprinkler system contractors, the state Fire Marshal's Office must administer state laws relating to certification of sprinkler fitters.

Certification Requirement

A certification requirement for sprinkler fitters is established. To engage in the sprinkler fitting trade, a person must have a journeyman certificate, a residential certificate, a temporary permit, or a trainee certificate. A political subdivision may not require a certified person to provide additional proof of competency, obtain a license, or pay a fee to engage in the trade.

Two exemptions from the certification requirement are established. The certification requirement does not apply to a contractor who is contracting for work on his or her own residence, or to a householder who is assisting or receiving assistance from friends, neighbors, relatives, or other persons who are not engaged in the sprinkler fitting trade.

Journeyman Sprinkler Fitters

A journeyman sprinkler fitter is qualified to work under the supervision of a licensed fire protection sprinkler system contractor. To become a journeyman sprinkler fitter, a person must:

- Either complete a course of study in the sprinkler fitting trade in the armed services or at a school accredited by the state Fire Marshal, or have five or more years of experience under the direct supervision of a licensed sprinkler fitter contractor and a certified journeyman sprinkler fitter; and
- Pass the appropriate examination.

Residential Sprinkler Fitters

A residential sprinkler fitter is qualified to install, maintain, and repair fire protection sprinkler systems in residential occupancies. To become a residential sprinkler fitter, a person must:

- Either complete a course of study in the sprinkler fitting trade in the armed services or at a school accredited by the state Fire Marshal, or have at least three years' practical experience under the direct supervision of a journeyman sprinkler fitter or residential sprinkler fitter in the sprinkler fitter's specialty; and
- Pass the appropriate examination.

Without Examination

A person may become certified as either a journeyman sprinkler fitter or a residential sprinkler fitter without examination if he or she:

- Was engaged in the business or trade of sprinkler fitting and was licensed as a fire sprinkler system contractor for five years before the effective date of these provisions;
- Was employed by a licensed fire sprinkler system contractor for five years prior to the effective date of these provisions; or
- Is licensed as a journeyman sprinkler fitter by a political subdivision of the state on the effective date of these provisions.

A sprinkler fitter entering Washington may obtain a temporary permit to engage in the sprinkler fitting trade from the time he or she applies for certification to the time he or she takes the examination.

A person who is a registered journeyman sprinkler fitter or residential sprinkler fitter in another state may become certified without examination. The registration requirements in the other state must be substantially equivalent to the requirements in Washington. The other state must extend the same privilege to a person who is a registered journeyman sprinkler fitter or residential sprinkler fitter in Washington.

Certification of Trainees

Apprentices in state-approved programs and other persons learning the sprinkler fitting trade must obtain trainee certificates.

Trainees may learn the trade while working under the direct supervision of a journeyman sprinkler fitter or a residential sprinkler fitter in the sprinkler fitter's specialty. They also may work under the supervision of a person with a temporary permit. Trainees need not have direct on-site supervision during the last six months of their work experience.

A journeyman sprinkler fitter or a residential sprinkler fitter may supervise not more than two trainees on a job site. The journeyman sprinkler fitter or residential sprinkler fitter must be on the same job site as the trainee at least 75 percent of each working day.

Suspension or Revocation

The state Fire Marshal's Office may revoke or suspend a certificate if the certificate was obtained through error or fraud, the certificate holder is judged incompetent, or the certificate holder violated these provisions. A process for revoking, suspending, or denying the renewal of a certificate, including notice and an opportunity to be heard, is established. Hearings must comply with the provisions of the state Administrative Procedures Act.

The state Fire Marshal's Office must suspend the certificate of a person who has not paid or defaulted on a federally- or state-guaranteed student loan, or who is not in compliance with a support order.

Sprinkler Fitter Advisory Board

The advisory board of sprinkler fitters is established. The role of the board is to advise the state Fire Marshal on sprinkler fitter certification, and to carry out other specified duties. For example, the board is the final authority for appeals of citations and license revocations or suspensions.

The board includes five members. Members include: two journeyman sprinkler fitters, two licensed fire protection contractors, and the state Fire Marshal or his or her designee. Members are appointed to three-year terms. Members receive travel expenses for days that they attend board meetings.

Administration

The state Fire Marshal is authorized to adopt rules, make decisions, and take other actions necessary to implement and enforce these provisions in consultation with the board. These actions include investigating alleged violations, inspecting sites, and issuing notices of infraction. The state Fire Marshal is prohibited from entering into controversies arising over work assignments with respect to the construction trades.

Examination and Certification Fees

The state Fire Marshal's Office is required to charge fees for administering examinations and issuing certificates. The fees must cover the cost of administering the examinations, issuing the certificates, and enforcing these provisions. The fees must be set in rule.

Monetary Penalties

Infractions include engaging in the sprinkler fitting trade without a certificate, or employing a person in the trade without a certificate. A process for issuing an infraction and assessing a monetary penalty is established. Monetary penalties are \$250 for the first infraction, and not more than \$1,000 for subsequent infractions. The state Fire Marshal's Office must adopt a schedule of penalties in rule.

Dedicated Account

A dedicated account to be known as the Sprinkler Fitting Certificate Fund is created. Fees for certification and civil penalties for infractions are placed in the account.

Rules Authority: The state Fire Marshal's Office may adopt rules necessary to implement and enforce these provisions. The Fire Marshal's Office must adopt reasonable rules for examinations, as well as rules setting fees and penalties.

Appropriation: None.

Fiscal Note: Requested on January 28, 2004.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.