
Business & Financial Services Committee

HB 2579

Brief Description: Concerning fire protection firms.

Sponsors: Representatives Pettigrew and Van De Wege.

Brief Summary of Bill

- Establishes a regulatory structure for licensing fire protection firms.
- Establishes a regulatory structure and a certificate requirement for a number of fire protection professions.

Hearing Date: 1/23/12

Staff: Jon Hedegard (786-7127).

Background:

The Chief of the Washington State Patrol appoints the state Director of Fire Protection (Director). The Director administers a number of laws relating to fire protection and provides a number of services including:

- fire and life safety inspections;
- construction plan review on new school construction and when local jurisdictions request our assistance;
- licensing the fireworks and the fire sprinkler industries;
- certifying fire sprinkler industry workers and cigarette manufacturers;
- training the state's fire service;
- certifying fire service members in meeting national standards and skills; and
- coordinating fire service resources during large fires and disasters.

Summary of Bill:

Fire Protection Firms.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A "fire protection firm" (firm) is a person or organization that offers to undertake the execution of contracts for the installation, inspection, maintenance, or servicing of a fire extinguisher or pre-engineered fixed fire suppression system or any part of such an appliance or assembly.

All firms based in the state or providing fire protection services to accounts with locations in the state either directly or by contracting with a state-based firm must be licensed or exempt from licensure. A licensed firm must annually renew its license.

A licensed firm must:

- obtain a certificate or have in their full-time employ at least one certificate before performing service, maintenance, or installation on an appliance or assembly;
- maintain a minimum of \$2 million aggregate sum of insurance and current posting with the Department of Labor and Industries;
- be a registered contractor; and
- have or contract with a company that has a Department of Transportation re-testers identification number for low and high- pressure cylinders and applicable attachments.

Certificate of Competency.

A certificate of competency holder (certificate holder) is defined as a person who has satisfactorily met the qualifications and has received a certificate of competency (certificate) as a:

- portable fire extinguisher technician;
- pre-engineered industrial fire extinguishing system technicians; or
- pre-engineered kitchen fire extinguishing system technician;

Every applicant for a certificate of competency must:

- pass an exam in their field that is acceptable to the Director; and
- apply to the Director and pay the fees required.

Every certificate holder must be employed by a licensed fire protection firm in order to perform service, maintenance, or installation of an appliance or assembly unless the person is an owner and occupier of a building where the owner and occupier is responsible for the business or operations of the building.

The Director may issue a training certificate in any particular discipline to an individual who has applied for a certificate and paid the required fees. An individual issued a training certificate must perform work under direct visual supervision of a certificate holder.

A certificate holder may not be employed full time by more than one licensed fire protection firm at the same time. If the certificate holder leaves the employment of the fire protection firm, that firm must notify the director within 15 days. A certificate holder who is terminated or resigns from a fire protection firm must have his or her certificate placed in inactive status until again employed by a fire protection firm.

Certificate holders must renew their certificates every three years.

Exemptions.

This following are exempt from the regulatory structure of the bill:

- government employees, building officials, fire marshals, fire inspectors, or insurance inspectors when acting in their official capacities;
- a business owner performing a monthly "quick check" or inspection;
- a person or organization acting under court order;
- a person or organization that sells or supplies products or material to a licensed fire extinguisher service firm;
- an owner and occupier of a single-family residence performing an installation in that residence; or
- an owner and occupier of any building where the owner and occupier must meet the certification requirements when completing the work outlined but are not required to contract out these services to a private contractor.

Duties of the Director.

The Director shall:

- adopt rules, including rules establishing fees and fines, concerning review of applications, and defining infractions.
- investigate complaints to determine if any laws or rules were violated;
- attempt to bring license and certificate holders into service compliance without being excessively punitive;
- assign a license number to each firm that includes the number of a certificate holder;
- assign a certificate number to each certificate holder including the licensing number of the firm;
- adopt a minimum standard for a certification tag; and
- amend the licensing and certification rules as codes, standards, and certification tests evolve.

Sanctions by the Director.

The Director may impose penalties or refuse to issue or renew a license or may suspend or revoke the license for any of the following reasons:

- gross incompetence or gross negligence in the preparation of technical drawings, installation, repair, alteration, maintenance, service, addition, or removal of any fire protection appliance or assembly;
- conviction of a class A or B felony or any conviction that classifies the licensee or certificate holder as a registered sex offender;
- fraudulent or dishonest practices while working as a fire protection firm or certificate holder;
- use of false evidence or misrepresentation in an application for a license or certificate;
- permitting his or her license to be used in connection with the preparation of any technical drawings which have not been prepared by him or her personally or under his or her immediate supervision; or
- knowingly violating any applicable laws and rules.

The Director must revoke a license or a certificate if a licensee or certificate holder engages in regulated activity while the license or certificate is suspended.

The Director must:

- immediately suspend any license or certificate issued if the certificate holder is not in compliance with a support order or a residential or visitation order; and

- suspend the certificate of any person who has been certified by a lending agency and reported to the director for nonpayment or default on a federally or state- guaranteed educational loan or service-conditional scholarship.

Any licensed fire protection firm or certificate of competency holder may informally appeal an order of the Director to the Director and may appeal the outcome of the informal appeal under the Administrative Procedure Act.

Civil Suits.

Civil proceedings to enforce this chapter may be brought:

- by the Attorney General; or
- the prosecuting attorney of any county where a violation occurs on his or her own motion or at the request of the Director.

Civil Fines.

A firm that performs service maintenance or installation of an appliance or assembly without obtaining a valid certificate must be assessed a fine of not less than \$500 and not more than \$1,000 per infraction.

A certificate holder who performs work while not employed by a firm or under an inactive certificate must be assessed a fine of not less than \$250 and not more than \$500.

Criminal penalties.

A firm that constructs, installs, or maintains a fire protection appliance or assembly in any occupancy, except an owner-occupied single-family dwelling, without first obtaining a license is guilty of a gross misdemeanor.

A firm or certificate holder who willfully and maliciously constructs, installs, alters, services, or maintains a fire protection appliance or assembly in a manner that poses a safety threat in the event of a fire is guilty of a class C felony.

Account.

The Fire Protection Firm Licensing Account (Account) is created in the custody of the state treasurer. All fees and fines must be deposited into the account. All money from this account must be used only for education of the public, licensed fire protection firms and certificate holders, and administering and enforcing the law. Only the Director or the Director's designee may authorize expenditures. The Account is subject to allotment procedures but no appropriation is required for expenditures.

Local Governments.

A local government:

- may require a firm to obtain a business license and pay its permit fee to install or maintain fire extinguishers or pre-engineered fire suppression systems to conform to the building code or other construction requirements;
- may regulate the quality and character of work through a system of permits, fees, and inspections;

- may not require a firm or certificate holder to obtain a fire extinguisher or pre-engineered fire suppression system contractor license or certificate of competency from the local government;
- may not impose financial responsibility requirements other than proof of a valid license; and
- must comply with the level of licensing and certification intended for firms for the local government's own use or public use.

The act incorporates by reference number of codes, standards, and regulations. If a conflict exists between any of the codes, standards, or regulations, the more stringent standard applies.

Appropriation: None.

Fiscal Note: Requested on January 18, 2012.

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