
SENATE BILL 5880

State of Washington

67th Legislature

2022 Regular Session

By Senators Salomon, Conway, Keiser, Lias, Lovick, Nobles, and Van De Wege

Read first time 01/17/22. Referred to Committee on Business, Financial Services & Trade.

1 AN ACT Relating to fire protection sprinkler system contractors;
2 amending RCW 18.160.030, 18.160.050, 18.160.080, 18.160.110,
3 18.160.120, 18.270.050, 18.270.070, and 18.270.900; and adding a new
4 section to chapter 18.160 RCW.

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

6 **Sec. 1.** RCW 18.160.030 and 2003 c 74 s 1 are each amended to
7 read as follows:

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

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

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

14 (b)(i) Set reasonable fees for licenses, certificates, testing,
15 and other aspects of the administration of this chapter. However, the
16 license fee for fire protection sprinkler system contractors engaged
17 solely in the installation, inspection, maintenance, or servicing of
18 NFPA 13-D fire protection sprinkler systems shall not exceed (~~one~~
19 ~~hundred—dollars~~) \$200, and the license fee for fire protection
20 sprinkler system contractors engaged solely in the installation,

1 inspection, maintenance, or servicing of NFPA 13-R fire protection
2 sprinkler systems shall not exceed (~~three hundred dollars~~) \$600;

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

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

9 (c) Enforce the provisions of this chapter;

10 (d) Conduct investigations of complaints to determine if any
11 infractions of this chapter or the regulations developed under this
12 chapter have occurred;

13 (e) Assign a certificate number to each certificate of competency
14 holder; and

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

20 **Sec. 2.** RCW 18.160.050 and 2018 c 37 s 1 are each amended to
21 read as follows:

22 (1)(a) All certificate of competency holders that desire to
23 continue in the fire protection sprinkler business shall annually,
24 prior to January 1st, secure from the state director of fire
25 protection a renewal certificate of competency upon payment of the
26 fee as prescribed by the state director of fire protection.
27 Application for renewal shall be upon a form prescribed by the state
28 director of fire protection and the certificate holder shall furnish
29 the information required by the director.

30 (b) Failure of any certificate of competency holder to secure his
31 or her renewal certificate of competency within (~~sixty~~) 60 days
32 after the due date shall constitute sufficient cause for the state
33 director of fire protection to suspend the certificate of competency.

34 (c) The state director of fire protection may, upon the receipt
35 of payment of all delinquent fees including a late charge, restore a
36 certificate of competency that has been suspended for failure to pay
37 the renewal fee.

38 (d) A certificate of competency holder may voluntarily surrender
39 his or her certificate of competency to the state director of fire

1 protection and be relieved of the annual renewal fee. After
2 surrendering the certificate of competency, he or she shall not be
3 known as a certificate of competency holder and shall desist from the
4 practice thereof. Within two years from the time of surrender of the
5 certificate of competency, he or she may again qualify for a
6 certificate of competency, without examination, by the payment of the
7 required fee. If two or more years have elapsed, he or she shall
8 return to the status of a new applicant.

9 (2) (a) All licensed fire protection sprinkler system contractors
10 desiring to continue to be licensed shall annually, prior to January
11 1st, secure from the state director of fire protection a renewal
12 license upon payment of the fee as prescribed by the state director
13 of fire protection. Application for renewal shall be upon a form
14 prescribed by the state director of fire protection and the license
15 holder shall furnish the information required by the director.

16 (b) Failure of any license holder to secure his or her renewal
17 license within ((sixty)) 60 days after the due date shall constitute
18 sufficient cause for the state director of fire protection to suspend
19 the license.

20 (c) The state director of fire protection may, upon the receipt
21 of payment of all delinquent fees including a late charge, restore a
22 license that has been suspended for failure to pay the renewal fee.

23 (3) The initial certificate of competency or license fee shall be
24 prorated based upon the portion of the year such certificate of
25 competency or license is in effect, prior to renewal on January 1st.

26 (4) The fire protection contractor license fund is created in the
27 custody of the state treasurer. ((All)) Except for penalties received
28 under RCW 18.160.120, all receipts from license and certificate fees
29 and charges or from the money generated by the rules and regulations
30 promulgated under this chapter shall be deposited into the fund.
31 Expenditures from the fund may be used only for purposes authorized
32 under this chapter and for providing assistance in identifying fire
33 sprinkler system components that have been subject to either a recall
34 or voluntary replacement program by a manufacturer of fire sprinkler
35 products, a nationally recognized testing laboratory, or the federal
36 consumer product safety commission; and for use in developing and
37 publishing educational materials related to the effectiveness of
38 residential fire sprinklers. Assistance shall include, but is not
39 limited to, aiding in the identification of recalled components,
40 information sharing strategies aimed at ensuring the consumer is made

1 aware of recalls and voluntary replacement programs, and providing
2 training and assistance to local fire authorities, the fire sprinkler
3 industry, and the public. Only the state director of fire protection
4 or the director's designee may authorize expenditures from the fund.
5 The fund is subject to allotment procedures under chapter 43.88 RCW,
6 but no appropriation is required for expenditures.

7 **Sec. 3.** RCW 18.160.080 and 2016 c 81 s 17 are each amended to
8 read as follows:

9 (1) The state director of fire protection (~~may~~) must refuse to
10 issue or renew or may suspend or revoke the privilege of a licensed
11 fire protection sprinkler system contractor or the certificate of a
12 certificate of competency holder to engage in the fire protection
13 sprinkler system business or in lieu thereof, establish penalties as
14 prescribed by Washington state law, for any of the following reasons:

15 (a) Gross incompetency or gross negligence in the preparation of
16 technical drawings, installation, repair, alteration, maintenance,
17 inspection, service, or addition to fire protection sprinkler
18 systems;

19 (b) Except as provided in RCW 9.97.020, conviction of a felony;

20 (c) Fraudulent or dishonest practices while engaging in the fire
21 protection sprinkler system business;

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

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

28 (f) Knowingly violating any provisions of this chapter or the
29 regulations issued thereunder.

30 (2) The state director of fire protection shall revoke the
31 license of a licensed fire protection sprinkler system contractor or
32 the certificate of a certificate of competency holder who engages in
33 the fire protection sprinkler system business while the license or
34 certificate of competency is suspended.

35 (3) The state director of fire protection shall immediately
36 suspend any license or certificate issued under this chapter if the
37 holder has been certified pursuant to RCW 74.20A.320 by the
38 department of social and health services as a person who is not in
39 compliance with a support order or a residential or visitation order.

1 If the person has continued to meet all other requirements for
2 issuance or reinstatement during the suspension, issuance or
3 reissuance of the license or certificate shall be automatic upon the
4 director's receipt of a release issued by the department of social
5 and health services stating that the person is in compliance with the
6 order.

7 (4) Any licensee or certificate of competency holder who is
8 aggrieved by an order of the state director of fire protection
9 suspending or revoking a license may, within thirty days after notice
10 of such suspension or revocation, appeal under chapter 34.05 RCW.
11 This subsection does not apply to actions taken under subsection (3)
12 of this section.

13 **Sec. 4.** RCW 18.160.110 and 1992 c 116 s 4 are each amended to
14 read as follows:

15 Civil proceedings to enforce this chapter (~~may~~) must be brought
16 by the attorney general or the prosecuting attorney of any county
17 where a violation occurs on his or her own motion or at the request
18 of the state director of fire protection.

19 **Sec. 5.** RCW 18.160.120 and 2003 c 74 s 2 are each amended to
20 read as follows:

21 (1) A fire protection sprinkler system contractor found to have
22 committed an infraction under this chapter as defined in rule under
23 RCW 18.160.030(2)(b)(iii) shall be assessed a fine of not less than
24 (~~two hundred dollars~~) \$400 and not more than (~~five thousand~~
25 ~~dollars~~) \$10,000 for the first infraction, a fine of not less than
26 \$800 and not more than \$15,000 for a second infraction by the same
27 contractor, and a fine of not less than \$1,500 and not more than
28 \$20,000 for the third and any subsequent infractions by the same
29 contractor.

30 (2) A fire protection sprinkler system contractor who fails to
31 obtain a certificate of competency under RCW 18.160.040 shall be
32 assessed a fine of not less than (~~one thousand dollars~~) \$2,000 and
33 not more than (~~five thousand dollars~~) \$10,000 for the first
34 infraction, and a fine of not less than \$5,000 and not more than
35 \$20,000 for a second infraction by the same contractor, and a fine of
36 not less than \$10,000 and not more than \$50,000 for the third and any
37 subsequent infractions by the same contractor.

1 (3) All fines collected under this section shall be deposited
2 into the fire protection ((~~contractor license fund~~) compliance
3 account.

4 NEW SECTION. **Sec. 6.** A new section is added to chapter 18.160
5 RCW to read as follows:

6 The fire protection compliance account is created in the custody
7 of the state treasurer. All fines collected under RCW 18.160.120 and
8 the rules and regulations adopted under RCW 18.160.120 must be
9 deposited into the account. Expenditures from the account may only be
10 used for the purposes of enforcing this chapter. Only the state
11 director of fire protection or their designee may authorize
12 expenditures from the account. The account is subject to allotment
13 procedures under chapter 43.88 RCW, but no appropriation is required
14 for expenditures.

15 **Sec. 7.** RCW 18.270.050 and 2007 c 435 s 6 are each amended to
16 read as follows:

17 (1) A certificate expires on December 31st.

18 (2) The certificate shall be renewed every other year.

19 (3) Before the expiration date of the certificate, every
20 applicant shall reapply to the director on an application form
21 provided by the director and pay the application fee as provided by
22 rule.

23 (4) If a certificate is not renewed before its expiration date,
24 an applicant must:

25 (a) Apply to the director on an application form provided by the
26 director;

27 (b) Pay an application fee to the director as provided by rule;

28 (c) Pay an examination fee as provided by rule; and

29 (d) Successfully pass the written examination required by this
30 chapter.

31 (5) Upon approval of a certificate renewal, the director must
32 provide the certificate holder with the renewal directly through
33 certified mail.

34 **Sec. 8.** RCW 18.270.070 and 2007 c 435 s 8 are each amended to
35 read as follows:

36 An authorized representative of the director ((~~may~~) must
37 investigate alleged violations of this chapter. Upon request of an

1 authorized representative, a person performing fire protection
2 sprinkler fitting or residential sprinkler fitting work must produce
3 evidence of a certificate issued by the director in accordance with
4 this chapter. Failure to produce such evidence is an infraction as
5 provided by RCW 18.270.020.

6 **Sec. 9.** RCW 18.270.900 and 2007 c 435 s 2 are each amended to
7 read as follows:

8 (1) This chapter shall be administered by the director.

9 (2) The director (~~may~~) must adopt rules necessary for the
10 administration of this chapter.

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