CERTIFICATION OF ENROLLMENT

**SECOND SUBSTITUTE SENATE BILL 5425**

68th Legislature

2023 Regular Session

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| Passed by the Senate April 18, 2023  Yeas 48 Nays 0  **President of the Senate**  Passed by the House April 11, 2023  Yeas 96 Nays 1  **Speaker of the House of Representatives** | CERTIFICATE  I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5425** as passed by the Senate and the House of Representatives on the dates hereon set forth.  Secretary |
| Approved |  |
| **Governor of the State of Washington** | **Secretary of State**  **State of Washington** |

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**SECOND SUBSTITUTE SENATE BILL 5425**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session

**State of Washington 68th Legislature 2023 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Salomon, Keiser, Boehnke, J. Wilson, and Conway)

AN ACT Relating to fire protection sprinkler system contractors; amending RCW 18.160.030, 18.160.050, 18.160.120, 18.270.020, and 18.270.070; adding a new section to chapter 18.160 RCW; and providing an effective date.

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

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

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

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

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

(b)(i) Set reasonable fees for licenses, certificates, testing, and other aspects of the administration of this chapter. However, the license fee for fire protection sprinkler system contractors engaged solely in the installation, inspection, maintenance, or servicing of NFPA 13-D fire protection sprinkler systems shall not exceed ((~~one hundred dollars~~)) $125, and the license fee for fire protection sprinkler system contractors engaged solely in the installation, inspection, maintenance, or servicing of NFPA 13-R fire protection sprinkler systems shall not exceed ((~~three hundred dollars~~)) $375;

(ii) Adopt rules establishing a special category restricted to contractors registered under chapter 18.27 RCW who install underground systems that service fire protection sprinkler systems. The rules shall be adopted within ((~~ninety~~)) 90 days of March 31, 1992;

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

(c) Enforce the provisions of this chapter;

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

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

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

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

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

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

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

(d) A certificate of competency holder may voluntarily surrender his or her certificate of competency to the state director of fire protection and be relieved of the annual renewal fee. After surrendering the certificate of competency, he or she shall not be known as a certificate of competency holder and shall desist from the practice thereof. Within two years from the time of surrender of the certificate of competency, he or she may again qualify for a certificate of competency, without examination, by the payment of the required fee. If two or more years have elapsed, he or she shall return to the status of a new applicant.

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

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

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

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

(4) The fire protection contractor license fund is created in the custody of the state treasurer. ((~~All~~)) Except for penalties received under RCW 18.160.120, all receipts from license and certificate fees and charges or from the money generated by the rules and regulations promulgated under this chapter shall be deposited into the fund. Expenditures from the fund may be used only for purposes authorized under this chapter and for providing assistance in identifying fire sprinkler system components that have been subject to either a recall or voluntary replacement program by a manufacturer of fire sprinkler products, a nationally recognized testing laboratory, or the federal consumer product safety commission; and for use in developing and publishing educational materials related to the effectiveness of residential fire sprinklers. Assistance shall include, but is not limited to, aiding in the identification of recalled components, information sharing strategies aimed at ensuring the consumer is made aware of recalls and voluntary replacement programs, and providing training and assistance to local fire authorities, the fire sprinkler industry, and the public. Only the state director of fire protection or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

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

(1) A fire protection sprinkler system contractor found to have committed an infraction under this chapter as defined in rule under RCW 18.160.030(2)(b)(iii) shall be assessed a fine of not less than ((~~two hundred dollars~~)) $300 and not more than ((~~five thousand dollars~~)) $7,500 for the first infraction, a fine of not less than $400 and not more than $10,000 for a second infraction by the same contractor, and a fine of not less than $1,000 and not more than $15,000 for the third and any subsequent infractions by the same contractor.

(2) A fire protection sprinkler system contractor who fails to obtain a certificate of competency under RCW 18.160.040 shall be assessed a fine of not less than ((~~one thousand dollars~~)) $1,500 and not more than ((~~five thousand dollars~~)) $7,500 for the first infraction, and a fine of not less than $2,500 and not more than $10,000 for a second infraction by the same contractor, and a fine of not less than $5,000 and not more than $25,000 for the third and any subsequent infractions by the same contractor.

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

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

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

**Sec.**  RCW 18.270.020 and 2007 c 435 s 3 are each amended to read as follows:

(1) No person may engage in the trade of fire protection sprinkler fitting without having a valid journey-level sprinkler fitter certificate, residential sprinkler fitter certificate, training certificate, or temporary certificate, with the exception of a certified plumber installing a residential fire protection sprinkler system connected to potable water requiring a plumbing certificate.

(2)(a) A person issued a training certificate under this chapter may perform fire protection sprinkler fitting work if that person is under supervision. Supervision must consist of the trainee being on the same jobsite and under the control of either a residential or journey-level fire protection sprinkler fitter certified to perform the type of work the trainee-level sprinkler fitter is performing. The ratio of trainees to certified fire protection sprinkler fitters on a jobsite is:

(i) For trainees performing residential fire protection sprinkler fitter work, not more than two trainees for every certified residential or journey-level fire protection sprinkler fitter; and

(ii) For trainees performing journey-level fire protection sprinkler fitter work, not more than one trainee for every certified journey-level fire protection sprinkler fitter.

(b) It is a violation of this chapter for a contractor to allow a trainee to perform sprinkler fitting work covered under this chapter without supervision or out of compliance with the ratios as prescribed in this subsection (2).

(3) No contractor may employ a person in violation of subsection (1) of this section to perform fire protection sprinkler fitting work.

((~~(3)~~)) (4) A person found by the director to have committed an infraction under this chapter shall be assessed a monetary penalty as set by rule.

((~~(4)~~)) (5) Each day in which a person engages in the trade of fire protection sprinkler fitting in violation of subsection (1) of this section, allows a trainee to work unsupervised or out of ratio in violation of subsection (2) of this section, or employs a person in violation of subsection ((~~(2)~~)) (3) of this section is considered a separate infraction.

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

An authorized representative of the director ((~~may~~)) must investigate alleged violations of this chapter. Upon request of an authorized representative, a person performing fire protection sprinkler fitting or residential sprinkler fitting work must produce evidence of a certificate issued by the director in accordance with this chapter. Failure to produce such evidence is an infraction as provided by RCW 18.270.020.

NEW SECTION. **Sec.**  This act takes effect January 1, 2024.

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