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**Labor & Workplace Standards  
Committee**

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**2SSB 5425**

**Brief Description:** Concerning fire protection sprinkler system contractors.

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

**Brief Summary of Second Substitute Bill**

- Increases fees for obtaining a license to operate as a fire protection sprinkler system contractor.
- Increases fines for violating state laws and regulations pertaining to fire protection sprinkler systems and requires those fines to be deposited into the Fire Protection Compliance Account.
- Requires persons with a trainee-level fire protection sprinkler fitter certificate to be supervised by a person with either a journey-level or residential fire protection sprinkler fitter certificate according to certain ratios.
- Directs the State Director of Fire Protection to investigate alleged violations of the laws and rules related to fire protection sprinkler fitters.

**Hearing Date:** 3/17/23

**Staff:** Kelly Leonard (786-7147).

**Background:**

Fire Protection Sprinkler Systems and Contractors.

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

The Washington State Director of Fire Protection (Director), formerly referred to as the Washington State Fire Marshal, issues licenses and certificates to businesses and individuals performing design, installation, testing, and maintenance on all aspects of fire sprinkler systems. A fire protection sprinkler system is an assembly of underground and overhead piping or conduit, or both, 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 and to provide protection from exposure to fire or other products of combustion.

A fire protection sprinkler system contractor (contractor) is a person or organization that offers to undertake the execution of contracts for the installation, inspection, maintenance, or servicing of a fire protection sprinkler system or any part of such a system. In order to be licensed as a contractor, a person or firm must have a valid certificate of competency, comply with certain insurance requirements, file an application, and pay required fees. A person must have passed an examination and meet other requirements to obtain a certificate of competency, and the Director currently issues different certificates based on classification levels. Licensing fees are also set by the Director and may not exceed:

- \$100 for contractors who work on National Fire Protection Association (NFPA) 13D systems, for one- or two-family residential dwellings or mobile homes; and
- \$300 for contractors who work on NFPA 13R system, for residential dwellings up to four stories in height.

The Director may adopt rules pertaining to fire sprinkler systems, and may issue infractions for violations of applicable state laws and agency rules. This includes, for example, installing fire sprinkler systems contrary to NFPA codes, working without valid permits, performing work without a certificate of competency, working with an expired license, or demonstrating gross incompetency or negligence. A contractor who commits an infraction is subject to a fine of no less than \$200 and no more than \$5,000. Additionally, a contractor who fails to obtain a certificate of competency is subject to a fine of no less than \$1,000 and no more than \$5,000.

Revenues from license fees, charges, and fines are deposited into the Fire Protection Contractor License Fund, which may only be used for identifying fire sprinkler system components that are subject to a recall or voluntary replacement, and developing and publishing educational materials regarding the effectiveness of residential fire sprinklers.

#### Fire Protection Sprinkler Fitting.

The Director also administers requirements governing fire protection sprinkler fitting, which includes 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.

The Director administers examinations for and issues certificates of competency for performing fire protection sprinkler fitting, and has discretion to investigate alleged violations of state

requirements pertaining to fire protection sprinkler fitting. Penalties for infractions are set by rule.

With limited exceptions, a person may not engage fire protection sprinkler fitting without having:

- a journey-level sprinkler fitter certificate, which allows a person to work on both residential and commercial sprinkler systems;
- a residential sprinkler fitter certificate, which allows a person to work on residential (NFPA 13R and 13D) fire protection sprinkler systems; or
- a trainee-level sprinkler fitter certificate, which allows a person to work under the supervision of a person with a journey-level or residential sprinkler fitter certificate.

A fire protection sprinkler system contractor can employ a person with a valid certificate in order to complete sprinkler fitting work.

### **Summary of Bill:**

#### Fire Protection Sprinkler Systems and Contractors.

The maximum licensing fees for fire protection sprinkler system contractors are increased to:

- \$125 for contractors who work on NFPA 13D systems; and
- \$375 for contractors who work on NFPA 13R systems.

The minimum and maximum fines for infractions are increased to:

- not less than \$300 and not more than \$7,500, for a first infraction;
- not less than \$400 and not more than \$10,000, for a second infraction; and
- not less than \$1,000 and not more than \$15,000, for a third or any subsequent infraction.

The minimum and maximum fines for failing to obtain a certificate of competency are increased to:

- not less than \$1,500 and not more than \$7,500, for a first infraction;
- not less than \$2,500 and not more than \$10,000, for a second infraction; and
- not less than \$5,000 and not more than \$25,000, for a third or any subsequent infraction.

The Fire Protection Compliance Account (Account) is established in the custody of the State Treasurer. Fines collected for contractor infractions and failure to obtain certificates of competency are to be deposited into this Account. Expenditures from the Account may only be used for enforcing the fire protection statutes, and the Account is subject to allotment procedures, but no appropriation is required for expenditures.

#### Fire Protection Sprinkler Fitting.

A person with trainee-level sprinkler fitter certificate may perform fire protection sprinkler fitting work if that person is under supervision. The trainee must be on the same jobsite and under the control of a person with a journey-level or residential sprinkler fitter certificate covering the type of work the trainee is performing. The ratio of trainees to certified sprinkler fitters on a jobsite is:

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

If a contractor allows a trainee to perform work without supervision or out of compliance with the ratios, then the contractor has committed a violation subject to penalties.

The Director must investigate alleged violations of state requirements pertaining to fire protection sprinkler fitting.

**Appropriation:** None.

**Fiscal Note:** Available.

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