

CERTIFICATION OF ENROLLMENT

SECOND SUBSTITUTE SENATE BILL 5425

Chapter 329, Laws of 2023

68th Legislature
2023 Regular Session

FIRE PROTECTION SPRINKLER SYSTEM CONTRACTORS—VARIOUS PROVISIONS

EFFECTIVE DATE: January 1, 2024

Passed by the Senate April 18, 2023
Yeas 48 Nays 0

DENNY HECK

President of the Senate

Passed by the House April 11, 2023
Yeas 96 Nays 1

Laurie Jinkins

**Speaker of the House of
Representatives**

Approved May 4, 2023 4:12 PM

JAY INSLEE

Governor of the State of Washington

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.

SARAH BANNISTER

Secretary

FILED

May 5, 2023

**Secretary of State
State of Washington**

SECOND SUBSTITUTE SENATE BILL 5425

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)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to fire protection sprinkler system contractors;
2 amending RCW 18.160.030, 18.160.050, 18.160.120, 18.270.020, and
3 18.270.070; adding a new section to chapter 18.160 RCW; and providing
4 an effective date.

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~~) \$125, 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~~) \$375;

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~~) 90 days of March 31,
7 1992;

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

10 (c) Enforce the provisions of this chapter;

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

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

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

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

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

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

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

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

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

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

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

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

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

1 limited to, aiding in the identification of recalled components,
2 information sharing strategies aimed at ensuring the consumer is made
3 aware of recalls and voluntary replacement programs, and providing
4 training and assistance to local fire authorities, the fire sprinkler
5 industry, and the public. Only the state director of fire protection
6 or the director's designee may authorize expenditures from the fund.
7 The fund is subject to allotment procedures under chapter 43.88 RCW,
8 but no appropriation is required for expenditures.

9 **Sec. 3.** RCW 18.160.120 and 2003 c 74 s 2 are each amended to
10 read as follows:

11 (1) A fire protection sprinkler system contractor found to have
12 committed an infraction under this chapter as defined in rule under
13 RCW 18.160.030(2)(b)(iii) shall be assessed a fine of not less than
14 (~~two hundred dollars~~) \$300 and not more than (~~five thousand~~
15 ~~dollars~~) \$7,500 for the first infraction, a fine of not less than
16 \$400 and not more than \$10,000 for a second infraction by the same
17 contractor, and a fine of not less than \$1,000 and not more than
18 \$15,000 for the third and any subsequent infractions by the same
19 contractor.

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

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

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

33 The fire protection compliance account is created in the custody
34 of the state treasurer. All fines collected under RCW 18.160.120 and
35 the rules and regulations adopted under RCW 18.160.120 must be
36 deposited into the account. Expenditures from the account may only be
37 used for the purposes of enforcing this chapter. Only the state
38 director of fire protection or their designee may authorize

1 expenditures from the account. The account is subject to allotment
2 procedures under chapter 43.88 RCW, but no appropriation is required
3 for expenditures.

4 **Sec. 5.** RCW 18.270.020 and 2007 c 435 s 3 are each amended to
5 read as follows:

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

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

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

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

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

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

34 ~~((3))~~ (4) A person found by the director to have committed an
35 infraction under this chapter shall be assessed a monetary penalty as
36 set by rule.

37 ~~((4))~~ (5) Each day in which a person engages in the trade of
38 fire protection sprinkler fitting in violation of subsection (1) of
39 this section, allows a trainee to work unsupervised or out of ratio

1 in violation of subsection (2) of this section, or employs a person
2 in violation of subsection ~~((+2))~~ (3) of this section is considered
3 a separate infraction.

4 **Sec. 6.** RCW 18.270.070 and 2007 c 435 s 8 are each amended to
5 read as follows:

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

13 NEW SECTION. **Sec. 7.** This act takes effect January 1, 2024.

Passed by the Senate April 18, 2023.
Passed by the House April 11, 2023.
Approved by the Governor May 4, 2023.
Filed in Office of Secretary of State May 5, 2023.

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