

WSR 22-19-071

PROPOSED RULES

WASHINGTON STATE PATROL

[Filed September 19, 2022, 2:56 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-10-026.

Title of Rule and Other Identifying Information: Chapter 212-80 WAC, Fire protection sprinkler system contractors.

Hearing Location(s): On October 25, 2022, at 9:30 a.m., Call in 1-253-215-8782, Meeting ID 936 8503 7858, Passcode 552488. Hearing to be held via Zoom.

Date of Intended Adoption: October 26, 2022.

Submit Written Comments to: Kimberly Mathis, Agency Rules Coordinator, 106 11th Street S.E., Olympia, WA 98507, email wsprules@wsp.wa.gov, by October 21, 2022.

Assistance for Persons with Disabilities: Contact Kimberly Mathis, agency rules coordinator, phone 360-596-4017, email wsprules@wsp.wa.gov, by October 21, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Chapter 212-80 WAC currently sets a rule for chapter 18.160 RCW (Fire system sprinkler contractors) and chapter 18.270 RCW (Fire protection sprinkler fitting). Due to differing definitions in RCW, and the fact that RCW applies to separate licenses and certifications within the sprinkler industry; a single WAC has created confusion when interpreting the rule and determining violations with appropriate enforcement.

Industry often tries to apply chapter 18.160 RCW requirements to fitters based on language in chapter 212-80 WAC. Authorities having jurisdiction are often confused and have misapplied the laws and rule when creating local licensing and permitting requirements.

Increase fees for certificate of competency holders, sprinkler filters, and certification exams to continue to adequately support the program and services offered.

Reasons Supporting Proposal: Updates are to ensure consistency and clarity.

Statutory Authority for Adoption: Chapter 18.160 and 18.270 RCW.

Statute Being Implemented: Chapter 18.160 and 18.270 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Agency Personnel Responsible for Drafting and Implementation: Esther Hernandez, Olympia, Washington, 360-596-3913; Enforcement: Washington State Patrol, Olympia, Washington, 360-596-3913.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 provides that a cost-benefit analysis (CBA) is required before adopting a rule described in subsection (5) of the statute. RCW 34.05.328 (5)(a)(i) makes the requirements applicable to significant legislative rules of certain identified agencies. Washington state patrol is not one of those identified agencies. The requirements also apply to any rule of an agency if the section is voluntarily made applicable to the rule by the agency or by a majority vote of the joint administrative rules review committee. Neither of these conditions have been met; therefore, the requirement of preparing a CBA is not applicable to this rule making. See RCW 34.05.328 (5)(a)(ii).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party.

Is exempt under RCW 19.85.025(4).

Scope of exemption for rule proposal:

Is fully exempt.

September 19, 2022

John R. Batiste

Chief

OTS-4051.3

AMENDATORY SECTION (Amending WSR 14-03-019, filed 1/7/14, effective 2/7/14)

WAC 212-80-001 Purpose. The purpose of this chapter is to adopt rules to a single statewide standard of performance and compliance for the licensing of fire protection sprinkler system contractors, the issuance of certificates of competency, and the issuance of civil fines for violations of any provision of chapter 18.160 (~~(or 18.270)~~) RCW or any provision of this chapter.

[Statutory Authority: RCW 18.270.900 and 18.160.030. WSR 14-03-019, § 212-80-001, filed 1/7/14, effective 2/7/14. Statutory Authority: RCW 18.270.900. WSR 09-01-114, § 212-80-001, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. WSR 05-05-006, § 212-80-001, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. WSR 91-14-086 (Order 91-06), § 212-80-001, filed 7/1/91, effective 8/1/91.]

AMENDATORY SECTION (Amending WSR 14-03-019, filed 1/7/14, effective 2/7/14)

WAC 212-80-005 Applicability. This chapter applies to any person performing as a fire protection sprinkler system contractor or certificate of competency holder as defined in chapter ~~((s))~~ 18.160 (~~(and 18.270)~~) RCW.

[Statutory Authority: RCW 18.270.900 and 18.160.030. WSR 14-03-019, § 212-80-005, filed 1/7/14, effective 2/7/14. Statutory Authority: RCW 18.270.900. WSR 09-01-114, § 212-80-005, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. WSR 05-05-006, § 212-80-005, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. WSR 91-14-086 (Order 91-06), § 212-80-005, filed 7/1/91, effective 8/1/91.]

AMENDATORY SECTION (Amending WSR 14-03-019, filed 1/7/14, effective 2/7/14)

WAC 212-80-010 Definitions. The following definitions will apply throughout this chapter:

(1) "Authority having jurisdiction (AHJ)" means the organization, office, or individual responsible for issuing permits, approving layout drawings, enforcing the requirements of a code or standard or approving materials, an installation, or a procedure. Usually, the AHJ is the building or fire official of the city or county in which the job site is located. In certain cases, such as health care facilities, transient accommodations, and day care facilities, the AHJ is the city or county building or fire official and the director.

(2) "Certificate" means a certificate of competency granted by the director under chapter (~~18.270-01~~) 18.160 RCW, and is valid within the state and all political subdivisions, and meets all of the requirements for license or certification that may be applied by the political subdivision.

(3) "Citation" means written notification issued by the director pursuant to RCW 18.160.120 (~~or 18.270.020~~) of a civil penalty for a violation of any provision of chapter 18.160 (~~or 18.270~~) RCW or this chapter. A citation may include, but is not limited to, a description of the violation(s) and a notice of civil penalty assessment.

(4) "Contractor" means any person that offers to contract for the design, installation, inspection, testing, maintenance, or repair of a fire protection sprinkler system or any part of such system under chapter 18.160 RCW.

(5) "Digital signature" means a secure signature in electronic form attached to an electronic record. Examples of electronic signatures include a digitized image of a "wet" signature, a graphical representation of a handwritten signature (constructed using graphics software or special fonts), or other icons or representations adopted by the person with the intent to sign the document. The digital signature must:

- (a) Be unique to the certificate of competency holder;
- (b) Be capable of independent verification;
- (c) Be under the exclusive control of the certificate of competency holder;
- (d) Transform the electronic record such that a recipient can determine that the record was signed by the certificate of competency holder; and
- (e) Transform the electronic record such that a recipient can determine if the initial record was altered since the transformation was made.

(6) "Direct supervision" means the person providing direction, oversight, inspection, and observation of the work performed on the design, installation, inspection, testing, maintenance, or repair of a fire protection sprinkler system. Supervision requirements are met when the supervisor is on the premises for the duration of the working day.

(7) "Director" means the chief of the Washington state patrol through the director of fire protection or his or her designee.

(8) "Electronic" means electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that involves similar capabilities.

(9) "Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

(10) "Fire protection sprinkler system" means an assembly of underground or overhead piping 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 or other products of combustion.

(11) "Formal hearing" means a hearing before a hearing officer where laws, rules, and evidence are presented, considered, and a decision is rendered.

(12) "General contractor" means a contractor whose business operations require the use of more than one building trade or craft for a single job, project, or building permit. A general contractor includes a person who superintends, or consults on, in whole or in part, work that falls within the definition of a contractor.

(13) "Hazard" means a condition which could result in injury or death to a person or damage to property.

(14) "Hearings request" means the written request for a formal hearing to contest a civil penalty.

(15) "Inspection" means a visual examination of a fire protection sprinkler system, or portion of the system, to verify that the system appears to be in operating condition, is free from physical damage, and complies with the applicable statutes and regulations adopted by the state.

(16) "Licensed contractor" means a contractor issued a license to perform fire protection sprinkler system work by the director pursuant to WAC 212-80-053 of this chapter.

(17) "Maintenance" means ~~((an inspection conducted by either a journey level or residential level sprinkler fitter or an inspection and testing technician (ITT) of all the components of an automatic fire protection sprinkler system and the))~~ in water-based fire protection systems, work performed to keep ~~((the system's))~~ equipment operable.

(18) "Mitigation or hearing officer" is the ~~((assistant))~~ state fire marshal or his or her designee who will preside over an informal, mitigation conference to discuss a civil penalty that has been assessed against a person for a violation of this chapter.

(19) ~~((("NFPA" means the National Fire Protection Association. The following national standards adopted by the NFPA apply to fire sprinkler suppression systems:))~~

~~((a))~~ ~~"NFPA 13D" means, in addition to the definition contained in chapter 18.160 RCW, the inclusion of minor accessory uses such as garages normally found in residential occupancies. The following definitions will apply to the common types of sprinkler systems that can be installed in a NFPA 13D:~~

~~((i))~~ "Multipurpose piping sprinkler system((+))" means a piping system intended to serve both domestic needs in excess of a single fixture and fire protection needs from one common piping system throughout the dwelling unit(s).

~~((ii))~~ (20) "Network sprinkler system((+))" means a type of multipurpose system utilizing a common piping system supplying domestic fixtures and fire sprinklers where each sprinkler is supplied by a minimum of three separate paths.

~~((iii))~~ (21) "Passive purge system((+))" means a type of sprinkler system that serves a single toilet in addition to the fire sprinklers.

- ~~((iv))~~ (22) "Stand-alone sprinkler system~~((+))~~" means a sprinkler system where the above ground piping serves only fire sprinklers.
- ~~((v))~~ (23) "Antifreeze sprinkler system~~((+))~~" means a wet pipe system using automatic sprinklers that contains a liquid solution to prevent freezing of the system, and is intended to discharge the solution upon sprinkler operation, followed immediately by water from a water supply.
- ~~((vi))~~ (24) "Dry pipe sprinkler system~~((+))~~" means a sprinkler system employing automatic sprinklers that are attached to a piping system containing air or nitrogen under pressure, the release of which (as from the opening of a sprinkler) permits the water pressure to open a valve known as a dry pipe valve, and the water then flows into the piping system and out the opened sprinkler.
- ~~((vii))~~ (25) "Preaction sprinkler system~~((+))~~" means a sprinkler system employing automatic sprinklers that are attached to a piping system that contains air with a supplemental detection system installed in the same areas as the sprinklers.
- ~~((b) "NFPA 13R" means the installation and design of fire suppression sprinkler systems in residential occupancies up to and including four stories in height in buildings not exceeding 60 ft (18 m) in height above grade plane.~~
- ~~(c) "NFPA 13" means the installation and design of fire suppression sprinkler systems in commercial or high occupancy facilities.~~
- ~~((d))~~ (26) "NFPA 20" means the selection and installation of pumps, both centrifugal and positive displacement, that supply liquid for a private fire protection system.
- ~~((e))~~ (27) "NFPA 24" means the installation of the dedicated underground fire service main of a water based fire protection system.
- ~~((f))~~ (28) "NFPA 25" means the inspection, testing, and maintenance of water based fire protection systems.
- ~~((20))~~ (29) "NICET" means the National Institute for Certification in Engineering Technologies.
- ~~((21))~~ (30) "Person" means one or more individuals, legal representatives, partnerships, joint ventures, associations, corporations (whether or not organized for profit), business trusts, or any organized group of individuals and includes the state, state agencies, counties, municipal corporations, school districts, and other public corporations.
- ~~((22))~~ (31) "Qualified" means an individual who has demonstrated through education, training, examination, or national certifications the competency, skill, and ability necessary to perform any work covered or defined by this chapter and chapter~~((s))~~ 18.160 ~~((and 18.270))~~ RCW to the satisfaction of a relevant jurisdiction. In matters of compliance with the licensing and certification requirements of this chapter and chapter~~((s))~~ 18.160 ~~((and 18.270))~~ RCW, the relevant jurisdiction shall be the director.
- ~~((23))~~ (32) "Repair" means to restore by replacing a part of or putting together what is torn or broken on the fire protection sprinkler system.
- ~~((24))~~ (33) "Revoke" means the director will rescind a company's license or an individual's certificate. This action causes the company or individual to cease any work in the fire protection sprinkler system field in Washington state.
- ~~((25))~~ (34) "Suspend" means the director holds a company's license or individual's certificate inactive until such time as the director determines that the company or individual is in compliance with

the requirements of this chapter and chapter((s)) 18.160 ((and 18.270)) RCW.

~~((26))~~ (35) "Testing" means a procedure used to determine the status of a system as intended by conducting periodic physical checks on water-based fire protection systems such as water flow tests, fire pump tests, alarm tests, and trip tests of dry pipe, deluge, or preaction valves. These tests follow up on the original acceptance test at intervals specified in the appropriate chapter of NFPA 25.

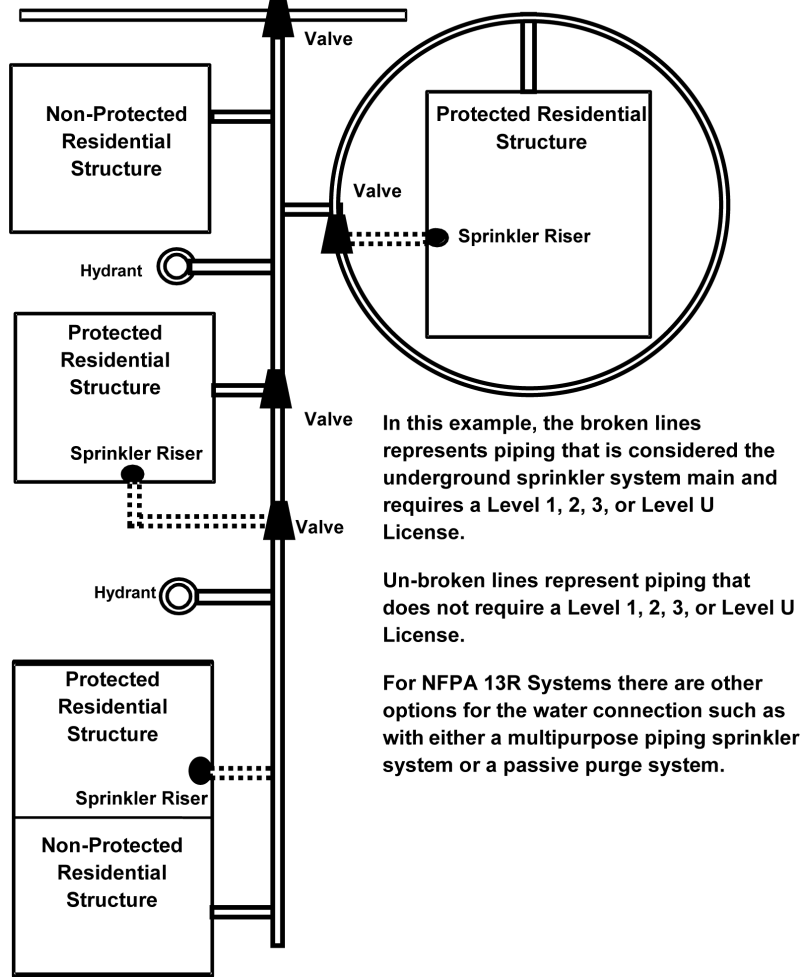
~~((27)) "Trainee" means a person who:~~

~~(a) Has been issued a training certificate by the director; and~~

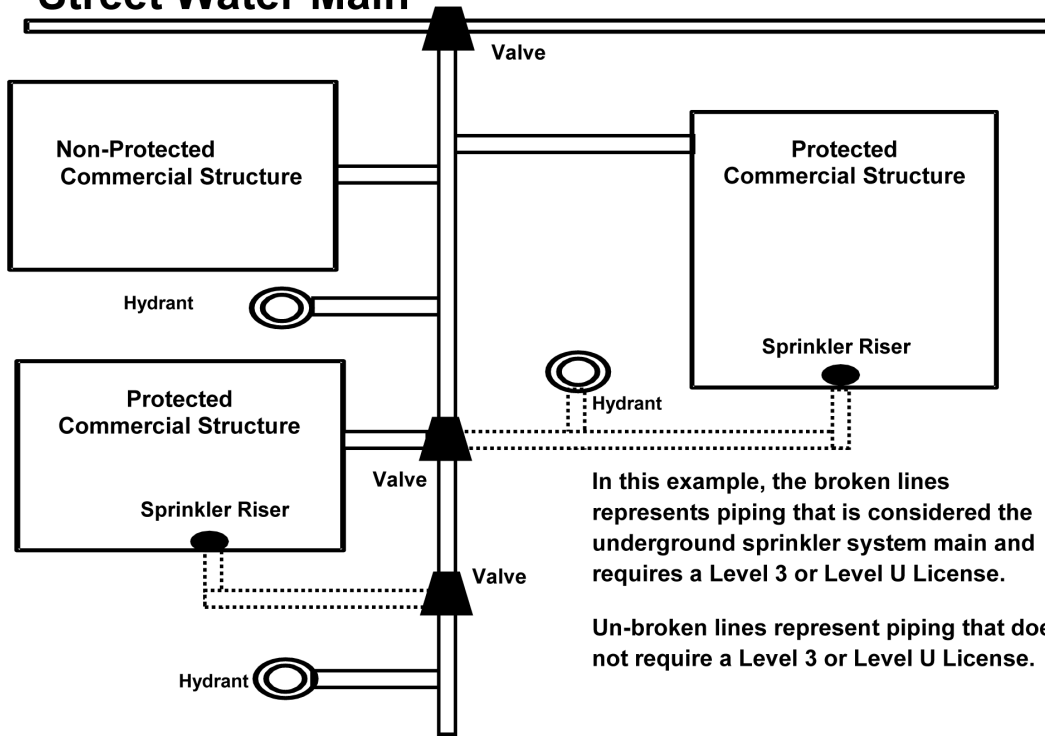
~~(b) Is learning the fire protection sprinkler fitting trade under the supervision of a journey-level sprinkler fitter or residential sprinkler fitter working in his or her specialty.~~

~~(28))~~ (36) "Underground" means the portion of the fire protection sprinkler system that starts at the point where the last nonfire water use is taken from the supply mains. For the purpose of this subsection, "point where the last nonfire water use is taken from the supply mains" means the ~~((point just downstream of the last tap for domestic or processed water, the last water control valve that is required by a city or other authority, or the point where the water can be considered nonflowing and if shut off would shut off only the))~~ last valve, furthest from the riser, where water becomes nonflowing, which if shut off shuts off only the fire protection sprinkler system. This subsection does not apply to residential multipurpose piping fire protection sprinkler systems.

Residential Example Street Water Main



Commercial Example Street Water Main



~~((29))~~ (37) "Violation" means any action, general or specific, inconsistent with the intent and letter of chapter ~~((s))~~ 18.160 ~~((and 18.270))~~ RCW and shall be further defined as:

- (a) "Level 1 violation" means a violation which poses a minimal hazard or threat to life and property in the event of a fire.
- (b) "Level 2 violation" means a violation which poses a significant hazard or threat to life or property in the event of a fire.
- (c) "Level 3 violation" means a violation which poses a substantial hazard or threat to life or property in the event of a fire.

[Statutory Authority: RCW 18.270.900 and 18.160.030. WSR 14-03-019, § 212-80-010, filed 1/7/14, effective 2/7/14. Statutory Authority: RCW 18.270.900. WSR 09-01-114, § 212-80-010, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. WSR 05-17-099, § 212-80-010, filed 8/16/05, effective 9/16/05; WSR 05-05-006, § 212-80-010, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. WSR 92-20-070 (Order 92-08), § 212-80-010, filed 10/5/92, effective 11/5/92; WSR 91-14-086 (Order 91-06), § 212-80-010, filed 7/1/91, effective 8/1/91.]

AMENDATORY SECTION (Amending WSR 14-03-019, filed 1/7/14, effective 2/7/14)

WAC 212-80-015 Compliance. (1) ~~((Who needs to comply with these rules?))~~ All fire protection sprinkler system contractors, certificate of competency holders, ~~((or trainees,))~~ and persons who design, install, inspect, test, or repair, fire protection sprinkler systems or

any part of such a system will comply with the provisions of this chapter.

(2) (~~Who is exempt from complying with this chapter?~~) Exemptions to subsection (1) of this section:

(a) Federal, state, and local government employees, or insurance inspectors when acting in their official capacities.

(b) A person acting under court order.

(c) A person who sells or supplies products or materials to a licensed contractor.

(d) A registered professional engineer in the state of Washington acting solely in a professional capacity.

(e) A person issued a certificate of competency by the Washington state department of labor and industries, under chapter 18.106 RCW, as a journey-level or residential specialty plumber or supervised plumber trainee installing a residential network fire protection sprinkler system connected to potable water who works for a contractor as defined by WAC 212-80-010(4) of this chapter.

(f) An owner or occupier of a single-family residence performing his or her own installation in that residence. It is the intent of this subsection that builders or contractors will not install their own sprinkler systems in single-family residences under their ownership that they plan to sell, lease, or rent.

(g) Full-time employee, or owner of a facility who is qualified to the satisfaction of the authority having jurisdiction to perform fire protection sprinkler work in said facility.

(h) An employee of a licensed electrical contractor installing or testing only the electronic signaling devices of a fire sprinkler system.

(i) A person who inspects, field tests, maintains, or repairs backflow prevention assemblies installed on potable water supplies to fire sprinkler systems and who is certified as a:

(i) Backflow assembly tester by the Washington state department of health, under chapters 70.119 RCW and 246-292 WAC; or

(ii) Backflow specialty plumber by the Washington state department of labor and industries, under chapters 18.106 RCW and 296-400A WAC, when repairing backflow prevention assemblies within a building.

(j) Work performed by companies or individuals under these exemptions must still comply with all relevant standards, codes, and local ordinances relevant to the work being performed. This includes evidencing any and all necessary competency and experience to the local fire code authority.

[Statutory Authority: RCW 18.270.900 and 18.160.030. WSR 14-03-019, § 212-80-015, filed 1/7/14, effective 2/7/14. Statutory Authority: RCW 18.270.900. WSR 09-01-114, § 212-80-015, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. WSR 05-17-099, § 212-80-015, filed 8/16/05, effective 9/16/05; WSR 05-05-006, § 212-80-015, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. WSR 94-24-032, § 212-80-015, filed 12/1/94, effective 1/1/95; WSR 92-20-070 (Order 92-08), § 212-80-015, filed 10/5/92, effective 11/5/92; WSR 91-14-086 (Order 91-06), § 212-80-015, filed 7/1/91, effective 8/1/91.]

AMENDATORY SECTION (Amending WSR 17-10-031, filed 4/26/17, effective 5/27/17)

WAC 212-80-018 License and certification requirements. (1) **Fire protection sprinkler contractors**, only a licensed contractor, who has at least one certificate of competency holder on staff certified to license level consistent with the contractor's license, by the director, can bid, offer to bid, contract, or perform the designing, installation, inspection, testing, maintenance, or repair of a NFPA fire protection sprinkler system or any part of such a system based on the level of the contractor license. The following levels will apply to contractor licenses issued by the director:

- (a) **Level 1 contractor license** - Residential structures consistent with the definitions found within NFPA 13D.
- (b) **Level 2 contractor license** - Residential structures consistent with the definitions found within NFPA 13D, NFPA 13R, and NFPA 25. NFPA 24 is applicable only when the water main supplying the fire sprinkler system is equal to or greater than four inches in size.
- (c) **Level 3 contractor license** - Includes work defined by Levels 1 and 2. This license is applicable to structures and fire protection sprinkler systems defined in NFPA 13, NFPA 24, and NFPA 25.
- (d) **Level U contractor license** - Specialized license for underground work (NFPA 24) only.
- (e) **Level I&T (inspection and testing) contractor license** - Specialized license for inspection and testing work (NFPA 25). This license level allows for inspection or testing of a NFPA 13R or NFPA 13, wet and dry pipe fire protection sprinkler system, provided that the:
 - (i) Inspection and testing technician must limit his or her work on the fire protection sprinkler system to the contractor's license level; and
 - (ii) Testing and maintenance of fire protection sprinkler systems such as preaction, deluge, foam or fire pumps, will be performed only by contractors who are also qualified and licensed to design and install that type of system or fire pump.

Chart 1: Fire Protection Sprinkler Contractors

| Level of Contractor License | Standard Defining Work to be Performed | | | | |
|---|--|----------|---------|---|------------------------------------|
| | NFPA 13D | NFPA 13R | NFPA 13 | NFPA 24 | NFPA 25 |
| Level 1 Contractor One- and two-family dwellings and manufactured homes | Yes | No | No | No | No |
| Level 2 Contractor Residential Occupancies Up To and Including Four Stories in Height | Yes | Yes | No | No Only if water main supplying the sprinkler system is equal or greater than 4 inches in size. (See WAC 212-80-018 (1)(b)) | Yes (See WAC 212-80-018 (e)(i)) |
| Level 3 Contractor All Types of Structures | Yes | Yes | Yes | Yes | Yes (See WAC 212-80-018 (e)(i)) |
| Level U Contractor Underground | No | No | No | Yes | No |

| Level of Contractor License | Standard Defining Work to be Performed | | | | |
|--|--|----------|---------|---------|--|
| | NFPA 13D | NFPA 13R | NFPA 13 | NFPA 24 | NFPA 25 |
| Level I&T Inspection and Testing Contractor | No | No | No | No | Yes Inspection/testing only (See WAC 212-80-018 (e)(ii)) |

(2) **Fire protection sprinkler system certification** - Only a certificate of competency holder may prepare layout drawings or install, inspect, test, maintain, or repair a fire protection sprinkler system or any part of such a system based on his or her ((design)) certification level.

(a) **Design certification** - The following levels will apply to design certifications issued by the director:

(i) **Level 1 design certification** - NFPA 13D.

(ii) **Level 2 design certification** - NFPA 13D or NFPA 13R, and underground work (NFPA 24) when the designed and installed underground main is four inches or greater in size ((or inspection, testing, and maintenance (NFPA 25))) for NFPA 13R.

(iii) **Level 3 design certification** - NFPA 13, NFPA 13R, or NFPA 13D, and underground work (NFPA 24) ((, and inspection, testing, and maintenance (NFPA 25))) for NFPA 13D, NFPA 13R, and NFPA 13.

(b) **Specialized certifications** - The following level will apply to specialized certifications issued by the director:

(i) **Level U certification** - NFPA 24; perform and supervise the installation, inspection, maintenance, repair, and testing of the underground fire protection sprinkler underground piping.

(ii) **Level ITT - Inspection and testing technician** - NFPA 25 for inspection or testing of a NFPA 13R or NFPA 13 ((, wet and dry pipe fire protection sprinkler)). The inspection and testing technician must limit his or her work to the ((inspection and testing)) employing contractor's license level ((under subsection (1)(e) of this section.

~~(c) **Sprinkler fitter certifications** - The following levels will apply to specialized certifications issued by the director:~~

~~(i) **Journey-level sprinkler fitter certification** - Installs, dismantles, alters, maintains, repairs, and corrects all types of sprinkler, standpipe, hose, or other hazard systems for fire protection purposes that are an assembly of piping, conduit, tubing, or hose regardless of the material composition beginning at the connection to the primary water supply. Also includes sprinkler tank heater, air lines tanks, pumps, equipment, appurtenances and all other related components attached thereto inside or outside of the building.~~

~~(ii) **Residential-level sprinkler fitter certification** - Limited to installation, maintenance, and repair of the fire protection sprinkler system of residential occupancies as defined by NFPA 13D and NFPA 13R. A residential level sprinkler fitter certification may also perform installation and repair of NFPA 13 fire protection sprinkler systems and components while under the direct supervision of a certified journey-level sprinkler fitter.~~

~~(iii) **Trainee-level sprinkler fitter certification** - Limited to performing sprinkler fitter work under the direct supervision of a journey-level sprinkler fitter or residential sprinkler fitter certified to perform the type of work the trainee-level sprinkler fitter is performing).~~

Chart 2: Fire Protection Sprinkler Certifications

| Level of Certificate of Competency Holder – See Note (1) | Standard Defining Work That May Be Performed | | | | |
|--|---|---|--|--|--|
| | NFPA 13D | NFPA 13R | NFPA 13 | NFPA 24 | NFPA 25 |
| Level 1 Design Certification | Yes | No | No | No | No |
| Level 2 Design Certification | Yes | Yes | No | Yes (Restricted to only certain NFPA 13R systems) (see WAC 212-80-018 (1)(b)) | ((Yes (Restricted to only 13R systems))) No |
| Level 3 Design Certification | Yes | Yes | Yes | Yes | ((Yes)) No |
| Level U Certification | No | No | No | Yes | No |
| Level ITT Certification | No | No | No | No | Yes ((See subsection (1)(e) of this section for exceptions)) (Limited by contractor licensing level) |
| (Journey-Level Sprinkler Fitter | Yes | Yes | Yes | No | No |
| Residential-Level Sprinkler Fitter | Yes | Yes | Only if under the direct supervision of a journey-level sprinkler fitter | No | No |
| Trainee-Level Sprinkler Fitter | Only if under the direct supervision of a residential/ journey-level sprinkler fitter | Only if under the direct supervision of a residential/ journey-level sprinkler fitter | Only if under the direct supervision of a journey-level sprinkler fitter | No | No)) |

Chart 3: Certificate Level Required for Level of License

| Contractor Level | 1 | 2 | 3 | U | I&T |
|--|--|--|---|---|---|
| Building Type | One- and two-family dwellings and manufactured homes | Dwellings up to and including four stories in height | All dwellings and commercial or high occupancy facilities | Dedicated underground fire service main of a water based fire protection system | Inspection((;)) and testing((; and maintenance)) of water based fire protection systems |
| Certificate of Competency Holder Level Needed to Qualify for License | 1 | 2 | 3 | U | ITT |

(3) (~~May a person who has two levels of certification as provided by subsection (2) of this section work for two different licensed contractors if the person only uses one type of certification for each licensed contractor? No.~~) RCW 18.160.040(10) prohibits a certificate

of competency holder from working for more than one licensed contractor at any one time.

~~((4) May a contractor obtain a fire protection sprinkler system license if the contractor employs only sprinkler fitters? No. A sprinkler fitter may only install piping from approved plans with a design certification.))~~

[Statutory Authority: RCW 18.270.900 and 18.160.030. WSR 17-10-031, § 212-80-018, filed 4/26/17, effective 5/27/17; WSR 14-03-019, § 212-80-018, filed 1/7/14, effective 2/7/14. Statutory Authority: RCW 18.270.900. WSR 09-01-114, § 212-80-018, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. WSR 05-17-099, § 212-80-018, filed 8/16/05, effective 9/16/05; WSR 05-05-006, § 212-80-018, filed 2/4/05, effective 3/7/05.]

AMENDATORY SECTION (Amending WSR 14-03-019, filed 1/7/14, effective 2/7/14)

WAC 212-80-023 Authority having jurisdiction. (1) ~~((Does a fire protection sprinkler system contractor need to obtain approval from the authority having jurisdiction? Yes.))~~ The fire protection sprinkler systems contractor must obtain approval from the authority having jurisdiction. The authority having jurisdiction must approve plans, specifications, calculations, contractor's materials and test certificates, and final approval. The authority having jurisdiction may conduct an approved flow test of heads as part of the approval for 13D fire protection sprinkler systems.

(2) ~~((Are there circumstances when the authority having jurisdiction is the director? Yes.))~~ In certain types of occupancies the authority having jurisdiction may be the director and the building or fire official of the city or county in which the installation is located. Generally, these dual responsibilities occur in health care facilities, transient accommodations, and day care facilities. In matters concerning compliance with chapter ~~((s))~~ 18.160 ~~((and 18.270))~~ RCW, or this chapter, the director will be considered the authority having jurisdiction.

(3) ~~((Who has the responsibility to determine which agency is the authority having jurisdiction?))~~ It is the responsibility of the licensed contractor or certificate of competency holder to ascertain which agency or agencies have jurisdiction. If there is a question of which agency is the authority having jurisdiction, the licensed contractor or certificate of competency holder should contact the director.

[Statutory Authority: RCW 18.270.900 and 18.160.030. WSR 14-03-019, § 212-80-023, filed 1/7/14, effective 2/7/14. Statutory Authority: RCW 18.270.900. WSR 09-01-114, § 212-80-023, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. WSR 05-05-006, amended and recodified as § 212-80-023, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. WSR 91-14-086 (Order 91-06), § 212-80-025, filed 7/1/91, effective 8/1/91.]

AMENDATORY SECTION (Amending WSR 14-03-019, filed 1/7/14, effective 2/7/14)

WAC 212-80-033 Posting requirements—License, certificates, and license number. (1) (~~(What are the posting requirements for the fire protection sprinkler system contractor's license and employees' certificate?)~~) All licenses and certificates must be posted as follows:

(a) Each license and certificate issued under chapter 18.160 RCW must be posted in a conspicuous place in the licensed contractor's place of business.

(b) (~~For certificates issued under chapter 18.270 RCW, the certificate holder must be in possession of his or her wallet card and display it upon request to the authority having jurisdiction.~~

~~(c)~~) All bids, advertisements, proposals, offers, and installation drawings for fire protection sprinkler systems must prominently display the fire protection sprinkler system contractor's license number.

~~(d)~~) (c) All inspection and testing certificates, documentation, or other such records of work must have affixed to them:

(i) The inspection and testing technician certificate number;

(ii) The signature of the inspection and testing technician; and

(iii) The date of signature.

(2) (a) Every certificate of competency holder must be in possession of his or her wallet card and display it upon request to the authority having jurisdiction.

(b) The wallet card must either be on the certificate of competency holder (wallet, lanyard, article of clothing, etc.) or readily accessible.

(3) Failure to comply with this section constitutes a Level 1 violation for each occurrence.

[Statutory Authority: RCW 18.270.900 and 18.160.030. WSR 14-03-019, § 212-80-033, filed 1/7/14, effective 2/7/14. Statutory Authority: Chapters 43.43 and 18.160 RCW. WSR 05-05-006, recodified as § 212-80-033, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. WSR 91-14-086 (Order 91-06), § 212-80-100, filed 7/1/91, effective 8/1/91.]

AMENDATORY SECTION (Amending WSR 14-03-019, filed 1/7/14, effective 2/7/14)

WAC 212-80-038 Municipality, county, or state regulations. (1) (~~(Does chapter 18.160 RCW or this chapter limit the power of a municipality, county, or state to require persons engaged in the sprinkler trade to obtain a permit? No. The municipality, county, or state)~~)

Nothing in this chapter or chapter 18.160 RCW limits the power of a municipality, county, or state to regulate((s)) the quality and character of work performed by contractors through a system of permits, fees, and inspections which are designed to assure compliance with and aid in the implementation of state and local building laws or to enforce other local laws for the protection of the public health and safety.

(2) (~~(Does chapter 18.160 RCW or this chapter limit the power of a municipality, county, or state, to require those engaged in the~~

~~sprinkler trade to obtain a permit? No.~~) Nothing in this chapter or chapter 18.160 RCW limits the authority of the municipality, county, or state ((may)) to adopt any system of permits requiring submission to and approval by the municipality, county, or the state of layout drawings and specifications for work to be performed by contractors before commencement of the work.

(3) ~~((Does chapter 18.160 RCW or this chapter limit the power of a municipality, county, or state, to require licensing or certification apart from the requirements provided by chapter 18.160 RCW or this chapter? Yes.))~~ A municipality, county, or state may not enact a regulation or requirement to require any licensing or certification apart from the requirements provided by chapter 18.160 RCW and this chapter unless the program was in place before 1991.

(4) ~~((Are permits or permission from the authority having jurisdiction required before performing sprinkler work? Yes.))~~ Licensed contractors and certificate of competency holders must comply with the authority having jurisdiction's requirements to obtain permits or permission before the installation, repair, alteration, or addition of a fire protection sprinkler system. Failure to comply with this section constitutes a Level 2 violation.

(a) Except as provided by (b) of this subsection, when a licensed contractor ~~((or certificate holder))~~ submits a bid to work on a fire protection sprinkler system, the licensed contractor ~~((or certificate holder))~~ does not need to obtain permits or permission from the authority having jurisdiction.

(b) The licensed contractor or certificate of competency holder must verify whether a permit or permission is required from the authority having jurisdiction before installing, repairing, altering, adding, or removing any fire protection sprinkler system.

(5) ~~((Is an authority having jurisdiction required to verify that the contractor's license and certificate of competency stamp are valid? Yes.))~~ The authority having jurisdiction's official authorized to issue building or other related permits must ascertain that the fire protection sprinkler system contractor is duly licensed by requiring evidence of a valid fire protection sprinkler system contractor's license and a valid certificate of competency stamp consistent with the contractor's license.

(6) ~~((Does this regulation apply to a fire protection sprinkler system contractor performing work for any municipality, county, or state? Yes.))~~ Officials of any municipality, county, or the state are required to determine compliance with this chapter before awarding any contracts for the installation, inspection, testing, maintenance, repair, service, alteration, fabrication, or addition of a fire protection sprinkler system.

[Statutory Authority: RCW 18.270.900 and 18.160.030. WSR 14-03-019, § 212-80-038, filed 1/7/14, effective 2/7/14. Statutory Authority: Chapters 43.43 and 18.160 RCW. WSR 05-17-099, § 212-80-038, filed 8/16/05, effective 9/16/05; WSR 05-05-006, amended and recodified as § 212-80-038, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. WSR 91-14-086 (Order 91-06), § 212-80-130, filed 7/1/91, effective 8/1/91.]

AMENDATORY SECTION (Amending WSR 14-03-019, filed 1/7/14, effective 2/7/14)

WAC 212-80-048 Subcontracting. (1) (~~(When is it not permissible to subcontract fire protection sprinkler system work?~~

~~(a))~~ Subcontracting work on a fire protection sprinkler system is not permitted:

~~((i))~~ (a) If the subcontractor does not have a current fire protection sprinkler system contractor's license consistent with the level of work performed on the fire protection sprinkler system; or

~~((ii))~~ (b) If the inspection and testing work is contracted to a contractor licensed by the department of labor and industries, but not a licensed fire protection sprinkler system contractor.

~~((b))~~ (c) Failure to comply with this section constitutes a Level 3 violation.

(2) (~~(When is subcontracting or contracting of fire sprinkler protection system work permitted?)~~) Subcontracting of any fire sprinkler protection system work is permissible:

(a) When a licensed general contractor bids on a project that involves a fire protection sprinkler system. All subcontracting by a licensed general contractor for fire sprinkler work must be performed by a licensed fire protection sprinkler system contractor; or

(b) When the subcontractor is a licensed fire protection sprinkler system contractor and licensed at a level consistent with the work performed on the fire protection sprinkler system.

[Statutory Authority: RCW 18.270.900 and 18.160.030. WSR 14-03-019, § 212-80-048, filed 1/7/14, effective 2/7/14. Statutory Authority: Chapters 43.43 and 18.160 RCW. WSR 05-05-006, § 212-80-048, filed 2/4/05, effective 3/7/05.]

AMENDATORY SECTION (Amending WSR 14-03-019, filed 1/7/14, effective 2/7/14)

WAC 212-80-053 Application for licensed fire protection sprinkler system contractor. (1) (~~(What are the prerequisites to apply for a fire protection sprinkler system contractor license?)~~) Applicants seeking a fire protection sprinkler system contractor's license must:

(a) Register the company structure with the secretary of state (www.sos.wa.gov), RCW 23B.01.200;

(b) Submit a master business application with the department of licensing (www.dol.wa.gov) or through the department of labor and industries (www.lni.wa.gov) and receive a unified business identifier number and ~~((twelve))~~ 12 digit contractor number;

(c) Obtain a federal tax number from the Internal Revenue Service (www.irs.gov); and

(d) Register as a general or specialty contractor with the department of labor and industries under chapter 18.27 RCW.

(2) (~~(Once the prerequisites are met, how do you get licensed as a fire protection sprinkler contractor?)~~) To become a licensed contractor under this chapter, a person must:

(a) Be or have in his or her full-time employ a holder of a valid certificate of competency whose level is consistent with the license level the contractor is applying for as provided by WAC 212-80-018. If the certificate of competency holder is not certified when the fire

protection sprinkler system contractor submits an application for licensing, the certificate of competency holder's application must be submitted at the same time.

(b) Submit an application to the director on forms provided for the level of fire protection sprinkler system contractor license. The applicant must complete and provide to the director:

- (i) Initial application;
- (ii) Contractor license background;
- (iii) Affidavit of compliance for licensing; and
- (iv) Bond or assignment of deposit.

(c) Pay the fees required under WAC 212-80-073 for the applicable level of license.

(d) Meet the bonding requirements of WAC 212-80-078.

(e) Provide the business name registered with the department of labor and industries and provide the (~~twelve~~) 12 digit alphanumeric business license number assigned by that agency.

(3) All information submitted for a fire protection sprinkler system contractor license must be true and accurate.

(4) Failure to comply with this section constitutes a Level 3 violation.

(5) If the director finds that information or documents submitted by an applicant is false, misleading or has been altered in an effort to meet the requirements, the director will revoke the license pursuant to WAC 212-80-205.

[Statutory Authority: RCW 18.270.900 and 18.160.030. WSR 14-03-019, § 212-80-053, filed 1/7/14, effective 2/7/14. Statutory Authority: Chapters 43.43 and 18.160 RCW. WSR 05-17-099, § 212-80-053, filed 8/16/05, effective 9/16/05; WSR 05-05-006, amended and recodified as § 212-80-053, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. WSR 91-14-086 (Order 91-06), § 212-80-090, filed 7/1/91, effective 8/1/91.]

AMENDATORY SECTION (Amending WSR 14-03-019, filed 1/7/14, effective 2/7/14)

WAC 212-80-058 Fire protection sprinkler system contractor license not transferable. (1) (~~(Is a fire protection sprinkler system contractor's license transferable between companies? No.)~~) A license issued under this chapter is not transferable.

(2) (~~(If a currently licensed fire protection sprinkler system contractor merges or forms another company, can the license be reissued to a newly formed or incorporated company?)~~) If a currently licensed contractor merges or forms another company, that license can be reissued to the newly formed or incorporated company provided:

(a) The principal officers of the licensed company remain the same;

(b) The company continues, takes over, or otherwise reestablishes the bond required by chapter 18.160 RCW for licensing;

(c) The company continues to perform fire protection sprinkler system contractor work as defined by chapter 18.160 RCW;

(d) The company employs certificate of competency holders of the appropriate levels; and

(e) The company meets the criteria necessary for licensing as a fire protection sprinkler contracting company as defined by chapter 18.160 RCW.

[Statutory Authority: RCW 18.270.900 and 18.160.030. WSR 14-03-019, § 212-80-058, filed 1/7/14, effective 2/7/14. Statutory Authority: RCW 18.270.900. WSR 09-01-114, § 212-80-058, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. WSR 05-05-006, amended and recodified as § 212-80-058, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. WSR 91-14-086 (Order 91-06), § 212-80-105, filed 7/1/91, effective 8/1/91.]

AMENDATORY SECTION (Amending WSR 14-03-019, filed 1/7/14, effective 2/7/14)

WAC 212-80-063 Contractor responsibilities, certificate of competency holder employment. (1) (~~What are the requirements of the fire protection sprinkler system contractor regarding the employed certificate holder(s)?~~ A Level 1, 2, or 3) Any fire protection sprinkler system contractor must have at least one full-time certificate of competency holder, consistent with the license level as provided by WAC 212-80-018, employed to conduct business.

(2) (~~What happens if the licensed contractor no longer employs a certificate holder?~~) If a certificate of competency holder leaves the employment of the fire protection sprinkler system contractor, the contractor must comply with the following:

(a) From the date of separation of the design-only certificate of competency holder, the contractor will have six months or until the expiration of the current license, whichever occurs last, to (~~submit a new application~~) come into compliance. In order to be issued a new license, the contractor must employ a new person (either as owner or full-time employee) with the appropriate certificate level consistent with the contractor's license level as provided by WAC 212-80-018.

(b) The licensed contractor must notify the director of the loss of the primary design certificate of competency holder within (~~thirty~~) 30 calendar days. For the purposes of this subsection, (~~thirty~~) 30 calendar days commence on the certificate of competency holder's last day of employment for compensation. The licensed contractor's failure to notify the director:

(i) Within (~~thirty~~) 30 calendar days is a Level 1 violation.

(ii) Within (~~sixty~~) 60 calendar days is a Level 2 violation.

(iii) After (~~one hundred eighty~~) 180 calendar days is a Level 3 violation.

(c) A fire protection sprinkler system contractor may renew a license without employing a design certificate of competency holder if the six-month period crosses into a new license year and all appropriate fees are paid at the time of renewal. During the period in which the licensed contractor does not have a design certificate of competency holder, the licensed contractor must limit work on fire protection sprinkler systems to:

(i) Completing the active phase of existing work in progress which has been approved by the authority having jurisdiction, and may not receive new approvals from the authority having jurisdiction with-

out a design certificate of competency holder's number on the documents; or

(ii) Continuing installation on approved design plans, however, the contractor's material and test certificate for the system must be stamped by a certificate of competency holder in the full-time employ of the installing contractor.

(d) If a contractor fails to employ a design certificate of competency holder as required in this chapter, and the director has renewed the license, the director will suspend the contractor's license pursuant to WAC 212-80-205. The suspension will remain in effect until the contractor has a full-time design certificate of competency holder or a hearings officer denies the director's petition to suspend the license.

(e) When a licensed contractor no longer employs a design certificate of competency holder, and the contractor has not hired another design certificate of competency holder, the contractor may not bid on the design, installation, or repair of a fire protection sprinkler system, or any part of such system, that requires work inconsistent with the previously employed design certificate of competency holder's level.

(f) Any contractor that uses a current or former employee's certification stamp on any technical drawings not prepared by the (~~certificate holder~~) design certificate of competency holder is in violation of this chapter.

(g) Failure to comply with (c) through (f) of this subsection constitutes a Level 3 violation.

(3) (~~What happens when a Level U or I&T licensed contractor no longer employs a Level U or ITT certificate holder?~~) If a certificate of competency holder leaves the employment of a Level U or I&T fire protection sprinkler system contractor, the contractor must comply with the following:

(a) The licensed contractor is prohibited from continuing the supervision of underground fire sprinkler pipe installation and inspection, testing, and maintenance, of fire protection sprinkler systems. Failure to comply with this subsection constitutes a Level 3 violation and the director may summarily revoke the contractor's license.

(b) The contractor must immediately cease bidding on or starting any sprinkler work without the appropriate specialty certificate of competency holder.

(c) The contractor must notify the director within (~~thirty~~) 30 days after the specialty certificate of competency holder's last day of employment for compensation. Failure to comply with this subsection constitutes a Level 2 violation and the director may suspend the contractor's license pursuant to WAC 212-80-205.

(4) (~~What are the responsibilities of the fire protection sprinkler system contractor regarding the employed certificate holders?~~) The contractor is responsible for the work and actions of its employees regardless of the contractor's knowledge of any wrongdoing. The director may refuse to issue or renew a license to engage in the fire protection sprinkler system business for any of the reasons listed in WAC 212-80-205. The director may suspend or revoke the license or the certificate of competency holder's certificate to engage in the fire protection sprinkler system business for any of the reasons listed in WAC 212-80-205.

[Statutory Authority: RCW 18.270.900 and 18.160.030. WSR 14-03-019, § 212-80-063, filed 1/7/14, effective 2/7/14. Statutory Authority: RCW

18.270.900. WSR 09-01-114, § 212-80-063, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. WSR 05-05-006, amended and recodified as § 212-80-063, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. WSR 94-24-032, § 212-80-110, filed 12/1/94, effective 1/1/95; WSR 91-14-086 (Order 91-06), § 212-80-110, filed 7/1/91, effective 8/1/91.]

AMENDATORY SECTION (Amending WSR 14-03-019, filed 1/7/14, effective 2/7/14)

WAC 212-80-068 License renewals. (1) (~~When are fire protection sprinkler system contractor licenses required to be renewed?~~) All licensed fire protection sprinkler system contractors desiring to continue to be licensed must renew their license before January 1 of each year. The application for renewal must be made upon a form prescribed by the director. Any contractor not wishing to renew their license at the beginning of the year should notify the director of the intention not to renew.

(2) (~~What happens if the contractor does not renew its license by the expiration date?~~) A licensed contractor that fails to secure renewal of the license by the expiration date will:

(a) Not execute contracts for the design, installation, inspection, testing, maintenance or repair of fire protection sprinkler systems or any part of such a system in the state of Washington.

(b) Submit a ((new)) license reinstatement application pursuant to WAC 212-80-053 to obtain a fire sprinkler protection system contractor license.

(3) (~~Are there reasons why the director would not renew a fire protection sprinkler system contractor license? Yes.~~) The director will not renew a license that has been suspended by the director, or if the general or specialty license issued by the department of labor and industries has been suspended or revoked.

(4) (~~When will the director not restore a fire protection sprinkler system contractor's suspended license?~~) In addition to other provisions of this chapter, any of the following will constitute cause for the director, not to restore a license that has been suspended:

(a) Nonreceipt of payment of all delinquent fees;

(b) Nonreceipt of a late charge and/or application fee;

(c) Failure to comply with the bonding requirements of chapter 18.160 RCW; or

(d) Failure to obtain or show evidence of having a full-time employee certified as a certificate of competency holder of the appropriate level as defined by chapter 18.160 RCW.

[Statutory Authority: RCW 18.270.900 and 18.160.030. WSR 14-03-019, § 212-80-068, filed 1/7/14, effective 2/7/14. Statutory Authority: RCW 18.270.900. WSR 09-01-114, § 212-80-068, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. WSR 05-05-006, amended and recodified as § 212-80-068, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. WSR 94-24-032, § 212-80-115, filed 12/1/94, effective 1/1/95; WSR 92-20-070 (Order 92-08), § 212-80-115, filed 10/5/92, effective 11/5/92; WSR 91-14-086 (Order 91-06), § 212-80-115, filed 7/1/91, effective 8/1/91.]

AMENDATORY SECTION (Amending WSR 14-03-019, filed 1/7/14, effective 2/7/14)

WAC 212-80-073 Fire protection sprinkler system contractor license fees. (1) **Initial application fee** is ((one hundred dollars)) \$100 only charged once when a person makes the initial application for any fire protection sprinkler system contractor license.

(2) **Annual license fee** is paid by the contractor when:

(a) Submitting the application for a license; or

(b) Renewing the fire sprinkler system license. The annual license fees for each contractor license level are:

| | |
|-----------|---------|
| Level 1 | \$100 |
| Level 2 | \$300 |
| Level 3 | \$1,500 |
| Level U | \$1,500 |
| Level I&T | \$1,000 |

(3) Except as provided by (b) of this subsection, the annual license fee as provided by subsection (2) (a) of this section will be prorated based upon the portion of the year such license is in effect, provided that:

(a) The annual license fee is allowed to be prorated only once in the history of the company.

(b) When the director finds that a contractor performed work covered by this chapter and chapter 18.160 RCW, the contractor must pay the full annual licensing fees, in addition to any penalties assessed by the director for unlicensed operation(s).

(c) The prorated fees are as follows:

| Fire Sprinkler System Contractor Initial Prorated License Fees | | | | | |
|--|---------------------------------|----------|------------|------------|------------|
| Month | 1 | 2 | 3 | U | I&T |
| January | (\$100.00) | \$300.00 | \$1,500.00 | \$1,500.00 | \$1,000.00 |
| | <u>Not prorated for January</u> | | | | |
| February | \$92.00 | \$275.00 | \$1,375.00 | \$1,375.00 | \$920.00 |
| March | \$83.00 | \$250.00 | \$1,250.00 | \$1,250.00 | \$830.00 |
| April | \$75.00 | \$225.00 | \$1,125.00 | \$1,125.00 | \$750.00 |
| May | \$67.00 | \$200.00 | \$1,000.00 | \$1,000.00 | \$670.00 |
| June | \$58.00 | \$175.00 | \$875.00 | \$875.00 | \$580.00 |
| July | \$50.00 | \$150.00 | \$750.00 | \$750.00 | \$500.00 |
| August | \$42.00 | \$125.00 | \$625.00 | \$625.00 | \$420.00 |
| September | \$33.00 | \$100.00 | \$500.00 | \$500.00 | \$330.00 |
| October | \$25.00 | \$75.00 | \$375.00 | \$375.00 | \$250.00 |
| November | \$17.00 | \$50.00 | \$250.00 | \$250.00 | \$170.00 |
| December | \$8.00 | \$25.00 | \$125.00 | \$125.00 | \$80.00 |

(4) ((Certificate)) License fees are nonrefundable once the director has issued the ((certificate)) license.

(5) The director will invoice the annual license and certification fees for renewal to the contractor and the certificate of competency holders. Contractors may receive invoices for the certificate of competency holders they employ.

[Statutory Authority: RCW 18.270.900 and 18.160.030. WSR 14-03-019, § 212-80-073, filed 1/7/14, effective 2/7/14. Statutory Authority: RCW

18.270.900. WSR 09-01-114, § 212-80-073, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. WSR 05-05-006, amended and recodified as § 212-80-073, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. WSR 91-14-086 (Order 91-06), § 212-80-120, filed 7/1/91, effective 8/1/91.]

AMENDATORY SECTION (Amending WSR 14-03-019, filed 1/7/14, effective 2/7/14)

WAC 212-80-078 Contractor surety bonds. (1) (~~(Is the surety bond required by the department of labor and industries acceptable to the director for issuing a fire protection sprinkler system contractor license? No.~~)) A fire protection sprinkler system contractor must have a separate bond conditioned to compensate third-party losses caused by the acts of the contractor's principal or the principal's servant, officer, agent, or employees, in conducting the business registered or licensed under this chapter as follows:

(a) Level 3 or Level "U" fire protection sprinkler system contractor, must file with the director a surety bond executed by a surety company authorized to do business in the state of Washington, in the sum of (~~ten thousand dollars~~) \$10,000; or

(b) Level 1 or Level 2 systems or a contractor to be licensed as an inspection and testing contractor, must file with the director a surety bond executed by a surety company authorized to do business in the state of Washington, in the sum of (~~six thousand dollars~~) \$6,000.

SURETY BOND REQUIREMENT CHART

| Level | 1 | 2 | 3 | U | I&T |
|--------------------------------|----------|----------|----------|----------|---------|
| Building Type By NFPA Standard | NFPA 13D | NFPA 13R | NFPA 13 | NFPA 24 | NFPA 25 |
| Bond Amount | \$6,000 | \$6,000 | \$10,000 | \$10,000 | \$6,000 |

This is a separate bond from the one obtained to license with L&I.

(2) (~~(Can another type of security bond be used other than the surety bond? Yes.~~)) Upon approval by the director, cash or other security may substitute for a surety bond provided the value matches the appropriate level of bonding required under subsection (1) of this section and the following conditions are met:

(a) The value of property must be determined by an appraiser selected by the director and all appraisal fees will be paid by the fire protection sprinkler system contractor.

(b) The cash or other security substitute will be released one year after the expiration of the fire protection system contractor license issued by the director provided that there are no claims against the bond.

(3) (~~(What notice is required for cancellation of a bond?)~~) A cancellation of a surety bond or insurance policy is effective (~~thirty~~) 30 days after the director receives the cancellation notice or upon the cancellation date as specified by the surety company whichever occurs first. The cancellation notice must be sent to the director by certified or registered mail and contain the following information in this order:

(a) The name of the contractor, exactly as it appears on the contractor's license;

- (b) The contractor's license number (as issued by the department of labor and industries);
 - (c) The contractor's business address;
 - (d) The number of the bond or insurance policy that is to be canceled; and
 - (e) The effective date of the bond that is to be canceled.
- (4) (~~What happens if the bond is canceled or expires without renewal?~~) If the surety company cancels or revokes the bond or a withdrawal of the surety company from the bond occurs, the director will suspend both the fire protection sprinkler system contractor license issued to the contractor, and the certifications of employee(s) employed by the contractor pursuant to WAC 212-80-205. The director may rescind the suspension action when the contractor files a new bond or reinstatement notice. The director will provide written notice to both the contractor and certificate of competency holders of the (~~license or certificate~~) suspension action. (~~This subsection does not apply to the certificates of commercial or residential installers under chapter 18.270 RCW.~~)

[Statutory Authority: RCW 18.270.900 and 18.160.030. WSR 14-03-019, § 212-80-078, filed 1/7/14, effective 2/7/14. Statutory Authority: RCW 18.270.900. WSR 09-01-114, § 212-80-078, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. WSR 05-17-099, § 212-80-078, filed 8/16/05, effective 9/16/05; WSR 05-05-006, amended and recodified as § 212-80-078, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. WSR 92-20-070 (Order 92-08), § 212-80-125, filed 10/5/92, effective 11/5/92.]

FIRE SPRINKLER CERTIFICATE OF COMPETENCY HOLDER

AMENDATORY SECTION (Amending WSR 14-03-019, filed 1/7/14, effective 2/7/14)

WAC 212-80-083 Stamps for NFPA 13D, 13R, and 13 systems certificate of competency holders. Certificate of competency holders for Level 1, Level 2, Level 3, and Level U will obtain a stamp each certification year to affix on all sprinkler related documents as provided by this chapter.

(1) **Will the stamp come with my certification?** When the director issues a certificate, the director will provide a Level 1, Level 2, Level 3, and Level U certificate of competency holder the information necessary to order a stamp. The cost of the stamp and obtaining a stamp will be the responsibility of the certificate of competency holder.

(2) **What is required on the stamp?** The stamp will conform to the following appearance specifications:

(a) The name and certification number of the certificate of competency holder;

(b) The name and license number of the certificate of competency holder's employer;

(c) The expiration date of the current certificate; and

(d) A place for the signature of the design certificate of competency holder and the date of the signature.

(3) **When is the stamp required to be used?** An original stamp and signature must appear in an easily recognizable manner on:

(a) Sprinkler system plans, calculations, and contractors' materials and test certificates submitted to the authority having jurisdiction.

(b) At least one set of approved plans and calculations, containing information as specified in subsection (1) of this section, must be maintained on the job site while the work is being performed.

(c) The cover sheet of hydraulic calculations.

(d) On all test certificates for fire protection sprinkler systems submitted to the authority having jurisdiction.

(4) Plans and calculations for "underground only" portions of fire protection sprinkler systems submitted to the authority having jurisdiction by a Level U licensed fire protection sprinkler contractor must be stamped by both the system designer and the certificate of competency holder for the licensed installing contractor seeking the permit. The Level U certification seal will only address matters of installation while the stamp for design must be either:

(a) A licensed professional engineer registered in the state of Washington; or

(b) A government employee acting in their official capacity; or

(c) The appropriate level certificate of competency holder and the Level U certificate of competency holder employed by the submitting contractor.

(5) **What are the documentation requirements for inspection and testing technicians?** Inspection and testing technicians must affix the certificate number and signature on all bids or documents related to the inspection and testing of a fire protection sprinkler system. The inspection and testing technician may affix the certificate number by handwriting or digital signature.

(6) **Can documentation be provided using an electronic record?**

(a) Yes. Electronic records may be submitted provided that:

(i) The electronic record must meet the applicable requirements of chapter 18.160 RCW and this chapter; and

(ii) The signature is an original "wet" signature, written by hand and applied by the identified registrant or a digital signature.

(b) The following guidelines will be used when submitting electronic records:

(i) An electronic stamp may be embedded in an electronic document as part of a template, drawing border, or cover sheet.

(ii) The certificate of competency holder is responsible for ensuring that the stamp is only affixed to documents personally prepared by or under his or her direct supervision.

(iii) If the stamp is combined with a digital signature into a single graphic entity, then it must:

(A) Be affixed by the certificate of competency holder in conjunction with the certificate of competency holder applying his or her digital signature to the document;

(B) Include a scanned image of a "wet" signature; and

(C) Be affixed only to the final documents.

(iv) A digital signature must be affixed by the certificate of competency holder to final documents that are distributed as an elec-

tronic record to meet the requirements of this section. The certificate of competency holder must maintain exclusive control ((of the passwords, private key, or security device that allows access)) to his or her digital signature.

(7) (~~What are the violations of this section?~~) Violations of this section includes:

(a) A certificate of competency holder altering, forging, or falsifying a certification stamp in order to submit bids or documents related to fire protection sprinkler system plans, calculations, permits, or any other documents that show the stamp being valid, constitutes a Level 3 violation.

(b) A certificate of competency holder using a stamp from previous employment with a licensed contractor while employed by another licensed contractor will constitute a Level 2 violation.

(c) A certificate of competency holder using an issued stamp from previous employment with a licensed contractor while not currently employed by a licensed contractor will constitute a Level 3 violation.

(d) A certificate of competency holder using an expired stamp will constitute a Level 3 violation.

(e) (i) A certificate of competency holder stamping documents that have been forwarded to the authority having jurisdiction for approval that were not prepared by the certificate of competency holder or an individual under his or her direct supervision constitutes a Level 3 violation.

(ii) Stamped documents submitted to the authority having jurisdiction for work other than design that does not clearly bear the seal of the designer shall constitute a Level 2 violation.

(f) A certificate of competency holder failing to affix the certificate stamp or inspection testing technician's number and signature on inspection forms constitutes a Level 1 violation.

(g) A certificate of competency holder obtaining a certification stamp while not holding a current and valid certificate of competency holder constitutes a Level 3 violation.

(h) Anyone who uses a certification seal and/or number that was not issued to them by the direction on any fire protection sprinkler system work for any reason constitutes a Level 3 violation.

(8) (~~May a licensed contractor hired by a person who has obtained a building, structure, or property through a foreclosure process complete the installation using a previous licensed fire protection sprinkler system contractor's design, uncompleted installation, and permit? No.~~) A licensed contractor hired by a person who has obtained a building, structure, or property through a foreclosure process may not use a previous licensed fire protection sprinkler system contractor's design, uncompleted installation, or permit. The licensed contractor must submit new plans with the certificate ((holder's)) of competency stamp affixed and obtain a new permit from the authority having jurisdiction for work that will be done under the licensed contractor's supervision. The decision to remove piping must be made in consultation with the authority having jurisdiction. The licensed contractor must obtain approval from the authority having jurisdiction for any portion of the fire protection sprinkler system that was not previously inspected and approved by the authority having jurisdiction.

[Statutory Authority: RCW 18.270.900 and 18.160.030. WSR 14-03-019, § 212-80-083, filed 1/7/14, effective 2/7/14. Statutory Authority: RCW 18.270.900. WSR 09-01-114, § 212-80-083, filed 12/19/08, effective

1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. WSR 05-17-099, § 212-80-083, filed 8/16/05, effective 9/16/05; WSR 05-05-006, amended and recodified as § 212-80-083, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. WSR 94-24-032, § 212-80-035, filed 12/1/94, effective 1/1/95; WSR 92-20-070 (Order 92-08), § 212-80-035, filed 10/5/92, effective 11/5/92; WSR 91-14-086 (Order 91-06), § 212-80-035, filed 7/1/91, effective 8/1/91.]

AMENDATORY SECTION (Amending WSR 14-03-019, filed 1/7/14, effective 2/7/14)

WAC 212-80-088 Contractor's materials and test certificates.

(1) The certificate of competency holder must complete the contractor's material and test certificate(s), affix his or her certificate stamp, and forward the certificate(s) to the authority having jurisdiction.

(2) Contractor's material and test certificate forms must be of such form as accepted or approved by the authority having jurisdiction.

(3) The authority having jurisdiction and the building owner must retain copies of the contractor's materials and test certificate for a minimum of five years.

(4) The certificate of competency holder will not allow his or her stamp to be used to complete the contractor's materials and test certificate(s) that were not prepared personally by the certificate of competency holder or under his or her direct supervision. Failure to comply with this subsection constitutes a Level 2 violation.

[Statutory Authority: RCW 18.270.900 and 18.160.030. WSR 14-03-019, § 212-80-088, filed 1/7/14, effective 2/7/14. Statutory Authority: RCW 18.270.900. WSR 09-01-114, § 212-80-088, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. WSR 05-05-006, amended and recodified as § 212-80-088, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. WSR 94-24-032, § 212-80-040, filed 12/1/94, effective 1/1/95; WSR 91-14-086 (Order 91-06), § 212-80-040, filed 7/1/91, effective 8/1/91.]

AMENDATORY SECTION (Amending WSR 19-24-059, filed 11/27/19, effective 12/28/19)

WAC 212-80-093 Certificate of competency holder certification.

(1) (~~How do I become a certificate holder?~~) The issuance of a certificate of competency is dependent on employment with a licensed contractor. All applications for a certificate of competency must be submitted with the fire protection sprinkler system contractor's license application or under an existing license. A certificate application will not be processed without the fire protection sprinkler system contractor's license application unless they are currently licensed. All applications must be made on the forms provided by the director and include the required fees provided by WAC 212-80-098 and documen-

tation for the required level of certification as provided by this section.

(a) **For Level 1 design certification**, the applicant must:

(i) Have satisfactorily passed with a final score of ~~((eighty))~~ 80 percent or better an examination administered by the director, or present a copy of a current certificate from the National Institute for Certification in Engineering Technologies showing that the applicant has achieved Level 2 certification in the field of water-based fire protection system layout; or

(ii) Be a Washington licensed professional engineer.

(b) **For Level 2 design certification**, the applicant must:

(i) Present a copy of a current certificate from the National Institute for Certification in Engineering Technologies showing that the applicant has achieved a Level 2 in the field of water-based fire protection systems layout; or

(ii) Be a Washington licensed professional engineer.

(c) **For Level 3 design certification**, the applicant must either:

(i) Present a copy of a current certificate from the National Institute for Certification in Engineering Technologies showing that the applicant has achieved a Level 3 in the field of water-based fire protection systems layout; or

(ii) Be a Washington licensed professional engineer.

(d) **For Level U certification**, the applicant must have satisfactorily passed with a final score of ~~((eighty))~~ 80 percent or better an examination administered by the director.

(e) **For inspection and testing technician certification**, the applicant must:

(i) Possess a National Institute for Certification and Engineering Technologies Inspection, Testing and Maintenance Level 2 or Level 3 certification; or

~~(ii)~~ (ii) Possess the American Society of Sanitary Engineers 15010 Field Technician Certification; and

~~((ii))~~ (iii) Perform work consistent with the employing contractor's licensing level.

~~(f) ((For journey-level sprinkler fitter certification, the applicant must:~~

~~(i) Provide evidence on the forms provided by the director of at least eight thousand hours of trade related fire protection sprinkler system experience in installation and repair;~~

~~(ii) Not have more than three thousand hours of the required eight thousand hours of experience in residential sprinkler fitting; and~~

~~(iii) Satisfactorily pass an examination provided by the director with a final score of eighty percent.~~

~~(g) **For residential sprinkler fitter certification**, the applicant must:~~

~~(i) Provide evidence on the forms provided by the director, of at least four thousand hours of trade related fire protection sprinkler system experience in installation, repair, and maintenance; and~~

~~(ii) Satisfactorily pass an examination provided by the director with a final score of eighty percent.~~

~~(h) **For journey- or residential-level sprinkler fitter training certification**, except as provided by (g) (i) of this subsection, the applicant must:~~

~~(i) Provide evidence to the director, on the forms provided by the director, of trade related employment by a licensed contractor;~~

~~(ii) Remain employed by a licensed contractor to maintain trainee status; and~~

~~(iii) Only engage in the fire protection sprinkler system trade when under the supervision of a certified journey level or residential installer.~~

(i)) **For a professional engineer** to act as a Level 1, 2, or 3 certificate of competency holder and be issued a stamp, the professional engineer must:

(i) Be licensed by the department of licensing;

(ii) Obtain a Level 1, Level 2, or Level 3 certificate;

(iii) Properly register with the department of licensing;

(iv) Complete the application process for certification provided by WAC 212-80-093;

(v) Pay fees provided by WAC 212-80-073;

(vi) Supply the director with proof that he or she holds a current, valid state of Washington registration as a professional engineer; and

(vii) Otherwise the professional engineer is exempt from certification when acting solely in a professional capacity as an engineer.

(2) Proof of competency to the satisfaction of the director is mandatory.

| Certificate of Competency Holder Requirements | | | | |
|---|----------------------|---|--------------|---|
| Certificate of Competency Level | Application Required | Certification or Exam Required | Stamp Issued | Type of work performed by Certificate of Competency Holder |
| Level 1 | Yes | NICET Level 2 or pass an exam (See WAC 212-80-093 (1)(a)) | Yes | Designs NFPA 13D fire sprinkler systems ((or inspection, testing, maintenance)) (NFPA 25) for NFPA 13D |
| Level 2 | Yes | NICET Level 2 (See WAC 212-80-093 (1)(b)) | Yes | Designs NFPA 13D, 13R or certain NFPA 24 (Restricted to only certain NFPA 13R systems, see WAC 212-80-018 (1)(b)) fire sprinkler systems ((or inspection, testing, maintenance)) (NFPA 25) for NFPA 13D or 13R |
| Level 3 | Yes | NICET Level 3 or 4 (See WAC 212-80-093 (1)(c)) | Yes | Designs NFPA 13, 13D, 13R or 24 fire sprinkler systems ((or inspection, testing, maintenance)) (NFPA 25) for NFPA 13, 13D or 13R |
| Level "U" | Yes | Pass an exam (See WAC 212-80-093 (1)(d)) | Yes | Supervises or performs the underground installation of fire sprinkler system piping |

| Certificate of Competency Holder Requirements | | | | |
|--|--|---|---|---|
| Certificate of Competency Level | Application Required | Certification or Exam Required | Stamp Issued | Type of work performed by Certificate of Competency Holder |
| Inspection, Testing Technician (ITT) Employed by an Inspection & Testing Contractor | Yes | NICET Level 2 or ASSE 15010 (See WAC 212-80-093 (1)(e)) | No | Performs inspection or testing on NFPA 13R or 13, wet and dry pipe fire protection systems only |
| Inspection, Testing Technician (ITT) Employed by a Level 2 Contractor | Yes | NICET Level 2 or ASSE 15010 (See WAC 212-80-093 (1)(e)) | No | Performs inspection(,) and testing ((and maintenance)) on NFPA 13R or 13, wet and dry pipe fire protection systems only |
| Inspection, Testing Technician (ITT) Employed by a Level 3 Contractor | Yes | NICET Level 2 or ASSE 15010 (See WAC 212-80-093 (1)(e)) | No | Same as ITT above and includes the testing of other fire protection systems such as preaction, deluge, foam, or fire pump |
| ((Journey Sprinkler Fitter | Yes | Pass an exam (See WAC 212-80-093 (1)(f)) | No | Installs and repairs NFPA 13D, 13R, or 13 fire sprinkler systems |
| Residential Sprinkler Fitter | Yes | Pass an exam (See WAC 212-80-093 (1)(g)) | No | Installs, repairs, and performs maintenance on fire sprinkler systems in residential occupancies) |
| Professional Engineer (P.E.) Licensed in Washington State | Only if acting as a Level 1, 2 or 3 certificate of competency holder | Licensed with department of licensing | By DOL unless acting as a Level 1, 2, or 3 certificate of competency holder | Designs, evaluates or consults on fire protection fire sprinkler systems |

(3) All information submitted by an applicant to the director to apply for a certificate must be true and accurate. If the director finds that information or documents submitted by an applicant is false, misleading, or has been altered in an effort to meet the requirements provided by this chapter, the finding will constitute a Level 3 violation.

(4) A violation of this section that involves a contractor allowing an employee to engage in performing fire protection sprinkler system work:

(a) Without a license or certificate, or with a license or certificate that has been expired for one or more years is a Level 3 violation.

(b) With a license or certificate that has been expired for more than ~~((ninety))~~ 90 days and less than one year is a Level 2 violation.

(c) With a license or certificate that has been expired less than ~~((ninety))~~ 90 days is a Level 1 violation.

~~((d) By engaging in the trade of fire sprinkler fitting without having a valid sprinkler fitter certificate of competency issued for the work being conducted is a level 3 violation.~~

~~(e) By a trainee sprinkler fitter engaging in the trade of fire sprinkler fitting without the direct supervision of a certified residential or journey sprinkler fitter is a level 3 violation.~~

~~(f) As a trainee without a trainee certificate but with the direct supervision of a certified residential or journey sprinkler fitter is a level 1 violation.)~~

[Statutory Authority: RCW 18.270.900 and 18.160.030. WSR 19-24-059, § 212-80-093, filed 11/27/19, effective 12/28/19; WSR 17-10-031, § 212-80-093, filed 4/26/17, effective 5/27/17; WSR 14-03-019, § 212-80-093, filed 1/7/14, effective 2/7/14. Statutory Authority: RCW 18.270.900. WSR 09-01-114, § 212-80-093, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. WSR 05-17-099, § 212-80-093, filed 8/16/05, effective 9/16/05; WSR 05-05-006, amended and recodified as § 212-80-093, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. WSR 94-24-032, § 212-80-045, filed 12/1/94, effective 1/1/95; WSR 91-14-086 (Order 91-06), § 212-80-045, filed 7/1/91, effective 8/1/91.]

AMENDATORY SECTION (Amending WSR 14-03-019, filed 1/7/14, effective 2/7/14)

WAC 212-80-098 Fees for certificate of competency holder. There are ~~((three))~~ four separate fees that may apply:

(1) **Application fee** is ~~((fifty dollars))~~ \$100 only charged once when a person makes the initial application for any of the certificates specified in this section. As long as the certificate of competency holder maintains continuous certification, the certificate of competency holder is not required to pay a subsequent application fee. Application fees are nonrefundable.

(2) Annual **certification fee** is ~~((fifty dollars))~~ \$100 paid each year the certificate of competency holder applies for certification renewal. The annual renewal fee:

(a) Is in addition to the initial application fee paid for the initial application; and

(b) ~~((Does not apply to journey, residential, or trainee sprinkler fitter certifications.))~~ Is nonrefundable once the certificate has been issued.

(3) **Prorated fee** is the initial certification fee prorated based on the portion of the year the certification is in effect before renewal on January 1st.

(a) Prorated fees are allowed only for the initial certificate.

(b) Renewals or reinstatements will not be prorated.

The prorated fees are as follows:

Annual Certificate Prorated Fees

| | |
|----------|-------------------------------|
| January | ((50)) |
| | <u>Not prorated</u> |
| February | ((44)) <u>\$92</u> |
| March | ((40)) <u>\$83</u> |
| April | ((36)) <u>\$75</u> |
| May | ((32)) <u>\$67</u> |
| June | ((28)) <u>\$58</u> |

Annual Certificate Prorated Fees

| | |
|-----------|------------------------------------|
| July | ((\$24) <u>\$50</u>) |
| August | ((\$20) <u>\$42</u>) |
| September | ((\$16) <u>\$33</u>) |
| October | ((\$12) <u>\$25</u>) |
| November | ((\$8) <u>\$17</u>) |
| December | ((\$4) <u>\$8</u>) |

(4) (~~Certificate fees are nonrefundable once the certificate has been issued~~) **Examination fee** is \$150, charged per examination, including retests.

Examination fees are nonrefundable.

[Statutory Authority: RCW 18.270.900 and 18.160.030. WSR 14-03-019, § 212-80-098, filed 1/7/14, effective 2/7/14. Statutory Authority: RCW 18.270.900. WSR 09-01-114, § 212-80-098, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. WSR 05-05-006, amended and recodified as § 212-80-098, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. WSR 91-14-086 (Order 91-06), § 212-80-050, filed 7/1/91, effective 8/1/91.]

AMENDATORY SECTION (Amending WSR 14-03-019, filed 1/7/14, effective 2/7/14)

WAC 212-80-108 Certificate not transferable. (1) (~~Is a certificate transferable to another person? No.~~) A certificate issued under this regulation is not transferable to another person.

(2) (~~Is a certificate transferable to another employer? Yes.~~) The certificate can follow a certificate of competency holder to another employer provided that employer is currently licensed at the appropriate level.

[Statutory Authority: RCW 18.270.900 and 18.160.030. WSR 14-03-019, § 212-80-108, filed 1/7/14, effective 2/7/14. Statutory Authority: Chapters 43.43 and 18.160 RCW. WSR 05-05-006, amended and recodified as § 212-80-108, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. WSR 94-24-032, § 212-80-060, filed 12/1/94, effective 1/1/95; WSR 91-14-086 (Order 91-06), § 212-80-060, filed 7/1/91, effective 8/1/91.]

AMENDATORY SECTION (Amending WSR 14-03-019, filed 1/7/14, effective 2/7/14)

WAC 212-80-113 Certificate of competency holder employment. (1) (~~What are the employment requirements for a certificate holder?~~) All certificate of competency holders must be employed by a licensed fire protection sprinkler system contractor.

(a) In no case will a certificate of competency holder be employed full time by more than one licensed contractor at the same time.

(b) If the certificate of competency holder should leave the employment of the licensed contractor, he or she will notify the director within (~~(thirty)~~) 30 days of his or her last day of employment. Failure to do so constitutes a Level 2 violation.

(2) (~~(Are there any exceptions to the employment requirements for a certificate holder? Yes.)~~) The following exceptions may apply:

(a) Any current certificate of competency holder for the license and certification year who is no longer employed by a licensed contractor will become "INACTIVE (~~(, "unless he or she is a journey, residential or trainee sprinkler fitter.)~~)." An "INACTIVE" certificate will:

(i) Not be issued a physical certificate;

(ii) Not allow the certificate of competency holder to perform any work in the fire protection sprinkler system trade as a certificate of competency holder until the certificate of competency holder is employed by a licensed contractor licensed by the director. When an "INACTIVE" certificate of competency holder is employed by a licensed contractor the director will reissue a certificate to the certificate of competency holder;

(iii) Expire at the end of the current licensing and certification cycle and cannot be renewed as "INACTIVE."

(b) The "QUALIFIED EXEMPT" certification allows persons who are considered exempt from the licensing (~~(or)~~) and certification requirements of chapter 18.160 RCW and this chapter and not currently working for a licensed contractor, to obtain evidence of qualification while working for an employer who requires a knowledge and skill base of fire protection sprinkler systems.

(i) A "QUALIFIED EXEMPT" certificate:

(A) Will not be used for work under contract.

(B) May be issued to:

(I) An employee of the United States, state or local government, building officials, fire marshals, fire inspectors, or insurance inspectors when acting in their official capacities.

(II) A person who performs maintenance or other duties for an employer, and performs work on only his or her employer's fire protection sprinkler system.

(III) A person who works for an industry ancillary to the fire protection sprinkler system contracting trade that is regulated by chapter 18.160 RCW.

(ii) A "QUALIFIED EXEMPT" certificate of competency holder will:

(A) Bear "QUALIFIED EXEMPT" on the certificate and listing post on the internet and the person's level of certification.

(B) Be issued a physical certificate.

(C) Not be issued a stamp.

[Statutory Authority: RCW 18.270.900 and 18.160.030. WSR 14-03-019, § 212-80-113, filed 1/7/14, effective 2/7/14. Statutory Authority: RCW 18.270.900. WSR 09-01-114, § 212-80-113, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. WSR 05-17-099, § 212-80-113, filed 8/16/05, effective 9/16/05; WSR 05-05-006, amended and recodified as § 212-80-113, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. WSR 91-14-086 (Order 91-06), § 212-80-070, filed 7/1/91, effective 8/1/91.]

AMENDATORY SECTION (Amending WSR 14-03-019, filed 1/7/14, effective 2/7/14)

WAC 212-80-118 Certificate renewals. (1) ~~((When are certificates required to be renewed?~~

~~(a-))~~ A certificate must be renewed by January 1st of each calendar year.

~~((b) Certificates for journey and residential fitters must be renewed by January 1st of every even-numbered year. A sprinkler fitter certificate holder will be sent a renewal form by the director to renew the certificate.~~

~~(c) Certificates for sprinkler fitter trainees must be renewed by January 1st of every even-numbered year.~~

~~(i) Trainees who have a current certificate will be sent a renewal form by the director to renew their certificate.~~

~~(ii) The certificate will not be renewed if the trainee is not currently employed by a licensed contractor.~~

~~(d) Failure of a trainee, journey, or residential sprinkler fitter to renew his or her certificate will result in him or her:~~

~~(i) Filing a new application with the director on a form provided by the director; and~~

~~(ii) Successfully passing the written examination required by this chapter.~~

~~(2) What happens if the certificate holder does not renew his or her application by the expiration date?)~~ (2) Failure of a certificate of competency holder to renew his or her certificate by the expiration date will constitute a break in certification. For certificates that are expired for:

(a) Less than two consecutive calendar years, the certificate of competency holder may ~~((renew))~~ reinstate by submitting a ~~((renewal))~~ reinstatement application provided by the director and paying applicable fees.

(b) Two or more calendar years, the certificate of competency holder must submit a new application with evidence of qualification, including any required exam, and applicable fees for a new certificate.

Those who were qualified under the grandfathering process will need to ~~((show evidence of qualification meeting))~~ apply for certification as a new applicant and meet the current requirements.

(3) ~~((Are there reasons why the director would not renew a certificate? Yes-))~~ The director will not renew a certificate if:

(a) The certificate of competency holder is employed by a fire protection sprinkler system contractor who has not submitted for a renewal of its license; or

(b) The certificate of competency holder is employed by an unlicensed fire protection sprinkler system contractor or anyone who is not otherwise considered exempt from chapter 18.160 RCW; or

(c) The certificate is in a revoked or suspended status.

[Statutory Authority: RCW 18.270.900 and 18.160.030. WSR 14-03-019, § 212-80-118, filed 1/7/14, effective 2/7/14. Statutory Authority: RCW 18.270.900. WSR 09-01-114, § 212-80-118, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. WSR 05-05-006, amended and recodified as § 212-80-118, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. WSR 91-14-086 (Order 91-06), § 212-80-075, filed 7/1/91, effective 8/1/91.]

AMENDATORY SECTION (Amending WSR 14-03-019, filed 1/7/14, effective 2/7/14)

WAC 212-80-123 Voluntary relinquishment of certificates. (1) A certificate of competency holder may voluntarily relinquish his or her certificate to the director.

(2) The relinquishment is effective when the certificate is received by the director.

(3) After relinquishing the certificate, he or she will not be known as a certificate of competency holder or trainee and will desist from the practice thereof.

(4) Within two years from the time of relinquishment of the certificate, he or she may again qualify for a certificate, with the approval of the director by submission of a (~~renewal~~) reinstatement application and the payment of (~~the~~) any required fee.

(5) If two or more years have elapsed, he or she will return to the status of a new applicant.

[Statutory Authority: RCW 18.270.900 and 18.160.030. WSR 14-03-019, § 212-80-123, filed 1/7/14, effective 2/7/14. Statutory Authority: RCW 18.270.900. WSR 09-01-114, § 212-80-123, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. WSR 05-05-006, amended and recodified as § 212-80-123, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. WSR 91-14-086 (Order 91-06), § 212-80-080, filed 7/1/91, effective 8/1/91.]

AMENDATORY SECTION (Amending WSR 14-03-019, filed 1/7/14, effective 2/7/14)

WAC 212-80-165 Certificate of competency holder requirements and limitations. (1) (~~Who is issued a wallet card?~~) The director issues a wallet card to a person issued a certificate of competency. The card will be kept by the certificate of competency holder. The certificate of competency holder must make the card available for review at any time.

(2) (~~Can the authority having jurisdiction or the director inspect the wallet cards? Yes.~~) The authority having jurisdiction or director may request a certificate of competency holder to display his or her wallet card. Failure to display a wallet card upon request constitutes a Level 1 violation.

[Statutory Authority: RCW 18.270.900 and 18.160.030. WSR 14-03-019, § 212-80-165, filed 1/7/14, effective 2/7/14. Statutory Authority: Chapters 43.43 and 18.160 RCW. WSR 05-17-099, § 212-80-165, filed 8/16/05, effective 9/16/05.]

AMENDATORY SECTION (Amending WSR 14-03-019, filed 1/7/14, effective 2/7/14)

WAC 212-80-205 Suspension or revocation of licenses or certificates. (1) (~~Who can suspend or revoke a license or certificate?~~) The director may refuse to issue or renew or may suspend or revoke the

privilege of a certificate of competency holder, or a licensed or unlicensed fire protection sprinkler system contractor to engage in the fire protection sprinkler system business. The director may establish penalties against a person who violates any provision of chapter 18.160 (~~or 18.270~~) RCW or any provision of this chapter while he or she is engaged in the design, installation, inspection, testing, maintenance, or repair, of a fire sprinkler system or any part of such system.

(2) (~~What actions result in suspension, revocation or civil penalties against a fire protection sprinkler system contractor licensee or certificate holder?~~) The following actions will result in suspension, revocation, or civil penalties against a fire protection sprinkler system contractor or certificate of competency holder:

(a) Gross incompetence - The licensed contractor or certificate of competency holder demonstrated he or she does not have the qualifications or ability to perform at the level of license or certificate required to contract or offer to bid on the design, installation, inspection, testing, maintenance, or repair, of a fire protection sprinkler system or any part of such system. For the purpose of this subsection, qualifications mean that the person did not possess or has not possessed a valid certificate to the level required for the work performed.

(b) Gross negligence - The licensed contractor or certificate of competency holder has demonstrated a habitual failure in the preparation of layout drawings, installation, repair, alteration, testing, maintenance, inspection, or addition to fire protection sprinkler systems in accordance with plans, specifications, building codes, or the publications of the National Fire Protection Association. For the purpose of this subsection, "habitual failure" means that the person has over a period of time committed five violations of chapter 18.160 (~~or 18.270~~) RCW, or this chapter in separate offenses, or has failed to design or install sprinkler systems in accordance with plans, specifications, building codes, or the publications of the National Fire Protection Association. Violations for gross negligence identified and enforced by the authority having jurisdiction must:

(i) Show a pattern of performance issues or repetitive violations of chapter 18.160 (~~or 18.270~~) RCW, or this chapter to the director;

(ii) Demonstrate that the pattern of performance issues or repetitive violations have occurred in any jurisdiction within the state of Washington beginning no more than five years from the date the authority having jurisdiction's investigation commences; and

(iii) Provide documentation to show the licensed contractor or certificate of competency holder's gross negligence including, but not limited to:

(A) Correspondence between the licensed contractor or certificate of competency holder and the local authority having jurisdiction that identifies violations of work that do not comply with the applicable standards;

(B) Failed permit or work inspections;

(C) Issued stop work order;

(D) Investigations resulting from a complaint;

(E) Violation notices; or

(F) Issued citations or infractions.

(c) Dishonest practices - The licensed contractor or the certificate of competency holder will not engage in dishonest fire protection sprinkler systems business practices that include, but are not limited to:

(i) Charging customers for work not performed. When a licensee is suspended, revoked, or denied, as part of a complaint investigation where the licensed contractor or certificate of competency holder received payment for supplies or work not performed and did not return the funds to the person contracting for the service, the director may upon receipt of a renewal application require that the licensed contractor or certificate of competency holder pay restitution as a condition to renew the license.

(ii) Receiving ~~((down))~~ any payments on work that the licensed contractor or the certificate of competency holder is not licensed or certified to perform.

(iii) Implying either verbally or in writing that either the licensed contractor or the certificate of competency holder possesses the appropriate license or certificate to bid on or complete fire sprinkler work when he or she does not have that fire protection sprinkler system contractor license or certification level.

(iv) Performing certification, installation, inspection, testing, or maintenance for a water based fire protection sprinkler system or equipment contrary to the National Fire Protection Association codes, National Fire Protection Association standards, or manufacturer's specifications.

(v) Performing certification, installation, inspection, testing, or maintenance for a water based fire protection sprinkler system or equipment beyond that which the contractor is licensed or certificate of competency holder is certified, regardless of whether or not the work done was in compliance with the National Fire Protection Association codes, National Fire Protection Association standards, or manufacturer's specifications.

(d) Actions showing an indifference to comply with the fire protection sprinkler system business practices that include, but are not limited to a licensed contractor:

(i) Offering to contract for fire protection sprinkler system work without currently employing a certificate of competency holder.

(ii) Requiring or allowing employees to falsify any sprinkler tags, labels, or inspection reports.

(iii) Permitting or requiring a certificate of competency holder to use his or her certificate in connection with the preparation of any technical drawings that have not been prepared personally by the certificate of competency holder or under his or her direct supervision, or in violation of this chapter.

(e) Any violation of this section constitutes a Level 3 violation.

~~(3) ((Will a licensed contractor or certificate holder be notified if action is taken against their license or certification? Yes.))~~ The licensed contractor or certificate of competency holder will be notified in writing of the denial, suspension, or revocation action.

~~(4) ((What is the process for the director to deny, suspend, or revoke a license or certificate?))~~ The director may deny, suspend, or revoke a license or certificate under the following process:

(a) The director must give the licensed contractor or certificate of competency holder notice of the action and an opportunity to be heard as prescribed in chapter 34.05 RCW before the denial, suspension, or revocation of the license or certificate.

(b) Upon receiving notice of the denial, suspension, or revocation action, the licensed contractor or certificate of competency holder may, within ~~((thirty))~~ 30 days from the date of the notice of action, request in writing to the director a hearing on the denial,

suspension, or revocation of the license or certificate. An adjudicative proceeding will be commenced within ((~~ninety~~)) 90 days of the receipt of a hearing request. Failure to request a hearing, or failure to appear at a requested hearing, a prehearing conference, or any other stage of an adjudicative proceeding, will constitute default and may result in the entry of a final order under RCW 34.05.440.

(c) Upon receiving a hearing request, the director may, at the request of the licensed contractor or certificate of competency holder, or on his or her own initiative, schedule an informal settlement conference which will be without prejudice to the rights of the parties. The informal settlement conference will be held in Thurston County at a mutually agreed upon time and may result in a settlement agreement. If no agreement is reached, a hearing will be scheduled as outlined in chapter 34.05 RCW.

(d) The director may, without prior notification to the licensed contractor or certificate of competency holder, deny, suspend, or revoke a license or certificate if the director finds that there is a danger to the public health, safety, or welfare that requires immediate action. In every summary suspension of a license or certificate, an order signed by the director or designee must be entered, in compliance with the provisions of RCW 34.05.479. Administrative proceedings consistent with chapter 34.05 RCW for revocation or other action shall be promptly instated and determined. The director must give notice as is practicable to the licensed contractor or certificate of competency holder.

(5) (~~What are the penalties associated with performing fire protection sprinkler system work while a license or certificate is denied, suspended, or revoked?~~) The following penalties are associated with performing fire protection sprinkler system work while a license or certificate is denied, suspended, or revoked:

(a) Any person engaged in the trade of designing, installing, inspecting, testing, maintaining, or repairing a fire protection sprinkler systems or any part of such system while his or her license or certificate is denied, suspended, or revoked, will be issued a Level 3 violation.

(b) Any licensed or unlicensed fire protection sprinkler system contractor that allows an employee or trainee to engage in the trade designing, installing, inspecting, testing, maintaining, or repairing a fire protection sprinkler system or any part of such a system while his or her license or certificate has been denied, suspended, or revoked, will be issued a Level ((~~three~~)) 3 violation.

[Statutory Authority: RCW 18.270.900 and 18.160.030. WSR 14-03-019, § 212-80-205, filed 1/7/14, effective 2/7/14. Statutory Authority: RCW 18.270.900. WSR 09-01-114, § 212-80-205, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. WSR 05-17-099, § 212-80-205, filed 8/16/05, effective 9/16/05; WSR 05-05-006, amended and recodified as § 212-80-205, filed 2/4/05, effective 3/7/05. Statutory Authority: Chapters 43.63A and 18.160 RCW. WSR 94-24-032, § 212-80-065, filed 12/1/94, effective 1/1/95; WSR 92-20-070 (Order 92-08), § 212-80-065, filed 10/5/92, effective 11/5/92; WSR 91-14-086 (Order 91-06), § 212-80-065, filed 7/1/91, effective 8/1/91.]

AMENDATORY SECTION (Amending WSR 14-03-019, filed 1/7/14, effective 2/7/14)

WAC 212-80-210 Imposing citations and civil penalties. (1)

~~((Who may issue civil penalties or citations?))~~ The director may impose civil penalties or fines to any licensed contractor or certificate of competency holder that violates any provision of chapter 18.160 ~~((or 18.270))~~ RCW, or this chapter. The director may impose the civil penalties or fines listed herein to any unlicensed contractor or uncertified person who operates in the state of Washington as a licensed fire protection sprinkler system contractor or certificate of competency holder. The director will record all violations.

~~((When may civil penalties or citations be issued?))~~ The director may issue a citation when an investigation verifies that the fire protection sprinkler system contractor or certificate of competency holder was not in compliance with or otherwise in violation of chapter 18.160 ~~((or 18.270))~~ RCW, or this chapter.

~~((What is a violation?))~~ A violation is an action by a person who engages in the design, installation, inspection, testing, maintenance, or repair of a fire protection sprinkler system or any part of such a system, and fails to comply with chapter 18.160 ~~((or 18.270))~~ RCW, or this chapter.

~~((Is there a statute of limitations for a violation?))~~ The director must take action on a license or certificate within five years after the violation is reported to the director.

[Statutory Authority: RCW 18.270.900 and 18.160.030. WSR 14-03-019, § 212-80-210, filed 1/7/14, effective 2/7/14. Statutory Authority: RCW 18.270.900. WSR 09-01-114, § 212-80-210, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. WSR 05-05-006, § 212-80-210, filed 2/4/05, effective 3/7/05.]

AMENDATORY SECTION (Amending WSR 14-03-019, filed 1/7/14, effective 2/7/14)

WAC 212-80-215 Citations and penalties. (1) ~~((What citation or penalties may be issued by the director for violations?))~~ The director may at his or her discretion issue either a monetary penalty or take an action against a license or certificate depending on the severity of the violation(s) evidenced in the investigation. Each violation is classified and penalties assessed according to the violation type as provided by the chart below:

| Violation Level | Monetary Penalty Issued | Action Taken Against License and/or Certificate |
|-----------------|-------------------------------------|---|
| 1 | Warning to ((200)) \$500 | License: No action |
| | | Certificate: No action |

| Violation Level | Monetary Penalty Issued | Action Taken Against License and/or Certificate |
|-----------------|---|--|
| 2 | (((\$100 to \$500)) \$500 to \$1,000 | License: Suspended immediately for remainder of the license year or ((thirty) 30) calendar days, whichever is longer. |
| | | Certificate: Suspended immediately for remainder of the license year or ((thirty) 30) calendar days, whichever is longer. |
| | | Certificate: If the individual is not part of the violation but will be affected by the loss of the employer's contractor license, the certificate will be changed to INACTIVE status until the contractor obtains a valid license or the certificate of competency holder has a new employer. |
| 3 | (((\$500 to \$5,000)) \$1,000 to \$5,000 | License: Suspended immediately for remainder of the license year or ((ninety) 90) calendar days, whichever is longer. |
| | | Certificate: Suspended immediately for remainder of the license year or ((ninety) 90) calendar days, whichever is longer. |
| | | Certificate: If individual is not part of the violation but will be affected by the loss of the employer's contractor license, the certificate will be changed to INACTIVE status until the contractor obtains a valid license or the certificate of competency holder has a new employer. |

(2) (~~What action can be taken against a licensed contractor or certificate holder for repeat violations?~~) If a licensed contractor or certificate of competency holder has incurred multiple findings of the same violation over a period of time, the director may classify the licensed contractor or certificate of competency holder as a habitual offender and issue either an increased monetary penalty or the action against the license or certificate depending on the severity of the violation(s) evidenced in multiple investigations as provided by the chart below:

| Violation Level | Monetary Penalty Issued | Violation Level and Action Taken Against License and/or Certificate |
|-----------------|--------------------------------|---|
| 1 | (((\$100 to \$500)) \$1,000 | Evidence of three or more Level 1 violations without compliance over a period of two calendar years constitutes an increase to a Level 2 violation. |

| Violation Level | Monetary Penalty Issued | Violation Level and Action Taken Against License and/or Certificate |
|-----------------|--|--|
| 2 | (((\$500)) <u>\$2,500</u> per violation | Evidence of three or more <u>Level 2</u> violations without compliance over a period of two calendar years constitutes an increase to a <u>Level 3</u> violation. License: Suspended immediately for remainder of the license year or ((sixty)) <u>60</u> calendar days, whichever is longer. Certificate: Suspended immediately for remainder of the license year or ((sixty)) <u>60</u> calendar days, whichever is longer. Certificate: If individual is not part of the violation but will be affected by the loss of the employer's contractor license, the certificate will be changed to INACTIVE status until the contractor obtains a valid license or the certificate of competency holder has a new employer. |
| 3 | (((\$2,500)) <u>\$5,000</u> per violation | Evidence of two ((to five)) <u>or more</u> violations without compliance over a period of three calendar years constitutes an increase to a <u>Level 3</u> violation. License: Suspended immediately for remainder of the license year or ((one hundred eighty)) <u>180</u> calendar days, whichever is longer. Certificate: Suspended immediately for remainder of the license year or ((one hundred eighty)) <u>180</u> calendar days, whichever is longer. Certificate: If individual is not part of the violation but will be affected by the loss of the employer's contractor license, the certificate will be changed to INACTIVE status until the contractor obtains a valid license or the certificate of competency holder has a new employer. |
| | (((\$5,000 per violation | Evidence of six violations without compliance over a period of three calendar years constitutes an increase to a level 3 violation. License: Suspended immediately for the remainder of the license year and subsequent license year. Certificate: Suspended immediately for the remainder of the certificate year and subsequent certificate year. Certificate: If individual is not part of the violation but will be affected by the loss of the employer's contractor license, the certificate will be changed to INACTIVE status until the contractor obtains a valid license or the certificate holder has a new employer.)) |

~~(3) ((If I receive a violation notice imposing a civil penalty, how do I resolve the civil penalty?))~~ Level 1 violations include, but are not limited to:

(a) Failing to inform the director of the loss of their primary certificate of competency holder, as required by RCW 18.160.040.

(b) Failing to have the certificate of competency holder stamp plans, calculations, and/or test certificates.

(c) Allowing an employee to certify, install, inspect, maintain, and/or service water-based fire sprinkler systems or equipment contrary to NFPA codes, standards, or manufacturers' specifications without specific written permission from the location authority having jurisdiction.

(d) Working without a permit, or permission to do so, by the local authority having jurisdiction.

(4) Level 2 violations include, but are not limited to:

(a) Performing work on a sprinkler system where the employee's certificate of competency holder under RCW 18.160.040 does not have a current or valid license.

(b) Working without the appropriate level of license or certificate of competency.

(c) Permitting his or her license to be used in connection with the preparation of any technical drawings that have not been prepared by him or her personally, or under their direct supervision.

(d) Working with an expired license or permit (more than 90 days).

(5) Level 3 violations include, but are not limited to:

(a) Demonstrating gross incompetency or gross negligence in the preparation of technical drawings, the installation, inspection, testing, maintenance, repair, alteration, service, and/or addition to a fire sprinkler system.

(b) Allowing an employee to demonstrate gross incompetency or gross negligence in the installation, inspection, testing, maintenance, repair, alteration, service and/or addition to a fire sprinkler system.

(c) Charging a customer for fire sprinkler work not performed.

(d) Offering to contract for fire sprinkler work without a certificate of competency holder, as described in RCW 18.160.040.

(e) Allowing an employee to falsify any fire sprinkler tags, labels, or inspection reports.

(f) Working without a certified full-time certificate of competency holder on staff, or, in the case of an inspection and testing contractor, allowing any employee not certified by the chief of the Washington state patrol, through the director of fire protection, as an inspection and testing technician.

(g) Falsifying an application or document submitted to the chief of the Washington state patrol, through the director of fire protection, to obtain a sprinkler contractor license or certificate of competency.

(h) Committing three or more level II offenses within a three year period either as a company, through an employee of the company, through an employee acting as a certificate of competency holder for the company, and/or any combination thereof.

(i) Permitting his or her license to be used in connection with the stamping of any test certificates for work performed by someone other than his or her full-time employees.

(6) Civil penalties shall be resolved through the following:

(a) **Pay the penalty** by returning the notice and payment to the director at State Fire Marshal's Office, P.O. Box ((42600)) 42642, Olympia, WA 98504-((2600)) 2642 within ((~~thirty~~)) 30 days from the date the penalty was issued. Payments must be made by check or money order payable to the Washington state patrol.

(b) **Request an informal conference** as outlined in WAC 212-80-235.

(c) **Request a formal hearing** as outlined in WAC 212-80-205 or 212-80-240.

[Statutory Authority: RCW 18.270.900 and 18.160.030. WSR 14-03-019, § 212-80-215, filed 1/7/14, effective 2/7/14. Statutory Authority: RCW 18.270.900. WSR 09-01-114, § 212-80-215, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. WSR 05-05-006, § 212-80-215, filed 2/4/05, effective 3/7/05.]

AMENDATORY SECTION (Amending WSR 14-03-019, filed 1/7/14, effective 2/7/14)

WAC 212-80-245 Penalty adjustments. (1) (~~Can a penalty be adjusted without an informal or formal hearing?~~) The assessment of adjustment of penalties for amounts other than those set by chapter 18.160 (~~or 18.270~~) RCW will be done only by the director through a hearings process either formally or informally.

(2) (~~What factors are considered for assessing penalties?~~) The assessment of penalties for not being in conformance with chapter 18.160 (~~or 18.270~~) RCW, or this chapter may be made only after considering:

- (a) The gravity and magnitude of the violation.
- (b) The person's previous record.
- (c) Such other considerations as the director may consider appropriate.
- (d) The uniformity and consistency in the application of violations or penalties statewide.

[Statutory Authority: RCW 18.270.900 and 18.160.030. WSR 14-03-019, § 212-80-245, filed 1/7/14, effective 2/7/14. Statutory Authority: RCW 18.270.900. WSR 09-01-114, § 212-80-245, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. WSR 05-05-006, § 212-80-245, filed 2/4/05, effective 3/7/05.]

AMENDATORY SECTION (Amending WSR 14-03-019, filed 1/7/14, effective 2/7/14)

WAC 212-80-250 Payment of civil penalty. (1) (~~How can payments be made?~~) The penalty must be paid to the director within (~~thirty~~) 30 days after an order assessing a civil penalty becomes final by operation of law or on an appeal.

(2) (~~Can payments in installments be made to resolve civil penalties?~~) A request can be made through an informal or formal conference to make installment payments on a civil penalty. If the mitigation officer authorizes installment payments during an informal or formal hearing, the payment plan will be developed and agreed upon at the hearing. Failure to comply with the payment plan will void the payment plan and the remaining balance must be paid by the next business day.

(3) (~~What happens if I fail to pay the civil penalty?~~) If the licensed contractor or certificate of competency holder fails to pay the full penalty or comply with the payment plan as provided by subsection (2) of this section:

(a) The license or certificate of competency will be revoked for the remainder of the current license or certificate year and will not be reinstated or renewed until the penalty is paid in full.

(b) The attorney general may bring an action in the name of the director in the superior court of Thurston County or of any county in which the violator may do business to collect any penalty imposed under chapter 18.160 (~~or 18.270~~) RCW.

[Statutory Authority: RCW 18.270.900 and 18.160.030. WSR 14-03-019, § 212-80-250, filed 1/7/14, effective 2/7/14. Statutory Authority: RCW 18.270.900. WSR 09-01-114, § 212-80-250, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. WSR 05-05-006, § 212-80-250, filed 2/4/05, effective 3/7/05.]

OTS-4052.1

**Chapter 212-90 WAC
FIRE PROTECTION SPRINKLER FITTING**

GENERAL PROVISIONS

NEW SECTION

WAC 212-90-001 Purpose. The purpose of this chapter is to adopt rules to a single statewide standard of performance and compliance for the issuance of certificates to sprinkler fitters, and the issuance of civil fines for violations of any provision of chapter 18.270 RCW or any provision of this chapter.

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NEW SECTION

WAC 212-90-005 Applicability. This chapter applies to any person performing as a fire protection sprinkler system contractor or certificate holder as defined in chapter 18.270 RCW.

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NEW SECTION

WAC 212-90-010 Definitions. The following definitions will apply throughout this chapter:

(1) "Authority having jurisdiction (AHJ)" means the organization, office, or individual responsible for issuing permits, approving layout drawings, enforcing the requirements of a code or standard or approving materials, an installation, or a procedure. Usually, the AHJ is the building or fire official of the city or county in which the job site is located. In certain cases, such as health care facilities, transient accommodations, and day care facilities, the AHJ is the city or county building or fire official and the director.

(2) "Certificate" means a certificate granted by the director under chapter 18.270 RCW, and is valid within the state and all political subdivisions, and meets all of the requirements for certification that may be applied by the political subdivision.

(3) "Citation" means written notification issued by the director pursuant to RCW 18.270.020 of a civil penalty for a violation of any provision of chapter 18.270 RCW or this chapter. A citation may include, but is not limited to, a description of the violation(s) and a notice of civil penalty assessment.

(4) "Contractor" means any person that submits a bid or offers to contract for the design, installation, inspection, testing, maintenance, or repair of a fire protection sprinkler system or any part of such system under chapter 18.160 RCW.

(5) "Direct supervision" means the person providing direction, oversight, inspection, and observation of the work performed on the installation, maintenance, alteration, or repair of a fire protection sprinkler system. Supervision requirements are met when the supervisor is on the premises for the duration of the working day.

(6) "Director" means the chief of the Washington state patrol through the director of fire protection or his or her designee.

(7) "Fire protection sprinkler system" means an assembly of underground or overhead piping 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 or other products of combustion.

(8) "Formal hearing" means a hearing before a hearings officer where laws, rules, and evidence are presented, considered, and a decision is rendered.

(9) "Hazard" means a condition which could result in injury or death to a person or damage to property.

(10) "Hearings request" means the written request for a formal hearing to contest a civil penalty.

(11) "Licensed contractor" means a contractor issued a license to perform fire protection sprinkler system work by the director pursuant to WAC 212-90-053.

(12) "Maintenance" means work performed to keep the equipment operable in water-based fire protection systems.

(13) "Mitigation or hearing officer" is the state fire marshal or his or her designee who will preside over an informal, mitigation conference to discuss a civil penalty that has been assessed against a person for a violation of this chapter.

(14) "NFPA" means the National Fire Protection Association. The following national standards adopted by the NFPA apply to fire sprinkler suppression systems:

- (a) "NFPA 13D" means, in addition to the definition contained in chapter 18.160 RCW, the inclusion of minor accessory uses such as garages normally found in residential occupancies.
- (b) "NFPA 13R" means the installation and design of fire suppression sprinkler systems in residential occupancies up to and including four stories in height in buildings not exceeding 60 ft (18 m) in height above grade plane.
- (c) "NFPA 13" means the installation and design of fire suppression sprinkler systems in commercial or high occupancy facilities.
- (d) "NFPA 14" means the installation of standpipe and hose systems.
- (e) "NFPA 15" means the standard for water spray fixed systems.
- (f) "NFPA 16" means the standard for the installation of foam-water sprinkler and foam-water spray systems.
- (g) "NFPA 20" means the selection and installation of pumps, both centrifugal and positive displacement, that supply liquid for a private fire protection system.
- (h) "NFPA 24" means the installation of the dedicated underground fire service main of a water-based fire protection system.
- (i) "NFPA 25" means the inspection, testing, and maintenance of water-based fire protection systems.
- (15) Multipurpose piping sprinkler system: A piping system intended to serve both domestic needs in excess of a single fixture and fire protection needs from one common piping system throughout the dwelling unit(s).
- (16) Network sprinkler system: A type of multipurpose system utilizing a common piping system supplying domestic fixtures and fire sprinklers where each sprinkler is supplied by a minimum of three separate paths.
- (17) Passive purge system: A type of sprinkler system that serves a single toilet in addition to the fire sprinklers.
- (18) Stand-alone sprinkler system: A sprinkler system where the above ground piping serves only fire sprinklers.
- (19) Antifreeze sprinkler system: A wet pipe system using automatic sprinklers that contains a liquid solution to prevent freezing of the system, and is intended to discharge the solution upon sprinkler operation, followed immediately by water from a water supply.
- (20) "Person" means one or more individuals, legal representatives, partnerships, joint ventures, associations, corporations (whether or not organized for profit), business trusts, or any organized group of individuals and includes the state, state agencies, counties, municipal corporations, school districts, and other public corporations.
- (21) "Qualified" means an individual who has demonstrated through education, training, examination, or national certifications the competency, skill, and ability necessary to perform any work covered or defined by chapter 18.270 RCW to the satisfaction of a relevant jurisdiction. In matters of compliance with the licensing and certification requirements of this chapter and chapter 18.270 RCW, the relevant jurisdiction shall be the director.
- (22) "Repair" means to restore by replacing a part of or putting together what is deficient or broken on the fire protection sprinkler system.
- (23) "Revoke" means the director will rescind a company's license or an individual's certificate. This action causes the company or individual to cease any work in the fire protection sprinkler system field in Washington state.

(24) "Suspend" means the director holds a company's license or individual's certificate inactive until such time as the director determines that the company or individual is in compliance with the requirements of this chapter and chapter 18.270 RCW.

(25) "Trainee" means a person who:

(a) Has been issued a training certificate by the director; and

(b) Is learning the fire protection sprinkler fitting trade under the supervision of a journey-level sprinkler fitter or residential sprinkler fitter working in his or her specialty.

(26) "Violation" means any action, general or specific, inconsistent with the intent and letter of chapter 18.270 RCW and shall be further defined as:

(a) "Level 1 violation" means a violation which poses a minimal hazard or threat to life and property in the event of a fire.

(b) "Level 2 violation" means a violation which poses a significant hazard or threat to life or property in the event of a fire.

(c) "Level 3 violation" means a violation which poses a substantial hazard or threat to life or property in the event of a fire.

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NEW SECTION

WAC 212-90-015 Compliance. All fire protection sprinkler system contractors, fitter certificate holders, or trainees, who install, alter, or repair, fire protection sprinkler systems or any part of such a system will comply with the provisions of this chapter.

Exceptions:

(1) A person issued a certificate of competency by the Washington state department of labor and industries, under chapter 18.106 RCW, as a journey-level or residential specialty plumber or supervised plumber trainee installing a residential network fire protection sprinkler system connected to potable water who works for a contractor as defined by WAC 212-90-010(4) of this chapter.

(2) A person who inspects, field tests, maintains, or repairs backflow prevention assemblies installed on potable water supplies to fire sprinkler systems and who is certified as a:

(a) Backflow assembly tester by the Washington state department of health, under chapters 70A.120 RCW and 246-292 WAC; or

(b) Backflow specialty plumber by the Washington state department of labor and industries, under chapters 18.106 RCW and 296-400A WAC, when repairing backflow prevention assemblies within a building.

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NEW SECTION

WAC 212-90-018 Certification requirements. Sprinkler fitter certifications - The following levels will apply to sprinkler fitter certifications issued by the director:

(1) **Journey-level sprinkler fitter certification** - Installs, dismantles, alters, maintains, repairs, and corrects all types of sprinkler, standpipe, hose, or other hazard systems for fire protection

purposes that are an assembly of piping, conduit, tubing, or hose regardless of the material composition beginning at the connection to the primary water supply. Also includes sprinkler tank heater, air lines tanks, pumps, equipment, appurtenances and all other related components attached thereto inside.

(2) **Residential-level sprinkler fitter certification** - Limited to installation, maintenance, and repair of the fire protection sprinkler system of residential occupancies as defined by NFPA 13D and NFPA 13R. A residential level sprinkler fitter certification may also perform installation and repair of NFPA 13 fire protection sprinkler systems and components while under the direct supervision of a certified journey-level sprinkler fitter.

(3) **Trainee-level sprinkler fitter certification** - Limited to performing sprinkler fitter work under the direct supervision of a sprinkler fitter certified to perform the type of work the trainee-level sprinkler fitter is performing.

Chart 1: Sprinkler Fitter Certifications

| Level of Certificate Holder – See Note (1) | Standard Defining Work That May Be Performed | | | | |
|--|---|---|--|---------|---------|
| | NFPA 13D | NFPA 13R | NFPA 13 | NFPA 24 | NFPA 25 |
| Journey-Level Sprinkler Fitter | Yes | Yes | Yes | No | No |
| Residential-Level Sprinkler Fitter | Yes | Yes | Only if under the direct supervision of a journey-level sprinkler fitter | No | No |
| Trainee-Level Sprinkler Fitter | Only if under the direct supervision of a residential/ journey-level sprinkler fitter | Only if under the direct supervision of a residential/ journey-level sprinkler fitter | Only if under the direct supervision of a journey-level sprinkler fitter | No | No |

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NEW SECTION

WAC 212-90-038 Municipality, county, or state regulations. (1) Licensed contractors and certificate holders must comply with the authority having jurisdiction's requirements to obtain permits or permission before the installation, repair, alteration, or addition of a fire protection sprinkler system. Failure to comply with this section constitutes a Level 2 violation.

(2) The licensed contractor or certificate holder must verify whether a permit or permission is required from the authority having jurisdiction before installing, repairing, altering, adding, or removing any fire protection sprinkler system.

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FIRE SPRINKLER FITTER CERTIFICATE HOLDER

NEW SECTION

WAC 212-90-093 Fitter certificate holder certification. (1) All applications must be made on the forms provided by the director and include the required fees provided by WAC 212-90-098 and documentation for the required level of experience as provided by this section.

(a) **For journey-level sprinkler fitter certification,** the applicant must:

(i) Provide evidence on the forms provided by the director of at least 8,000 hours of trade related fire protection sprinkler system experience in installation, alteration, and repair;

(ii) Not have more than 3,000 hours of the required 8,000 hours of experience in residential sprinkler fitting; and

(iii) Satisfactorily pass an examination provided by the director with a final score of 80 percent.

(b) **For residential sprinkler fitter certification,** the applicant must:

(i) Provide evidence on the forms provided by the director, of at least 4,000 hours of trade related fire protection sprinkler system experience in installation, repair, and maintenance; and

(ii) Satisfactorily pass an examination provided by the director with a final score of 80 percent.

(c) **For trainee sprinkler fitter certification,** the applicant must:

(i) Provide evidence to the director, on the forms provided by the director, of trade related employment by a licensed contractor;

(ii) Remain employed by a licensed contractor to maintain trainee status; and

(iii) Only engage in the fire protection sprinkler system trade when under the supervision of a certified journey level or residential installer.

| Certificate Level | Application Required | Exam Required | Type of Work Performed by Certificate Holder |
|------------------------------|----------------------|-----------------------------------|--|
| Journey Sprinkler Fitter | Yes | Pass an exam (See WAC 212-90-093) | Installs and repairs NFPA 13D, 13R, or 13 fire sprinkler systems |
| Residential Sprinkler Fitter | Yes | Pass an exam (See WAC 212-90-093) | Installs, repairs, and performs maintenance on fire sprinkler systems in residential occupancies |
| Trainee Sprinkler Fitter | Yes | No | Installs, repairs, and performs maintenance on a fire sprinkler system only under the supervision of a properly certified residential/journey level fitter |

(2) All information submitted by an applicant to the director to apply for a certificate must be true and accurate. If the director

finds that information or documents submitted by an applicant is false, misleading, or has been altered in an effort to meet the requirements provided by this chapter, the finding will constitute a Level 3 violation.

(3) A violation of this section that involves a contractor allowing an employee to engage in performing fire protection sprinkler fitting work:

(a) By engaging in the trade of fire sprinkler fitting without having a valid sprinkler fitter certificate of competency issued for the work being conducted is a Level 3 violation.

(b) By a trainee sprinkler fitter engaging in the trade of fire sprinkler fitting without the direct supervision of a certified residential or journey sprinkler fitter is a Level 3 violation.

(c) As a trainee without a trainee certificate but with the direct supervision of a certified residential or journey sprinkler fitter is a Level 1 violation.

(d) Any individual using a certification and/or certification number not issued to them by the director.

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NEW SECTION

WAC 212-90-098 Fees for certificate holder. There are three separate fees that may apply:

(1) **Application fee** is \$100 only charged once when a person makes the initial application for any of the certificates specified in this section. As long as the certificate holder maintains continuous certification, the certificate holder is not required to pay a subsequent application fee. Application fees are nonrefundable.

(2) **Biennial certification fee** is \$200 paid each odd calendar year the certificate holder applies for certification renewal. The bi-annual renewal fee:

(a) Is in addition to the initial application fee paid for the initial application;

(b) Is nonrefundable once the certificate has been issued.

(3) **Examination fee** is \$150, charged per examination, including retests. Examination fees are nonrefundable.

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NEW SECTION

WAC 212-90-108 Certificate not transferable. A certificate issued under this regulation is not transferable to another person.

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NEW SECTION

WAC 212-90-113 Certificate holder employment. If the certificate holder should leave the employment of the licensed contractor, he or she will notify the director within 30 days of his or her last day of employment. Failure to do so constitutes a Level 1 violation.

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NEW SECTION

WAC 212-90-118 Certificate renewals. (1) Certificates for journey, residential, and trainee fitters must be renewed by January 1st of every odd-numbered year. A sprinkler fitter certificate holder will be provided a renewal form by the director to renew the certificate.

For trainees, the certificate will not be renewed if the trainee is not currently employed by a licensed contractor.

(2) Failure of any fitter certificate holder to renew his or her certificate by the expiration date will constitute a break in certification.

(a) For residential and journey level fitters expired less than two consecutive calendar years, the certificate holder may reinstate by submitting a reinstatement application provided by the director, passing a certification exam, and pay all applicable fees.

(b) For residential and journey level fitters expired two or more calendar years, the certificate holder must submit a new application with evidence of qualification, pass a certification exam, and pay all applicable fees.

(c) For trainee level fitters expired for any period of time the certificate holder must complete the initial application form and pay the applicable fees.

(d) Those who were qualified under the grandfathering process must complete the applicable initial application process meeting the current requirements.

(3) The director will not renew a certificate if the certificate is in a revoked or suspended status.

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NEW SECTION

WAC 212-90-165 Fitter certificate holder requirements and limitations. (1) The director issues a wallet card to a person issued a sprinkler fitter certificate. The card will be kept by the sprinkler fitter certificate holder. The certificate holder must make the card available for review at any time.

(2) The wallet card must either be on the certificate holder (wallet, lanyard, article of clothing, etc.,) or readily accessible.

(3) Failure to comply with this section constitutes a Level 1 violation.

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ENFORCEMENT AND COMPLIANCENEW SECTION

WAC 212-90-205 Suspension or revocation of licenses or certificates. (1) The director may refuse to issue or renew or may suspend or revoke the privilege of a certificate holder, or a licensed or unlicensed fire protection sprinkler system contractor to engage in the fire protection sprinkler system business. The director may establish penalties against a person who violates any provision of chapter 18.270 RCW or any provision of this chapter while he or she is engaged in the trade of sprinkler fitting.

(2) The licensed contractor or certificate holder will be notified in writing of the denial, suspension, or revocation action.

(3) The director may deny, suspend, or revoke a license or certificate under the following process:

(a) The director must give the licensed contractor or certificate holder notice of the action and an opportunity to be heard as prescribed in chapter 34.05 RCW before the denial, suspension, or revocation of the license or certificate.

(b) Upon receiving notice of the denial, suspension, or revocation action, the licensed contractor or certificate holder may, within 30 days from the date of the notice of action, request in writing to the director a hearing on the denial, suspension, or revocation of the license or certificate. An adjudicative proceeding will be commenced within 90 days of the receipt of a hearing request. Failure to request a hearing, or failure to appear at a requested hearing, a prehearing conference, or any other stage of an adjudicative proceeding, will constitute default and may result in the entry of a final order under RCW 34.05.440.

(c) Upon receiving a hearing request, the director may, at the request of the licensed contractor or certificate holder, or on his or her own initiative, schedule an informal settlement conference which will be without prejudice to the rights of the parties. The informal settlement conference will be held in Thurston County at a mutually agreed upon time and may result in a settlement agreement. If no agreement is reached, a hearing will be scheduled as outlined in chapter 34.05 RCW.

(d) The director may, without prior notification to the licensed contractor or certificate holder, deny, suspend, or revoke a license or certificate if the director finds that there is a danger to the public health, safety, or welfare that requires immediate action. In every summary suspension of a license or certificate, an order signed by the director or designee must be entered, in compliance with the provisions of RCW 34.05.479. Administrative proceedings consistent with chapter 34.05 RCW for revocation or other action shall be promptly instated and determined. The director must give notice as is practicable to the licensed contractor or certificate holder.

(4) The following penalties are associated with performing fire protection sprinkler system work while a certificate is denied, suspended, or revoked:

(a) Any person engaged in the trade of sprinkler fitting while his or her license or certificate is denied, suspended, or revoked, will be issued a Level 3 violation.

(b) Any licensed or unlicensed fire protection sprinkler system contractor that allows an employee or trainee to engage in the trade of sprinkler fitting while his or her license or certificate has been denied, suspended, or revoked, will be issued a Level 3 violation.

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NEW SECTION

WAC 212-90-210 Imposing citations and civil penalties. (1) The director may impose civil penalties or fines to any licensed contractor, certificate holder, or individual that violates any provision of chapter 18.270 RCW, or this chapter. The director may impose the civil penalties or fines listed herein to any uncertified person who operates in the state of Washington as certificate holder. The director will record all violations.

(2) A violation is an action by a person who engages in the installation, maintenance, alteration, or repair of a fire protection sprinkler system or any part of such a system, and fails to comply with chapter 18.270 RCW, or this chapter.

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NEW SECTION

WAC 212-90-215 Citations and penalties. (1) The director may at his or her discretion issue either a monetary penalty or take an action against a license or certificate depending on the severity of the violation(s) evidenced in the investigation. Each violation is classified and penalties assessed according to the violation type as provided by the chart below:

| Violation Level | Monetary Penalty Issued | Action Taken Against License and/or Certificate |
|-----------------|-------------------------|---|
| 1 | Warning to \$200 | License: No action. |
| | | Certificate: No action. |

| Violation Level | Monetary Penalty Issued | Action Taken Against License and/or Certificate |
|-----------------|-------------------------|--|
| 2 | \$100 to \$500 | License: Suspended immediately for remainder of the license year or 30 calendar days, whichever is longer. |
| | | Certificate: Suspended immediately for remainder of the license year or 30 calendar days, whichever is longer. |
| | | Certificate: If the individual is not part of the violation but will be affected by the loss of the employer's contractor license, the certificate will be changed to INACTIVE status until the contractor obtains a valid license or the certificate holder has a new employer. |
| 3 | \$500 to \$5,000 | License: Suspended immediately for remainder of the license year or 90 calendar days, whichever is longer. |
| | | Certificate: Suspended immediately for remainder of the license year or 90 calendar days, whichever is longer. |
| | | Certificate: If the individual is not part of the violation but will be affected by the loss of the employer's contractor license, the certificate will be changed to INACTIVE status until the contractor obtains a valid license or the certificate holder has a new employer. |

(2) If a licensed contractor or certificate holder has incurred multiple findings of the same violation over a period of time, the director may classify the licensed contractor or certificate holder as a habitual offender and issue either an increased monetary penalty or the action against the license or certificate depending on the severity of the violation(s) evidenced in multiple investigations as provided by the chart below:

| Violation Level | Monetary Penalty Issued | Violation Level and Action Taken Against License and/or Certificate |
|-----------------|-------------------------|---|
| 1 | \$500 | Evidence of three or more Level 1 violations without compliance over a period of two calendar years constitutes an increase to a Level 2 violation. |

| Violation Level | Monetary Penalty Issued | Violation Level and Action Taken Against License and/or Certificate |
|-----------------|-------------------------|---|
| 2 | \$1,500 per violation | Evidence of three or more Level 2 violations without compliance over a period of two calendar years constitutes an increase to a Level 3 violation. License: Suspended immediately for remainder of the license year or 60 calendar days, whichever is longer. Certificate: Suspended immediately for remainder of the license year or 60 calendar days, whichever is longer. Certificate: If the individual is not part of the violation but will be affected by the loss of the employer's contractor license, the certificate will be changed to INACTIVE status until the contractor obtains a valid license or the certificate holder has a new employer. |
| 3 | \$5,000 per violation | Evidence of two or more violations without compliance over a period of three calendar years constitutes an increase to a Level 3 violation. License: Suspended immediately for remainder of the license year or 180 calendar days, whichever is longer. Certificate: Suspended immediately for remainder of the license year or 180 calendar days, whichever is longer. Certificate: If the individual is not part of the violation but will be affected by the loss of the employer's contractor license, the certificate will be changed to INACTIVE status until the contractor obtains a valid license or the certificate holder has a new employer. |

(3) Civil penalties shall be resolved through the following:

(a) **Pay the penalty** by returning the notice and payment to the director at State Fire Marshal's Office, P.O. Box 42642, Olympia, WA 98504-2642 within 30 days from the date the penalty was issued. Payments must be made by check or money order payable to the Washington state patrol.

(b) **Request an informal conference** as outlined in WAC 212-90-235.

(c) **Request a formal hearing** as outlined in WAC 212-90-205 or 212-90-240.

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NEW SECTION

WAC 212-90-235 Informal conference. (1) The director will provide an opportunity for any person to informally discuss a civil penalty that has been assessed against them.

(2) An informal conference may be requested prior to a request for a formal hearing. However, it will not exceed nor extend the 30-

day timeline allotted for the request of a formal hearing - Regardless of the outcome.

(3) The request for an informal hearing may be in any form and:

(a) Must be addressed to the mitigation officer;

(b) Be received by the director no more than 30 days from the issue date of the civil penalty; and

(c) Clearly state the subject to be discussed.

(4) Depending on the availability and time constraints of the person making the request and the hearings officer, the informal conference may be a personal meeting or conference call depending on the availability of the parties and the available technology.

(5) The director may, for good cause, choose to amend, withdraw, or reduce the civil penalty as a result of an informal conference.

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NEW SECTION

WAC 212-90-240 Formal hearing. (1) Any person may request a formal hearing to appeal a civil penalty issued under this chapter at any time before or after the request of an informal conference, as long as the 30 day period from the date of issue listed on the citation has not elapsed. If requesting a formal hearing by mail, the request must be post marked by midnight on the day the request is due.

(2) The director will arrange for a hearings officer to conduct the formal hearing and will notify by letter the person requesting the hearing (or their designated representative) of the date, time, location, and hearings officer conducting the formal hearing.

(3) The hearings officer will hear the case and, within 90 days of the hearing, render a proposed opinion and order including recommended findings of fact and conclusions of law, according to chapters 34.05 RCW and 10-08 WAC.

(4) The formal hearing will be conducted as follows:

(a) The hearings officer will act as an impartial third party.

(b) It is not necessary for the person who requested the hearing to be represented by legal counsel.

(c) An official record will be made through a scribe.

(d) Testimony will be taken under oath.

(e) All evidence of a type commonly relied upon by a reasonably prudent person in the conduct of their serious affairs is admissible.

(f) Hearsay evidence is admissible if it meets the statutory standards for being reliable and trustworthy.

(g) A proposed opinion and order will be provided.

(5) The proposed opinion and order shall be reviewed by the director and, if accepted, be finalized and issued as a final order.

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NEW SECTION

WAC 212-90-245 Penalty adjustments. (1) The assessment of adjustment of penalties for amounts other than those set by chapter

18.270 RCW will be done only by the director through a hearings process either formally or informally.

(2) The assessment of penalties for not being in conformance with chapter 18.270 RCW, or this chapter may be made only after considering:

- (a) The gravity and magnitude of the violation.
- (b) The person's previous record.
- (c) Such other considerations as the director may consider appropriate.
- (d) The uniformity and consistency in the application of violations or penalties statewide.

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NEW SECTION

WAC 212-90-250 Payment of civil penalty. (1) The penalty must be paid to the director within 30 days after an order assessing a civil penalty becomes final by operation of law or on an appeal.

(2) A request can be made through an informal or formal conference to make installment payments on a civil penalty. If the mitigation officer authorizes installment payments during an informal or formal hearing, the payment plan will be developed and agreed upon at the hearing. Failure to comply with the payment plan will void the payment plan and the remaining balance must be paid by the next business day.

(3) If the licensed contractor or certificate holder fails to pay the full penalty or comply with the payment plan as provided by subsection (2) of this section:

(a) The license or certificate of competency will be revoked for the remainder of the current license or certificate year and will not be reinstated or renewed until the penalty is paid in full.

(b) The attorney general may bring an action in the name of the director in the superior court of Thurston County or of any county in which the violator may do business to collect any penalty imposed under chapter 18.270 RCW.

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