

SENATE BILL REPORT

SB 5543

As of February 17, 2011

Title: An act relating to fire protection firms.

Brief Description: Concerning fire protection firms.

Sponsors: Senators Hargrove, Kohl-Welles, Chase, Nelson, Haugen, Swecker, Shin and Conway.

Brief History:

Committee Activity: Labor, Commerce & Consumer Protection: 2/08/11.

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Staff: Ingrid Mungia (786-7423)

Background: The Office of the State Fire Marshal, Fire Protection Bureau (Bureau) is within the Washington State Patrol and provides various services to fire districts, government agencies, and the public. Examples of these services include fire incident reporting and data collection, fire code review and adoption, and construction plan reviews for fire sprinkler and alarm systems. The Bureau also regulates the fireworks and sprinkler industries. In addition, the Bureau provides high-risk fire training to fire departments and fire protection districts, hazardous materials training, and fire prevention education.

Summary of Bill: Certificate of Competency Holder. A person must be certified by the State Director of Fire Protection (Director) and be a certificate of competency holder to perform work as a portable fire extinguisher technician, pre-engineered industrial fire extinguishing system technician, or a pre-engineered kitchen fire extinguishing system technician. Every applicant for a certificate of competency must fulfill the requirements established by the Director and satisfactorily passed the International Code Council, Inc. examination in the applicant's particular discipline. A certificate of competency must be employed by a licensed fire protection firm in order to perform service, maintenance, or installation of an appliance or assembly. A certificate of competency must be renewed every three years.

A portable fire extinguisher technician means any person who is engaged in the business of installing, servicing, maintaining, recharging, or hydrotesting fire extinguishers as defined in NFPA 10. NFPA 10 is the standard, referenced by the International Fire Code (IFC), and

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used by the National Fire Protection Association (Association) for the installation, maintenance, and servicing of fire extinguishers.

A pre-engineered industrial fire extinguishing system technician means any person who is engaged in the business of installing, servicing, maintaining, recharging, or hydrotesting pre-engineered industrial fire extinguishing systems as defined in NFPA 17 and 2001. NFPA 17 is the standard, referenced by the IFC, that is used by the Association for the installation, maintenance, and servicing of dry chemical extinguishing systems. NFPA 2001 is the standard, referenced by the IFC, and used by the Association for the installation, maintenance, and servicing of clean agent fire extinguishing systems.

A pre-engineered kitchen fire extinguishing system technician means any person who is engaged in the business of installing, servicing, maintaining, recharging, or hydrotesting pre-engineered kitchen fire extinguishing systems as defined in NFPA 17A. NFPA 17A is the standard, referenced by the IFC, and used by the Association for the installation, maintenance, and servicing of wet chemical extinguishing systems.

Training Certificate of Competency. The Director may issue a training certificate of competency in any particular discipline to an individual who has applied for a certificate and paid the required fees. An individual issued a training certificate must perform work under direct visual supervision of a certificate of competency holder. A training certificate of competency is valid for up to one year. Prior to the expiration of the one-year period, the training certificate holder must apply for a regular certificate of competency. The procedures and qualifications for issuance of a regular certificate of competency are applicable to the training certificate holder. When a training certificate expires, the holder may apply for an extension not to exceed six months.

Licensed Fire Protection Firm. A fire protection firm that constructs, installs, or maintains a fire protection appliance or assembly in any occupancy must be licensed.

To become a licensed fire protection firm, a person or firm must:

- obtain a certificate of competency or have in their full-time employ at least one holder of a valid certificate of competency before performing service, maintenance, or installation on an appliance or assembly;
- maintain a minimum \$2 million aggregate sum of insurance and current posting with the Washington State Department of Labor and Industries (L&I);
- be a contractor registered with L&I; and
- have or be contracted to a company with a Department of Transportation re-testers identification number for both low- and high-pressure cylinders and applicable attachments.

The Director must adopt rules necessary to administer and enforce the fire extinguisher technician certificate of competency and the fire protection firm license. The Director may impose penalties, refuse to issue or renew a license, or may suspend or revoke a license of a fire protection firm or the certificate of a certificate of competency holder to engage in the fire extinguisher or pre-engineered fixed fire systems service business for a variety of reasons outlined in the act.

Exemptions. These licensing and certificate requirements do not apply to:

- United States, state, and local government employees, building officials, fire marshals, fire inspectors, or insurance inspectors when acting in their official capacities;
- a business owner or representative performing a monthly quick check or inspection;
- a person or organization acting under court order;
- a person or organization that sells or supplies products or material to a licensed fire extinguished service firm;
- an owner or occupier of a single-family residence performing his or her own installation in that residence; or
- an owner and occupier of any building where the owner and occupier must meet the certification requirements listed in the law when completing the work outlined in the law, but are not required to contract out these services to a private contractor.

Local jurisdictions are preempted from enacting an order, ordinance, rule, or regulation requiring a fire protection firm or certificate of competency holder to obtain a fire extinguisher or pre-engineered fire suppression system contractor license or certificate of competency from a local jurisdiction. A local jurisdiction may require a fire protection firm to obtain a business license and pay its permit fee to install fire extinguishers or pre-engineered fire suppression systems to conform to the building code or other construction requirements of the local jurisdiction.

The Fire Protection Firm Licensing Account is created in the custody of the state treasury. All receipts from licenses, testing and certification fees, and money generated due to enforcement of the law must be deposited into the account. The account is to be used to educate the public, license fire protection firms and their certificate of competency holders, and administer and enforce the law.

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The state Fire Marshals Office has worked with the industry for the last three years on this legislation to initially address a gap. The fire code requires that individuals performing this service be qualified but it didn't define what that meant. We have 500 fire jurisdictions with different qualifications and fees. In this bill we are trying to identifying one state standard, a minimum criteria. Each jurisdiction charged with enforcing codes and standards has to establish their own criteria for who can install and work on fire extinguisher systems, hood and duct systems, and special engineered extinguishing systems. Local fire marshals and fire inspectors will enforce these standards. We will all have a standard that is verifiable. This bill is modeled after what we do now to regulate the sprinkler industry. Approximately 28 states have adopted similar standards that control the service industry. It is important for the state to get involved in this issue. It is not

feasible to have so many different standards in the state. The industry needs to be regulated. There are national standards that govern this industry. The standards require that people be certified to use these products. There needs to be language that makes a distinction between people who service these products and those that install these products.

CON: This bill needs a lot of work. On the pre-engineered systems there is cross over on the type of systems sprinkler fitters install and the fire suppression systems that would apply in this bill. There is no grandfathering provisions and this will create a burden on contracting firms. There are very little provisions on training guidelines in the bill. The cost of administering the test, and the licensing and enforcement cost, will be a burden on individuals. We support licensing but would like more stakeholder input.

Persons Testifying: PRO: Angela St. John, Washington State Patrol/State Fire Marshal; David Lynam, Washington State Association Fire Marshal; Gary Cooper, Norm Cole, Washington Fire Protection Association; James Knowles, Tyco Fire Protection Products; Kristofer Schleicher, Hoisor Logistics.

CON: Randy Scott, Washington State Association of Plumber and Pipefitters; Michael Dahl, UA Local 699 Sprinkler Fitters.