

---

ENGROSSED SUBSTITUTE HOUSE BILL 1295

---

State of Washington

62nd Legislature

2011 Regular Session

By House Local Government (originally sponsored by Representatives Van De Wege, Hurst, Tharinger, Fitzgibbon, and Liias)

READ FIRST TIME 02/17/11.

1 AN ACT Relating to installation of residential fire sprinkler  
2 systems; amending RCW 18.160.050, 82.02.100, and 70.119A.180; adding a  
3 new section to chapter 70.119A RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes that fire  
6 sprinkler systems in private residences may prevent catastrophic losses  
7 of life and property, but that financial, technical, and other issues  
8 often discourage property owners from installing these protective  
9 systems.

10 It is the intent of the legislature to eradicate barriers that  
11 prevent the voluntary installation of sprinkler systems in private  
12 residences by promoting education regarding the effectiveness of  
13 residential fire sprinklers, and by providing financial and regulatory  
14 incentives to homeowners, builders, and water purveyors for voluntarily  
15 installing the systems. It is the further intent of the legislature to  
16 fully preserve the rulings of *Fisk v. City of Kirkland*, 164 Wn.2d 891  
17 (2008), *Stiefel v. City of Kent*, 132 Wn. App.523 (2006), and similar  
18 cases.

1       **Sec. 2.** RCW 18.160.050 and 2008 c 155 s 2 are each amended to read  
2 as follows:

3       (1)(a) All certificate of competency holders that desire to  
4 continue in the fire protection sprinkler business shall annually,  
5 prior to January 1<sup>st</sup>, secure from the state director of fire protection  
6 a renewal certificate of competency upon payment of the fee as  
7 prescribed by the state director of fire protection. Application for  
8 renewal shall be upon a form prescribed by the state director of fire  
9 protection and the certificate holder shall furnish the information  
10 required by the director.

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

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

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

29       (2)(a) All licensed fire protection sprinkler system contractors  
30 desiring to continue to be licensed shall annually, prior to January  
31 1<sup>st</sup>, secure from the state director of fire protection a renewal  
32 license upon payment of the fee as prescribed by the state director of  
33 fire protection. Application for renewal shall be upon a form  
34 prescribed by the state director of fire protection and the license  
35 holder shall furnish the information required by the director.

36       (b) Failure of any license holder to secure his or her renewal  
37 license within sixty days after the due date shall constitute

1 sufficient cause for the state director of fire protection to suspend  
2 the license.

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

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

9 (4) The fire protection contractor license fund is created in the  
10 custody of the state treasurer. All receipts from license and  
11 certificate fees and charges or from the money generated by the rules  
12 and regulations promulgated under this chapter shall be deposited into  
13 the fund. Expenditures from the fund may be used only for purposes  
14 authorized under this chapter and standards for fire protection and its  
15 enforcement, with respect to all hospitals as required by RCW  
16 70.41.080(~~(7) and~~); for providing assistance in identifying fire  
17 sprinkler system components that have been subject to either a recall  
18 or voluntary replacement program by a manufacturer of fire sprinkler  
19 products, a nationally recognized testing laboratory, or the federal  
20 consumer product safety commission; and for use in developing and  
21 publishing educational materials related to the effectiveness of  
22 residential fire sprinklers. Assistance shall include, but is not  
23 limited to, aiding in the identification of recalled components,  
24 information sharing strategies aimed at ensuring the consumer is made  
25 aware of recalls and voluntary replacement programs, and providing  
26 training and assistance to local fire authorities, the fire sprinkler  
27 industry, and the public. Only the state director of fire protection  
28 or the director's designee may authorize expenditures from the fund.  
29 The fund is subject to allotment procedures under chapter 43.88 RCW,  
30 but no appropriation is required for expenditures.

31 **Sec. 3.** RCW 82.02.100 and 1992 c 219 s 2 are each amended to read  
32 as follows:

33 (1) A person required to pay a fee pursuant to RCW 43.21C.060 for  
34 system improvements shall not be required to pay an impact fee under  
35 RCW 82.02.050 through 82.02.090 for those same system improvements.

36 (2) A person installing a residential fire sprinkler system in a  
37 single-family home shall not be required to pay the fire operations

1 portion of the impact fee. The exempted fire operations impact fee  
2 shall not include the proportionate share related to the delivery of  
3 emergency medical services.

4 **Sec. 4.** RCW 70.119A.180 and 2010 1st sp.s. c 7 s 121 are each  
5 amended to read as follows:

6 (1) It is the intent of the legislature that the department  
7 establish water use efficiency requirements designed to ensure  
8 efficient use of water while maintaining water system financial  
9 viability, improving affordability of supplies, and enhancing system  
10 reliability.

11 (2) The requirements of this section shall apply to all municipal  
12 water suppliers and shall be tailored to be appropriate to system size,  
13 forecasted system demand, and system supply characteristics.

14 (3) For the purposes of this section:

15 (a) Water use efficiency includes conservation planning  
16 requirements, water distribution system leakage standards, and water  
17 conservation performance reporting requirements; and

18 (b) "Municipal water supplier" and "municipal water supply  
19 purposes" have the meanings provided by RCW 90.03.015.

20 (4) To accomplish the purposes of this section, the department  
21 shall adopt rules necessary to implement this section by December 31,  
22 2005. The department shall:

23 (a) Develop conservation planning requirements that ensure  
24 municipal water suppliers are: (i) Implementing programs to integrate  
25 conservation with water system operation and management; and (ii)  
26 identifying how to appropriately fund and implement conservation  
27 activities. Requirements shall apply to the conservation element of  
28 water system plans and small water system management programs developed  
29 pursuant to chapter 43.20 RCW. In establishing the conservation  
30 planning requirements the department shall review the current  
31 department conservation planning guidelines and include those elements  
32 that are appropriate for rule. Conservation planning requirements  
33 shall include but not be limited to:

34 (A) Selection of cost-effective measures to achieve a system's  
35 water conservation objectives. Requirements shall allow the municipal  
36 water supplier to select and schedule implementation of the best  
37 methods for achieving its conservation objectives;

1 (B) Evaluation of the feasibility of adopting and implementing  
2 water delivery rate structures that encourage water conservation;

3 (C) Evaluation of each system's water distribution system leakage  
4 and, if necessary, identification of steps necessary for achieving  
5 water distribution system leakage standards developed under (b) of this  
6 subsection;

7 (D) Collection and reporting of water consumption and source  
8 production and/or water purchase data. Data collection and reporting  
9 requirements shall be sufficient to identify water use patterns among  
10 utility customer classes, where applicable, and evaluate the  
11 effectiveness of each system's conservation program. Requirements,  
12 including reporting frequency, shall be appropriate to system size and  
13 complexity. Reports shall be available to the public; and

14 (E) Establishment of minimum requirements for water demand forecast  
15 methodologies such that demand forecasts prepared by municipal water  
16 suppliers are sufficient for use in determining reasonably anticipated  
17 future water needs;

18 (b) Develop water distribution system leakage standards to ensure  
19 that municipal water suppliers are taking appropriate steps to reduce  
20 water system leakage rates or are maintaining their water distribution  
21 systems in a condition that results in leakage rates in compliance with  
22 the standards. The standards shall include estimated additional  
23 metering losses and demand increases due to meter upsizing required  
24 when a residential fire sprinkler system is installed. Limits shall be  
25 developed in terms of percentage of total water produced and/or  
26 purchased and shall not be lower than ten percent. The department may  
27 consider alternatives to the percentage of total water supplied where  
28 alternatives provide a better evaluation of the water system's leakage  
29 performance. The department shall institute a graduated system of  
30 requirements based on levels of water system leakage. A municipal  
31 water supplier shall select one or more control methods appropriate for  
32 addressing leakage in its water system;

33 (c) Establish minimum requirements for water conservation  
34 performance reporting to assure that municipal water suppliers are  
35 regularly evaluating and reporting their water conservation  
36 performance. The objective of setting conservation goals is to enhance  
37 the efficient use of water by the water system customers. Performance  
38 reporting shall include:

1 (i) Requirements that municipal water suppliers adopt and achieve  
2 water conservation goals. The elected governing board or governing  
3 body of the water system shall set water conservation goals for the  
4 system. In setting water conservation goals the water supplier may  
5 consider historic conservation performance and conservation investment,  
6 customer base demographics, regional climate variations, forecasted  
7 demand and system supply characteristics, system financial viability,  
8 system reliability, and affordability of water rates. Conservation  
9 goals shall be established by the municipal water supplier in an open  
10 public forum;

11 (ii) Requirements that the municipal water supplier adopt schedules  
12 for implementing conservation program elements and achieving  
13 conservation goals to ensure that progress is being made toward adopted  
14 conservation goals;

15 (iii) A reporting system for regular reviews of conservation  
16 performance against adopted goals. Performance reports shall be  
17 available to customers and the public. Requirements, including  
18 reporting frequency, shall be appropriate to system size and  
19 complexity;

20 (iv) Requirements that any system not meeting its water  
21 conservation goals shall develop a plan for modifying its conservation  
22 program to achieve its goals along with procedures for reporting  
23 performance to the department;

24 (v) If a municipal water supplier determines that further  
25 reductions in consumption are not reasonably achievable, it shall  
26 identify how current consumption levels will be maintained;

27 (d) Adopt rules that, to the maximum extent practical, utilize  
28 existing mechanisms and simplified procedures in order to minimize the  
29 cost and complexity of implementation and to avoid placing unreasonable  
30 financial burden on smaller municipal systems.

31 (5) The department shall provide technical assistance upon request  
32 to municipal water suppliers and local governments regarding water  
33 conservation, which may include development of best management  
34 practices for water conservation programs, conservation landscape  
35 ordinances, conservation rate structures for public water systems, and  
36 general public education programs on water conservation.

37 (6) To ensure compliance with this section, the department shall

1 establish a compliance process that incorporates a graduated approach  
2 employing the full range of compliance mechanisms available to the  
3 department.

4 (7) Prior to completion of rule making required in subsection (4)  
5 of this section, municipal water suppliers shall continue to meet the  
6 existing conservation requirements of the department and shall continue  
7 to implement their current water conservation programs.

8 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.119A  
9 RCW to read as follows:

10 (1) A person or purveyor that owns, operates, or maintains a public  
11 water system shall not be liable for damages resulting from shutting  
12 off water to a residential home with an installed fire sprinkler system  
13 if the shut off is due to: (a) Routine maintenance; (b) nonpayment by  
14 the customer; or (c) a water system emergency.

15 (2) Any governmental or municipal corporation, including but not  
16 limited to special districts, shall be deemed to be exercising a  
17 governmental function when it acts or undertakes to supply water,  
18 within or without its corporate limits, to a residential home with an  
19 installed fire sprinkler system.

--- END ---