

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1295

62nd Legislature
2011 Regular Session

Passed by the House April 15, 2011
Yeas 96 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 11, 2011
Yeas 43 Nays 4

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1295** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1295

AS AMENDED BY THE SENATE

Passed Legislature - 2011 Regular Session

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 and 82.02.100; adding a new section to
3 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 1st, 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 1st, 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 1st.

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(~~(, 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 NEW SECTION. Sec. 4. A new section is added to chapter 70.119A
5 RCW to read as follows:

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

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

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