
SENATE BILL 5879

State of Washington

57th Legislature

2001 Regular Session

By Senator Prentice

Read first time 02/06/2001. Referred to Committee on Labor, Commerce & Financial Institutions.

1 AN ACT Relating to regulating fire alarm systems; adding a new
2 chapter to Title 19 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** DEFINITIONS. The following words or terms
5 shall have the meanings indicated unless the context clearly indicates
6 otherwise.

7 (1) "Committee" means the fire alarm advisory committee. The
8 advisory committee consists of eight members and shall be advisory to
9 the state director of fire protection. Membership is as follows: Two
10 members must be fire alarm contractors, one member must be a fire alarm
11 certificate of competency member, one member must be a certified fire
12 alarm technician, one member must be an active member of the Washington
13 state association of fire chiefs, one member must be an active member
14 of the Washington state fire marshals association, one member must be
15 a building or electrical code official who is professionally competent
16 in fire alarm system plan review and inspection, and one member must be
17 a member of the public not associated with the fire alarm industry.
18 The state director of fire protection is a nonvoting member.

1 (2) "Director of fire protection" means the officer appointed under
2 RCW 43.43.938.

3 (3) "Fire alarm certificate of competency holder" or "certificate
4 of competency holder" means an individual who holds a national
5 institute for certification in engineering technologies level 2 fire
6 alarm technician classification certification, or has satisfactorily
7 met the qualifications and has received a certificate of competency
8 from the state director of fire protection under this chapter.

9 (4) "Fire alarm system contractor" means a person or organization
10 that offers to undertake the preparation of technical drawings, design,
11 sale, construction, addition, alteration, modification, repair, test,
12 inspection, service, or maintenance of a fire alarm system, its parts
13 or related equipment, or any part of such a system.

14 (5) "Fire alarm system technician" means a person who has met the
15 qualification requirements adopted by rule, and has been certified to
16 engage in installing, connecting, altering, repairing, or adding to a
17 fire alarm system or a journeyman electrician who has successfully
18 completed the fire alarm training element.

19 (6) "Fire alarm system trainee" means a person who is learning the
20 fire alarm installation trade and may work in the fire alarm trade if
21 under the direct supervision of a certified fire alarm system
22 technician. All individuals learning the fire alarm trade shall obtain
23 a fire alarm training certificate from the state director of fire
24 protection. An annual fee shall be charged. The amount of the fee
25 shall be set by rule. The holder of the fire alarm training
26 certificate shall renew the certificate annually. At the time of
27 renewal, the holder shall provide the state director of fire protection
28 with an accurate list of the training certificate holder's employers in
29 the fire alarm industry for the previous year, and the number of hours
30 worked for each employer. Any person who has been issued a fire alarm
31 training certificate, may work under the direct supervision and control
32 of a fire alarm system technician. Supervision shall consist of the
33 person being on the same job site. A certified fire alarm system
34 technician shall be on the same job as the trainee for one hundred
35 percent of each working day. The ratio of fire alarm trainees to
36 certified fire alarm system technicians on a job site shall not be more
37 than two trainees to each fire alarm system technician. The fire alarm
38 trainee shall at all times carry an identification card containing
39 identifying information as prescribed by the state director of fire

1 protection and shall be produced on demand by a state, city, or county
2 official. The state director of fire protection shall supply this card
3 at a fee which shall be related to the cost of producing the card.

4 (7) "Fire alarm system" means a system or portion of a combination
5 system consisting of components and circuits arranged to monitor and
6 annunciate the status of fire alarm or supervisory signal-initiating
7 devices and to initiate the appropriate response to those signals as
8 set forth in national fire protection association 72 - 1996.

9 (8) "Fire alarm system contractor's license" means the license
10 issued by the state director of fire protection to a fire alarm system
11 contractor, upon an application being approved, the fee being paid, the
12 required bond being secured, and the satisfactory completion of the
13 requirements of this chapter. The license shall be issued in the name
14 of the fire alarm system contractor with the name or names of the
15 certificate of competency holder noted thereon.

16 (9) "General electrical contractor license" means the license
17 issued under RCW 19.28.041 to grant the holder the right to engage in,
18 conduct, or carry on the business of installing or maintaining wires or
19 equipment to carry electric current, and installing or maintaining
20 equipment, or installing or maintaining material to fasten or insulate
21 such wires or equipment to be operated by electric current.

22 (10) "Inspection" means a visual examination of a fire alarm system
23 or portion of the system to verify that the system appears to be in
24 operating condition and is free from physical damage and complies with
25 the applicable statutes and regulations adopted by the state director
26 of fire protection.

27 (11) "Installation" means the initial placement of fire alarm
28 system equipment or the extension, modification, or alteration of
29 equipment or software after the initial placement.

30 (12) "Journeyman electrician" means a person who has been issued a
31 journeyman electrician certificate of competency by the state
32 department of labor and industries.

33 (13) "Limited fire alarm certificate of competency holder" means a
34 person with limited certification restricted to working on premises or
35 that part of the premises, actually owned or leased, and occupied by,
36 the limited certificate holder's employer. A limited fire alarm
37 certificate of competency holder is limited to working on the
38 properties owned or leased by the limited fire alarm certificate of
39 competency holder's employer, to the level of competence, as certified

1 and documented to the fire protection bureau by the limited certificate
2 holder's employer.

3 (14) "Maintenance" means to maintain in the condition of repair
4 that provides performance as originally planned.

5 (15) "Organization" means a corporation, partnership, firm, or
6 other business association; governmental entity; or any other legal or
7 commercial entity.

8 (16) "Person" means a natural person, including an owner, manager,
9 partner, officer, employee, or occupant.

10 (17) "Service" means to repair.

11 (18) "Specialty electrical contractor license" means the license
12 issued under RCW 19.28.041 to grant the holder a limited right to
13 engage in, conduct, or carry on the business of installing or
14 maintaining wires or equipment to carry electrical current, and
15 installing or maintaining equipment, or installing or maintaining
16 material to fasten or insulate such wires or equipment to be operated
17 by electric current as expressly allowed by the license.

18 (18) "Testing" means periodic inspections and tests required to
19 keep the fire alarm system and its component parts in an operative
20 condition at all times as set forth in national fire protection
21 association 72 - 1996.

22 NEW SECTION. **Sec. 2.** LOCAL GOVERNMENT LICENSES AND PERMIT
23 REQUIREMENTS. A municipality or county may not enact an order,
24 ordinance, rule, or regulation requiring a fire alarm system contractor
25 to obtain a fire alarm contractor license from the municipality or
26 county. However, a municipality or county or the state may require a
27 fire alarm system contractor to obtain a permit and pay a fee for the
28 installation of a fire alarm system and require the installation of
29 such systems to conform with the building code, fire code, local
30 amendments, or other construction requirements of the municipality or
31 county, but may not impose financial responsibility requirements other
32 than proof of a valid license.

33 NEW SECTION. **Sec. 3.** EXEMPTIONS FROM CHAPTER. This chapter does
34 not apply to:

35 (1) United States, state, and local government employees; building
36 officials, fire marshals, or fire inspectors; or insurance inspectors
37 when acting in their official capacities;

- 1 (2) A person or organization acting under court order;
- 2 (3) A person or organization that sells or supplies products or
- 3 materials to a licensed fire alarm system contractor;
- 4 (4) A registered professional fire protection engineer acting
- 5 solely in a professional capacity; or
- 6 (5) An owner or occupant of a single-family residence performing
- 7 his or her own installation in that residence.

8 NEW SECTION. **Sec. 4.** STATE DIRECTOR OF FIRE PROTECTION--DUTIES.

9 (1) This chapter shall be administered by the state director of fire

10 protection.

11 (2) The state director of fire protection has the authority and the

12 duty to establish necessary rules for:

13 (a) The administration and enforcement of this chapter;

14 (b) Setting reasonable fees for licenses, certificates, testing,

15 plan review, inspection, and other aspects necessary for the

16 administration of this chapter;

17 (c) Conducting investigations of complaints to determine if any

18 infractions of this chapter or the regulations developed under this

19 chapter have occurred;

20 (d) Working with the fire alarm advisory board consisting of fire

21 alarm system contractors and other related officials;

22 (e) Assigning a certificate number to each certificate of

23 competency holder; and

24 (f) Adopting rules necessary to implement and administer a program

25 which requires the affixation of a seal any time a fire alarm system is

26 designed, installed, maintained, inspected, or tested. The seal shall

27 include the certificate number of the certificate of competency holder

28 who, in whole or in part, designed, installed, maintained, inspected,

29 or tested the fire alarm system.

30 NEW SECTION. **Sec. 5.** CONTRACTOR LICENSE. (1) To become a

31 licensed fire alarm system contractor under this chapter, a person or

32 firm must comply with the following requirements of the state director

33 of fire protection. The contractor shall:

34 (a) Be or have in his or her full-time employ a holder of a valid

35 certificate of competency;

36 (b) Comply with the minimum insurance requirements of this chapter;

1 (c) Make application to the state director of fire protection for
2 a license and pay the fees required;

3 (d) Show evidence of the required bond being held;

4 (e) Post each license issued under this chapter in a conspicuous
5 place in the fire alarm system contractor's place of business; and

6 (f) Prominently display the license number on all bids,
7 advertisements, proposals, offers, and installation drawings for fire
8 alarm systems.

9 (2)(a) If the certificate of competency holder leaves the
10 employment of the fire alarm system contractor, the contractor shall
11 notify the state director of fire protection within thirty days.

12 (b) If the certificate of competency holder leaves the employment
13 of the fire alarm system contractor, the contractor has thirty days to
14 submit a new application identifying another certificate of competency
15 holder. If an application is not received and a new license issued,
16 the state director of fire protection shall revoke the license of the
17 fire alarm system contractor.

18 (3)(a) All licensed fire alarm system contractors shall annually,
19 on dates and for an amount established by rule, secure from the state
20 director of fire protection a renewal license upon payment of a fee.
21 Application for renewal shall be upon a form prescribed by the state
22 director of fire protection and the license holder shall furnish the
23 information required by the director.

24 (b) Failure of any license holder to secure a renewal license
25 within sixty days after the due date is sufficient cause for the state
26 director of fire protection to suspend the license.

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

30 NEW SECTION. **Sec. 6.** ACTIONS AGAINST FIRE ALARM SYSTEM
31 CONTRACTORS--GROUNDS--APPEAL. (1) The state director of fire

32 protection may refuse to issue or renew or may suspend or revoke the
33 privilege of a licensed fire alarm system contractor to engage in the
34 fire alarm system business or, in lieu thereof, impose monetary
35 penalties as adopted by rule for any of the following reasons:

36 (a) Gross incompetence or gross negligence in the preparation of
37 technical drawings, design, sale, construction, installation, repair,

1 inspection, testing, maintenance, addition, alteration, modification,
2 or servicing of a fire alarm system or its parts or related equipment;

3 (b) Conviction of a felony;

4 (c) Fraudulent or dishonest practices while engaging in the fire
5 alarm system business;

6 (d) Use of false evidence or misrepresentation in an application
7 for a fire alarm system contractor's license;

8 (e) Permitting his or her license to be used in connection with the
9 preparation of any technical drawings which have not been prepared by
10 him or her personally or under his or her immediate supervision or in
11 violation of this chapter; or

12 (f) Knowingly violating this chapter or a rule adopted under this
13 chapter.

14 (2) The state director of fire protection shall permanently revoke
15 the license of a fire alarm system contractor who engages in the fire
16 alarm system business while suspended.

17 (3) The state director of fire protection has the power, in case of
18 serious noncompliance with this chapter, to revoke or suspend for a
19 period determined by the director any fire alarm system contractor's
20 license issued under this chapter. The state director of fire
21 protection shall notify the fire alarm system contractor by certified
22 mail. A revocation or suspension is effective twenty days after the
23 holder receives the notice. An appeal may be filed within twenty days
24 after notice of the revocation or suspension is given by certified mail
25 sent to the address of the holder of the fire alarm system contractor's
26 license as shown on the application for the fire alarm system
27 contractor's license, and shall be effected by filing a written notice
28 of appeal with the state director of fire protection. The hearing
29 shall be conducted in accordance with chapter 34.05 RCW.

30 NEW SECTION. **Sec. 7.** CERTIFICATE OF COMPETENCY HOLDER. (1) Every
31 applicant for a certificate of competency shall fulfill the
32 requirements established by the state director of fire protection.

33 (2) To become a certificate of competency holder under this
34 chapter, an applicant must have successfully passed an examination
35 administered by the state director of fire protection. A certificate
36 of competency holder can satisfy this examination requirement by
37 presenting a copy of his or her current certificate from the national
38 institute for certification in engineering technologies showing that

1 the applicant has achieved the classification of fire alarm systems
2 technician level 2. This examination requirement is mandatory except
3 as otherwise provided in this chapter.

4 (3) All bids, advertisements, proposals, offers, installation
5 drawings, final acceptance test forms, and inspection or testing forms
6 for fire alarm systems must prominently display the fire alarm system
7 contractor's certificate of competency holder's stamp.

8 (4) The fire alarm certificate of competency holder shall at all
9 times carry an identification card containing identifying information
10 as prescribed by the state director of fire protection and shall be
11 produced on demand by a state, city, or county fire official. The
12 state director of fire protection shall supply this card at a fee which
13 is related to the cost of producing the card.

14 (5) The fire alarm system contractor's certificate of competency
15 holder must be present during the final acceptance tests of fire alarm
16 systems designed by the holder.

17 (6) The initial certificate of competency or license fee shall be
18 prorated based upon the portion of the year the certificate of
19 competency or license is in effect, prior to renewal on January 1st.

20 (7) In no case shall a certificate of competency holder be employed
21 full time by more than one fire alarm system contractor.

22 (8) If the certificate of competency holder leaves the employment
23 of the fire alarm system contractor, the certificate of competency
24 holder shall notify the state director of fire protection within thirty
25 days.

26 (9) A certificate of competency or license issued under this
27 chapter is not transferable.

28 (10) All certificate of competency holders shall annually, on dates
29 and for an amount established by rule, secure from the state director
30 of fire protection a renewal certificate of competency upon payment of
31 a fee. Application for renewal shall be upon a form prescribed by the
32 state director of fire protection and the certificate holder shall
33 furnish the information required by the director.

34 (11) Failure of any certificate of competency holder to secure a
35 renewal certificate of competency within sixty days after the due date
36 is sufficient cause for the state director of fire protection to
37 suspend the certificate of competency.

38 (12) The state director of fire protection may, upon the receipt of
39 payment of all delinquent fees including a late charge, restore a

1 certificate of competency that has been suspended for failure to pay
2 the renewal fee.

3 NEW SECTION. **Sec. 8.** EXCEPTION TO THE REQUIRED CERTIFICATE OF
4 COMPETENCY PERSONAL. For one year after the effective date of this
5 section a company may list at least one individual attempting to
6 qualify for a certificate of competency. An individual has one year to
7 obtain this certificate and comply with this chapter. If after one
8 year the company is unable to provide for the requirement of
9 certificate of competency holder, all operations pertaining to the
10 installation of fire alarm system contracting shall cease.

11 NEW SECTION. **Sec. 9.** VOLUNTARY RELINQUISHMENT OF CERTIFICATE OF
12 COMPETENCY. A certificate of competency holder may voluntarily
13 surrender the certificate of competency to the state director of fire
14 protection and be relieved of the annual renewal fee. After
15 surrendering the certificate of competency, he or she may not be known
16 as a certificate of competency holder and shall cease operations.
17 Within two years from the time of surrender of the certificate of
18 competency, he or she may qualify for a certificate of competency,
19 without examination, by the payment of the required fee. If two or
20 more years have elapsed, he or she must apply as a new applicant.

21 NEW SECTION. **Sec. 10.** ACTIONS AGAINST CERTIFICATE OF COMPETENCY
22 HOLDER--GROUNDS--APPEAL. (1) The state director of fire protection may
23 refuse to issue or renew or may suspend or revoke the privilege of a
24 fire alarm certificate of competency holder to engage in the fire alarm
25 system business or, in lieu thereof, impose monetary penalties as
26 adopted by rule for any of the following reasons:

27 (a) Gross incompetence or gross negligence in the preparation of
28 technical drawings, design, sale, construction, installation, repair,
29 inspection, testing, maintenance, addition, alteration, modification,
30 or servicing of a fire alarm system or its parts or related equipment;

31 (b) Conviction of a felony;

32 (c) Fraudulent or dishonest practices while engaging in the fire
33 alarm system business;

34 (d) Use of false evidence or misrepresentation in an application
35 for a license or certificate of competency;

1 (e) Permitting his or her license to be used in connection with the
2 preparation of any technical drawings which have not been prepared by
3 him or her personally or under his or her immediate supervision or in
4 violation of this chapter; or

5 (f) Knowingly violating this chapter or a rule adopted under this
6 chapter.

7 (2) The state director of fire protection shall permanently revoke
8 the license of a certificate of competency holder who engages in the
9 fire alarm system business while the certificate of competency is
10 suspended.

11 (3) The state director of fire protection has the power, in case of
12 serious noncompliance with this chapter, to revoke or suspend for a
13 period determined by the director any fire alarm certificate of
14 competency issued under this chapter. The state director of fire
15 protection shall notify the certificate of competency holder by
16 certified mail. A revocation or suspension is effective twenty days
17 after the holder receives the notice. Any revocation or suspension is
18 subject to review by an appeal to the board. The filing of an appeal
19 stays the effect of a revocation or suspension until the board makes
20 its decision. The appeal shall be filed within twenty days after
21 notice of the revocation or suspension is given by certified mail sent
22 to the address of the holder of the license or certificate as shown on
23 the application for the license or certificate of competency holder,
24 and shall be effected by filing a written notice of appeal with the
25 state director of fire protection, accompanied by a certified check for
26 two hundred dollars, which shall be returned to the holder of the
27 license or certificate of competency if the decision of the agency is
28 not sustained by the board. The hearing shall be conducted in
29 accordance with chapter 34.05 RCW.

30 NEW SECTION. **Sec. 11.** CERTIFIED FIRE ALARM SYSTEM TECHNICIAN.

31 (1) Every applicant for certification as a fire alarm system technician
32 shall fulfill the requirements established by the state director of
33 fire protection.

34 (2) To become a certified fire alarm system technician under this
35 chapter, an applicant must have satisfactorily passed an examination
36 administered by the state director of fire protection. A fire alarm
37 system technician can satisfy the examination requirement by presenting
38 a copy of his or her current certificate from the national institute

1 for certification in engineering technologies showing that the
2 applicant has achieved the classification of fire alarm systems
3 technician level 2. This examination requirement is mandatory except
4 as otherwise provided in this chapter.

5 (3) The certified fire alarm system technician shall at all times
6 carry an identification card containing identifying information as
7 prescribed by the state director of fire protection and shall be
8 produced on demand by a state, city, or county fire official. The
9 state director of fire protection shall supply this card at a fee which
10 is related to the cost of producing the card.

11 (4) A fire alarm system technician certification issued under this
12 chapter is not transferable.

13 (5) All certified fire alarm system technicians that desire to
14 continue shall annually, on dates and for an amount established by
15 rule, secure from the state director of fire protection a renewal fire
16 alarm system technician certificate upon payment of a fee. Application
17 for renewal shall be upon a form prescribed by the state director of
18 fire protection and the certificate holder shall furnish the
19 information required by the director.

20 (6) Failure of any fire alarm system technician certificate holder
21 to secure a renewal certificate of competency within sixty days after
22 the due date is sufficient cause for the state director of fire
23 protection to suspend the fire alarm system technician certificate.

24 (7) The state director of fire protection may, upon the receipt of
25 payment of all delinquent fees including a late charge, restore a fire
26 alarm system technician certificate that has been suspended for failure
27 to pay the renewal fee.

28 (8) For one year after the effective date of this section a company
29 may list individuals attempting to qualify for a fire alarm system
30 technician certificate with the director of fire protection. These
31 individuals have one year to obtain this certificate and comply with
32 this chapter.

33 NEW SECTION. **Sec. 12.** VOLUNTARY RELINQUISHMENT OF FIRE ALARM
34 SYSTEM TECHNICIAN CERTIFICATE. A fire alarm system technician
35 certificate holder may voluntarily surrender a fire alarm system
36 technician certificate to the state director of fire protection and be
37 relieved of the annual renewal fee. After surrendering the fire alarm
38 system technician certificate, he or she may not be known as a

1 certified fire alarm system technician and shall cease operations.
2 Within two years from the time of surrender of the fire alarm system
3 technician certificate, he or she may qualify for a fire alarm system
4 technician certificate, without examination, by the payment of the
5 required fee. If two or more years have elapsed, he or she must apply
6 as a new applicant.

7 NEW SECTION. **Sec. 13.** FIRE ALARM SYSTEM TECHNICIAN CERTIFICATE
8 HOLDER--GROUNDS--APPEAL. (1) The state director of fire protection may
9 refuse to issue or renew or may suspend or revoke the privilege of a
10 fire alarm system technician certificate holder to engage in the fire
11 alarm system business or, in lieu thereof, impose monetary penalties as
12 adopted by rule for any of the following reasons:

13 (a) Gross incompetence or gross negligence in the construction,
14 installation, repair, inspection, testing, maintenance, addition,
15 alteration, modification, or servicing of a fire alarm system or its
16 parts or related equipment;

17 (b) Conviction of a felony;

18 (c) Fraudulent or dishonest practices while engaging in the fire
19 alarm system business;

20 (d) Use of false evidence or misrepresentation in an application
21 for a license or fire alarm system technician certificate; or

22 (e) Knowingly violating this chapter or a rule adopted under this
23 chapter.

24 (2) The state director of fire protection shall permanently revoke
25 the certificate of a fire alarm system technician who engages in the
26 fire alarm system business while the fire alarm system technician
27 certificate is suspended.

28 (3) The state director of fire protection has the power, in case of
29 serious noncompliance with this chapter, to revoke or suspend for a
30 period determined by the director any fire alarm system technician
31 certificate issued under this chapter. The state director of fire
32 protection shall notify the fire alarm system technician certificate
33 holder by certified mail. A revocation or suspension is effective
34 twenty days after the holder receives the notice. Any revocation or
35 suspension is subject to review by an appeal to the board. The filing
36 of an appeal stays the effect of a revocation or suspension until the
37 board makes its decision. The appeal shall be filed within twenty days
38 after notice of the revocation or suspension is given by certified mail

1 sent to the address of the holder of the license or certificate as
2 shown on the application for the license or fire alarm system
3 technician certificate, and shall be effected by filing a written
4 notice of appeal with the state director of fire protection,
5 accompanied by a certified check for two hundred dollars, which shall
6 be returned to the holder of the license or fire alarm system
7 technician certificate if the decision of the agency is not sustained
8 by the board. The hearing shall be conducted in accordance with
9 chapter 34.05 RCW.

10 NEW SECTION. **Sec. 14.** FIRE ALARM SYSTEM CONTRACTOR'S LICENSE FUND
11 CREATED. The fire alarm system contractor's license fund is created in
12 the custody of the state treasurer. All receipts from license and
13 certificate fees and charges or from the money generated by the rules
14 and local regulations adopted under this chapter shall be deposited
15 into the fund. Expenditures from the fund may be used only for
16 purposes authorized under this chapter. Only the state director of
17 fire protection, or the director's designee, may authorize expenditures
18 from the fund. The fund is subject to allotment procedures under
19 chapter 43.88 RCW, but no appropriation is required for expenditures.

20 NEW SECTION. **Sec. 15.** LOCAL GOVERNMENT REGULATION--APPLICATION TO
21 STATE AND GOVERNMENT CONTRACTORS. (1) This chapter does not limit the
22 power of a municipality, county, or the state to regulate the quality
23 and character of work performed by contractors through a system of
24 permits, fees, and inspections that are designed to assure compliance
25 with and aid in the implementation of state and local building laws or
26 to enforce other local laws for the protection of the public health and
27 safety. This chapter does not limit the power of the municipality,
28 county, or the state to adopt any system of permits requiring
29 submission for approval by the municipality, county, or the state of
30 technical drawings and specifications for work to be performed by
31 contractors before commencement of the work. The official authorized
32 to issue approval must require evidence of a valid fire alarm system
33 contractor's license.

34 (2) This chapter applies to any fire alarm system contractor
35 performing work for any municipality, county, or the state. Officials
36 of any municipality, county, or the state are required to determine
37 compliance with this chapter before awarding any contracts for the

1 installation, repair, service, alteration, fabrication, addition, or
2 inspection of a fire alarm system.

3 NEW SECTION. **Sec. 16.** SURETY BOND--SECURITY DEPOSIT--VENUE AND
4 TIME LIMIT FOR ACTIONS UPON BONDS--LIMIT OF LIABILITY OF SURETY--
5 PAYMENT OF CLAIMS. (1) Before granting a license under this chapter,
6 the director of fire protection shall require that the applicant file
7 with the state director of fire protection a surety bond issued by a
8 surety insurer who meets the requirements of chapter 48.28 RCW in a
9 form acceptable to the director of fire protection running to the state
10 of Washington in the penal sum of four thousand dollars. The bond
11 shall be conditioned that the applicant will pay all purchasers of fire
12 alarm systems with whom the applicant has a contract for the applicant
13 to install, inspect, maintain, or service a fire alarm system, and who
14 have obtained a judgment against the applicant for the breach of such
15 a contract. The term "purchaser" means an owner of property who has
16 entered into a contract for the installation of a fire alarm system on
17 that property, or a contractor who contracts to install, inspect,
18 maintain, or service such a system with an owner of property and
19 subcontracts the work to the applicant. No other person, including,
20 but not limited to, persons who supply labor, materials, or rental
21 equipment to the applicant, has any rights against the bond.

22 (2) In lieu of the surety bond required by this section the
23 applicant may file with the director of fire protection a deposit
24 consisting of cash or other security acceptable to the director of fire
25 protection in an amount equal to the penal sum to the required bond.
26 The director of fire protection may adopt rules necessary for the
27 proper administration of the security.

28 (3) Before granting renewal of a fire alarm system contractor's
29 license to any applicant, the director of fire protection shall require
30 that the applicant file with the director satisfactory evidence that
31 the surety bond or cash deposit is in full force.

32 (4) Any purchaser of a fire alarm system having a claim against the
33 license for the breach of a contract for the licensee to install,
34 inspect, maintain, or service a fire alarm system may bring suit upon
35 such bond in superior court of the county in which the work was done or
36 of any county in which jurisdiction of the license may be had. Any
37 such action must be brought not later than one year after the

1 expiration of the licensee's license or renewal license then in effect
2 at the time of the alleged breach of contract.

3 (5) The bond shall be considered one continuous obligation, and the
4 surety upon the bond shall not be liable in aggregate or cumulative
5 amount exceeding four thousand dollars regardless of the number of
6 years the bond is in effect, or whether it is reinstated, renewed,
7 reissued, or otherwise continued, and regardless of the year in which
8 any claim accrued. The bond shall not be liable for any liability of
9 the licensee for tortuous acts, whether or not such liability is
10 imposed by statute or common law, or is imposed by contract. The bond
11 shall not be a substitute or supplemental to any liability or other
12 insurance required by law or by the contract.

13 (6) If the surety desires to make payment without awaiting court
14 action against it, the amount of the bond shall be reduced to the
15 extent of any payment made by the surety in good faith under the bond.
16 Any payment shall be based on final judgments received by the surety.

17 (7) Claims against the bond shall be satisfied from the bond in the
18 following order:

19 (a) Claims by a purchaser of a fire alarm system for the breach of
20 a contract for the licensee to install, inspect, maintain, or service
21 a fire alarm system;

22 (b) Any court costs, interest, and attorneys' fees the plaintiff
23 may be entitled to recover by contract, statute, or court rule. A
24 condition precedent to the surety being liable to any claimant is a
25 final judgment against the licensee, unless the surety desires to make
26 payment without awaiting court action. In the event of a dispute
27 regarding the apportionment of the bond proceeds among claimants, the
28 surety may bring an action for interpleader against all claimants upon
29 the bond.

30 (8) Any purchaser of a fire alarm system having an unsatisfied
31 final judgment against the licensee for the breach of a contract for
32 the licensee to install, inspect, maintain, or service a fire alarm
33 system may execute upon the security held by the director of fire
34 protection by serving a certified copy of the unsatisfied final
35 judgment by registered or certified mail upon the director within one
36 year of the date of entry of such judgment. Upon the receipt of
37 service of such certified copy, the director shall pay or order paid
38 from the deposit, through the registry of the court which rendered
39 judgment, towards the amount of the unsatisfied judgment. The priority

1 of payment by the director shall be the order of receipt by the
2 director, but the director shall have no liability for payment in
3 excess of the amount of the deposit.

4 NEW SECTION. **Sec. 17.** UNLICENSED OPERATIONS--PENALTY. Any person
5 who offers to contract for the preparation of technical drawings, sale,
6 installation, repair, construction, inspection, testing, maintenance,
7 addition, alteration, design, modification, or servicing of a fire
8 alarm system or its parts or related equipment in any occupancy, except
9 an owner-occupied single-family dwelling, without first obtaining a
10 fire alarm system contractor's license from the state of Washington, is
11 guilty of a civil offense. This section does not create any criminal
12 liability for a prime contractor or an owner of an occupancy unless it
13 is proved that the prime contractor or owner had actual knowledge of an
14 illegal construction, installation, or maintenance of a fire alarm
15 system by a fire alarm system contractor.

16 NEW SECTION. **Sec. 18.** ENFORCEMENT--CIVIL PROCEEDINGS. Civil
17 proceedings to enforce this chapter may be brought by the attorney
18 general or the prosecuting attorney of any county where a violation
19 occurs on his or her own motion or at the request of the state director
20 of fire protection.

21 NEW SECTION. **Sec. 19.** PROSPECTIVE APPLICATION. This chapter
22 applies prospectively only and not retroactively. A municipal or
23 county order, ordinance, rule, or regulation that is in effect on the
24 effective date of this section is not invalid because of the provisions
25 of this chapter. This chapter does not prohibit municipalities or
26 counties from adopting stricter guidelines that will assure the proper
27 installation of fire alarm systems within their jurisdictions.

28 NEW SECTION. **Sec. 20.** SEVERABILITY. If any provision of this act
29 or its application to any person or circumstance is held invalid, the
30 remainder of the act or the application of the provision to other
31 persons or circumstances is not affected.

32 NEW SECTION. **Sec. 21.** Captions used in this act are not any part
33 of the law.

1 NEW SECTION. **Sec. 22.** Sections 1 through 21 of this act
2 constitute a new chapter in Title 19 RCW.

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