

AMENDED IN SENATE JUNE 10, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 433**

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**Introduced by Assembly Member Gordon**

February 15, 2013

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An act to amend Sections 7026.12 and 7057 of, *and to add and repeal Section 7026.13 of*, the Business and Professions Code, *and to add Section 13110 to the Health and Safety Code*, relating to contractors.

LEGISLATIVE COUNSEL'S DIGEST

AB 433, as amended, Gordon. Contractors: fire protection ~~systems~~. *systems: fire safety: State Fire Marshal.*

The Contractors' State License Law provides for the licensure and regulation of contractors by the Contractors' State License Board within the Department of Consumer Affairs. Existing law provides that the installation of a fire protection system may be performed only by a contractor holding a fire protection contractor classification, or by an owner-builder of an owner-occupied, single-family dwelling, as specified.

This bill would additionally authorize, *until January 1, 2017*, the installation of a residential fire protection system for a one- or 2-family dwelling by a contractor holding a fire protection contractor classification or a plumbing contractor classification, as defined in the regulations of the board. ~~The~~

*Existing law requires the Office of the State Fire Marshal to be administered by the State Fire Marshal. Existing law authorizes the State Fire Marshal to adopt regulations in specified circumstances and requires the State Fire Marshal to aid in the enforcement of building standards adopted by the State Fire Marshal and published in the State*

*Building Standards Code relating to fires or to fire prevention and protection.*

*This bill would authorize the State Fire Marshal to propose, adopt, and administer the regulations and building standards that he or she deems necessary in order to ensure fire safety in buildings and structures and would specify that those building standards are subject to certain requirements.*

*The bill would make a conforming change: changes.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 7026.12 of the Business and Professions  
2 Code is amended to read:

3 7026.12. ~~(a)~~ Except as provided in ~~subdivision (b)~~ *Section*  
4 *7026.13*, the installation of a fire protection system, excluding an  
5 electrical alarm system, shall be performed only by either of the  
6 following:

7 ~~(1)~~

8 *(a)* A contractor holding a fire protection contractor  
9 classification, as defined in the regulations of the board.

10 ~~(2)~~

11 *(b)* An owner-builder of an owner-occupied, single-family  
12 dwelling, if not more than two single-family dwellings on the same  
13 parcel are constructed within one year, plans are submitted to, and  
14 approved by, the city, county, or city and county authority, and  
15 the city, county, or city and county authority inspects and approves  
16 the installation.

17 ~~(b)~~ A residential fire protection system for a one- or two-family  
18 dwelling may be installed by a contractor holding a fire protection  
19 contractor classification or a plumbing contractor classification,  
20 as defined in the regulations of the board. A “one- or two-family  
21 dwelling” is a residential group R-3 occupancy, as defined in  
22 Section 310.1 of Part 2 of Title 24 of the California Building Code.

23 SEC. 2. Section 7026.13 is added to the Business and  
24 Professions Code, to read:

25 7026.13. *(a)* A residential fire protection system, excluding  
26 an electrical alarm system, for a one- or two-family dwelling may  
27 be installed by a contractor holding a fire protection contractor

1 *classification or a plumbing contractor classification, as defined*  
2 *in the regulations of the board. A “one- or two-family dwelling”*  
3 *is a residential group R-3 occupancy, as defined in Section 310.1*  
4 *of Part 2 of Title 24 of the California Building Code.*

5 *(b) This section shall remain in effect only until January 1, 2017,*  
6 *and as of that date is repealed, unless a later enacted statute, that*  
7 *is enacted before January 1, 2017, deletes or extends that date.*

8 ~~SEC. 2.~~

9 SEC. 3. Section 7057 of the Business and Professions Code is  
10 amended to read:

11 7057. (a) Except as provided in this section, a general building  
12 contractor is a contractor whose principal contracting business is  
13 in connection with any structure built, being built, or to be built,  
14 for the support, shelter, and enclosure of persons, animals, chattels,  
15 or movable property of any kind, requiring in its construction the  
16 use of at least two unrelated building trades or crafts, or to do or  
17 superintend the whole or any part thereof.

18 This does not include anyone who merely furnishes materials  
19 or supplies under Section 7045 without fabricating them into, or  
20 consuming them in the performance of, the work of the general  
21 building contractor.

22 (b) A general building contractor may take a prime contract or  
23 a subcontract for a framing or carpentry project. However, a general  
24 building contractor shall not take a prime contract for any project  
25 involving trades other than framing or carpentry unless the prime  
26 contract requires at least two unrelated building trades or crafts  
27 other than framing or carpentry, or unless the general building  
28 contractor holds the appropriate license classification or  
29 subcontracts with an appropriately licensed contractor to perform  
30 the work. A general building contractor shall not take a subcontract  
31 involving trades other than framing or carpentry, unless the  
32 subcontract requires at least two unrelated trades or crafts other  
33 than framing or carpentry, or unless the general building contractor  
34 holds the appropriate license classification. The general building  
35 contractor shall not count framing or carpentry in calculating the  
36 two unrelated trades necessary in order for the general building  
37 contractor to be able to take a prime contract or subcontract for a  
38 project involving other trades.

39 (c) A general building contractor shall not contract for any  
40 project that includes a fire protection system as provided for in

1 Section 7026.12 *or* 7026.13, or the “C-57” Well Drilling  
2 classification as provided for in Section 13750.5 of the Water  
3 Code, unless the general building contractor holds the appropriate  
4 license classification, or subcontracts with the appropriately  
5 licensed contractor.

6 *SEC. 4. Section 13110 is added to the Health and Safety Code,*  
7 *to read:*

8 *13110. Notwithstanding any other provision of this part, the*  
9 *State Fire Marshal may propose, adopt, and administer the*  
10 *regulations and building standards that he or she deems necessary*  
11 *in order to ensure fire safety in buildings and structures within*  
12 *this state including regulations related to construction,*  
13 *modification, installation, operation, and maintenance. Building*  
14 *standards shall be submitted to the State Building Standards*  
15 *Commission for approval pursuant to Chapter 4 (commencing*  
16 *with Section 18935) of Part 2.5 of Division 13.*