

Assembly Bill No. 433

Passed the Assembly September 6, 2013

Chief Clerk of the Assembly

Passed the Senate September 3, 2013

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2013, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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, Gordon. Contractors: fire protection 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 bill would also state the intent of the Legislature with respect to these matters.

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 that he or she deems necessary in order to ensure fire safety in buildings and structures and would require regulations that are building standards to be submitted to the State Building Standards Commission for approval. The bill would authorize the State Fire Marshal to establish and collect reasonable fees to implement these provisions.

The bill would make conforming changes.

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

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

7026.12. Except as provided in Section 7026.13, the installation of a fire protection system, excluding an electrical alarm system, shall be performed only by either of the following:

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

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

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

7026.13. (a) A residential fire protection system, excluding an electrical alarm system, for a one- or two-family dwelling may be installed by a contractor holding a fire protection contractor classification or a plumbing contractor classification, as defined in the regulations of the board. A “one- or two-family dwelling” is a residential group R-3 occupancy, as defined in Section 310.1 of Part 2 of Title 24 of the California Building Code.

(b) It is the intent of the Legislature that this section apply to the installation of fire protection system components within a one- or two-family dwelling and outside the dwelling up to the utility meter for the property.

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

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

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

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

(b) A general building contractor may take a prime contract or a subcontract for a framing or carpentry project. However, a general building contractor shall not take a prime contract for any project involving trades other than framing or carpentry unless the prime contract requires at least two unrelated building trades or crafts other than framing or carpentry, or unless the general building contractor holds the appropriate license classification or subcontracts with an appropriately licensed contractor to perform the work. A general building contractor shall not take a subcontract involving trades other than framing or carpentry, unless the subcontract requires at least two unrelated trades or crafts other than framing or carpentry, or unless the general building contractor holds the appropriate license classification. The general building contractor shall not count framing or carpentry in calculating the two unrelated trades necessary in order for the general building contractor to be able to take a prime contract or subcontract for a project involving other trades.

(c) A general building contractor shall not contract for any project that includes a fire protection system as provided for in Section 7026.12 or 7026.13, or the “C-57” Well Drilling classification as provided for in Section 13750.5 of the Water Code, unless the general building contractor holds the appropriate license classification, or subcontracts with the appropriately licensed contractor.

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

13110. (a) Notwithstanding any other provision of this part, the State Fire Marshal may propose, adopt, and administer the regulations that he or she deems necessary in order to ensure fire safety in buildings and structures within this state including regulations related to construction, modification, installation, testing, inspection, labeling, listing, certification, registration, licensing, reporting, operation, and maintenance. Regulations that are building standards shall be submitted to the State Building Standards Commission for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13.

(b) The Office of the State Fire Marshal may establish and collect reasonable fees necessary to implement this section, consistent with Section 3 of Article XIII A of the California Constitution.

Approved _____, 2013

Governor