

Introduced by Senator Corbett

February 18, 2011

An act to amend Section 7145.5 of the Business and Professions Code, and to add Chapter 1.9 (commencing with Section 13200) to Part 2 of Division 12 of the Health and Safety Code, relating to fire suppression.

LEGISLATIVE COUNSEL'S DIGEST

SB 886, as introduced, Corbett. Sprinkler fitters: licensing.

Existing law requires the State Fire Marshal to adopt and administer regulations and building standards he or she deems necessary in order to, among other things, establish and control a program for servicing, testing, and maintaining all automatic fire extinguishing systems, including fire sprinkler systems.

The Contractors' State License Law provides for the licensing and regulation of contractors by the Contractors' State License Board. Under that law, the registrar may refuse to issue, reinstate, reactivate, or renew a license or may suspend a license for the failure of a licensee to resolve all outstanding final liabilities, which include taxes, additions to tax, penalties, interest, and any fees that may be assessed by the board or other specified state agencies.

This bill would specify that a license may be affected for failure to resolve all outstanding financial liabilities, and would include nonpayment of assessments of the State Fire Marshal among the financial liabilities for which a license may be affected.

This bill would enact a comprehensive program for the certification and regulation of sprinkler fitters, as defined, by the State Fire Marshal. The bill would prohibit a person from performing work on any fire suppression system, as defined, unless he or she possesses a valid

sprinkler fitter certificate issued by the State Fire Marshal, and would prohibit a person or entity from employing a person to perform work on a fire suppression system without that certificate. The bill would provide for the issuance of, and would set forth eligibility standards for, various certificates and permits, and would require the State Fire Marshal to adopt a schedule of fees in amounts necessary to cover the cost of administering and enforcing these provisions.

This bill would provide for the enforcement of these provisions by the State Fire Marshal, and would require the State Fire Marshal to revoke or suspend a certificate or permit, or reprimand a certificate holder or permit holder, for specified reasons. The bill would also provide that a person licensed under the Contractors' State License Law who violates these provisions would be subject to disciplinary action by the Contractors' State License Board. The bill would provide that a knowing and willful violation of these licensing and regulatory provisions would be a misdemeanor. By creating a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. Section 7145.5 of the Business and Professions
- 2 Code is amended to read:
- 3 7145.5. (a) The registrar may refuse to issue, reinstate,
- 4 reactivate, or renew a license or may suspend a license for the
- 5 failure of a licensee to resolve all outstanding ~~final~~ *financial*
- 6 liabilities, which include taxes, additions to tax, penalties, interest,
- 7 and any fees that may be assessed by the board, the Department
- 8 of Industrial Relations, the Employment Development Department,
- 9 *the State Fire Marshal*, or the Franchise Tax Board.
- 10 (1) Until the debts covered by this section are satisfied, the
- 11 qualifying person and any other personnel of record named on a
- 12 license that has been suspended under this section shall be
- 13 prohibited from serving in any capacity that is subject to licensure

1 under this chapter, but shall be permitted to act in the capacity of
2 a nonsupervising bona fide employee.

3 (2) The license of any other renewable licensed entity with any
4 of the same personnel of record that have been assessed an
5 outstanding liability covered by this section shall be suspended
6 until the debt has been satisfied or until the same personnel of
7 record disassociate themselves from the renewable licensed entity.

8 (b) The refusal to issue a license or the suspension of a license
9 as provided by this section shall be applicable only if the registrar
10 has mailed a notice preliminary to the refusal or suspension that
11 indicates that the license will be refused or suspended by a date
12 certain. This preliminary notice shall be mailed to the licensee at
13 least 60 days before the date certain.

14 (c) In the case of outstanding ~~final~~ *financial* liabilities assessed
15 by the Franchise Tax Board, this section shall be operative within
16 60 days after the Contractors' State License Board has provided
17 the Franchise Tax Board with the information required under
18 Section 30, relating to licensing information that includes the
19 federal employee identification number or social security number.

20 (d) All versions of the application for contractors' licenses shall
21 include, as part of the application, an authorization by the applicant,
22 in the form and manner mutually agreeable to the Franchise Tax
23 Board and the board, for the Franchise Tax Board to disclose the
24 tax information that is required for the registrar to administer this
25 section. The Franchise Tax Board may from time to time audit
26 these authorizations.

27 SEC. 2. Chapter 1.9 (commencing with Section 13200) is added
28 to Part 2 of Division 12 of the Health and Safety Code, to read:

29
30 CHAPTER 1.9. SPRINKLER FITTER CERTIFICATION ACT

31
32 13200. The Legislature finds and declares that:

33 (a) The types of fire suppression systems used in society and
34 the manner in which they are constructed and installed have a
35 direct and substantial impact on public health, safety, and the
36 environment.

37 (b) Improper construction or installation of a fire suppression
38 system can be potentially lethal, cause serious damage to property,
39 and have other adverse effects on public health and safety.

(c) Establishing minimum standards for work performed on fire suppression sprinkler systems, and criteria for the training, testing, and certification of the persons performing work in the sprinkler fitter trade, is essential to protecting public health and safety.

13200.01. The following definitions apply for the purposes of this chapter:

(a) “Direct and immediate supervision” means to be physically on the project site while supervising others.

(b) “Fire suppression system” means an automatic or manual system designed to protect occupants or structures from fire. “Fire suppression system” includes, but is not limited to, a water sprinkler system, water spray system, foam water system, foam-water spray system, carbon dioxide system, foam extinguishing system, dry chemical system, wet chemical system, halogenated system, and other chemical systems used for fire protection. “Fire suppression system” also includes sprinkler piping, risers, standpipes, aboveground supply lines, tank heaters, hose connections to sprinkler systems, air lines, thermal systems used in connection with sprinklers, and pumps dedicated for fire suppression.

(c) “Sprinkler fitter” means a person, other than an apprentice regulated under this chapter, who performs work on a fire suppression system subject to the provisions of NFPA 13, Installation of Sprinkler Systems, and NFPA 13R, Standard for the Installation of Sprinkler Systems in Residential Occupancies Up To and Including Four or More Stories in Height, as published by the National Fire Protection Association.

(d) “Sprinkler fitter apprentice permit” means a permit issued pursuant to Section 13200.04.

(e) “Sprinkler fitter apprenticeship program” means any apprenticeship training program that is registered with and approved by the United States Department of Labor, Bureau of Apprenticeship and Training, in accordance with the requirements of Part 29 of Title 29 of the Code of Federal Regulations, or any state apprenticeship agency, and consists of a minimum 8,000 hours of documented practical experience of work on fire suppression systems, of which at least 700 of these hours are in related instruction, including classroom or shop instruction in the sprinkler fitter trade.

1 (f) “Sprinkler fitter certificate” means a certificate issued to a
2 sprinkler fitter pursuant to Section 13200.03.

3 (g) “Work on a fire suppression system” means the onsite layout,
4 onsite fabrication, testing, inspection, certification, work, and
5 practice concerning the construction, installation, alteration, or
6 extension of fire suppression systems, and the servicing, testing,
7 or maintaining of automatic fire extinguishing systems under
8 Chapter 1.8 (commencing with Section 13195), or the regulations
9 adopted pursuant to that chapter. “Work on a fire suppression
10 system” shall not include any of the following:

11 (1) Work performed on a fire alarm system, portable fire
12 extinguisher, or dry standpipe that is not connected to a fire
13 suppression system.

14 (2) Work performed on yard hydrants and underground water
15 supply lines up to the point the piping enters the building.

16 (3) Demolition work.

17 (4) Work performed on one- and two-family dwellings, and
18 manufactured homes as defined in the most recent edition of the
19 California Building Standards Code.

20 (5) An inspection or other service performed by a state or local
21 fire official.

22 13200.02. (a) A person shall not perform work on any fire
23 suppression system unless he or she possesses a valid sprinkler
24 fitter certificate issued by the State Fire Marshal, or possesses a
25 valid sprinkler fitter apprentice permit and is supervised by a person
26 holding a valid sprinkler fitter certificate issued by the State Fire
27 Marshal.

28 (b) A person shall not employ a person or cause or direct a
29 person to perform work on a fire suppression system unless the
30 person performing that work possesses either of the following:

31 (1) A valid sprinkler fitter certificate issued pursuant to this
32 Section 13200.03.

33 (2) A valid sprinkler fitter apprentice permit issued pursuant to
34 Section 13200.04, if he or she is directly or immediately supervised
35 by a holder of a valid sprinkler fitter certificate.

36 (c) A person or entity shall not contract to perform work on a
37 fire suppression system without holding a valid sprinkler fitter
38 certificate issued pursuant to this chapter or employing certified
39 sprinkler fitters as required by this chapter. Each employee of an
40 entity who physically performs work on a fire suppression system

1 shall hold the appropriate certificate or permit issued pursuant to
2 this chapter.

3 (d) A person shall not solicit, by sign, listing, or any other form
4 of advertisement, work regulated by this chapter unless he or she
5 has been certified in accordance with this chapter or employs
6 sprinkler fitters certified pursuant to this chapter.

7 (e) A person may work on a fire suppression system if he or she
8 holds a valid sprinkler fitter apprentice permit issued pursuant to
9 Section 13200.04, if the work performed is within the scope of the
10 permit and is under the direct and immediate supervision of a
11 holder of a valid sprinkler fitter certificate.

12 13200.03. (a) The State Fire Marshal shall award a sprinkler
13 fitter certificate to a person who files an application and pays the
14 application fee as established by the State Fire Marshal, and who
15 does any of the following:

16 (1) Provides evidence demonstrating that he or she has
17 successfully completed an approved sprinkler fitter apprenticeship
18 program, and takes and passes an examination as established by
19 the State Fire Marshal.

20 (2) Provides evidence demonstrating that he or she has
21 successfully completed a plumbing or pipefitters apprenticeship
22 program approved by the Department of Industrial Relations,
23 Division of Apprenticeship Standards, on or before January 1,
24 2012, and takes and passes an examination as established by the
25 State Fire Marshal.

26 (3) Establishes that he or she holds a valid C-16 license as a fire
27 protection contractor, as set forth in Section 832.16 of Title 16 of
28 the California Code of Regulations, and takes and passes a written
29 examination given by the State Fire Marshal.

30 (4) Satisfies the requirements of Section 13200.05 or 13200.06.

31 (b) (1) Each person holding a sprinkler fitter certificate shall,
32 after the completion of one year following his or her initial
33 certification, annually complete a minimum of eight hours of skill
34 training related specifically to the installation of fire suppression
35 systems.

36 (2) Courses for the training required by this subdivision shall
37 be preapproved by the State Fire Marshal.

38 (c) A sprinkler fitter certificate shall be valid for a period of one
39 year from date of issuance.

1 (d) The State Fire Marshal shall renew for a period of one year
2 a sprinkler fitter certificate that is valid and in good standing upon
3 receiving a completed renewal application, proof of completion
4 of at least eight hours of continuing education for that period in
5 accordance with subdivision (c), and a renewal fee as determined
6 by the State Fire Marshal.

7 (e) The State Fire Marshal shall issue a photo identification card
8 to each person who receives a sprinkler fitter certificate or a
9 sprinkler fitter apprentice permit. Each certificate holder or permit
10 holder shall maintain the photo identification card in his or her
11 possession at all times when performing work on a fire suppression
12 system.

13 13200.04. (a) A person who does not possess a valid sprinkler
14 fitter certificate may obtain a sprinkler fitter apprentice permit if
15 the person does both of the following:

16 (1) Files an application and pays an application fee as established
17 by the State Fire Marshal.

18 (2) Provides evidence to the State Fire Marshal, in a form
19 acceptable to the State Fire Marshal, that he or she is enrolled in
20 and attending an approved fire sprinkler fitter apprenticeship
21 program of a federally approved apprenticeship agency that
22 complies with the requirements of Part 29 of Title 29 of the Code
23 of Federal Regulations, any sprinkler fitter apprenticeship program
24 approved by the State Fire Marshal, or a plumbing or pipefitters
25 apprenticeship program approved by the Department of Industrial
26 Relations, Division of Apprenticeship Standards.

27 (b) A sprinkler fitter apprentice permit shall be valid for a period
28 of three years from date of issuance.

29 (c) The State Fire Marshal shall renew for a period of up to three
30 years a sprinkler fitter apprentice permit if the permit is valid and
31 in good standing and the State Fire Marshal has received a
32 completed renewal application and a renewal fee as determined
33 by the State Fire Marshal.

34 (d) A sprinkler fitter apprentice permit shall remain valid only
35 while the holder is enrolled in an approved apprenticeship program.

36 13200.05. The State Fire Marshal shall issue a sprinkler fitter
37 certificate, without examination, to a person who satisfies the
38 following requirements:

39 (a) Files an application and pays an application fee as established
40 by the State Fire Marshal.

(b) Provides evidence acceptable to the State Fire Marshal that he or she is a currently practicing, competent sprinkler fitter who holds a similar authorization granted by a state with qualification requirements that are substantially similar to, or greater than, those established under this chapter, provided that the state grants authorization to any competent person holding a certificate.

13200.06. (a) The State Fire Marshal shall issue a sprinkler fitter certificate, without examination, to any person who, on or before June 30, 2012, submits the necessary certification application to the State Fire Marshal, pays all required fees, and submits evidence acceptable to the State Fire Marshal that he or she has done any of the following:

(1) Successfully completed any state or federally approved sprinkler fitter apprenticeship program.

(2) Performed at least 8,000 hours of documented practical experience of work on fire suppression systems within the past five years.

(3) Successfully completed a plumbing or pipefitters apprenticeship program approved by the Department of Industrial Relations, Division of Apprenticeship Standards on or before January 1, 2012.

(b) A certificate issued pursuant to this section shall expire on December 31, 2012, and thereafter be renewed in accordance with the act.

13200.07. (a) The State Fire Marshal shall maintain a central registry of the names of all persons to whom it has issued sprinkler fitter certificates and sprinkler fitter apprentice permits.

(b) The certificate and permit registry shall be maintained on a publicly accessible Internet Web site and shall be updated on a monthly basis.

13200.08. (a) The State Fire Marshal shall adopt a schedule of fees to be paid by holders of certificates and permits in amounts that are determined by the State Fire Marshal to be necessary to cover the cost of administering and enforcing the provisions of this chapter. Any city or county fire department, or any district providing fire protection services, may adopt a schedule of fees as required to cover the cost of enforcing the provisions of this chapter.

(b) Original and renewal certificates and permits shall be valid for the period from January 1 to December 31. The annual renewal

1 period shall begin on September 1 and end on November 1
2 preceding the year for which the renewal is requested. A penalty
3 of 50 percent of the certificate or permit fee shall be assessed in
4 all cases in which the renewal fees are not paid on or before the
5 November 1 preceding the year for which renewal is requested.

6 (c) All original and renewal fees collected pursuant to this
7 section shall be deposited in the State Fire Marshal Licensing and
8 Certification Fund established pursuant to Section 13137 and shall
9 be available, upon appropriation by the Legislature, only for the
10 purposes specified in this chapter.

11 13200.09. It shall be unlawful and a violation of this chapter
12 for any person to do any of the following:

13 (a) Perform work on a fire suppression system without
14 possessing a valid sprinkler fitter certificate or a sprinkler fitter
15 apprentice permit.

16 (b) Employ a person, or cause or direct a person, to perform
17 work on a fire suppression system unless the person performing
18 that work holds a sprinkler fitter certificate or sprinkler fitter
19 apprentice permit.

20 (c) Engage in other conduct prohibited by Section 13200.02.

21 (d) Obtain a certificate or permit pursuant to this chapter through
22 error, fraud, or intentional or reckless misrepresentation.

23 (e) Impersonate another person, use an expired or revoked
24 certificate or permit, or use a sprinkler fitter apprentice permit
25 when the holder is not enrolled in an approved apprenticeship
26 program.

27 (f) Give false or forged evidence of any kind to the State Fire
28 Marshal or any employee thereof in an application for the issuance
29 or renewal of a certificate or permit.

30 (g) Knowingly or recklessly make a material false statement
31 regarding a person's certificate or permit status with intent to
32 influence, persuade, or induce an individual to contract for services
33 regulated under this chapter.

34 13200.10. (a) The requirements of this chapter shall be
35 enforced by the State Fire Marshal pursuant to Sections 13145 and
36 13146.

37 (b) The State Fire Marshal may inspect project worksites where
38 work on fire suppression systems is being performed to ensure
39 that persons performing that work possess valid certificates or
40 permits as required by this chapter. The State Fire Marshal shall

1 require persons performing that work to provide proof of applicable
2 certificates or permits and shall maintain records of inspections
3 conducted for this purpose.

4 (c) In any circumstance in which the State Fire Marshal
5 determines that work on fire suppression systems is being
6 performed in violation of this chapter, he or she shall issue or cause
7 to be issued a stop work order requiring that work to cease. The
8 work shall not be resumed until a full investigation has been
9 undertaken and verification has been made that all work on the
10 fire suppression system in question has been performed by duly
11 authorized persons.

12 13200.11. (a) The State Fire Marshal shall revoke or suspend
13 a sprinkler fitter certificate or sprinkler fitter apprentice permit, or
14 reprimand a certificate holder or permitholder, for incompetence
15 or for any violation of this chapter or of rules or regulations of the
16 State Fire Marshal issued pursuant to this chapter.

17 (b) (1) Any person who violates any provision of this chapter
18 or any applicable rule, regulation, permit or other order of the State
19 Fire Marshal shall be subject to a civil penalty of not less than five
20 hundred dollars (\$500) and not more than one thousand dollars
21 (\$1,000) for each act or violation.

22 (2) Each day a person performs work on a fire suppression
23 system without a valid sprinkler fitter certificate or apprentice
24 permit shall constitute a separate violation.

25 (c) Any person licensed under Chapter 9 (commencing with
26 Section 7000) of Division 3 of the Business and Professions Code
27 who violates any provision of this chapter shall be subject to
28 Section 7110 of the Business and Professions Code and,
29 accordingly, shall be subject to disciplinary action by the
30 Contractors' State License Board.

31 (d) A person who knowingly or willfully violates this chapter
32 or any applicable rule or regulation adopted pursuant to this chapter
33 shall be guilty of a misdemeanor.

34 SEC. 3. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because
36 the only costs that may be incurred by a local agency or school
37 district will be incurred because this act creates a new crime or
38 infraction, eliminates a crime or infraction, or changes the penalty
39 for a crime or infraction, within the meaning of Section 17556 of
40 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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