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**SUBSTITUTE HOUSE BILL 2224**

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**State of Washington                      61st Legislature                      2009 Regular Session**

**By** House Local Government & Housing (originally sponsored by Representative Simpson)

READ FIRST TIME 02/23/09.

1            AN ACT Relating to installation of residential fire sprinkler  
2 systems; amending RCW 18.160.050, 82.02.100, and 70.119A.180; adding a  
3 new section to 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.

16           **Sec. 2.**    RCW 18.160.050 and 2008 c 155 s 2 are each amended to read  
17 as follows:

18           (1)(a) All certificate of competency holders that desire to

1 continue in the fire protection sprinkler business shall annually,  
2 prior to January 1, secure from the state director of fire protection  
3 a renewal certificate of competency upon payment of the fee as  
4 prescribed by the state director of fire protection. Application for  
5 renewal shall be upon a form prescribed by the state director of fire  
6 protection and the certificate holder shall furnish the information  
7 required by the director.

8 (b) Failure of any certificate of competency holder to secure his  
9 or her renewal certificate of competency within sixty days after the  
10 due date shall constitute sufficient cause for the state director of  
11 fire protection to suspend the certificate of competency.

12 (c) The state director of fire protection may, upon the receipt of  
13 payment of all delinquent fees including a late charge, restore a  
14 certificate of competency that has been suspended for failure to pay  
15 the renewal fee.

16 (d) A certificate of competency holder may voluntarily surrender  
17 his or her certificate of competency to the state director of fire  
18 protection and be relieved of the annual renewal fee. After  
19 surrendering the certificate of competency, he or she shall not be  
20 known as a certificate of competency holder and shall desist from the  
21 practice thereof. Within two years from the time of surrender of the  
22 certificate of competency, he or she may again qualify for a  
23 certificate of competency, without examination, by the payment of the  
24 required fee. If two or more years have elapsed, he or she shall  
25 return to the status of a new applicant.

26 (2)(a) All licensed fire protection sprinkler system contractors  
27 desiring to continue to be licensed shall annually, prior to January 1,  
28 secure from the state director of fire protection a renewal license  
29 upon payment of the fee as prescribed by the state director of fire  
30 protection. Application for renewal shall be upon a form prescribed by  
31 the state director of fire protection and the license holder shall  
32 furnish the information required by the director.

33 (b) Failure of any license holder to secure his or her renewal  
34 license within sixty days after the due date shall constitute  
35 sufficient cause for the state director of fire protection to suspend  
36 the license.

37 (c) The state director of fire protection may, upon the receipt of

1 payment of all delinquent fees including a late charge, restore a  
2 license that has been suspended for failure to pay the renewal fee.

3 (3) The initial certificate of competency or license fee shall be  
4 prorated based upon the portion of the year such certificate of  
5 competency or license is in effect, prior to renewal on January 1.

6 (4) The fire protection contractor license fund is created in the  
7 custody of the state treasurer. All receipts from license and  
8 certificate fees and charges or from the money generated by the rules  
9 and regulations promulgated under this chapter shall be deposited into  
10 the fund. Expenditures from the fund may be used only for purposes  
11 authorized under this chapter and standards for fire protection and its  
12 enforcement, with respect to all hospitals as required by RCW  
13 70.41.080(~~(, and)~~); for providing assistance in identifying fire  
14 sprinkler system components that have been subject to either a recall  
15 or voluntary replacement program by a manufacturer of fire sprinkler  
16 products, a nationally recognized testing laboratory, or the federal  
17 consumer product safety commission; and for use in developing and  
18 publishing educational materials related to the effectiveness of  
19 residential fire sprinklers. Assistance shall include, but is not  
20 limited to, aiding in the identification of recalled components,  
21 information sharing strategies aimed at ensuring the consumer is made  
22 aware of recalls and voluntary replacement programs, and providing  
23 training and assistance to local fire authorities, the fire sprinkler  
24 industry, and the public. Only the state director of fire protection  
25 or the director's designee may authorize expenditures from the fund.  
26 The fund is subject to allotment procedures under chapter 43.88 RCW,  
27 but no appropriation is required for expenditures.

28 **Sec. 3.** RCW 82.02.100 and 1992 c 219 s 2 are each amended to read  
29 as follows:

30 (1) A person required to pay a fee pursuant to RCW 43.21C.060 for  
31 system improvements shall not be required to pay an impact fee under  
32 RCW 82.02.050 through 82.02.090 for those same system improvements.

33 (2) A person installing a residential fire sprinkler system in a  
34 single-family home shall not be required to pay the fire operations  
35 portion of the impact fee. The exempted fire operations impact fee  
36 shall not include the proportionate share related to the delivery of  
37 emergency medical services.

1           **Sec. 4.** RCW 70.119A.180 and 2003 1st sp.s. c 5 s 7 are each  
2 amended to read as follows:

3           (1) It is the intent of the legislature that the department  
4 establish water use efficiency requirements designed to ensure  
5 efficient use of water while maintaining water system financial  
6 viability, improving affordability of supplies, and enhancing system  
7 reliability.

8           (2) The requirements of this section shall apply to all municipal  
9 water suppliers and shall be tailored to be appropriate to system size,  
10 forecasted system demand, and system supply characteristics.

11           (3) For the purposes of this section:

12           (a) Water use efficiency includes conservation planning  
13 requirements, water distribution system leakage standards, and water  
14 conservation performance reporting requirements; and

15           (b) "Municipal water supplier" and "municipal water supply  
16 purposes" have the meanings provided by RCW 90.03.015.

17           (4) To accomplish the purposes of this section, the department  
18 shall adopt rules necessary to implement this section by December 31,  
19 2005. The department shall:

20           (a) Develop conservation planning requirements that ensure  
21 municipal water suppliers are: (i) Implementing programs to integrate  
22 conservation with water system operation and management; and (ii)  
23 identifying how to appropriately fund and implement conservation  
24 activities. Requirements shall apply to the conservation element of  
25 water system plans and small water system management programs developed  
26 pursuant to chapter 43.20 RCW. In establishing the conservation  
27 planning requirements the department shall review the current  
28 department conservation planning guidelines and include those elements  
29 that are appropriate for rule. Conservation planning requirements  
30 shall include but not be limited to:

31           (A) Selection of cost-effective measures to achieve a system's  
32 water conservation objectives. Requirements shall allow the municipal  
33 water supplier to select and schedule implementation of the best  
34 methods for achieving its conservation objectives;

35           (B) Evaluation of the feasibility of adopting and implementing  
36 water delivery rate structures that encourage water conservation;

37           (C) Evaluation of each system's water distribution system leakage

1 and, if necessary, identification of steps necessary for achieving  
2 water distribution system leakage standards developed under (b) of this  
3 subsection;

4 (D) Collection and reporting of water consumption and source  
5 production and/or water purchase data. Data collection and reporting  
6 requirements shall be sufficient to identify water use patterns among  
7 utility customer classes, where applicable, and evaluate the  
8 effectiveness of each system's conservation program. Requirements,  
9 including reporting frequency, shall be appropriate to system size and  
10 complexity. Reports shall be available to the public; and

11 (E) Establishment of minimum requirements for water demand forecast  
12 methodologies such that demand forecasts prepared by municipal water  
13 suppliers are sufficient for use in determining reasonably anticipated  
14 future water needs;

15 (b) Develop water distribution system leakage standards to ensure  
16 that municipal water suppliers are taking appropriate steps to reduce  
17 water system leakage rates or are maintaining their water distribution  
18 systems in a condition that results in leakage rates in compliance with  
19 the standards. The standards shall include estimated additional  
20 metering losses and demand increases due to meter upsizing required  
21 when a residential fire sprinkler system is installed. Limits shall be  
22 developed in terms of percentage of total water produced and/or  
23 purchased and shall not be lower than ten percent. The department may  
24 consider alternatives to the percentage of total water supplied where  
25 alternatives provide a better evaluation of the water system's leakage  
26 performance. The department shall institute a graduated system of  
27 requirements based on levels of water system leakage. A municipal  
28 water supplier shall select one or more control methods appropriate for  
29 addressing leakage in its water system;

30 (c) Establish minimum requirements for water conservation  
31 performance reporting to assure that municipal water suppliers are  
32 regularly evaluating and reporting their water conservation  
33 performance. The objective of setting conservation goals is to enhance  
34 the efficient use of water by the water system customers. Performance  
35 reporting shall include:

36 (i) Requirements that municipal water suppliers adopt and achieve  
37 water conservation goals. The elected governing board or governing  
38 body of the water system shall set water conservation goals for the

1 system. In setting water conservation goals the water supplier may  
2 consider historic conservation performance and conservation investment,  
3 customer base demographics, regional climate variations, forecasted  
4 demand and system supply characteristics, system financial viability,  
5 system reliability, and affordability of water rates. Conservation  
6 goals shall be established by the municipal water supplier in an open  
7 public forum;

8 (ii) Requirements that the municipal water supplier adopt schedules  
9 for implementing conservation program elements and achieving  
10 conservation goals to ensure that progress is being made toward adopted  
11 conservation goals;

12 (iii) A reporting system for regular reviews of conservation  
13 performance against adopted goals. Performance reports shall be  
14 available to customers and the public. Requirements, including  
15 reporting frequency, shall be appropriate to system size and  
16 complexity;

17 (iv) Requirements that any system not meeting its water  
18 conservation goals shall develop a plan for modifying its conservation  
19 program to achieve its goals along with procedures for reporting  
20 performance to the department;

21 (v) If a municipal water supplier determines that further  
22 reductions in consumption are not reasonably achievable, it shall  
23 identify how current consumption levels will be maintained;

24 (d) Adopt rules that, to the maximum extent practical, utilize  
25 existing mechanisms and simplified procedures in order to minimize the  
26 cost and complexity of implementation and to avoid placing unreasonable  
27 financial burden on smaller municipal systems.

28 (5) The department shall establish an advisory committee to assist  
29 the department in developing rules for water use efficiency. The  
30 advisory committee shall include representatives from public water  
31 system customers, environmental interest groups, business interest  
32 groups, a representative cross-section of municipal water suppliers, a  
33 water utility conservation professional, tribal governments, the  
34 department of ecology, and any other members determined necessary by  
35 the department. The department may use the water supply advisory  
36 committee created pursuant to RCW 70.119A.160 augmented with additional  
37 participants as necessary to comply with this subsection to assist the  
38 department in developing rules.

1 (6) The department shall provide technical assistance upon request  
2 to municipal water suppliers and local governments regarding water  
3 conservation, which may include development of best management  
4 practices for water conservation programs, conservation landscape  
5 ordinances, conservation rate structures for public water systems, and  
6 general public education programs on water conservation.

7 (7) To ensure compliance with this section, the department shall  
8 establish a compliance process that incorporates a graduated approach  
9 employing the full range of compliance mechanisms available to the  
10 department.

11 (8) Prior to completion of rule making required in subsection (4)  
12 of this section, municipal water suppliers shall continue to meet the  
13 existing conservation requirements of the department and shall continue  
14 to implement their current water conservation programs.

15 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.119A  
16 RCW to read as follows:

17 A public water system is not liable for damages resulting from  
18 shutting off water to a residential home with an installed fire  
19 sprinkler system if the shut off is due to: (1) Routine maintenance;  
20 (2) nonpayment by the customer; or (3) water system emergencies.

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