

ESHB 1295 - S COMM AMD

By Committee on Government Operations, Tribal Relations & Elections

ADOPTED AS AMENDED 04/11/2011

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that fire
4 sprinkler systems in private residences may prevent catastrophic losses
5 of life and property, but that financial, technical, and other issues
6 often discourage property owners from installing these protective
7 systems.

8 It is the intent of the legislature to eradicate barriers that
9 prevent the voluntary installation of sprinkler systems in private
10 residences by promoting education regarding the effectiveness of
11 residential fire sprinklers, and by providing financial and regulatory
12 incentives to homeowners, builders, and water purveyors for voluntarily
13 installing the systems. It is the further intent of the legislature to
14 fully preserve the rulings of *Fisk v. City of Kirkland*, 164 Wn.2d 891
15 (2008), *Stiefel v. City of Kent*, 132 Wn. App.523 (2006), and similar
16 cases.

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

19 (1)(a) All certificate of competency holders that desire to
20 continue in the fire protection sprinkler business shall annually,
21 prior to January 1st, secure from the state director of fire protection
22 a renewal certificate of competency upon payment of the fee as
23 prescribed by the state director of fire protection. Application for
24 renewal shall be upon a form prescribed by the state director of fire
25 protection and the certificate holder shall furnish the information
26 required by the director.

27 (b) Failure of any certificate of competency holder to secure his
28 or her renewal certificate of competency within sixty days after the

1 due date shall constitute sufficient cause for the state director of
2 fire protection to suspend the certificate of competency.

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

7 (d) A certificate of competency holder may voluntarily surrender
8 his or her certificate of competency to the state director of fire
9 protection and be relieved of the annual renewal fee. After
10 surrendering the certificate of competency, he or she shall not be
11 known as a certificate of competency holder and shall desist from the
12 practice thereof. Within two years from the time of surrender of the
13 certificate of competency, he or she may again qualify for a
14 certificate of competency, without examination, by the payment of the
15 required fee. If two or more years have elapsed, he or she shall
16 return to the status of a new applicant.

17 (2)(a) All licensed fire protection sprinkler system contractors
18 desiring to continue to be licensed shall annually, prior to January
19 1st, secure from the state director of fire protection a renewal
20 license upon payment of the fee as prescribed by the state director of
21 fire protection. Application for renewal shall be upon a form
22 prescribed by the state director of fire protection and the license
23 holder shall furnish the information required by the director.

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

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

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

34 (4) The fire protection contractor license fund is created in the
35 custody of the state treasurer. All receipts from license and
36 certificate fees and charges or from the money generated by the rules
37 and regulations promulgated under this chapter shall be deposited into
38 the fund. Expenditures from the fund may be used only for purposes

1 authorized under this chapter and standards for fire protection and its
2 enforcement, with respect to all hospitals as required by RCW
3 70.41.080(~~(, and)~~); for providing assistance in identifying fire
4 sprinkler system components that have been subject to either a recall
5 or voluntary replacement program by a manufacturer of fire sprinkler
6 products, a nationally recognized testing laboratory, or the federal
7 consumer product safety commission; and for use in developing and
8 publishing educational materials related to the effectiveness of
9 residential fire sprinklers. Assistance shall include, but is not
10 limited to, aiding in the identification of recalled components,
11 information sharing strategies aimed at ensuring the consumer is made
12 aware of recalls and voluntary replacement programs, and providing
13 training and assistance to local fire authorities, the fire sprinkler
14 industry, and the public. Only the state director of fire protection
15 or the director's designee may authorize expenditures from the fund.
16 The fund is subject to allotment procedures under chapter 43.88 RCW,
17 but no appropriation is required for expenditures.

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

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

23 (2) A person installing a residential fire sprinkler system in a
24 single-family home shall not be required to pay the fire operations
25 portion of the impact fee. The exempted fire operations impact fee
26 shall not include the proportionate share related to the delivery of
27 emergency medical services.

28 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.119A
29 RCW to read as follows:

30 (1) A person or purveyor that owns, operates, or maintains a public
31 water system shall not be liable for damages resulting from shutting
32 off water to a residential home with an installed fire sprinkler system
33 if the shut off is due to: (a) Routine maintenance; (b) nonpayment by
34 the customer; or (c) a water system emergency.

35 (2) Any governmental or municipal corporation, including but not
36 limited to special districts, shall be deemed to be exercising a

1 governmental function when it acts or undertakes to supply water,
2 within or without its corporate limits, to a residential home with an
3 installed fire sprinkler system."

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4 On page 1, line 2 of the title, after "systems;" strike the
5 remainder of the title and insert "amending RCW 18.160.050 and
6 82.02.100; adding a new section to chapter 70.119A RCW; and creating a
7 new section."

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