

HOUSE BILL REPORT

HB 1295

As Reported by House Committee On:
Local Government

Title: An act relating to installation of residential fire sprinkler systems.

Brief Description: Concerning the installation of residential fire sprinkler systems.

Sponsors: Representatives Van De Wege, Hurst, Tharinger, Fitzgibbon and Liias.

Brief History:

Committee Activity:

Local Government: 2/8/11, 2/15/11 [DPS].

Brief Summary of Substitute Bill

- Allows fire protection contract license fund expenditures to be used for generating residential fire sprinkler educational materials.
- Exempts persons installing a residential fire sprinkler system from paying the fire operations portion of the impact fee not including the individual's fair share of emergency medical service delivery costs.
- Expressly defines water distribution system leakage standards.
- Provides immunity to public water systems without imposing duties or liabilities on these systems that do not exist under the law regarding damages from shutting off the water to a residential home with an installed fire sprinkler system under certain circumstances.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Takko, Chair; Tharinger, Vice Chair; Angel, Ranking Minority Member; Asay, Assistant Ranking Minority Member; Fitzgibbon, Rodne, Smith, Springer and Upthegrove.

Staff: Miranda Leskinen (786-7291) and Ethan Moreno (786-7386).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A fire protection sprinkler system is a series of pipes connected to the primary water supply of a residence that transfers water to extinguish, control, or contain a fire. Sprinkler systems provide protection from exposure to fire or other combusted materials.

Fire Protection Contractor License Account.

Fire protection sprinkler systems contractors must obtain and maintain a license issued by the State Director of Fire Protection. An annually-renewed certificate of competency is also required of individuals who install sprinkler systems. Both the contractor's license and certificate of competency are subject to a required annual renewal fee, the proceeds of which are placed in the Fire Protection Contractor License Account (Account) along with funds generated from related rules and regulations.

Expenditures of this Account may be used for limited purposes, including:

- hospital fire protection inspections; and
- assistance with activities that identify recalled sprinkler system components.

Impact Fees.

Counties, cities, and towns planning under the Growth Management Act may impose impact fees on development activity to help pay for public facilities. Persons required to pay impact fees cannot also be required to pay a fee for comparable purposes under the state Environmental Policy Act.

Role of the Department of Health.

The Department of Health (Department) must develop leakage standards for water distribution systems as part of an overall effort to promote water use efficiency. The Department must establish a compliance process for municipal water suppliers regarding these standards, as well as provide technical and compliance assistance to municipal water suppliers and local governments upon request.

Summary of Substitute Bill:

The Fire Protection Contractor License Account expenditures may be used for generating educational material related to residential fire sprinkler effectiveness. Individuals installing a residential fire sprinkler system in a single-family home are exempted from paying the fire operations portion of the impact fee not including their fair share of the costs for emergency medical services delivery. Water distribution system leakage standards are expressly defined to include:

- estimated additional metering losses; and
- demand increases due to meter upsizing required when a residential fire sprinkler system is installed.

A public water system is provided immunity from damages incurred from shutting off the water to a residential home with an installed fire sprinkler system if the shutoff is due to the following:

- routine water system management;
- customer nonpayment for service; or
- water system emergencies.

However, no duty or liability may be imposed on public water systems that do not exist under the law in effect on the effective date of section 5.

Substitute Bill Compared to Original Bill:

Language is added to ensure that the existing liability protection cities and municipal utilities have under the public duty doctrine and recent court cases such as *Stiefel v. City of Kent*, 132 Wn.App.523 (2006) is not potentially narrowed.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Residential fire sprinkler systems save lives and property. A 2008 study conducted by the State Building Code Council identified numerous barriers, such as cost, that deter the installation of these life-saving systems. Voluntary installation of residential fire sprinkler systems needs to be incentivized by removing barriers that exist in the code today through efforts such as the provision of education on the effectiveness of these systems.

(In support with concerns) There have been concerns in the past regarding this topic in relation to an underlying cost shift that would have factored into the implementation of a lot of installation activity, which is not an issue in this bill. That being said, the liability waiver for a public water system needs to be addressed to ensure that it is fair and balanced.

(Opposed) None.

Persons Testifying: (In support) Representative Van de Wege, prime sponsor; Clare Ray Allshouse, Washington State Building Code Council, Washington Association of Building Officials and City of Shoreline; Jim Kambeitz, Washington State Association of Fire Marshals; Paul O'Connor, Fire Sprinkler Advisory Board of Puget Sound; and Wayne Senter, Washington Fire Chiefs.

(In support with concerns) Steve Lindstrum, Snohomish/King County Water District Coalition.

Persons Signed In To Testify But Not Testifying: None.