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**SUBSTITUTE SENATE BILL 5206**

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**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** Senate Government Operations, Tribal Relations & Elections  
(originally sponsored by Senators Kohl-Welles, Swecker, Nelson, and Chase)

READ FIRST TIME 02/15/11.

1 AN ACT Relating to installation of residential fire sprinkler  
2 systems; amending RCW 18.160.050 and 82.02.100; adding a new section to  
3 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. It is the further intent of the legislature to  
16 fully preserve the rulings of *Fisk v. City of Kirkland*, 164 Wn.2d 891,  
17 194 P.3d 984 (2008); *Stiefel v. City of Kent*, 132 Wn.App. 523, 132 P.3d  
18 1111 (2006), and similar cases.

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

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

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

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

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

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

36       (b) Failure of any license holder to secure his or her renewal  
37 license within sixty days after the due date shall constitute

1 sufficient cause for the state director of fire protection to suspend  
2 the license.

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 license that has been suspended for failure to pay the renewal fee.

6 (3) The initial certificate of competency or license fee shall be  
7 prorated based upon the portion of the year such certificate of  
8 competency or license is in effect, prior to renewal on January 1<sup>st</sup>.

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

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

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

36 (2) A person installing a residential fire sprinkler system in a  
37 single-family home shall not be required to pay the fire operations

1 portion of the impact fee. The exempted fire operations impact fee  
2 shall not include the proportionate share related to the delivery of  
3 emergency medical services.

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

6 (1) A public water system is not liable for damages resulting from  
7 shutting off water to a residential home with an installed fire  
8 sprinkler system if the shut off is due to: (a) Routine maintenance;  
9 (b) nonpayment by the customer; or (c) water system emergencies.

10 (2) This section does not impose any duty or liability on public  
11 water systems that do not already exist under current law.

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