
SENATE BILL 5206

State of Washington

62nd Legislature

2011 Regular Session

By Senators Kohl-Welles, Swecker, Nelson, and Chase

Read first time 01/18/11. Referred to Committee on Government Operations, Tribal Relations & Elections.

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 1st, 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
28 1st, secure from the state director of fire protection a renewal
29 license upon payment of the fee as prescribed by the state director of
30 fire protection. Application for renewal shall be upon a form
31 prescribed by the state director of fire protection and the license
32 holder shall 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 1st.

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 2010 1st sp.s. c 7 s 121 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 provide technical assistance upon request
29 to municipal water suppliers and local governments regarding water
30 conservation, which may include development of best management
31 practices for water conservation programs, conservation landscape
32 ordinances, conservation rate structures for public water systems, and
33 general public education programs on water conservation.

34 (6) To ensure compliance with this section, the department shall
35 establish a compliance process that incorporates a graduated approach
36 employing the full range of compliance mechanisms available to the
37 department.

1 (7) Prior to completion of rule making required in subsection (4)
2 of this section, municipal water suppliers shall continue to meet the
3 existing conservation requirements of the department and shall continue
4 to implement their current water conservation programs.

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

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

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