

2SSB 5425 - H COMM AMD

By Committee on Labor & Workplace Standards

ADOPTED 04/11/2023

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

3 **"Sec. 1.** RCW 18.160.030 and 2003 c 74 s 1 are each amended to
4 read as follows:

5 (1) This chapter shall be administered by the state director of
6 fire protection.

7 (2) The state director of fire protection shall have the
8 authority, and it shall be his or her duty to:

9 (a) Issue such administrative regulations as necessary for the
10 administration of this chapter;

11 (b) (i) Set reasonable fees for licenses, certificates, testing,
12 and other aspects of the administration of this chapter. However, the
13 license fee for fire protection sprinkler system contractors engaged
14 solely in the installation, inspection, maintenance, or servicing of
15 NFPA 13-D fire protection sprinkler systems shall not exceed (~~one~~
16 ~~hundred dollars~~) \$125, and the license fee for fire protection
17 sprinkler system contractors engaged solely in the installation,
18 inspection, maintenance, or servicing of NFPA 13-R fire protection
19 sprinkler systems shall not exceed (~~three hundred dollars~~) \$375;

20 (ii) Adopt rules establishing a special category restricted to
21 contractors registered under chapter 18.27 RCW who install
22 underground systems that service fire protection sprinkler systems.
23 The rules shall be adopted within (~~ninety~~) 90 days of March 31,
24 1992;

25 (iii) Subject to RCW 18.160.120, adopt rules defining infractions
26 under this chapter and fines to be assessed for those infractions;

27 (c) Enforce the provisions of this chapter;

28 (d) Conduct investigations of complaints to determine if any
29 infractions of this chapter or the regulations developed under this
30 chapter have occurred;

31 (e) Assign a certificate number to each certificate of competency
32 holder; and

1 (f) Adopt rules necessary to implement and administer a program
2 which requires the affixation of a seal any time a fire protection
3 sprinkler system is installed, which seal shall include the
4 certificate number of any certificate of competency holder who
5 installs, in whole or in part, the fire protection sprinkler system.

6 **Sec. 2.** RCW 18.160.050 and 2018 c 37 s 1 are each amended to
7 read as follows:

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

16 (b) Failure of any certificate of competency holder to secure his
17 or her renewal certificate of competency within (~~sixty~~) 60 days
18 after the due date shall constitute sufficient cause for the state
19 director of fire protection to suspend the certificate of competency.

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

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

34 (2)(a) All licensed fire protection sprinkler system contractors
35 desiring to continue to be licensed shall annually, prior to January
36 1st, secure from the state director of fire protection a renewal
37 license upon payment of the fee as prescribed by the state director
38 of fire protection. Application for renewal shall be upon a form

1 prescribed by the state director of fire protection and the license
2 holder shall furnish the information required by the director.

3 (b) Failure of any license holder to secure his or her renewal
4 license within (~~sixty~~) 60 days after the due date shall constitute
5 sufficient cause for the state director of fire protection to suspend
6 the license.

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

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

13 (4) The fire protection contractor license fund is created in the
14 custody of the state treasurer. (~~All~~) Except for penalties received
15 under RCW 18.160.120, all receipts from license and certificate fees
16 and charges or from the money generated by the rules and regulations
17 promulgated under this chapter shall be deposited into the fund.
18 Expenditures from the fund may be used only for purposes authorized
19 under this chapter and for providing assistance in identifying fire
20 sprinkler system components that have been subject to either a recall
21 or voluntary replacement program by a manufacturer of fire sprinkler
22 products, a nationally recognized testing laboratory, or the federal
23 consumer product safety commission; and for use in developing and
24 publishing educational materials related to the effectiveness of
25 residential fire sprinklers. Assistance shall include, but is not
26 limited to, aiding in the identification of recalled components,
27 information sharing strategies aimed at ensuring the consumer is made
28 aware of recalls and voluntary replacement programs, and providing
29 training and assistance to local fire authorities, the fire sprinkler
30 industry, and the public. Only the state director of fire protection
31 or the director's designee may authorize expenditures from the fund.
32 The fund is subject to allotment procedures under chapter 43.88 RCW,
33 but no appropriation is required for expenditures.

34 **Sec. 3.** RCW 18.160.120 and 2003 c 74 s 2 are each amended to
35 read as follows:

36 (1) A fire protection sprinkler system contractor found to have
37 committed an infraction under this chapter as defined in rule under
38 RCW 18.160.030(2)(b)(iii) shall be assessed a fine of not less than
39 (~~two hundred dollars~~) \$300 and not more than (~~five thousand~~

1 dollars)) \$7,500 for the first infraction, a fine of not less than
2 \$400 and not more than \$10,000 for a second infraction by the same
3 contractor, and a fine of not less than \$1,000 and not more than
4 \$15,000 for the third and any subsequent infractions by the same
5 contractor.

6 (2) A fire protection sprinkler system contractor who fails to
7 obtain a certificate of competency under RCW 18.160.040 shall be
8 assessed a fine of not less than (~~one thousand dollars~~) \$1,500 and
9 not more than (~~five thousand dollars~~) \$7,500 for the first
10 infraction, and a fine of not less than \$2,500 and not more than
11 \$10,000 for a second infraction by the same contractor, and a fine of
12 not less than \$5,000 and not more than \$25,000 for the third and any
13 subsequent infractions by the same contractor.

14 (3) All fines collected under this section shall be deposited
15 into the fire protection (~~contractor license fund~~) compliance
16 account.

17 NEW SECTION. Sec. 4. A new section is added to chapter 18.160
18 RCW to read as follows:

19 The fire protection compliance account is created in the custody
20 of the state treasurer. All fines collected under RCW 18.160.120 and
21 the rules and regulations adopted under RCW 18.160.120 must be
22 deposited into the account. Expenditures from the account may only be
23 used for the purposes of enforcing this chapter. Only the state
24 director of fire protection or their designee may authorize
25 expenditures from the account. The account is subject to allotment
26 procedures under chapter 43.88 RCW, but no appropriation is required
27 for expenditures.

28 **Sec. 5.** RCW 18.270.020 and 2007 c 435 s 3 are each amended to
29 read as follows:

30 (1) No person may engage in the trade of fire protection
31 sprinkler fitting without having a valid journey-level sprinkler
32 fitter certificate, residential sprinkler fitter certificate,
33 training certificate, or temporary certificate, with the exception of
34 a certified plumber installing a residential fire protection
35 sprinkler system connected to potable water requiring a plumbing
36 certificate.

37 (2)(a) A person issued a training certificate under this chapter
38 may perform fire protection sprinkler fitting work if that person is

1 under supervision. Supervision must consist of the trainee being on
2 the same jobsite and under the control of either a residential or
3 journey-level fire protection sprinkler fitter certified to perform
4 the type of work the trainee-level sprinkler fitter is performing.
5 The ratio of trainees to certified fire protection sprinkler fitters
6 on a jobsite is:

7 (i) For trainees performing residential fire protection sprinkler
8 fitter work, not more than two trainees for every certified
9 residential or journey-level fire protection sprinkler fitter; and

10 (ii) For trainees performing journey-level fire protection
11 sprinkler fitter work, not more than one trainee for every certified
12 journey-level fire protection sprinkler fitter.

13 (b) It is a violation of this chapter for a contractor to allow a
14 trainee to perform sprinkler fitting work covered under this chapter
15 without supervision or out of compliance with the ratios as
16 prescribed in this subsection (2).

17 (3) No contractor may employ a person in violation of subsection
18 (1) of this section to perform fire protection sprinkler fitting
19 work.

20 ~~((+3))~~ (4) A person found by the director to have committed an
21 infraction under this chapter shall be assessed a monetary penalty as
22 set by rule.

23 ~~((+4))~~ (5) Each day in which a person engages in the trade of
24 fire protection sprinkler fitting in violation of subsection (1) of
25 this section, allows a trainee to work unsupervised or out of ratio
26 in violation of subsection (2) of this section, or employs a person
27 in violation of subsection ~~((+2))~~ (3) of this section is considered
28 a separate infraction.

29 **Sec. 6.** RCW 18.270.070 and 2007 c 435 s 8 are each amended to
30 read as follows:

31 An authorized representative of the director ~~((may))~~ must
32 investigate alleged violations of this chapter. Upon request of an
33 authorized representative, a person performing fire protection
34 sprinkler fitting or residential sprinkler fitting work must produce
35 evidence of a certificate issued by the director in accordance with
36 this chapter. Failure to produce such evidence is an infraction as
37 provided by RCW 18.270.020.

1 NEW SECTION. **Sec. 7.** This act takes effect January 1, 2024."

2 Correct the title.

EFFECT: Makes the bill take effect on January 1, 2024 (rather than 90 days after the adjournment of the legislative session).

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