

HOUSE BILL REPORT

2SSB 5425

As Passed House - Amended:

April 11, 2023

Title: An act relating to fire protection sprinkler system contractors.

Brief Description: Concerning fire protection sprinkler system contractors.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Salomon, Keiser, Boehnke, Wilson, J. and Conway).

Brief History:

Committee Activity:

Labor & Workplace Standards: 3/17/23, 3/24/23 [DPA];

Appropriations: 4/1/23, 4/4/23 [DPA(LAWS)].

Floor Activity:

Passed House: 4/11/23, 96-1.

Brief Summary of Second Substitute Bill (As Amended by House)

- Increases fees for obtaining a license to operate as a fire protection sprinkler system contractor.
- Increases fines for violating state laws and regulations pertaining to fire protection sprinkler systems and requires those fines to be deposited into the Fire Protection Compliance Account.
- Requires persons with a trainee-level fire protection sprinkler fitter certificate to be supervised by a person with either a journey-level or residential fire protection sprinkler fitter certificate according to certain ratios.
- Directs the State Director of Fire Protection to investigate alleged violations of the laws and rules related to fire protection sprinkler fitters.

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

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass as amended. Signed by 9 members: Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske, Connors, Doglio, Ormsby and Ortiz-Self.

Staff: Kelly Leonard (786-7147).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Labor & Workplace Standards. Signed by 24 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg, Connors, Couture, Davis, Dye, Fitzgibbon, Hansen, Harris, Lekanoff, Pollet, Riccelli, Rude, Ryu, Sandlin, Senn, Simmons, Slatter, Springer, Stonier and Tharinger.

Minority Report: Do not pass. Signed by 6 members: Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler, Schmick and Steele.

Staff: Yvonne Walker (786-7841).

Background:

Fire Protection Sprinkler Systems and Contractors.

The Washington State Director of Fire Protection (Director), formerly referred to as the Washington State Fire Marshal, issues licenses and certificates to businesses and individuals performing design, installation, testing, and maintenance on all aspects of fire sprinkler systems. A fire protection sprinkler system is an assembly of underground and overhead piping or conduit, or both, beginning at the connection to the primary water supply, whether public or private, that conveys water with or without other agents to dispersal openings or devices to extinguish, control, or contain fire and to provide protection from exposure to fire or other products of combustion.

A fire protection sprinkler system contractor (contractor) is a person or organization that offers to undertake the execution of contracts for the installation, inspection, maintenance, or servicing of a fire protection sprinkler system or any part of such a system. In order to be licensed as a contractor, a person or firm must have a valid certificate of competency, comply with certain insurance requirements, file an application, and pay required fees. A person must have passed an examination and meet other requirements to obtain a certificate of competency, and the Director currently issues different certificates based on classification levels. Licensing fees are also set by the Director and may not exceed:

- \$100 for contractors who work on National Fire Protection Association (NFPA) 13D systems, for one- or two-family residential dwellings or mobile homes; and

- \$300 for contractors who work on NFPA 13R system, for residential dwellings up to four stories in height.

The Director may adopt rules pertaining to fire sprinkler systems, and may issue infractions for violations of applicable state laws and agency rules. This includes, for example, installing fire sprinkler systems contrary to NFPA codes, working without valid permits, performing work without a certificate of competency, working with an expired license, or demonstrating gross incompetency or negligence. A contractor who commits an infraction is subject to a fine of no less than \$200 and no more than \$5,000. Additionally, a contractor who fails to obtain a certificate of competency is subject to a fine of no less than \$1,000 and no more than \$5,000.

Revenues from license fees, charges, and fines are deposited into the Fire Protection Contractor License Fund, which may only be used for identifying fire sprinkler system components that are subject to a recall or voluntary replacement, and developing and publishing educational materials regarding the effectiveness of residential fire sprinklers.

Fire Protection Sprinkler Fitting.

The Director also administers requirements governing fire protection sprinkler fitting, which includes installing, altering, and repairing sprinkler, standpipe, hose, or other hazard systems for fire protection purposes that are an assembly of piping or conduit beginning at the connection to the primary water supply within a building, sprinkler tank heaters, air lines, and all tanks and pumps attached thereto.

The Director administers examinations for and issues certificates of competency for performing fire protection sprinkler fitting, and has discretion to investigate alleged violations of state requirements pertaining to fire protection sprinkler fitting. Penalties for infractions are set by rule.

With limited exceptions, a person may not engage fire protection sprinkler fitting without having:

- a journey-level sprinkler fitter certificate, which allows a person to work on both residential and commercial sprinkler systems;
- a residential sprinkler fitter certificate, which allows a person to work on residential (NFPA 13R and 13D) fire protection sprinkler systems; or
- a trainee-level sprinkler fitter certificate, which allows a person to work under the supervision of a person with a journey-level or residential sprinkler fitter certificate.

A fire protection sprinkler system contractor can employ a person with a valid certificate in order to complete sprinkler fitting work.

Summary of Amended Bill:

Fire Protection Sprinkler Systems and Contractors.

The maximum licensing fees for fire protection sprinkler system contractors are increased to:

- \$125 for contractors who work on NFPA 13D systems; and
- \$375 for contractors who work on NFPA 13R systems.

The minimum and maximum fines for infractions are increased to:

- not less than \$300 and not more than \$7,500, for a first infraction;
- not less than \$400 and not more than \$10,000, for a second infraction; and
- not less than \$1,000 and not more than \$15,000, for a third or any subsequent infraction.

The minimum and maximum fines for failing to obtain a certificate of competency are increased to:

- not less than \$1,500 and not more than \$7,500, for a first infraction;
- not less than \$2,500 and not more than \$10,000, for a second infraction; and
- not less than \$5,000 and not more than \$25,000, for a third or any subsequent infraction.

The Fire Protection Compliance Account (Account) is established in the custody of the State Treasurer. Fines collected for contractor infractions and failure to obtain certificates of competency are to be deposited into this Account. Expenditures from the Account may only be used for enforcing the fire protection statutes, and the Account is subject to allotment procedures, but no appropriation is required for expenditures.

Fire Protection Sprinkler Fitting.

A person with a trainee-level sprinkler fitter certificate may perform fire protection sprinkler fitting work if that person is under supervision. The trainee must be on the same jobsite and under the control of a person with a journey-level or residential sprinkler fitter certificate covering the type of work the trainee is performing. The ratio of trainees to certified sprinkler fitters on a jobsite is:

- for trainees performing residential fire protection sprinkler fitter work, not more than two trainees for every certified residential or journey-level fire protection sprinkler fitter; and
- for trainees performing journey-level fire protection sprinkler fitter work, not more than one trainee for every certified journey-level fire protection sprinkler fitter.

If a contractor allows a trainee to perform work without supervision or out of compliance with the ratios, then the contractor has committed a violation subject to penalties.

The Director must investigate alleged violations of state requirements pertaining to fire protection sprinkler fitting.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on January 1, 2024.

Staff Summary of Public Testimony (Labor & Workplace Standards):

(In support) Fire protection sprinkler systems and related safety issues have been overlooked by an under-resourced State Marshal's Office. It is not uncommon for uncertified workers to conduct installations without proper training. This is a growing problem and an ongoing safety concern. The bill aims to target illegal contractors, including establishing escalating penalties. This will incentivize people to get trained and licensed. By requiring the State Marshal to investigate complaints, it will be given adequate resources to enforce laws.

The bill should be amended to adjust ratios and allow for delayed implementation. There are not enough journey-level fitters to supervise trainees, and this bill may unintentionally create a shortage of available contractors.

(Opposed) The 2-to-1 and 1-to-1 ratios for trainees to certified residential-level or journey-level fitters are not workable. It is going to be really difficult for contractors to comply with these provisions. There needs to be a compromise in order to address the shortage of available workers while also holding contractors to high safety standards.

Staff Summary of Public Testimony (Appropriations):

(In support) It is not unusual to witness uncertified fire sprinkler installers and technicians working on sprinkler systems. Without proper testing and certifications, this sort of behavior and unscrupulous contractors can put the public in harm's way.

There is a growing need for a dedicated fire sprinkler life safety compliance officer. The State Fire Marshal's office is tasked with a wide array of tasks and often the compliance board is neglected. This allows cheating contractors to take advantage of a system that they know does not have the resources to catch them. When a complaint is filed, it can often take a considerable amount of time for the Fire Marsal office to vet the information and perform all the necessary steps to investigate. This bill will help by funding a dedicated compliance officer for the fire and life safety industry and will impose penalties to those illegal sprinkler contractors that break the laws.

(Opposed) None.

Persons Testifying (Labor & Workplace Standards): (In support) Ashton Wolfe; Scott Peterson, United Association Local 699; and Pat Dillon.

(Opposed) Chris Russell, Pacific Northwest Chapter of the American Fire Sprinkler

Association.

Persons Testifying (Appropriations): Scott Peterson, United Association of Sprinkler Fitters Local 699; and Pat Dillon, Fire Chief Equipment.

Persons Signed In To Testify But Not Testifying (Labor & Workplace Standards): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.