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**SUBSTITUTE SENATE BILL 5425**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senate Labor & Commerce (originally sponsored by Senators Salomon, Keiser, Boehnke, J. Wilson, and Conway)

READ FIRST TIME 02/14/23.

1 AN ACT Relating to fire protection sprinkler system contractors;  
2 amending RCW 18.160.030, 18.160.050, 18.160.120, 18.270.020, and  
3 18.270.070; and adding a new section to chapter 18.160 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 18.160.030 and 2003 c 74 s 1 are each amended to  
6 read as follows:

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

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

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

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

1 NFPA 13-R fire protection sprinkler systems shall not exceed ((three  
2 hundred dollars)) \$375;

3 (B) No fees authorized by this subsection (2)(b)(i) may be  
4 increased until 2028;

5 (ii) Adopt rules establishing a special category restricted to  
6 contractors registered under chapter 18.27 RCW who install  
7 underground systems that service fire protection sprinkler systems.  
8 The rules shall be adopted within ((ninety)) 90 days of March 31,  
9 1992;

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

12 (c) Enforce the provisions of this chapter;

13 (d) Conduct investigations of complaints to determine if any  
14 infractions of this chapter or the regulations developed under this  
15 chapter have occurred;

16 (e) Assign a certificate number to each certificate of competency  
17 holder; and

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

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

25 (1)(a) All certificate of competency holders that desire to  
26 continue in the fire protection sprinkler business shall annually,  
27 prior to January 1st, secure from the state director of fire  
28 protection a renewal certificate of competency upon payment of the  
29 fee as prescribed by the state director of fire protection.  
30 Application for renewal shall be upon a form prescribed by the state  
31 director of fire protection and the certificate holder shall furnish  
32 the information required by the director.

33 (b) Failure of any certificate of competency holder to secure his  
34 or her renewal certificate of competency within ((sixty)) 60 days  
35 after the due date shall constitute sufficient cause for the state  
36 director of fire protection to suspend the certificate of competency.

37 (c) The state director of fire protection may, upon the receipt  
38 of payment of all delinquent fees including a late charge, restore a

1 certificate of competency that has been suspended for failure to pay  
2 the renewal fee.

3 (d) A certificate of competency holder may voluntarily surrender  
4 his or her certificate of competency to the state director of fire  
5 protection and be relieved of the annual renewal fee. After  
6 surrendering the certificate of competency, he or she shall not be  
7 known as a certificate of competency holder and shall desist from the  
8 practice thereof. Within two years from the time of surrender of the  
9 certificate of competency, he or she may again qualify for a  
10 certificate of competency, without examination, by the payment of the  
11 required fee. If two or more years have elapsed, he or she shall  
12 return to the status of a new applicant.

13 (2) (a) All licensed fire protection sprinkler system contractors  
14 desiring to continue to be licensed shall annually, prior to January  
15 1st, secure from the state director of fire protection a renewal  
16 license upon payment of the fee as prescribed by the state director  
17 of fire protection. Application for renewal shall be upon a form  
18 prescribed by the state director of fire protection and the license  
19 holder shall furnish the information required by the director.

20 (b) Failure of any license holder to secure his or her renewal  
21 license within ((sixty)) 60 days after the due date shall constitute  
22 sufficient cause for the state director of fire protection to suspend  
23 the license.

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

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

30 (4) The fire protection contractor license fund is created in the  
31 custody of the state treasurer. ((All)) Except for penalties received  
32 under RCW 18.160.120, all receipts from license and certificate fees  
33 and charges or from the money generated by the rules and regulations  
34 promulgated under this chapter shall be deposited into the fund.  
35 Expenditures from the fund may be used only for purposes authorized  
36 under this chapter and for providing assistance in identifying fire  
37 sprinkler system components that have been subject to either a recall  
38 or voluntary replacement program by a manufacturer of fire sprinkler  
39 products, a nationally recognized testing laboratory, or the federal  
40 consumer product safety commission; and for use in developing and

1 publishing educational materials related to the effectiveness of  
2 residential fire sprinklers. Assistance shall include, but is not  
3 limited to, aiding in the identification of recalled components,  
4 information sharing strategies aimed at ensuring the consumer is made  
5 aware of recalls and voluntary replacement programs, and providing  
6 training and assistance to local fire authorities, the fire sprinkler  
7 industry, and the public. Only the state director of fire protection  
8 or the director's designee may authorize expenditures from the fund.  
9 The fund is subject to allotment procedures under chapter 43.88 RCW,  
10 but no appropriation is required for expenditures.

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

13 (1) A fire protection sprinkler system contractor found to have  
14 committed an infraction under this chapter as defined in rule under  
15 RCW 18.160.030(2)(b)(iii) shall be assessed a fine of not less than  
16 (~~two hundred dollars~~) \$300 and not more than (~~five thousand~~  
17 ~~dollars~~) \$7,500 for the first infraction, a fine of not less than  
18 \$400 and not more than \$10,000 for a second infraction by the same  
19 contractor, and a fine of not less than \$1,000 and not more than  
20 \$15,000 for the third and any subsequent infractions by the same  
21 contractor.

22 (2) A fire protection sprinkler system contractor who fails to  
23 obtain a certificate of competency under RCW 18.160.040 shall be  
24 assessed a fine of not less than (~~one thousand dollars~~) \$1,500 and  
25 not more than (~~five thousand dollars~~) \$7,500 for the first  
26 infraction, and a fine of not less than \$2,500 and not more than  
27 \$10,000 for a second infraction by the same contractor, and a fine of  
28 not less than \$5,000 and not more than \$25,000 for the third and any  
29 subsequent infractions by the same contractor.

30 (3) All fines collected under this section shall be deposited  
31 into the fire protection (~~contractor license fund~~) compliance  
32 account.

33 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.160  
34 RCW to read as follows:

35 The fire protection compliance account is created in the custody  
36 of the state treasurer. All fines collected under RCW 18.160.120 and  
37 the rules and regulations adopted under RCW 18.160.120 must be  
38 deposited into the account. Expenditures from the account may only be

1 used for the purposes of enforcing this chapter. Only the state  
2 director of fire protection or their designee may authorize  
3 expenditures from the account. The account is subject to allotment  
4 procedures under chapter 43.88 RCW, but no appropriation is required  
5 for expenditures.

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

8 (1) No person may engage in the trade of fire protection  
9 sprinkler fitting without having a valid journey-level sprinkler  
10 fitter certificate, residential sprinkler fitter certificate,  
11 training certificate, or temporary certificate, with the exception of  
12 a certified plumber installing a residential fire protection  
13 sprinkler system connected to potable water requiring a plumbing  
14 certificate.

15 (2) (a) A person issued a training certificate under this chapter  
16 may perform fire protection sprinkler fitting work if that person is  
17 under supervision. Supervision must consist of the trainee being on  
18 the same jobsite and under the control of either a residential or  
19 journey-level fire protection sprinkler fitter certified to perform  
20 the type of work the trainee-level sprinkler fitter is performing.  
21 The ratio of trainees to certified fire protection sprinkler fitters  
22 on a jobsite is:

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

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

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

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

36 ~~((3))~~ (4) A person found by the director to have committed an  
37 infraction under this chapter shall be assessed a monetary penalty as  
38 set by rule.

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

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

9        An authorized representative of the director (~~may~~) must  
10 investigate alleged violations of this chapter. Upon request of an  
11 authorized representative, a person performing fire protection  
12 sprinkler fitting or residential sprinkler fitting work must produce  
13 evidence of a certificate issued by the director in accordance with  
14 this chapter. Failure to produce such evidence is an infraction as  
15 provided by RCW 18.270.020.

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