

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1416 Session of
1997

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PISTELLA, BOSCOLA AND LUCYK, APRIL 30, 1997

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, APRIL 30, 1997

AN ACT

1 Creating the Fire Protection Equipment License Examining
2 Council; providing for powers and duties of the Pennsylvania
3 State Fire Commissioner; licensing journeyman fire sprinkler
4 fitters and fire sprinkler contractors; registering fire
5 sprinkler designers and apprentice fire sprinkler fitters;
6 licensing fire extinguisher technicians and fire protection
7 equipment distributors; and imposing a penalty.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Short title.

11 This act shall be known and may be cited as the Fire
12 Protection Equipment Provider Licensing Act.

13 Section 2. Definitions.

14 The following words and phrases when used in this act shall
15 have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Apprentice fire sprinkler fitter." An apprentice fire
18 sprinkler fitter is any person other than a journeyman fire
19 sprinkler fitter who has paid the annual fee and is engaged in
20 learning and assisting in the practical installation, testing,

1 dismantling to terminate service, maintenance and repair of fire
2 sprinkler systems under the supervision of a licensed journeyman
3 fire sprinkler fitter or a fire sprinkler contractor and who is
4 indentured in a registered apprenticeship program under Federal
5 or State laws and is registered with the Pennsylvania State Fire
6 Commissioner.

7 "Commissioner." The Pennsylvania State Fire Commissioner.

8 "Council." The Fire Protection Equipment License Examining
9 Council created by this act.

10 "Fire extinguisher technician." A person who has paid the
11 annual fee and obtained a license to install, test and maintain
12 fire extinguishers.

13 "Fire protection equipment distributor." A person, firm or
14 corporation that has paid the annual fee and obtained a license
15 to conduct business in the installation, testing and maintenance
16 of fire extinguishers and similar fire suppression devices.

17 "Fire sprinkler contractor." Any person, firm or corporation
18 who has paid the annual fee and obtained a license to conduct a
19 business in the design, installation, testing, dismantling to
20 terminate service, maintenance or repair of fire sprinkler
21 systems. A fire sprinkler contractor may obtain design services
22 from any source registered with the Pennsylvania State Fire
23 Commissioner.

24 "Fire sprinkler designer." Any person who submits
25 satisfactory proof to the Pennsylvania State Fire Commissioner
26 that he has successfully completed an accredited course in fire
27 sprinkler engineering technologies or design or holds a current
28 fire sprinkler designer's license issued by any state or
29 Canadian province and has registered with the Pennsylvania State
30 Fire Commissioner. A licensed professional engineer shall be

1 acceptable in the appropriate field of competence in accordance
2 with Commonwealth law or local ordinance.

3 "Fire sprinkler systems." For fire protection purposes, an
4 integrated system of underground and overhead piping designed in
5 accordance with fire protection engineering standards. The
6 installation includes one or more automatic water supplies. The
7 portion of the sprinkler system above-ground is a network of
8 specially sized or hydraulically designed piping installed in a
9 building, structure or area, generally overhead, and to which
10 sprinklers are attached in a systematic pattern. The valve
11 controlling each system riser is located in the system riser or
12 its supply piping. Each sprinkler system riser includes a device
13 for actuating an alarm when the system is in operation. The
14 system is usually activated by heat from a fire and discharges
15 water over the fire area.

16 "Journeyman fire sprinkler fitter." Any person who has paid
17 the annual fee and has obtained a license and is engaged in the
18 practical installation, testing, dismantling to terminate
19 service, maintenance and repair of fire sprinkler systems.
20 Section 3. Fire Protection Equipment License Examining Council.

21 (a) Creation.--There is hereby created the Fire Protection
22 Equipment License Examining Council consisting of 13 members
23 appointed by the commissioner for staggered four-year terms. The
24 council shall be composed of the following:

25 (1) One member shall be an employee of the
26 commissioner's office to serve as secretary of the council.

27 (2) Two members shall be selected from among local fire
28 service jurisdictions.

29 (3) Two members shall be licensed journeyman fire
30 sprinkler fitters.

1 (4) Two members shall be owners or persons employed by
2 and representing licensed fire sprinkler contractors.

3 (5) Two members shall be licensed fire extinguisher
4 technicians.

5 (6) Two members shall be fire protection equipment
6 distributors.

7 (7) Two members shall be representatives of the
8 Pennsylvania Association of Fire Equipment Distributors.

9 (b) Functions.--

10 (1) The council, under the commissioner's supervision,
11 shall develop and administer tests to determine the fitness
12 of journeymen fire sprinkler fitters, fire sprinkler
13 contractors, fire extinguisher technicians and fire
14 protection equipment distributors for licensure under this
15 act.

16 (2) In addition to its testing function, the council
17 shall advise the commissioner on implementation and
18 administration of this act.

19 (c) Rules and regulations.--The council may promulgate rules
20 and regulations to administer and enforce this act.

21 Section 4. Testing and certification.

22 (a) Testing.--The commissioner, or his designee, shall have
23 authority to issue licenses to journeyman fire sprinkler
24 fitters, fire sprinkler contractors, fire extinguisher
25 technicians and fire protection equipment distributors and to
26 register apprentice fire sprinkler fitters and designers.

27 (b) Evidence of competency in lieu of examination.--

28 (1) The commissioner, or his designee, shall have
29 authority to test fire sprinkler contractors and fire
30 sprinkler designers, or accept as certification of competency

1 a letter from the National Institute for Certification in
2 Engineering Technologies (NICET) or other accredited schools
3 verifying that a fire sprinkler designer has successfully
4 completed the examinations for fire sprinkler engineering
5 technologies.

6 (2) A person who on the effective date of this act holds
7 a current valid extinguisher certification that was issued
8 following successful completion of testing administered by
9 the commissioner shall upon payment of the annual fee be
10 granted a license under this act. A person who applies for a
11 license under this paragraph shall not be required to pass
12 any examination, but, in order to qualify for licensure under
13 this paragraph, the person must apply for a license within
14 six months of the effective date of this act.

15 (c) Limitation.--No designer shall be the qualifier or
16 license holder for more than one fire sprinkler contractor at a
17 time.

18 (d) Registration.--All fire sprinkler contractor owners or
19 fire sprinkler designers who submit conceptual drawings, plans
20 or design fire sprinkler systems shall register with the
21 commissioner, and all conceptual drawings, plans and designed
22 fire sprinkler systems shall be stamped and bear the designer's
23 registration number that has been assigned by the commissioner.
24 Licensed professional engineers may be used to conform with this
25 requirement.

26 (e) Penalty.--Any person, firm or corporation who engages in
27 the business or occupation of, or advertises or holds itself out
28 as or acts temporarily or otherwise as a journeyman fire
29 sprinkler fitter, an apprentice fire sprinkler fitter, a fire
30 extinguisher technician, a fire protection equipment

1 distributor, a fire sprinkler contractor or a fire sprinkler
2 designer without first having secured the required license,
3 permit or registration, or who otherwise violates any provision
4 of this act, shall be fined not less than \$10, nor more than
5 \$1,000, or imprisoned for 30 days, or both. Each day such
6 violation continues shall be a separate offense.

7 Section 5. License.

8 (a) Scope of certain licenses.--Licenses shall be issued by
9 the commissioner to a journeyman fire sprinkler fitter or a fire
10 sprinkler contractor to engage in the practical installation,
11 testing, dismantling to terminate service, maintenance and
12 repair of fire sprinkler systems. A person may not install,
13 test, dismantle to terminate service, modify, alter, repair,
14 maintain or make a maintenance inspection on a fire sprinkler
15 system or offer to do so unless licensed to perform these
16 duties. No license shall be required for emergency repairs on
17 existing installations.

18 (b) Inconsistent statutes.--No municipality may require the
19 licensing of any person licensed or registered under this act.

20 (c) Issuance.--All licenses issued under this act shall be
21 issued by the commissioner. The commissioner may not restrict
22 the work done by a person licensed or certified under this act
23 to any geographical territory.

24 (d) Duration.--All licenses and registrations are valid for
25 one year unless otherwise revoked and expire December 31 of each
26 year regardless of the month issued. All licenses and
27 registrations must be renewed annually on forms provided by the
28 commissioner.

29 (e) Reciprocity.--The Commonwealth may be reciprocal with
30 other states that require a journeyman fire sprinkler fitter,

1 fire extinguisher technician or a fire protection equipment
2 distributor license if the other state reciprocates with, and
3 has equal or more stringent licensing requirements, and the
4 holder of the license has applied for a license under this act
5 and has paid the required fee to the Commonwealth.

6 (f) Retroactive licensure for certain persons.--Any
7 journeyman fire sprinkler fitter not licensed under this act
8 prior to its effective date who has regularly engaged in the
9 occupation of installing fire sprinkler systems for five years
10 prior to enactment shall be licensed without being required to
11 pass any written, oral or practical examination qualifying him
12 for a license, if he makes application within six months of date
13 of enactment and provides proof of experience. Any person who
14 shall apply for the appropriate license shall pay the
15 appropriate fee.

16 Section 6. Temporary revocable permits for journeyman fire
17 sprinkler fitters.

18 The commissioner may issue temporary revocable permits to
19 journeyman fire sprinkler fitters who show proof of five years'
20 experience pending examination of applicants for license. All
21 applicants must write the next available examination, and all
22 temporary permits expire the day of the next examination.
23 Examination fees shall be paid at the time the permit is issued.

24 Section 7. Registration of apprentices.

25 Apprentice fire sprinkler fitters shall not be required to
26 apply for any license but shall register with the commissioner
27 to engage in assisting and learning the installation, testing,
28 dismantling to terminate service, maintenance and repair of a
29 fire sprinkler system. They shall provide proof of being
30 indentured in an approved apprenticeship program.

1 Section 8. Inspectors and fees.

2 (a) Inspection.--The commissioner shall employ competent
3 inspectors who meet the qualifications established by his office
4 or who complete the training provided by his office. The
5 commissioner may accept as certification of inspection,
6 inspections by an insurance services organization, the Factory
7 Mutual Engineering Association or other fire insurance rating
8 organizations recognized by the commissioner's office.

9 (b) Fees.--

10 (1) The fees for a license issued under this act shall
11 be set by the commissioner and the council. Fees, fines and
12 forfeiture fees shall cover all enforcement and
13 administrative costs under this act.

14 (2) All fees collected under this act shall be deposited
15 in a separate restricted account in the State Treasury. All
16 moneys in the account are hereby appropriated to the
17 commissioner to carry out the purposes of this act.

18 Section 9. Penalty.

19 Any person, firm or corporation who engages in the business
20 or occupation of, or advertises or holds itself out as or acts
21 temporarily or otherwise as an apprentice fire sprinkler fitter,
22 a fire sprinkler contractor, a fire sprinkler designer, a
23 journeyman fire sprinkler fitter, a fire extinguisher technician
24 or a fire protection equipment distributor without first having
25 secured the required license or certificate, or who otherwise
26 violates any provision of this act, shall be fined not less than
27 \$10, nor more than \$1,000, or imprisoned for 30 days, or both.
28 Each day a violation continues shall be a separate offense.

29 Section 10. Conflict of law.

30 Nothing in this act is intended to conflict with the

1 Commonwealth's building codes, a uniform fire code or any
2 statute.
3 Section 11. Effective date.
4 This act shall take effect in one year.