
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1063 Session of
2013

INTRODUCED BY TAYLOR, W. KELLER, PASHINSKI, KOTIK, KORTZ, ROZZI,
K. BOYLE, D. COSTA, DAVIS, NEILSON, CARROLL, MICOZZIE,
GODSHALL, DeLUCA, COHEN AND MCGEEHAN, MARCH 25, 2013

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MARCH 25, 2013

AN ACT

1 Providing for licensing of fire sprinkler contractors and
2 inspectors; and imposing duties on the Department of Labor
3 and Industry.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Fire
8 Sprinkler Contractors Licensing Act.

9 Section 2. Definitions.

10 The following words and phrase when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Certificate holder." An individual or owner, partner,
14 officer or employee of an organization who maintains one or more
15 NICET certifications required to obtain a license under this
16 act.

17 "Compliance agent." An individual, employed by an entity,
18 who is either a professional engineer or a licensed fire

1 sprinkler contractor who maintains NICET certification in the
2 discipline of Water-Based Systems Layout Level IV or an
3 equivalent certification as determined by the department.

4 "Contractor." A fire sprinkler contractor.

5 "Department." The Department of Labor and Industry of the
6 Commonwealth.

7 "Fire sprinkler system." A water-based suppression system
8 which requires individual calculation and layout in accordance
9 with nationally recognized standards, such as those of the
10 National Fire Protection Association, to protect the interior or
11 exterior of a specific building, structure or special hazard
12 from fire by conveying water or other agents to dispersal
13 openings or devices. Such systems also include any overhead and
14 underground fire mains beginning at the point of service, fire
15 hydrants and hydrant mains, stand pipes and hoses connected to
16 sprinkler systems, sprinkler tank heaters, air lines, thermal
17 systems used in connection with fire sprinkler systems and tanks
18 and pumps connected to the fire sprinkler systems. This
19 definition shall include wet-pipe systems, dry-pipe systems,
20 preaction systems, deluge systems, combined dry-pipe and
21 preaction systems, antifreeze systems and circulating closed
22 loop systems, systems utilizing foam and any other water-based
23 fire suppression system approved for use in this Commonwealth.

24 "Installation." The initial placement of fire sprinkler
25 equipment or the extension, modification or alteration of
26 equipment after the initial placement including the inspection
27 and testing of equipment attendant to the placement or
28 alteration of fire sprinkler equipment.

29 "License." The document issued by the department to an
30 individual or organization in order to engage in business as a

1 fire sprinkler contractor or fire sprinkler inspector in this
2 Commonwealth.

3 "NICET." The National Institute for Certification in
4 Engineering Technologies.

5 "Organization." A corporation, partnership, sole
6 proprietorship or other business entity or association, a
7 governmental entity or any other commercial or legal entity.

8 "Point of service." The point at which the underground
9 piping for a fire sprinkler system using water as the
10 extinguishing agent becomes exclusively used for the fire
11 sprinkler system.

12 "Secretary." The Secretary of Labor and Industry of the
13 Commonwealth.

14 "Service." To inspect, test or repair fire sprinkler
15 equipment in order to furnish or return the fire sprinkler
16 system to operational condition, including maintenance.

17 "Supervision." The direction and management by an individual
18 or organization that is licensed under this act to perform
19 planning, design, installation or service of fire sprinkler
20 systems.

21 "System." A fire sprinkler system.

22 Section 3. License required.

23 (a) General rule.--No individual or organization may engage
24 in the business of planning, design, installation or service of
25 fire sprinkler equipment or systems or hold himself or herself
26 out as a licensed contractor unless a license has been issued
27 under this act or unless the individual is an employee who is
28 working under the supervision of an individual or organization
29 that has received a license under this act.

30 (b) Organizations.--In order for a license to be issued to

1 an organization, the organization must maintain at least one
2 certificate holder who will perform work permitted under a
3 license or provide supervision of employees who perform work
4 permitted under a license. A certificate holder may maintain one
5 or more NICET certifications and an organization may maintain
6 more than one certificate holder in order to meet NICET
7 certification requirements set forth by this act.

8 (c) Subcontractors.--Any subcontractor who wishes to engage
9 in any work covered under this act, including the planning,
10 design, installation or service of fire sprinkler equipment or
11 systems shall obtain a license pursuant to this act.

12 (d) Exemptions.--The following individuals shall not be
13 required to possess a license under this act:

14 (1) State or local building officials, fire marshals,
15 fire inspectors or insurance inspectors acting in their
16 official capacities.

17 (2) Professional engineers.

18 (3) Individuals or organizations that only sell
19 supplies, products or materials to a contractor.

20 (4) Maintenance employees of an owner or tenant of a
21 building who perform routine observation of the condition of
22 the system.

23 (e) Responsibility.--An individual or organization who is
24 granted a license under this act shall assume full
25 responsibility to ensure conformance with safety standards under
26 the act of November 10, 1999 (P.L.491, No.45), known as the
27 Pennsylvania Construction Code Act.

28 Section 4. Application for contractor license.

29 (a) Contractors.--An individual or organization wishing to
30 engage in the business of planning, design, installation or

1 service of systems shall submit an application to the department
2 for a contractor license.

3 (b) Contents of applications.--Applications shall be on a
4 form prescribed by the department, which shall include the
5 following:

6 (1) The name, residence and business address of the
7 applicant if the applicant is an individual.

8 (2) If the applicant is an organization, the name,
9 residence and business address of each owner, partner or
10 principal officer and the name, residence and business
11 address of each certificate holder.

12 (3) Satisfactory evidence that the individual or the
13 certificate holder meets the qualifications set forth in
14 section 3.

15 (4) If applicable, the approximate number of people to
16 be employed by the applicant and satisfactory evidence that
17 the employees are or will be covered by workers' compensation
18 insurance.

19 (5) Criminal record of convictions as verified by the
20 Pennsylvania State Police or other relevant law enforcement
21 agencies, if applicable.

22 (6) Other information as may be required by the
23 department.

24 (c) Fees.--The department shall set fees for applications
25 for licenses and renewals of licenses.

26 Section 5. Qualifications.

27 A contractor license shall not be granted to an applicant who
28 fails to meet the qualifications set forth in this section. All
29 applicants must:

30 (1) For the purposes of planning and design, maintain

1 NICET certification in the discipline of Water-Based
2 Systems Layout Level III or its equivalent, as determined by
3 the department, or a higher level NICET certification.

4 (2) For the purposes of installation and service,
5 maintain NICET certification in the discipline of Inspection
6 and Testing of Water Based Systems, Level II or its
7 equivalent, as determined by the department, or a higher
8 level NICET certification.

9 (3) Pay the application fee set by the department.

10 (4) Submit proof that the applicant is or will be
11 covered by general liability, personal injury and property
12 damage insurance in the amount of \$500,000.

13 (5) Satisfy other requirements that may be determined
14 necessary by the department.

15 Section 6. Preparation of designs of systems.

16 Notwithstanding any other provision of this act, technical
17 drawings or designs for a system for a building or structure
18 shall be prepared by either a professional engineer or a
19 licensed contractor who maintains NICET certification in the
20 discipline of Water-Based Systems Layout Level III or its
21 equivalent, as determined by the department, or a higher level
22 NICET exam.

23 Section 7. Preparation of designs of systems.

24 (a) Certification.--All new system installations shall be
25 certified to be in compliance with technical drawings previously
26 approved by an authority having jurisdiction by a compliance
27 agent.

28 (b) Not required.--A licensed contractor shall not be
29 required to employ a compliance agent.

30 Section 8. Issuance and renewal of licenses, fees.

1 (a) Issuance and renewal.--Upon approval of an application
2 by the department, the department shall issue a license which
3 shall be renewable biennially. The fee for issuance of licenses
4 and renewals shall be set by the department.

5 (b) Reciprocity.--A license may be issued to individuals or
6 organizations holding a valid license or certification from a
7 state having standards substantially equal to those of this act,
8 upon application to the department.

9 (c) Reporting of multiple licensure.--Any individual
10 licensed to perform services in another state shall inform the
11 department upon application for licensing or renewal. Any
12 disciplinary action shall be reported within 90 days of the
13 final disposition or upon application for licensing or renewal,
14 whichever is sooner. The department shall inform another state
15 of any disciplinary action taken against a licensee in this
16 Commonwealth.

17 (d) Temporary license.--The department may grant a temporary
18 license for up to two years in cases where an individual or
19 owner or employee of an organization has obtained a certificate
20 of completion of an apprenticeship for fire sprinkler programs
21 that is registered with the Bureau of Apprenticeship and
22 Training of the United States Department of Labor or the
23 Pennsylvania State Apprenticeship and Training Council in order
24 to provide an extension of time to complete the NICET
25 certification required under section 5.

26 (e) Organizations.--Should a certificate holder leave
27 employment or otherwise become separated from a licensed
28 contractor, the contractor must notify the department within 30
29 days. The contractor shall have six months or until the
30 expiration of the current license, whichever is later, to submit

1 a new application demonstrating a new certificate holder.

2 Section 9. Violations.

3 (a) General rule.--Any individual or officer or employee of
4 an organization who violates a provision of this act or
5 regulation promulgated under this act commits a misdemeanor.
6 Upon conviction for a first offense, the offender shall be
7 sentenced to pay a fine not to exceed \$1,000 for each violation,
8 to imprisonment for not more than six months, or both. A second
9 and each subsequent conviction shall be subject to a fine not to
10 exceed \$2,000 for each violation, imprisonment for a term of not
11 more than one year, or both.

12 (b) Administrative penalty.--In addition to any other remedy
13 or penalty provided for in this act, the department may levy a
14 civil penalty of up to \$10,000 for each violation against an
15 individual or organization that violates a provision of this
16 act. The civil penalty shall be subject to the right of notice,
17 hearing, adjudication and appeal as provided in 2 Pa.C.S.
18 (relating to administrative law and procedure).

19 Section 10. Refusal, suspension or revocation of license.

20 (a) General rule.--Subject to the right of notice, hearing,
21 adjudication and appeal under 2 Pa.C.S. (relating to
22 administrative law and procedure), the department may refuse to
23 issue or renew, suspend or revoke a license upon a violation of
24 this act for any of the following:

25 (1) Incompetency or negligence in the performance of
26 services.

27 (2) Conviction of a felony.

28 (3) Fraudulent or dishonest practices while engaging in
29 business related to systems.

30 (4) Use of false evidence, false advertising or

1 misrepresentation on an application or in the performance of
2 services.

3 (5) Engaging in or authorizing the planning, design,
4 installation or service of fire sprinkler systems without the
5 direct supervision of a licensed contractor.

6 (b) Temporary and automatic suspensions.--The secretary may
7 issue an order to temporarily suspend a license for up to 180
8 days upon finding a clear and immediate danger to the public
9 health, safety or property. The order shall be issued without
10 hearing but with notice to the licensee's last known address.
11 The licensee shall have a right to a hearing within 30 days
12 following the issuance of the order. A license shall be
13 immediately restored if the suspension is found to be wholly
14 unwarranted.

15 (c) Appeals.--The department shall issue a decision within
16 30 days after a hearing under this act.

17 Section 11. Procedure.

18 The department shall have the power to subpoena witnesses,
19 administer oaths, examine witnesses, take testimony and compel
20 the production of documents. The secretary may petition the
21 Commonwealth Court to enforce any order or subpoena issued under
22 this act.

23 Section 12. Duties of department.

24 Within 18 months of the effective date of this section, the
25 department shall promulgate regulations necessary for the
26 implementation of this act.

27 Section 13. Application.

28 Notwithstanding any other provision of this act, a
29 municipality or county may require a fire sprinkler contractor
30 to obtain a permit and pay a fee thereafter for the installation

1 of a system and require the installation of the system in
2 conformance with the Statewide building code or other
3 construction requirements of the political subdivision that may
4 be allowed under the act of November 10, 1999 (P.L.491, No.45),
5 known as the Pennsylvania Construction Code Act, but may not
6 impose qualification or financial responsibility requirements
7 other than proof of a valid license.

8 Section 14. Construction.

9 Whenever a provision of this act is found to be inconsistent
10 with any provision of applicable laws, codes or regulations of
11 this Commonwealth, the provisions of this act shall prevail.
12 Unless specifically stated otherwise, this act is not intended
13 to establish more restrictive standards than standards set forth
14 in other applicable laws of this Commonwealth.

15 Section 15. Effective date.

16 This act shall take effect as follows:

17 (1) This section and section 10 shall take effect
18 immediately.

19 (2) The remainder of this act shall take effect upon the
20 effective date of the regulations promulgated by the
21 department under section 10 or on July 1, 2013, whichever is
22 sooner.