AN ACT

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

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

Section 1. Short title.

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

Section 2. Definitions.

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

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

"Compliance agent." An individual, employed by an entity, who is either a professional engineer or a licensed fire
s...
fire sprinkler contractor or fire sprinkler inspector in this Commonwealth.

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

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

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

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

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

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

"System." A fire sprinkler system.

Section 3. License required.

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

(b) Organizations.--In order for a license to be issued to
an organization, the organization must maintain at least one
certificate holder who will perform work permitted under a
license or provide supervision of employees who perform work
permitted under a license. A certificate holder may maintain one
or more NICET certifications and an organization may maintain
more than one certificate holder in order to meet NICET
certification requirements set forth by this act.

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

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

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

(2) Professional engineers.

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

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

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

Section 4. Application for contractor license.

(a) Contractors.--An individual or organization wishing to
engage in the business of planning, design, installation or
service of systems shall submit an application to the department for a contractor license.

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

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

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

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

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

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

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

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

Section 5. Qualifications.

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

(1) For the purposes of planning and design, maintain
NICET certification in the discipline of Water-Based Systems Layout Level III or its equivalent, as determined by the department, or a higher level NICET certification.

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

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

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

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

Section 6. Preparation of designs of systems.

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

Section 7. Preparation of designs of systems.

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

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

Section 8. Issuance and renewal of licenses, fees.
(a) Issuance and renewal.--Upon approval of an application by the department, the department shall issue a license which shall be renewable biennially. The fee for issuance of licenses and renewals shall be set by the department.

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

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

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

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

Section 9. Violations.

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

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

Section 10. Refusal, suspension or revocation of license.

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

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

(2) Conviction of a felony.

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

(4) Use of false evidence, false advertising or
misrepresentation on an application or in the performance of services.

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

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

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

Section 11. Procedure.

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

Section 12. Duties of department.

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

Section 13. Application.

Notwithstanding any other provision of this act, a municipality or county may require a fire sprinkler contractor to obtain a permit and pay a fee thereafter for the installation of fire sprinkler systems.
of a system and require the installation of the system in
conformance with the Statewide building code or other
construction requirements of the political subdivision that may
be allowed under the act of November 10, 1999 (P.L.491, No.45),
known as the Pennsylvania Construction Code Act, but may not
impose qualification or financial responsibility requirements
other than proof of a valid license.

Section 14. Construction.

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

Section 15. Effective date.

This act shall take effect as follows:

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

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