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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 670 Session of  
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PASHINSKI, MARCH 2, 2017

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 2, 2017

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AN ACT

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

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

4 Section 1. Short title.

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

7 Section 2. Definitions.

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

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

15 "Compliance agent." An individual, employed by an entity,  
16 who is either a professional engineer or a licensed fire  
17 sprinkler contractor and maintains NICET certification in the  
18 discipline of Water-Based Systems Layout, Level IV, or an  
19 equivalent certification as determined by the department.

20 "Contractor." A fire sprinkler contractor.

21 "Department." The Department of Labor and Industry of the  
22 Commonwealth.

23 "Fire sprinkler system."

24 (1) A water-based suppression system which:

25 (i) Requires individual calculation and layout in  
26 accordance with nationally recognized standards,  
27 including those of the National Fire Protection  
28 Association, to protect the interior or exterior of a  
29 specific building, structure or special hazard from fire  
30 by conveying water or other agents to dispersal openings

1 or devices.

2 (ii) Includes overhead and underground fire mains  
3 beginning at the point of service, fire hydrants and  
4 hydrant mains, stand pipes and hoses connected to  
5 sprinkler systems, sprinkler tank heaters, air lines,  
6 thermal systems used in connection with fire sprinkler  
7 systems and tanks and pumps connected to the fire  
8 sprinkler systems.

9 (2) The term includes a wet-pipe system, dry-pipe  
10 system, preaction system, deluge system, combined dry-pipe  
11 and preaction system, antifreeze system and circulating  
12 closed loop system, a system which utilizes foam and any  
13 other water-based fire suppression system approved for use in  
14 this Commonwealth.

15 "Installation." The initial placement of fire sprinkler  
16 equipment or the extension, modification or alteration of  
17 equipment after the initial placement, including the inspection  
18 and testing of equipment attendant to the placement or  
19 alteration of fire sprinkler equipment.

20 "License." The document issued by the department to an  
21 individual or organization in order to engage in business as a  
22 fire sprinkler contractor or fire sprinkler inspector in this  
23 Commonwealth.

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

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

29 "Point of service." The point at which the underground  
30 piping for a fire sprinkler system using water as the

1 extinguishing agent becomes exclusively used for the fire  
2 sprinkler system.

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

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

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

12 "System." A fire sprinkler system.

13 Section 3. License required.

14 (a) General rule.--No individual or organization may engage  
15 in the business of planning, design, installation or service of  
16 fire sprinkler equipment or systems or hold himself or herself  
17 out as a licensed contractor unless:

- 18 (1) a license has been issued under this act; or  
19 (2) the individual is an employee who is working under  
20 the supervision of an individual or organization that has  
21 received a license under this act.

22 (b) Organizations.--

23 (1) In order for a license to be issued to an  
24 organization, the organization must maintain at least one  
25 certificate holder who will perform work permitted under a  
26 license or provide supervision of employees who perform work  
27 permitted under a license.

28 (2) A certificate holder may maintain one or more NICET  
29 certifications and an organization may maintain more than one  
30 certificate holder in order to meet NICET certification

1 requirements specified by this act.

2 (c) Subcontractors.--A subcontractor who wishes to engage in  
3 work covered under this act, including the planning, design,  
4 installation or service of fire sprinkler equipment or systems,  
5 must obtain a license under this act.

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

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

11 (2) Professional engineers.

12 (3) Individuals or organizations that only sell  
13 supplies, products or materials to contractors.

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

17 (e) Responsibility.--An individual or organization that is  
18 granted a license under this act shall conform to safety  
19 standards under the act of November 10, 1999 (P.L.491, No.45),  
20 known as the Pennsylvania Construction Code Act.

21 Section 4. Application for contractor license.

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

26 (b) Contents of applications.--An application shall be on a  
27 form prescribed by the department and include the following  
28 information:

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

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

5 (3) Satisfactory evidence that the individual or the  
6 certificate holder meets the qualifications specified in  
7 section 3.

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

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

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

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

19 Section 5. Qualifications.

20 The department may not grant a contractor license to an  
21 applicant who fails to meet the qualifications specified in this  
22 section. Each applicant must:

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

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

1 level NICET certification.

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

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

6 (5) Satisfy other requirements which may be determined  
7 necessary by the department.

8 Section 6. Preparation of designs of systems.

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

16 Section 7. Certification of designs of systems.

17 (a) General rule.--A new system installation shall be  
18 certified by a compliance agent to be in compliance with  
19 technical drawings previously approved by an authority having  
20 jurisdiction.

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

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

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

28 (b) Reciprocity.--Upon application to the department, the  
29 department may issue a license to individuals or organizations  
30 holding a valid license or certification from a state having

1 standards substantially equal to those of this act.

2 (c) Reporting of multiple licensure.--

3 (1) An individual licensed to perform services in  
4 another state shall inform the department upon application  
5 for licensing or renewal. Disciplinary action shall be  
6 reported within 90 days of the final disposition or upon  
7 application for licensing or renewal, whichever is sooner.

8 (2) The department shall inform another state of  
9 disciplinary action taken against a licensee in this  
10 Commonwealth.

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

20 (e) Organizations.--If a certificate holder leaves  
21 employment or otherwise becomes separated from a licensed  
22 contractor, the contractor shall notify the department within 30  
23 days. The contractor shall, no later than six months or until  
24 expiration of the current license, whichever is later, submit a  
25 new application demonstrating a new certificate holder.

26 Section 9. Violations.

27 (a) Criminal penalty.--An individual or officer or employee  
28 of an organization who violates a provision of this act or  
29 regulation promulgated under this act commits a misdemeanor.  
30 Upon conviction for a first offense, the offender shall be



1 sentenced to pay a fine not to exceed \$1,000 for each violation  
2 or to imprisonment for not more than six months, or both. A  
3 second and each subsequent conviction shall be subject to a fine  
4 not to exceed \$2,000 for each violation or to imprisonment for  
5 not more than one year, or both.

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

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

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

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

21 (2) Conviction of a felony.

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

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

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

30 (b) Temporary suspensions.--

1           (1) The secretary may issue an order to temporarily  
2 suspend a license for up to 180 days upon finding a clear and  
3 immediate danger to the public health, safety or property.  
4 The order shall be issued without hearing but with notice to  
5 the licensee's last known address.

6           (2) The licensee shall have a right to a hearing within  
7 30 days following the issuance of the order.

8           (c) Appeals.--The department shall issue a decision within  
9 30 days after a hearing under this act.

10 Section 11. Procedure.

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

16 Section 12. Duties of department.

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

20 Section 13. Application.

21           (a) General rule.--Notwithstanding any other provision of  
22 this act and subject to subsection (b), a municipality may  
23 require:

24           (1) A fire sprinkler contractor to obtain a permit and  
25 pay a fee thereafter for the installation of a system.

26           (2) The installation of the system in conformance with  
27 the Statewide building code or other construction  
28 requirements of the political subdivision which may be  
29 allowed under the act of November 10, 1999 (P.L.491, No.45),  
30 known as the Pennsylvania Construction Code Act.

1 (b) Limitation.--No municipality may impose qualification or  
2 financial responsibility requirements on a fire sprinkler  
3 contractor other than requiring proof of a valid license.

4 Section 14. Construction.

5 Whenever a provision of this act is found to be inconsistent  
6 with any provision of applicable laws, codes or regulations of  
7 this Commonwealth, the provisions of this act shall prevail.

8 Unless specifically stated otherwise, this act is not intended  
9 to establish more restrictive standards than standards set forth  
10 in other applicable laws of this Commonwealth.

11 Section 15. Effective date.

12 This act shall take effect as follows:

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

15 (2) The remainder of this act shall take effect upon the  
16 effective date of the regulations promulgated by the  
17 department under section 10 or on July 1, 2017, whichever is  
18 sooner.