
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2649 Session of
2018

INTRODUCED BY SCHLEGEL CULVER, FARRY, JAMES AND PASHINSKI,
SEPTEMBER 19, 2018

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, SEPTEMBER 19, 2018

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, in Commonwealth services, further
3 providing for State Fire Commissioner and for Fire Safety
4 Advisory Committee, providing for fire protection and
5 suppression systems and equipment and for licensure of fire
6 equipment service companies and technicians, imposing
7 penalties and establishing the Fire Equipment and Suppression
8 System Fund.

9 The General Assembly finds and declares as follows:

10 (1) The safe operation of fire equipment and suppression
11 systems protects the health, safety and welfare of the public
12 and both public and private property by assuring competence
13 of those who perform fire equipment and suppression system
14 work.

15 (2) The licensure, certification and regulation of fire
16 equipment and suppression system companies and technicians
17 are in the best interest of this Commonwealth.

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

20 Section 1. Section 7383(a) of Title 35 of the Pennsylvania

1 Consolidated Statutes is amended to read:

2 § 7383. State Fire Commissioner.

3 (a) State Fire Commissioner.--There shall be a State Fire
4 Commissioner, who, through the Lieutenant Governor, shall report
5 to the Governor on all matters concerning fire safety in this
6 Commonwealth. The Office of the State Fire Commissioner shall be
7 within the agency for administrative purposes only, and the
8 commissioner shall not report to the director of the agency. The
9 commissioner shall have the power and duty to:

10 (1) Coordinate the activities of State and local
11 community interests engaged in fire prevention and control
12 activities.

13 (2) Serve as a focal point for information relative to
14 fires, property damage, injuries and the loss of life.

15 (3) Disseminate, through periodic reports, information
16 about fire prevention efforts and fire control and detection
17 techniques.

18 (4) Develop and participate in a program of public
19 information and education designed to create a public
20 awareness of the incidence and the ravages of fire and
21 methods the individual can take to prevent and detect fires
22 and minimize loss when they occur.

23 (5) Serve as a central point to support local efforts
24 and interests in all matters pertinent to fire prevention and
25 control.

26 (6) Regulate through the issuance of a license any
27 person engaged in the business of installing, altering,
28 inspecting, repairing, recharging, servicing, maintaining or
29 testing portable fire extinguishers, fire alarm systems or
30 fire equipment and suppression systems.

1 (7) Regulate through the issuance of an industry-
2 recognized and code-referenced certification individuals
3 employed by a licensed fire equipment service company to
4 inspect, repair, recharge, service, maintain or test portable
5 fire extinguishers, fire alarm systems or fire equipment and
6 suppression systems.

7 (8) Enforce the provisions of Subchapter G (relating to
8 fire protection and suppression systems and equipment) and
9 regulations promulgated under Subchapter G to minimize the
10 loss of persons and public and private property through the
11 following:

12 (i) Prevention and mitigation of fire or explosion
13 and the spread of fire and panic resulting therefrom
14 through the regulation of fire alarm systems and fire
15 equipment and suppression systems.

16 (ii) Installation and maintenance of fire alarm
17 systems, emergency notification systems and fire
18 protection systems, including fire suppression systems,
19 fire extinguishing equipment and fire sprinkler systems.

20 (iii) Servicing, repairing, recharging, testing,
21 marking, inspecting, installing, maintaining and tagging
22 of fire extinguishers, individually designed fire
23 equipment, pre-engineered fire suppression systems and
24 fire alarm systems.

25 (iv) Licensing of persons engaged in the business of
26 servicing, repairing, recharging, testing, marking,
27 inspecting, installing, maintaining and tagging fire
28 extinguishers, pre-engineered fire suppression systems,
29 individually designed fire equipment protection systems
30 and fire alarm systems.

1 (v) Certification of technicians employed by a
2 licensee to service, repair, recharge, test, mark,
3 inspect, install, maintain and tag portable fire
4 extinguishers, pre-engineered fire suppression systems,
5 individually designed fire equipment protection systems
6 and fire alarm systems.

7 * * *

8 Section 2. Section 7386(a)(1) introductory paragraph of
9 Title 35 is amended and the paragraph is amended by adding
10 subparagraphs to read:

11 § 7386. Fire Safety Advisory Committee.

12 (a) Creation.--

13 (1) There is created the Fire Safety Advisory Committee
14 to assist the commissioner. The committee shall consist of
15 [nine members, as follows] the following members:

16 * * *

17 (vi) Four fire protection and suppression system
18 contractors from geographically dispersed areas of this
19 Commonwealth, one each to be appointed by the President
20 pro tempore of the Senate, the Minority Leader of the
21 Senate, the Speaker of the House of Representatives and
22 the Minority Leader of the House of Representatives.

23 (vii) Two board members of the Pennsylvania Fire
24 Equipment Distributor Association, to be appointed by the
25 commissioner.

26 * * *

27 Section 3. Chapter 73 of Title 35 of the Pennsylvania
28 Consolidated Statutes is amended by adding a subchapter to read:

29 SUBCHAPTER G

30 FIRE PROTECTION AND SUPPRESSION SYSTEMS AND EQUIPMENT

- 1 Sec.
2 7391. Definitions.
3 7392. Fire protection and suppression systems and equipment.
4 7393. Fire equipment service company licensure.
5 7394. Technician certification.
6 7395. Trainees.
7 7396. Duties of office.
8 7397. Municipal prohibitions.
9 7398. Fire Equipment and Suppression System Fund.
10 7399. Penalties.
11 7399.1. Refusal, suspension or revocation of license.
12 7399.2. Temporary regulations.
13 7399.3. Applicability.
14 § 7391. Definitions.

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

18 "Carbon dioxide fire protection system." A special hazard
19 fire suppression system that uses carbon dioxide as its
20 extinguishing agent.

21 "Certified technician." A technician certified by the office
22 in accordance with this subchapter.

23 "Commissioner." The State Fire Commissioner.

24 "Engineered fire suppression system." A fire suppression
25 system which is designed individually to suit a purpose or
26 hazard and requires individual calculation and design to
27 determine the flow rates, nozzle pressures, pipe size, area or
28 volume to be protected by each nozzle, quantities of
29 extinguishing agent and the number and types of nozzles and
30 their placement in a specific system.

1 "ESA's NTS." The Electronic Security Association's National
2 Training School.

3 "Fire alarm system." A system installed in accordance with
4 NFPA 72 that provides a warning alarm signaling the presence of
5 fire conditions and is capable of initiating an action to
6 suppress a fire condition.

7 "Fire equipment service company." A person that engages in
8 the business of installing, altering, inspecting, repairing,
9 recharging, servicing, maintaining or testing portable fire
10 extinguishers, sprinkler systems, fire alarm systems or fire
11 equipment and suppression systems.

12 "Fire extinguisher." A cylinder that:

13 (1) Is portable such that it may be carried or is on
14 wheels.

15 (2) Is manually operated.

16 (3) May use a variety of extinguishing agents that are
17 expelled under pressure.

18 (4) Is rechargeable or nonrechargeable.

19 (5) Is installed, serviced, repaired, recharged,
20 inspected and hydrotested according to applicable procedures
21 of the manufacturer, NFPA standards and Federal regulations.

22 (6) Is listed by a nationally recognized testing
23 laboratory.

24 "Fire protection and suppression system." A system
25 individually designed to protect the interior or exterior of a
26 specific building or buildings, structure or other special
27 hazard from fire. The term includes, but is not limited to, the
28 following:

29 (1) Water sprinkler systems.

30 (2) Water misting systems.

- 1 (3) Foam-water sprinkler systems.
- 2 (4) Foam-water spray systems.
- 3 (5) Carbon dioxide fire protection systems.
- 4 (6) Foam extinguishing systems.
- 5 (7) Dry chemical systems.
- 6 (8) Halon and other chemical systems used for fire
7 protection use.
- 8 (9) Overhead and underground fire mains.
- 9 (10) Fire hydrants and hydrant mains.
- 10 (11) Standpipe systems and hoses connected to sprinkler
11 systems.
- 12 (12) Sprinkler tank heaters.
- 13 (13) Air lines.
- 14 (14) Thermal systems used regarding fire sprinkler
15 systems.
- 16 (15) Tanks and pumps connected to fire sprinkler
17 systems.
- 18 "Fire safety inspector." An individual who is officially
19 assigned the duties of conducting fire safety inspections of
20 buildings and facilities on a recurring or regular basis on
21 behalf of a State or local government entity with fire safety
22 responsibilities.
- 23 "Fire suppression system." An engineered or pre-engineered
24 system that suppresses a fire using an extinguishing agent
25 distributed through fixed piping and nozzles that are activated
26 either manually or automatically. The system may include
27 containers, nozzles, controls, automatic detection, manual
28 releases, equipment shut downs and alarms. The system includes
29 an extinguishing agent, which is discharged through fixed pipes
30 and nozzles into or over a potential fire hazard.

1 "Fund." The Fire Equipment and Suppression System Fund
2 established in section 7398 (relating to Fire Equipment and
3 Suppression System Fund).

4 "Hydrotesting." Pressure testing by hydrostatic methods by a
5 person in possession of a United States Department of
6 Transportation issued Retesters Identification Number (RIN) that
7 is conducted in accordance with the procedures in NFPA 10 and
8 the portions of 49 CFR Pts. 105 (relating to hazardous materials
9 program definitions and general procedures) through 177
10 (relating to carriage by public highway), which are referenced
11 in Compressed Gas Association Standards.

12 "ICC." The International Code Council.

13 "Kitchen fire suppression system." A pre-engineered fire
14 suppression system designed specifically to protect the hood,
15 duct and cooking appliances of a kitchen by having a wet
16 extinguishing agent discharged through fixed pipes and nozzles
17 over and into the fire hazard area and which may include
18 containers, nozzles, controls, automatic detection, manual
19 release, cooking appliance shutdown equipment and alarms.

20 "License" or "licensure." The authorization granted by the
21 office to a fire equipment service company to operate in
22 accordance with its designated class of license.

23 "Licensee." A fire equipment service company that is in
24 possession of a valid license issued by the office to offer to
25 undertake or represent itself as being able to undertake, or
26 undertakes the installation, service, sale, repair, inspection
27 or maintenance of fire protection equipment.

28 "Maintenance." The function of keeping equipment in the
29 condition to perform as the equipment was originally designed to
30 perform.

1 "Municipality." Any of the following that has adopted land
2 use or zoning regulations:

3 (1) A city of the first, second, second class A or third
4 class.

5 (2) A borough.

6 (3) An incorporated town.

7 (4) A township of the first or second class.

8 (5) A county of the second class, second class A, third
9 class, fourth class, fifth class, sixth class, seventh class
10 or eighth class.

11 (6) A home rule municipality or any similar general
12 purpose unit of government which is hereafter created by the
13 General Assembly.

14 "NAFED." The National Association of Fire Equipment
15 Distributors.

16 "NFPA." The National Fire Protection Association.

17 "NFPA 72." The National Fire Alarm and Signaling Code
18 promulgated by the NFPA.

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

21 "Office." The Office of the State Fire Commissioner.

22 "PAFED." The Pennsylvania Association of Fire Equipment
23 Distributors.

24 "Pre-engineered fire suppression system." A fire suppression
25 system that:

26 (1) Uses a variety of extinguishing agents.

27 (2) Is designed to protect specific hazards.

28 (3) Is installed according to pretested limitations and
29 configurations specified by the manufacturer.

30 (4) Is installed according to applicable NFPA standards

1 pertaining to servicing, recharging, repairing, installing,
2 hydrotesting or inspecting any type of pre-engineered fire
3 suppression system.

4 (5) Is installed using components specified by the
5 manufacturer or components that are listed as equivalent
6 parts by a nationally recognized testing laboratory.

7 (6) Is listed by a nationally recognized testing
8 laboratory.

9 "Special hazard fire suppression system." A fire suppression
10 system that uses an extinguishing agent other than water.

11 "Sprinkler system." A type of fire protection system, manual
12 or automatic, using water as an extinguishing agent and
13 installed in accordance with applicable NFPA standards.

14 "Standpipe system." A fire protection system consisting of
15 an arrangement of piping, valves, hose outlets and allied
16 equipment installed in a building or structure.

17 "Technician." An individual who is employed by a licensee to
18 install, alter, inspect, repair, recharge, service, maintain or
19 test portable fire extinguishers, sprinkler systems, fire alarm
20 systems or fire equipment and suppression systems.

21 "Trainee." An individual who has not obtained certification
22 under this subchapter but who is authorized to work as specified
23 in this subchapter when under the immediate supervision of a
24 certified technician.

25 "Uniform fire safety standard." A requirement or group of
26 requirements for the protection of life and property from loss
27 by fire which shall be met by each building and structure
28 specified by the Uniform Construction Code, ICC or NFPA and not
29 more or less stringent than State law or a regulation or local
30 ordinance of a State or local government entity with fire safety

1 responsibilities.

2 § 7392. Fire protection and suppression systems and equipment.

3 A fire extinguisher, fire alarm system and engineered and
4 pre-engineered fire suppression system that is required by
5 statute, rule or regulation shall be serviced, recharged,
6 repaired, hydrotested, tested, inspected and installed in
7 accordance with:

8 (1) This subchapter.

9 (2) Current, applicable ICC or NFPA standards.

10 (3) Applicable Federal regulations.

11 § 7393. Fire equipment service company licensure.

12 (a) License required.--It shall be unlawful for a person to
13 engage in the business of servicing, repairing, recharging,
14 testing, marking, inspecting, installing or hydrotesting any
15 fire extinguisher, fire alarm system, engineered or pre-
16 engineered fire suppression system in this Commonwealth without:

17 (1) Holding a valid license issued by the office.

18 (2) Employing a technician in possession of a valid
19 certification in accordance with this subchapter.

20 (b) Qualifications for licensure.--To qualify for licensure,
21 an applicant must provide the following:

22 (1) A valid Federal tax identification number.

23 (2) A valid Department of Revenue State identification
24 number.

25 (3) Proof that the applicant is current on all Federal
26 and Pennsylvania tax obligations, including sales and use
27 tax.

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

1 (5) A general description of the applicant's fire
2 equipment service company operations, including the number of
3 certified technicians employed and services offered.

4 (6) Identification of the certified technicians employed
5 by the fire equipment service company, listed by discipline.

6 (7) Proof of current and reputable certification for
7 each technician employed by the applicant.

8 (8) A sworn statement or affidavit that all information
9 contained in the application is valid.

10 (9) A notarized signature of the applicant.

11 (c) Class of license and fees.--A licensee shall perform the
12 specific type of work in accordance with the specific
13 classification of license held. The office shall promulgate
14 regulations to set annual licensing fees for each license
15 classification established as follows:

16 (1) Class PF - portable fire extinguisher contractor.

17 (2) Class FS - fire sprinkler system contractor.

18 (3) Class SH - special hazard fire suppression system
19 contractor.

20 (4) Class KF - kitchen fire suppression system
21 contractor.

22 (5) Class FA - fire alarm system contractor.

23 (6) Class ALL - all fire protection equipment
24 contractor.

25 (d) Inactive status.--A licensee may transfer a license to
26 inactive status during which time the licensee may not engage in
27 any work or permit a technician to operate under the license. An
28 inactive status license shall be void after two years or at the
29 time that the license is renewed, whichever comes first.

30 (e) Display of license.--A license shall be displayed by the

1 licensee at the licensee's place of business at all times and
2 shall appear on all inspection reports, invoices and tags.

3 (f) Interim operation.--A fire equipment service company
4 that has been in business prior to the effective date of this
5 section shall have 24 months following the effective date of
6 this section to meet the licensure requirements of this
7 subchapter.

8 § 7394. Technician certification.

9 (a) Required qualifications.--A technician must possess and
10 maintain a current certification in each discipline in which the
11 individual performs duties. The following apply:

12 (1) A portable fire extinguisher technician must be
13 certified by PAFED, ICC or NAFED as a certified portable fire
14 extinguisher technician.

15 (2) A kitchen fire suppression system technician must be
16 certified by PAFED, ICC or NAFED as a pre-engineered kitchen
17 fire extinguishing systems technician.

18 (3) A special hazard fire suppression system technician
19 must be certified by NICET as a level II special hazard
20 suppression systems technician.

21 (4) A fire alarm systems technician must be certified as
22 a level II fire alarm technician by NICET, ESA's NTS or any
23 NFPA 72 recognized national certification organization.

24 (5) A fire sprinkler system technician must be certified
25 as a NICET level II inspection and testing of water-based
26 systems technician and a NICET level I water-based fire
27 protection systems technician.

28 (b) Identification.--A certified technician employed by a
29 licensee shall maintain in the technician's personal possession
30 a valid photo identification with the technician's certification

1 number while engaging in the servicing, recharging, repairing,
2 testing, inspecting or installing of fire extinguishers, fire
3 alarm systems and engineered and pre-engineered fire suppression
4 systems. A certified technician shall produce photo
5 identification and proof of certification upon request.

6 (c) Construction.--

7 (1) Nothing in this subchapter shall be construed to
8 prohibit a certified technician from servicing any brand of
9 fire extinguisher, fire alarm system or engineered or pre-
10 engineered fire suppression system regardless of the
11 manufacturer of the equipment.

12 (2) A certified technician shall be legally qualified to
13 act on behalf of the licensee within the authorized scope of
14 practice of the certified technician in all matters connected
15 with the business of the licensee.

16 § 7395. Trainees.

17 (a) Supervision.--

18 (1) No trainee may engage in the servicing, recharging,
19 repairing, testing, inspecting or installing of fire
20 extinguishers, fire alarm systems and engineered and pre-
21 engineered fire suppression systems unless supervised by a
22 certified technician operating under a licensee. No more than
23 two trainees shall be under the supervision of a single
24 certified technician, who shall be directly responsible for
25 the work performed by a trainee while under the technician's
26 supervision.

27 (2) No trainee shall perform work not within the scope
28 of the class of license and technician certification held by
29 the licensee and technician, respectively.

30 (b) Trainee qualifications.--A trainee must:

1 (1) Be 18 years of age or older.

2 (2) Possess a valid driver's license or a valid State
3 identification card, issued by the Department of
4 Transportation, that is capable of being produced upon
5 request.

6 § 7396. Duties of office.

7 (a) Identification.--

8 (1) The office shall develop and issue photo
9 identification cards to licensees and certified technicians.

10 (2) Nothing in this subchapter shall be construed to
11 preclude the office from assessing fees commensurate with the
12 cost of producing the photo identification.

13 (b) Registry required.--The office shall establish a
14 searchable online registry of licensees, identifiable by
15 business name, business license number and business address. A
16 licensee shall report any changes in the certification of
17 technicians operating under its license to the office on a
18 quarterly basis.

19 § 7397. Municipal prohibitions.

20 (a) General rule.--A municipality is prohibited from:

21 (1) Adopting rules, regulations or ordinances for
22 licensure, certification or permitting in connection with a
23 fire alarm system or fire protection and suppression system
24 that would result in duplicate certification, licensure or
25 regulation of the State-issued license or certification
26 required by this subchapter.

27 (2) Assessing additional fees on licensees to service,
28 repair, recharge, test, mark, inspect, install, maintain and
29 tag fire extinguishers, fire alarm systems, engineered and
30 pre-engineered fire suppression systems and individually

1 designed fire equipment within a municipality.

2 (b) Construction.--Nothing in this section shall be
3 construed to prohibit a municipality from adopting an ordinance
4 to contract with a third party inspection reporting agency or
5 assessing reporting filing fees.

6 § 7398. Fire Equipment and Suppression System Fund.

7 The Fire Equipment and Suppression System Fund is established
8 as a special fund in the State Treasury. Fees collected for
9 licensure or certification, including separate licensing
10 examination fees, shall be deposited in the fund and are hereby
11 appropriated on a continuing basis to the office for the
12 administration of this subchapter.

13 § 7399. Penalties.

14 (a) Criminal penalty.--A person who violates this subchapter
15 or regulation promulgated under this subchapter commits a
16 misdemeanor of the third degree and shall:

17 (1) Upon conviction for a first offense, be sentenced to
18 pay a fine of not more than \$1,000 or to imprisonment for not
19 more than six months, or both.

20 (2) Upon conviction for a second or subsequent offense,
21 be sentenced to pay a fine of not more than \$2,000 or to
22 imprisonment for not more than one year, or both.

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

30 § 7399.1. Refusal, suspension or revocation of license.

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

6 (1) Incompetency or negligence in the performance of
7 fire equipment services.

8 (2) Conviction of a felony.

9 (3) Fraudulent or dishonest practices while rendering
10 fire equipment services.

11 (4) Use of false evidence, false advertising or
12 misrepresentation on an application or in the performance of
13 fire equipment services.

14 (5) Engaging in or authorizing the planning, design,
15 installation, service or maintenance of a fire alarm system,
16 emergency notification system or fire protection system,
17 including a fire suppression system, fire-extinguishing
18 equipment and fire sprinkler system without the required
19 license or certification.

20 (b) Temporary suspensions.--

21 (1) The commissioner may issue an order to suspend a
22 license or certification for up to 180 days upon finding a
23 clear and immediate danger to the public health, safety or
24 property. The order shall be issued without hearing but with
25 notice to the licensee's or certified technician's last known
26 address.

27 (2) The licensee or certified technician shall have a
28 right to a hearing within 30 days following the issuance of
29 the order.

30 (c) Appeals.--The office shall issue a decision within 30

1 days after a hearing under this section.

2 (d) Procedure.--The office may subpoena witnesses,
3 administer oaths, examine witnesses, take testimony and compel
4 the production of documents. The commissioner may petition the
5 Commonwealth Court to enforce an order or subpoena issued under
6 this section.

7 § 7399.2. Temporary regulations.

8 (a) Promulgation.--In order to facilitate the prompt
9 implementation of this subchapter, the office shall, no later
10 than 150 days of the effective date of this section, promulgate
11 temporary regulations. The temporary regulations shall not be
12 subject to the following:

13 (1) Sections 201, 202, 203, 204 and 205 of the act of
14 July 31, 1968 (P.L.769, No.240), referred to as the
15 Commonwealth Documents Law.

16 (2) Sections 204(b) and 301(10) of the act of October
17 15, 1980 (P.L.950, No.164), known as the Commonwealth
18 Attorneys Act.

19 (3) The act of June 25, 1982 (P.L.633, No.181), known as
20 the Regulatory Review Act.

21 (b) Expiration.--The temporary regulations under
22 subsection(a) shall expire upon the promulgation of final-form
23 regulations or within two years following the effective date of
24 this section, whichever is later.

25 (c) Regulations.--The temporary regulations shall address
26 the following:

27 (1) Initial license requirements consistent with the
28 uniform fire safety standards adopted by the commissioner.

29 (2) Certification fees and licensure classifications
30 under this subchapter.

1 (3) The duration of licenses.

2 (4) Auditing procedures of licensees and certified
3 technicians to determine compliance with the provisions of
4 this subchapter.

5 (5) The promulgation of forms and applications for
6 licensure and certification required under this subchapter.

7 § 7399.3. Applicability.

8 The provisions of this subchapter do not apply to inspections
9 conducted by fire chiefs, fire inspectors, fire marshals or
10 insurance company inspectors.

11 Section 4. This act shall take effect in 90 days.