

HOUSE BILL NO. 1358

Introduced by

Representatives Rose, Keiser, Schmidt

Senators Klein, D. Mathern

1 A BILL for an Act to provide fire sprinkler system license; and to provide a penalty.

2 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

3 **SECTION 1. Definitions.** As used in this Act, unless the context otherwise requires:

4 1. "Apprentice fire sprinkler fitter" means an individual, other than a journeyman fire
5 sprinkler fitter, who:

6 a. Has paid the annual fee;

7 b. Is engaged in learning and assisting in the practical installing, testing,
8 inspecting, dismantling to terminate, and repairing of fire sprinkler systems,
9 under the supervision of a licensed journeyman fire sprinkler fitter and a fire
10 sprinkler contractor;

11 c. Is in a registered apprenticeship program under state or federal law; and

12 d. Is registered with the state fire marshal.

13 2. "Board" means the fire sprinkler license examining board.

14 3. "Fire sprinkler contractor" means any person who has paid the annual fee and
15 obtained a license to conduct a business in the designing, installing, inspecting,
16 testing, dismantling to terminate service, maintaining, or repairing of fire sprinkler
17 systems; who employs any licensed professional engineer in the appropriate field
18 of competence; or who:

19 a. Submits to the state fire marshal satisfactory proof of having successfully
20 completed an accredited course in fire sprinkler engineering technologies or
21 design;

22 b. Submits a letter from the national institute for certification in engineering
23 technologies or other accredited school verifying successful completion of the
24 examination for level III fire sprinkler engineering technologies or design; and

- 1 c. Holds a current fire sprinkler designer's license issued by any other state or
2 Canadian province and has registered with the state fire marshal.
- 3 4. "Fire sprinkler system" means an integrated overhead piping system designed in
4 accordance with fire protection engineering standards, including:
- 5 a. The system includes at least one automatic water supply.
- 6 b. The aboveground portion of the system is a scheduled or hydraulically
7 designed piping installed in a building, structure, or area, generally overhead,
8 to which sprinklers are attached in a systematic pattern.
- 9 c. The valve controlling each system riser is located in a system riser or its
10 supply piping.
- 11 d. Each system riser includes a device for activating an alarm when the system
12 is in operation.
- 13 e. The system is usually activated by heat from a fire and discharges water over
14 the fire area.
- 15 5. "Journeyman sprinkler fitter" means any individual:
- 16 a. With a minimum of ten thousand hours of experience as a fire sprinkler fitter;
- 17 b. Who has paid the annual fee for license as a journeyman fire sprinkler fitter;
- 18 c. Who has obtained a license as a journeyman fire sprinkler fitter; and
- 19 d. Who is engaged in the practical installing, inspecting, testing, dismantling to
20 terminate service, maintaining, and repairing of fire sprinkler systems.

21 **SECTION 2. Fire sprinkler system license examining board.** The board consists of
22 five members appointed by the governor. One member must be an employee of the state fire
23 marshal, and that member shall serve as secretary of the board; one member must be selected
24 from a local fire service jurisdiction; one member must be a licensed journeyman fire sprinkler
25 fitter; one member must be a fire sprinkler contractor or an employee of a fire sprinkler
26 contractor; and one member must be a consumer at large. Board members shall serve
27 four-year terms, except the governor shall appoint the initial members to terms of four years or
28 less so the terms of no more than two members expire each year. Each member of the board
29 is entitled to reimbursement for actual expenses incurred in performance of official duties as
30 provided for state officials and employees.

31 **SECTION 3. Rulemaking.**

- 1 1. The board shall adopt rules governing:
 - 2 a. Initial and subsequent competence, qualifications, examinations, and
 - 3 licensing of fire sprinkler contractors and journeyman fire sprinkler fitters;
 - 4 b. Fees and fines; and
 - 5 c. System design and criteria.
- 6 2. The state fire marshal is responsible for registration of fire sprinkler journeyman
- 7 sprinkler fitters, designers, contractors, and apprentice fire sprinkler fitters.

8 **SECTION 4. License requirement.** A person may not install, test, dismantle to
9 terminate service, modify, alter, maintain, or make a maintenance inspection on a fire sprinkler
10 system or offer to do so unless licensed as a journeyman sprinkler fitter or a fire sprinkler
11 contractor. A license is not required to perform emergency repairs on existing installations. An
12 emergency repair must be inspected by a licensed journeyman fire sprinkler fitter as soon as
13 possible.

14 **SECTION 5. Issuances of licenses.** The state fire marshal shall issue licenses and
15 register persons under this Act. A license or registration expires on December thirty-first of
16 each year unless otherwise revoked. Annual renewal must be submitted on forms provided by
17 the state fire marshal.

18 **SECTION 6. Apprentice fire sprinkler fitter registration.** An apprentice fire sprinkler
19 fitter is not required to apply for a license, but shall register with the state fire marshal before
20 engaging in assisting and learning of the installing, testing, inspecting, dismantling to terminate
21 service, maintaining, and repairing of a fire protection system. Upon registration, the apprentice
22 shall provide proof of being in an approved apprenticeship program.

23 **SECTION 7. Conceptual drawing, plan, or design for system requirements.** A fire
24 sprinkler contractor must be licensed or registered with the state fire marshal before preparing a
25 conceptual drawing, plan, or design for a fire sprinkler system. The drawing, plan, or design
26 must include the license or registration number of the contractor and designer. A designer may
27 not be a qualifier or license holder for more than one fire sprinkler contractor at a time. A fire
28 sprinkler contractor may obtain design services from any designer registered with the state fire
29 marshal.

30 **SECTION 8. Journeyman fire sprinkler fitter licenses.** Journeyman fire sprinkler
31 fitter license reciprocity may be available with other states if the other state reciprocates with

1 this state, the other state has equal or more stringent requirements, the journeyman fire
2 sprinkler fitter has applied for a North Dakota license and has paid the required fee to this state.
3 The state fire marshal may not restrict any licensed journeyman fire sprinkler fitter's work to any
4 geographical territory.

5 **SECTION 9. Fire protection contractor bond requirements.** A fire sprinkler
6 contractor must have:

- 7 1. A general liability insurance policy that:
 - 8 a. Includes products and complete operation coverage.
 - 9 b. Provides insurance coverage of at least two hundred thousand dollars per
10 person, five hundred thousand per occurrence, and one million dollars
11 property damage.
 - 12 c. Is in effect at the time of license application; and
- 13 2. A bond that:
 - 14 a. Is for the total penal sum of thirty thousand dollars conditioned upon the
15 faithful and lawful performance of all work within the state.
 - 16 b. Is for the benefit of persons injured or suffering financial loss by reason of
17 failures of performance.
 - 18 c. Runs concurrent with the term of the license.
 - 19 d. Is written by a corporate surety licensed to do business in the state, or is a
20 cash bond, or is an irrevocable line of credit.
 - 21 e. Contains a stipulation that the bond may not be canceled, terminated, or
22 changed in a way so that it no longer meets the requirements of this
23 subsection, except upon thirty days prior written notice to the state fire
24 marshal.

25 **SECTION 10. Fees.** Fees, fines, and permits must fund all enforcement and
26 administrative costs for issuing licenses and registrations under this Act. The following fees
27 must be paid to the board:

- 28 1. Fire sprinkler contractor annual license fee, two hundred fifty dollars.
- 29 2. Fire sprinkler contractors permit fee, due upon application, two percent of the
30 actual cost of the material, labor and components of the fire sprinkler system on
31 each contract installation, service contracts, and fire sprinkler work performed.

- 1 3. Journeyman sprinkler fitter annual license fee, seventy-five dollars.
- 2 4. Apprentice fire sprinkler fitter annual registration fee, fifteen dollars.
- 3 5. Fire sprinkler designer annual registration fee, fifteen dollars.

4 **SECTION 11. Penalty and fines.** A first willful violation of this Act is a class B
5 misdemeanor, and the board may impose a penalty of not more than five hundred dollars. A
6 second willful violation of this Act is a class A misdemeanor, and the board may impose a
7 penalty of not more than one thousand dollars. A third or subsequent willful violation of this Act
8 is a class A misdemeanor, and the board may impose a penalty of not more than one thousand
9 dollars. A separate violation occurs each day the violation continues.

10 **SECTION 12. Suspension or revocation of license.** The board may suspend or
11 revoke a license following notice and opportunity for hearing, if the holder has:

- 12 1. Obtained or attempted to obtain a license by fraudulent misrepresentation.
- 13 2. Committed malpractice or exhibited incompetency in the installation or servicing of
14 any fire sprinkler equipment.
- 15 3. Serviced and failed to provide written notification to the owner and the authority
16 having jurisdiction of any deficiencies found in the fire system.
- 17 4. Employed a person who installs or services fire sprinkler equipment without the
18 required license.
- 19 5. Violated any of the conditions, qualifications, or limitations set forth in the license or
20 allows the license to be used by anyone other than the person or entity to whom
21 the license was issued.

22 **SECTION 13. Continuing education requirements.** During each calendar year, all
23 fire sprinkler fitter designers, journeyman fire sprinkler fitters, and apprentice fire sprinkler fitters
24 are required to attend eight hours of continuing education courses on the performance of fire
25 sprinkler-related work. All continuing education courses must be in the form of a workshop,
26 seminar, or educational conference approved by the board.