

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED 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 is engaged in learning and assisting in the practical installing,
6 testing, inspecting, dismantling to terminate, and repairing of fire sprinkler systems,
7 under the supervision of a licensed fire sprinkler contractor.
- 8 2. "Board" means the fire sprinkler license examining board.
- 9 3. "Fire sprinkler contractor" means any person who has paid the annual fee and
10 obtained a license to conduct a business in the designing, installing, inspecting,
11 testing, dismantling to terminate service, maintaining, or repairing of fire sprinkler
12 systems; who certifies to the board that the contractor's apprentices are enrolled in
13 a training program approved by the board or a nationally recognized training
14 program; who employs any licensed professional engineer in the appropriate field
15 of competence; or who:
- 16 a. Submits to the board satisfactory proof of having successfully completed an
17 accredited course in fire sprinkler engineering technologies or design;
- 18 b. Submits a letter from the national institute for certification in engineering
19 technologies or other accredited school verifying successful completion of the
20 examination for level III fire sprinkler engineering technologies or design; or
- 21 c. Holds a current fire sprinkler contractor's license issued by any other state, if
22 that state meets or exceeds the licensing requirements of this Act, and has
23 registered with the board.

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

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

27 **SECTION 3. Rulemaking.**

- 28 1. The board shall adopt rules governing:
- 29 a. Initial and subsequent competence, qualifications, examinations, and
30 licensing of fire sprinkler contractors;
- 31 b. Penalty fees for violations of this Act;

- 1 c. System design and criteria; and
- 2 d. Plan review and inspections.
- 3 2. The board shall register designers and contractors.
- 4 3. The board shall adopt licensing requirements that allow persons who have
- 5 practiced for at least eight months as of August 1, 1999, to be licensed without
- 6 additional training or examination.

7 **SECTION 4. License requirement.** A person may not install, test, dismantle to
8 terminate service, modify, alter, maintain, or make a maintenance inspection on a fire sprinkler
9 system or offer to do so unless licensed as a fire sprinkler contractor or an employee of the
10 contractor designated by the contractor for that purpose. A license is not required to perform
11 emergency repairs on existing installations, but an emergency repair must be inspected by a
12 contractor or an employee designated by the contractor for that purpose.

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

17 **SECTION 6. Conceptual drawing, plan, or design for system requirements.** A fire
18 sprinkler contractor must be licensed or registered with the board before preparing a
19 conceptual drawing, plan, or design for a fire sprinkler system. The drawing, plan, or design
20 must include the license or registration number of the contractor and designer. A fire sprinkler
21 contractor may obtain design services from any designer registered with the board.

22 **SECTION 7. Fire protection contractor bond requirements.** A fire sprinkler
23 contractor must have:

- 24 1. A general liability insurance policy that:
 - 25 a. Includes products and complete operation coverage.
 - 26 b. Provides insurance coverage of at least two hundred thousand dollars per
 - 27 person, five hundred thousand per occurrence, and one million dollars
 - 28 property damage.
- 29 c. Is in effect at the time of license application; and
- 30 2. A bond that:

- 1 a. Is for the total penal sum of thirty thousand dollars conditioned upon the
- 2 faithful and lawful performance of all work within the state.
- 3 b. Is for the benefit of persons injured or suffering financial loss by reason of
- 4 failures of performance.
- 5 c. Runs concurrent with the term of the license.
- 6 d. Is written by a corporate surety licensed to do business in the state, or is a
- 7 cash bond, or is an irrevocable line of credit.
- 8 e. Contains a stipulation that the bond may not be canceled, terminated, or
- 9 changed in a way so that it no longer meets the requirements of this
- 10 subsection, except upon thirty days' prior written notice to the board.

11 **SECTION 8. Fees.** Fees, fines, and permits must fund all enforcement and
12 administrative costs for issuing licenses and registrations under this Act. The following fees
13 must be paid to the board:

- 14 1. Fire sprinkler contractor annual license fee, two hundred fifty dollars.
- 15 2. Fire sprinkler contractor permit fee, due upon application, no more than two
- 16 percent of the actual cost of the material, labor and components of the fire
- 17 sprinkler system on each contract installation.
- 18 3. Fire sprinkler designer annual registration fee, fifteen dollars.

19 **SECTION 9. Penalty and fines.** A violation of this Act is a class B misdemeanor. The
20 board may establish a penalty of not more than one thousand dollars for each violation by a
21 licensee or registrant of this Act or of rules established by the board.

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

- 24 1. Obtained or attempted to obtain a license by fraudulent misrepresentation.
- 25 2. Committed malpractice or exhibited incompetency in the installation or servicing of
- 26 any fire sprinkler equipment.
- 27 3. Serviced and failed to provide written notification to the owner and the authority
- 28 having jurisdiction of any deficiencies found in the fire system.
- 29 4. Violated any of the conditions, qualifications, or limitations set forth in the license
- 30 or allows the license to be used by anyone other than the person or entity to whom
- 31 the license was issued.

1 **SECTION 11. Continuing education requirements.** During each calendar year, all
2 fire sprinkler fitter designers, journeyman fire sprinkler fitters, and apprentice fire sprinkler fitters
3 are required to attend eight hours of continuing education courses on the performance of fire
4 sprinkler-related work. All continuing education courses must be in the form of a workshop,
5 seminar, or educational conference approved by the board.

6 **SECTION 12. Single-family dwellings.** This Act does not apply to the owner and
7 occupant of a single-family dwelling.

8 **SECTION 13. EFFECTIVE DATE.** Sections 4, 5, 6, 7, 8, 9, 10, and 11 of this Act
9 become effective on August 1, 2000.