

1 SB402
2 150009-1
3 By Senator Taylor
4 RFD: Governmental Affairs
5 First Read: 04-APR-13

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8 SYNOPSIS: Under existing law, the State Fire Marshal
9 may issue permits in the name of the fire
10 protection sprinkler contractor with the name of
11 the certificate holder noted on the permit.

12 This bill would allow the State Fire Marshal
13 to issue permits to certain fire protection
14 sprinkler contractors.

15 This bill would create the Fire Protection
16 and Sprinkler System Advisory Board and would
17 provide for its membership and duties.

18
19 A BILL

20 TO BE ENTITLED

21 AN ACT

22
23 Relating to fire protection and fire protection
24 sprinkler systems; to allow the State Fire Marshal to issue
25 permits to certified potable water single family dwelling fire
26 protection sprinkler contractors; for such purposes, to amend
27 Sections 34-33-1, 34-33-2, 34-33-3, 34-33-4, and 34-33-5, Code

1 of Alabama 1975; to create the Fire Protection and Sprinkler
2 System Advisory Board; and to provide for membership and
3 duties of the board.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Sections 34-33-1, 34-33-2, 34-33-3,
6 34-33-4, and 34-33-5, Code of Alabama 1975, are amended to
7 read as follows:

8 "§34-33-1.

9 "For purposes of this chapter, the following words
10 and phrases shall have the meanings respectively ascribed in
11 this section:

12 "(1) FIRE PROTECTION SPRINKLER CONTRACTOR. An
13 individual, partnership, corporation, association, or joint
14 venture engaged in the business of installation, repair,
15 alteration, addition, maintenance, or inspection of fire
16 protection sprinkler systems. This does not include local
17 building officials, fire inspectors, or insurance inspectors
18 when acting in their official capacity.

19 "(2) CERTIFIED FIRE PROTECTION SPRINKLER CONTRACTOR.
20 A fire protection sprinkler contractor who has qualified and
21 received a permit from the State Fire Marshal.

22 "(3) POTABLE WATER SINGLE FAMILY DWELLING FIRE
23 PROTECTION SPRINKLER CONTRACTOR. An individual, partnership,
24 corporation, association, or joint venture engaged in the
25 business of installation, repair, alteration, addition,
26 maintenance, or inspection of a fire protection sprinkler
27 system in a single family dwelling using potable water and

1 installed in accordance with the provision of NFPA 13D, latest
2 edition.

3 "(4) CERTIFIED POTABLE WATER SINGLE FAMILY DWELLING
4 FIRE PROTECTION SPRINKLER CONTRACTOR. A potable water single
5 family dwelling fire protection sprinkler contractor who has
6 qualified and received a permit from the State Fire Marshal.

7 "(4)(5) STATE FIRE MARSHAL'S PERMIT. The form issued
8 by the State Fire Marshal to a fire protection sprinkler
9 contractor or potable water single family dwelling fire
10 protection sprinkler contractor upon application being
11 approved and fee paid. The permit shall be issued in the name
12 of the fire protection sprinkler contractor, with the name of
13 the certificate holder noted thereon.

14 "(3)(6) CERTIFICATE HOLDER. An individual who is
15 listed on the State Fire Marshal's permit as the responsible
16 managing owner, partner, officer or employee who is actively
17 in charge of the work of the certified fire protection
18 sprinkler contractor or the certified potable water single
19 family dwelling fire protection sprinkler contractor.

20 "(5)(7) FIRE PROTECTION SPRINKLER SYSTEM. A An
21 integrated system of underground and overhead piping designed
22 in accordance with fire protection engineering standards. The
23 system is supplied from a reliable, constant and sufficient
24 water supply, such as a gravity tank, fire pump, reservoir or
25 pressure tank, and/or connection by underground piping to a
26 city main. The portion of the sprinkler system above ground is
27 considered the fire protection sprinkler system for purposes

1 of this chapter, and is a network of specially sized or
2 hydraulically designed piping installed in a building,
3 structure, or area, generally overhead, and to which
4 sprinklers are connected in a systematic pattern. The system
5 includes a controlling valve and device for actuating an alarm
6 when the system is in operation. The installation includes at
7 least one automatic water supply which supplies one or more
8 systems. The portion of the sprinkler system above ground is a
9 network of specially sized or hydraulically designed piping
10 installed in a building, structure, or area, generally
11 overhead, and to which sprinklers are attached in a systematic
12 pattern. Each system has a control valve located in the system
13 riser or its supply piping. Each sprinkler system includes a
14 device for actuating an alarm when the system is in operation.
15 The system is usually activated by heat from a fire and
16 discharges water over the fire area. Fire protection sprinkler
17 systems shall include the following types: Wet-pipe systems,
18 dry-pipe systems, pre-action systems, deluge systems, combined
19 dry-pipe and pre-action systems, antifreeze systems, and
20 circulating closed loop systems, all as defined in National
21 Fire Protection Association Pamphlet Code 13, Standard for the
22 Installation of Sprinkler Systems, latest edition; National
23 Fire Protection Code 13R, Standard for Sprinkler Systems in
24 Residential Occupancies up to and including Four Stories in
25 Height, latest edition; or National Fire Protection
26 Association Pamphlet Code 13D, Standard for the Installation

1 of Sprinkler Systems in One and Two Family Dwellings and
2 Mobile Homes, latest edition.

3 "§34-33-2.

4 "The administration of this chapter is vested in the
5 State Fire Marshal who shall have the power to make rules in
6 relation to portable single family dwelling fire protection
7 sprinkler contractor training, and for weekly fire pump
8 testing, and to set or make changes in the amount of the ~~fee~~
9 fees charged as necessary for the administration and
10 enforcement of this chapter.

11 "§34-33-3.

12 "It shall be unlawful for any individual,
13 partnership, corporation, association, or joint venture to
14 engage in the business of installation, repair, alteration,
15 addition, maintenance, or inspection of a fire protection
16 sprinkler system or a potable water single family dwelling
17 fire protection sprinkler system in this state except in
18 conformity with the provisions of this chapter. Nothing in
19 this chapter, however, shall be construed to apply to fire
20 protection sprinkler system owners who employ registered
21 professional fire protection engineers, and skilled workers
22 who regularly and routinely design, install, repair, alter,
23 add to, maintain, and inspect sprinkler systems on and within
24 the premises of their employer, provided such systems are for
25 the owners' use only.

26 "§34-33-4.

1 "a) Any individual, partnership, corporation,
2 association, or joint venture desiring to engage in the
3 business of fire protection sprinkler contractor shall submit
4 to the State Fire Marshal on standard forms provided by the
5 State Fire Marshal a completed application. The applicant
6 shall include a fee of \$100.00 when making the application.
7 The applicant shall designate in the application the name of
8 the proposed certificate holder and provide written proof that
9 such individual has passed a competency test administered by
10 the National Institute for Certification in Engineering
11 Technology (NICET) as a Fire Protection Layout Technician -
12 Level III. A copy of the NICET letter of notification that
13 the proposed certificate holder has passed the competency test
14 shall be sufficient written proof. The State Fire Marshal,
15 shall issue, upon receipt of the application and fee, a State
16 Fire Marshal's Permit to a fire protection sprinkler
17 contractor who has a current State Fire Marshal's Permit, or
18 who produces evidence of having a current state permit from
19 another state, if such state shall have entered into an
20 agreement of reciprocity with the State of Alabama.

21 "b) Any individual partnership, corporation,
22 association, or joint venture desiring to engage in the
23 business of potable water single family dwelling fire
24 sprinkler contractor shall submit to the State Fire Marshal on
25 standard forms provided by the State Fire Marshal a completed
26 application. The application shall include a nonrefundable fee
27 of one hundred dollars (\$100), which shall be paid by the

1 applicant, when making the application. The applicant shall
2 designate in the application the name of the proposed
3 certificate holder and provide written proof that such
4 individual is a licensed Master Plumber in the State of
5 Alabama and has completed and passed a competency test on the
6 installation of a potable water single family dwelling fire
7 sprinkler system given by the State Fire Marshal's Office. The
8 State Fire Marshal shall issue upon receipt of the properly
9 completed application and fee payment a State Fire Marshal's
10 permit.

11 "§34-33-5.

12 "If the required fee has been paid, satisfactory
13 written proof ~~from NICET has been provided that the competency~~
14 ~~test was passed when required by this chapter~~ meeting the
15 requirements set forth in this chapter for the requested
16 permit and the proposed certificate holder found to be at
17 present a responsible, managing owner, partner, officer, or
18 employee of the fire protection sprinkler contractor, the
19 State Fire Marshal shall within 30 days issue a State Fire
20 Marshal's permit in the name of the fire protection sprinkler
21 contractor with the name of the certificate holder noted
22 thereon."

23 Section 2. Nothing in this act is intended to
24 authorize the State Fire Marshal to require the installation
25 of any fire-protection sprinkler system in any single-family
26 dwelling.

1 Section 3. (a) There is established the Fire
2 Protection and Sprinkler System Advisory Board which shall
3 have five members as follows:

4 (1) A member appointed by the Associated Builders
5 and Contractors of Alabama.

6 (2) A member appointed by the Alabama Fire
7 Sprinklers Association.

8 (3) The State Fire Marshal.

9 (4) A local municipal or county building official
10 appointed by the Governor.

11 (5) A member at-large appointed by the President Pro
12 Tempore of the Senate.

13 (b) Within 60 days after the effective date of this
14 act, the State Fire Marshal shall convene a meeting of the
15 board and the members of the board shall select a chair and
16 other officers of the board. After the initial meeting, the
17 board shall meet not less than two times a year or at the call
18 of the chair.

19 Section 4. This act shall become effective on the
20 first day of the third month following its passage and
21 approval by the Governor, or its otherwise becoming law.