

1 HB66
2 181304-2
3 By Representative Hanes
4 RFD: Public Safety and Homeland Security
5 First Read: 07-FEB-17
6 PFD: 01/27/2017

2

3

4

5

6

7

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 require a certified licensed
16 engineer to design the plans for a residential fire
17 protection sprinkler system and approve any changes
18 made to the system design.

19 This bill would require the State Fire
20 Marshal to collect and publish data on all
21 structural fires in Alabama and would require the
22 State Fire Marshal to make that information
23 available to the public on the website of the State
24 Fire Marshal.

25
26 A BILL
27 TO BE ENTITLED

AN ACT

To amend Sections 34-33-1, 34-33-2, 34-33-4, 34-33-5, 34-33-6, 34-33-7, 34-33-9, and 34-33-10, Code of Alabama 1975, relating to fire protection and fire protection sprinkler systems; to allow the State Fire Marshal to issue permits to certain fire protection sprinkler contractors; to require a certified licensed engineer to design the plans for a residential fire protection sprinkler system and approve any system design changes; and to require the State Fire Marshal to collect and publish certain data and make the information available on the website of the State Fire Marshal.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 34-33-1, 34-33-2, 34-33-4, 34-33-5, 34-33-6, 34-33-7, 34-33-9, and 34-33-10, Code of Alabama 1975, are amended to read as follows:

"§34-33-1.

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

"(3) (1) CERTIFICATE HOLDER. An individual who is listed on the State Fire Marshal's permit as the responsible managing owner, partner, officer or employee who is actively in charge of the work of the certified fire protection sprinkler contractor.

"(2) CERTIFIED FIRE PROTECTION SPRINKLER CONTRACTOR.

¶ Any fire protection sprinkler contractor who has qualified and received a permit from the State Fire Marshal.

"(3) FIRE PROTECTION SPRINKLER CONTRACTOR I. An individual, partnership, corporation, association, or joint venture engaged in the business of layout, installation, repair, alteration, addition, maintenance, or inspection of all fire protection sprinkler systems. This does not include local building officials, fire inspectors, or insurance inspectors when acting in their official capacity.

"(4) FIRE PROTECTION SPRINKLER CONTRACTOR II. An individual, partnership, corporation, association, or joint venture whose business is limited to the execution of contracts requiring the ability to layout, fabricate, install, inspect, alter, repair, and service single family potable water fire protection sprinkler systems for detached single family dwellings and manufactured housing in accordance with the latest edition of NFPA 13D or ICC IPC Chapter 29 Section P2904.

"(5) FIRE PROTECTION SPRINKLER SYSTEM. A a. An integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The system is supplied from a reliable, constant and sufficient water supply, such as a gravity tank, fire pump, reservoir or pressure tank, and/or connection by underground piping to a city main. The ~~portion of the~~ sprinkler system ~~above ground is~~ 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 system is usually~~
7 ~~activated by heat from a fire and discharges water over the~~
8 ~~fire area. Fire protection sprinkler systems shall include the~~
9 ~~following types: Wet-pipe systems, dry-pipe systems,~~
10 ~~pre-action systems, deluge systems, combined dry-pipe and~~
11 ~~pre-action systems, antifreeze systems, and circulating closed~~
12 ~~loop systems, all as defined in by the National Fire~~
13 ~~Protection Association Pamphlet, NFPA 13, Standard for the~~
14 ~~Installation of Sprinkler Systems, latest edition, or National~~
15 ~~Fire Protection Association Pamphlet NFPA 13D, Standard for~~
16 ~~the Installation of Sprinkler Systems in One and Two Family~~
17 ~~Dwellings and Mobile Manufactured Homes, latest edition.~~

18 "b. A sprinkler system, as defined by NFPA 13D or
19 IRC Section P2904, which is appropriate for the protection
20 against fire hazards in single family dwellings and
21 manufactured homes, and does not include residential portions
22 of any other type of building or occupancy that is protected
23 by residential sprinklers in accordance with NFPA 13 or NFPA
24 13R or other portions of a building that are protected in
25 accordance with NFPA 13 or NFPA 13R as appropriate for areas
26 outside the dwelling unit. The system is supplied from a
27 reliable, constant and sufficient water supply, such as a

1 gravity tank, pump, reservoir or pressure tank, and/or
2 connection by underground piping to a city main.

3 "(6) SINGLE FAMILY DWELLING. Any detached dwelling
4 covered in the scope of the International Residential Code,
5 latest edition.

6 "~~(4)~~(7) STATE FIRE MARSHAL'S PERMIT. The form issued
7 by the State Fire Marshal to ~~a~~ any certified fire protection
8 sprinkler contractor upon application being approved and fee
9 paid. The permit shall be issued in the name of the certified
10 fire protection sprinkler contractor, with the name of the
11 certificate holder noted thereon.

12 "§34-33-2.

13 "The administration of this chapter is vested in the
14 State Fire Marshal who shall have the power to make rules in
15 relation to weekly fire pump testing and to set or make
16 changes in the amount of the ~~fee~~ fees charged as necessary for
17 the administration and enforcement of this chapter.

18 "§34-33-4.

19 "(a) Any individual, partnership, corporation,
20 association, or joint venture desiring to engage in the
21 business of fire protection sprinkler contractor I shall
22 submit to the State Fire Marshal on standard forms provided by
23 the State Fire Marshal a completed application. The applicant
24 shall include a fee of ~~\$100.00~~ one hundred twenty dollars
25 (\$120) when making the application. The applicant shall
26 designate in the application the name of the proposed
27 certificate holder and provide written proof that such

1 individual has passed a competency test administered by the
2 National Institute for Certification in Engineering Technology
3 (NICET) as a Fire Protection Layout Technician - Level III. A
4 copy of the NICET letter of notification that the proposed
5 certificate holder has passed the competency test shall be
6 sufficient written proof. The State Fire Marshal, ~~shall issue~~,
7 upon receipt of the application and fee, ~~shall issue~~ a State
8 Fire Marshal's Permit to a fire protection sprinkler
9 contractor I who has a current State Fire Marshal's Permit, or
10 who produces evidence of having a current state permit from
11 another state, if such state shall have entered into an
12 agreement of reciprocity with the State of Alabama.

13 "(b) Any individual, partnership, corporation,
14 association, or joint venture desiring to engage in the
15 business of fire protection sprinkler contractor II shall
16 submit to the State Fire Marshal on standard forms provided by
17 the State Fire Marshal a completed application. The applicant
18 shall designate in the application the name of the proposed
19 certificate holder and provide written proof that the
20 individual holds a valid master plumber certification issued
21 by the Alabama Plumbers and Gas Fitters Examining Board. The
22 applicant shall include a fee of one hundred twenty dollars
23 (\$120) when making the application. The applicant shall obtain
24 a minimum of 32 hours of training on residential fire
25 sprinkler systems that adequately covers NFPA 13D or ICC P2904
26 provided by a third party agency approved by the State Fire
27 Marshal's office, pass the ICC Residential Fire Sprinkler

Design/Installation Test, be capable of producing plans for a 13D or P2904 Home Fire Sprinkler System, and provide proof of insurance. The State Fire Marshal, upon receipt of the completed and compliant application and fee, shall issue a State Fire Marshal's permit to a fire protection sprinkler contractor II. The State Fire Marshal, upon receipt of the application and fee, shall issue a State Fire Marshal's Permit to a fire protection sprinkler contractor II who produces evidence of having a current state permit from another state, if such state shall have entered into an agreement of reciprocity with the State of Alabama.

"(c) Prior to a certificate holder being issued a permit under this section to provide residential fire protection sprinkler services, the certificate holder must provide to the State Fire Marshal an active certificate of insurance covering such work with a policy value no less than one million dollars (\$1,000,000). The certificate holder must complete a minimum of eight hours of CEU's in residential fire sprinklers every year. Classes must be approved by the Alabama State Fire Marshal's Office.

"§34-33-5.

"(a) If the required fee has been paid, satisfactory written proof from NICET has been provided that the competency test was passed when required by this chapter, all of the requirements set forth in this chapter for obtaining the requested permit have been met, and the proposed certificate holder is found to be at present a responsible, managing

1 owner, partner, officer, or employee of the fire protection
2 sprinkler contractor I, the State Fire Marshal ~~shall~~, within
3 30 days, shall issue a State Fire Marshal's permit in the name
4 of the fire protection sprinkler contractor I with the name of
5 the certificate holder noted thereon.

6 "(b) If the required fee has been paid, satisfactory
7 written proof from ICC has been provided that the competency
8 test was passed when required by this chapter, and the
9 proposed certificate holder is found to be at present a
10 responsible, managing owner, partner, officer, or employee of
11 the fire protection sprinkler contractor II, the State Fire
12 Marshal, within 30 days, shall issue a State Fire Marshal's
13 permit in the name of the fire protection sprinkler contractor
14 II with the name of the certificate holder noted thereon.

15 "§34-33-6.

16 "In no case shall a certificate holder be allowed to
17 obtain a State Fire Marshal's permit for more than one fire
18 protection sprinkler contractor at a time. If the certificate
19 holder should leave the employment of the fire protection
20 sprinkler contractor, he or she must notify the State Fire
21 Marshal within 30 days. The certificate holder shall not be
22 eligible to obtain a State Fire Marshal's permit for more than
23 one other fire protection sprinkler contractor for a period of
24 12 months thereafter. If the certificate holder should leave
25 the employment of the fire protection sprinkler contractor, or
26 die, the fire protection sprinkler contractor shall have nine
27 months to submit a new application proposing designation of

1 another individual as the certificate holder for the
2 applicant. If such application is not received and a new
3 permit issued within the allotted time, the State Fire Marshal
4 shall revoke the permit of the fire protection sprinkler
5 contractor.

6 "§34-33-7.

7 "The State Fire Marshal's permit shall expire
8 annually at midnight on September 30. At least 30 days prior,
9 the fire protection sprinkler contractor I or II must submit a
10 renewal application. A renewal fee must be submitted with the
11 application. Failure to renew the permit prior to the
12 expiration shall cause the permit to be null and void as of
13 the expiration date, and it shall be unlawful under this
14 chapter for any individual, partnership, corporation,
15 association, or joint venture to engage in the business of
16 installing, repairing, altering, adding, maintaining, or
17 inspecting a fire protection sprinkler system without a valid
18 State Fire Marshal's permit. The permit may be reinstated by
19 making application as before, and payment of the fee; however,
20 until such time as a new permit is issued, it shall be
21 unlawful for the fire protection sprinkler contractor I or II
22 to engage in installing, repairing, altering, adding,
23 maintaining, or inspecting fire protection sprinkler systems.

24 "§34-33-9.

25 "Nothing in this chapter limits the power of a
26 municipality, county, or the state to regulate the quality and
27 character of work performed by ~~contractors~~ a fire protection

1 sprinkler contractor I or II, through a system of permits,
2 fees, and inspections, which are designed to assure compliance
3 with, and aid in the implementation of, state and local
4 building laws or to enforce other local laws for the
5 protection of the public health and safety. Nothing in this
6 chapter limits the power of a municipality, county, or the
7 state to adopt any system of permits requiring submission to
8 and approval by the municipality, county, or the state, of
9 plans and specifications for work to be performed by
10 ~~contractors~~ a fire protection sprinkler contractor I or II
11 before commencement of the work. If plans for a fire
12 protection sprinkler system are required to be submitted to
13 and approved by any municipality, county, or the state (or
14 any departments or agencies thereof), the plans must bear the
15 permit number of the certified fire protection sprinkler
16 contractor or proof that the person, firm, or corporation that
17 designed such fire protection sprinkler system is an exempt
18 owner under Section 34-33-3. The official authorized to issue
19 building or other related permits shall ascertain that the
20 fire protection sprinkler contractor I or II is duly certified
21 by requiring evidence of a valid State Fire Marshal's permit.

22 "§34-33-10.

23 "(a) This chapter also applies to any fire
24 protection sprinkler contractor I or II performing work for
25 any municipality, county, or the state. Officials of any
26 municipality, county, or the state are required to determine
27 compliance with this chapter before awarding any contracts for

1 the installation, repair, alteration, addition, or inspection
2 of a fire protection sprinkler system. Bids for such shall be
3 accompanied by a copy of a valid State Fire Marshal's permit.

4 "(b) All architects and engineers preparing plans
5 and specifications for work involving fire protection
6 sprinkler systems to be contracted in the State of Alabama
7 shall include in their invitations to bidders and their
8 specifications a copy of this chapter or such portions thereof
9 as are deemed necessary to convey to the invited bidder,
10 whether he or she is a resident or nonresident of this state
11 and whether a license has been issued to him or her or not,
12 the information that it will be necessary for him or her to
13 show evidence of license before his or her bid is considered.

14 "(c) A certified licensed engineer shall design the
15 plans for any residential fire protection sprinkler system and
16 approve any changes made to the system design."

17 Section 2. Nothing in this act is intended to
18 authorize the State Fire Marshal to require the installation
19 of any fire protection sprinkler system in any single family
20 dwelling.

21 Section 3. (a) The State Fire Marshal shall collect
22 and publish data on all structural fires in Alabama in a
23 report that includes all of the following information:

24 (1) The type of structure.
25 (2) The age of the structure.
26 (3) The code enforced when the structure was
27 constructed.

(4) The cause of the fire.

(5) Whether the cause of the fire was the result of a criminal or suspicious event.

(6) The materials used in the construction of the structure.

(7) The type and amount of damage to the structure.

(8) The type and number of functional smoke detectors and fire sprinklers installed in the structure

(b) (1) All information collected pursuant to this section shall be made available to the public, free of charge, on the website of the State Fire Marshal.

(2) The information shall be recorded and published on a monthly basis and maintained thereafter in a sortable electronic format on the website of the State Fire Marshal.

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