

1 HB114
2 173458-1
3 By Representative Hanes
4 RFD: Public Safety and Homeland Security
5 First Read: 03-FEB-16

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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 Prevention,
16 Protection, and Sprinkler System Advisory Board and
17 would provide for its membership and duties.

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

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25 A BILL
26 TO BE ENTITLED
27 AN ACT

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To amend Sections 34-33-1, 34-33-2, 34-33-3, 34-33-4, and 34-33-5, Code of Alabama 1975, relating to fire protection and fire protection sprinkler systems; to allow the State Fire Marshal to issue permits to certified potable water single family dwelling fire protection sprinkler contractors; to create the Fire Prevention, Protection, and Sprinkler System Advisory Board; to provide for membership and duties of the board; 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, 34-33-3, 34-33-4, and 34-33-5, 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 or the certified potable water single family dwelling fire protection sprinkler contractor.

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

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

8 "~~(1)~~ (4) FIRE PROTECTION SPRINKLER CONTRACTOR. An
9 individual, partnership, corporation, association, or joint
10 venture engaged in the business of installation, repair,
11 alteration, addition, maintenance, or inspection of fire
12 protection sprinkler systems. This does not include local
13 building officials, fire inspectors, or insurance inspectors
14 when acting in their official capacity.

15 "(5) FIRE PROTECTION SPRINKLER SYSTEM. ~~A~~ An
16 integrated system of underground and overhead piping designed
17 in accordance with fire protection engineering standards. ~~The~~
18 ~~system is supplied from a reliable, constant and sufficient~~
19 ~~water supply, such as a gravity tank, fire pump, reservoir or~~
20 ~~pressure tank, and/or connection by underground piping to a~~
21 ~~city main. The portion of the sprinkler system above ground is~~
22 ~~considered the fire protection sprinkler system for purposes~~
23 ~~of this chapter, and is a network of specially sized or~~
24 ~~hydraulically designed piping installed in a building,~~
25 ~~structure, or area, generally overhead, and to which~~
26 ~~sprinklers are connected in a systematic pattern. The system~~
27 ~~includes a controlling valve and device for actuating an alarm~~

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

24 "(6) POTABLE WATER SINGLE FAMILY DWELLING FIRE
25 PROTECTION SPRINKLER CONTRACTOR. An individual, partnership,
26 corporation, association, or joint venture engaged in the
27 business of installation, repair, alteration, addition,

1 maintenance, or inspection of a fire protection sprinkler
2 system in a single family dwelling using potable water and
3 installed in accordance with the provisions of NFPA 13D,
4 latest edition.

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

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

15 "§34-33-2.

16 "The administration of this chapter is vested in the
17 State Fire Marshal who shall have the power to make rules in
18 relation to potable water single family dwelling fire
19 protection sprinkler contractor training and for weekly fire
20 pump testing, and to set or make changes in the amount of the
21 ~~fee~~ fees charged as necessary for the administration and
22 enforcement of this chapter.

23 "§34-33-3.

24 "It shall be unlawful for any individual,
25 partnership, corporation, association, or joint venture to
26 engage in the business of installation, repair, alteration,
27 addition, maintenance, or inspection of a fire protection

1 sprinkler system or a potable water single family dwelling
2 fire protection sprinkler system in this state except in
3 conformity with the provisions of this chapter. Nothing in
4 this chapter, however, shall be construed to apply to fire
5 protection sprinkler system owners who employ registered
6 professional fire protection engineers, and skilled workers
7 who regularly and routinely design, install, repair, alter,
8 add to, maintain, and inspect sprinkler systems on and within
9 the premises of their employer, provided such systems are for
10 the owners' use only.

11 "§34-33-4.

12 "(a) Any individual, partnership, corporation,
13 association, or joint venture desiring to engage in the
14 business of fire protection sprinkler contractor shall submit
15 to the State Fire Marshal on standard forms provided by the
16 State Fire Marshal a completed application. The applicant
17 shall include a fee of \$100.00 when making the application.
18 The applicant shall designate in the application the name of
19 the proposed certificate holder and provide written proof that
20 such individual has passed a competency test administered by
21 the National Institute for Certification in Engineering
22 Technology (NICET) as a Fire Protection Layout Technician -
23 Level III. A copy of the NICET letter of notification that the
24 proposed certificate holder has passed the competency test
25 shall be sufficient written proof. The State Fire Marshal,
26 ~~shall issue,~~ upon receipt of the application and fee, shall
27 issue a State Fire Marshal's Permit to a fire protection

1 sprinkler contractor who has a current State Fire Marshal's
2 Permit, or who produces evidence of having a current state
3 permit from another state, if such state shall have entered
4 into an agreement of reciprocity with the State of Alabama.

5 "(b) Any individual, partnership, corporation,
6 association, or joint venture desiring to engage in the
7 potable water single family dwelling fire sprinkler business
8 shall submit to the State Fire Marshal on standard forms
9 provided by the State Fire Marshal a completed application.
10 The application shall include a nonrefundable fee of one
11 hundred dollars (\$100), which shall be paid by the applicant
12 when making the application. The applicant shall designate in
13 the application the name of the proposed certificate holder
14 and provide written proof that such individual holds a valid
15 master plumber certification issued by the Alabama Plumbers
16 and Gas Fitters Examining Board and has completed and passed a
17 competency test on the installation of a potable water single
18 family dwelling fire sprinkler system given by the State Fire
19 Marshal. The State Fire Marshal, upon receipt of the properly
20 completed application and fee, shall issue a State Fire
21 Marshal's permit.

22 "§34-33-5.

23 "If the required fee has been paid, satisfactory
24 written proof ~~from NICET has been provided that the competency~~
25 ~~test was passed when required by this chapter~~ meeting the
26 requirements set forth in this chapter for the requested
27 permit has been provided, and the proposed certificate holder

1 is found to be at present a responsible, managing owner,
2 partner, officer, or employee of the fire protection sprinkler
3 contractor, the State Fire Marshal ~~shall~~, within 30 days,
4 shall issue a State Fire Marshal's permit in the name of the
5 fire protection sprinkler contractor with the name of the
6 certificate holder noted thereon."

7 Section 2. Nothing in this act is intended to
8 authorize the State Fire Marshal to require the installation
9 of any fire protection sprinkler system in any single family
10 dwelling.

11 Section 3. (a) There is established the Fire
12 Prevention, Protection, and Sprinkler System Advisory Board,
13 which shall have seven members as follows:

14 (1) A member appointed by the Associated Builders
15 and Contractors of Alabama.

16 (2) A member appointed by the Alabama Fire
17 Sprinklers Association.

18 (3) A member appointed by the Home Builders
19 Association of Alabama.

20 (4) A member appointed by the Alabama Plumbers and
21 Gas Fitters Examining Board.

22 (5) A local municipal or county building official
23 appointed by the Governor.

24 (6) A member who is a certified firefighter employed
25 by a paid fire department or a certified volunteer firefighter
26 who is a member of a volunteer fire department, appointed by
27 the President Pro Tempore of the Senate.

1 (7) The State Fire Marshal shall serve as an ex
2 officio, non-voting member, shall serve as the secretary of
3 the board, shall keep a record of the proceedings of all board
4 meetings, and shall perform other duties as delegated by the
5 board.

6 (b) Within 60 days after the effective date of this
7 act, the State Fire Marshal shall convene a meeting of the
8 board, and the members of the board shall select a chair and
9 other officers of the board. After the initial meeting, the
10 board shall meet not less than two times a year or at the call
11 of the chair.

12 (c) The board may establish committees among its
13 membership, as it deems necessary, to assist in the conduct of
14 its business.

15 (d) The board shall have sole authority to review
16 and approve any curriculum used in the process of training and
17 certification of potable water single family dwelling fire
18 protection sprinkler contractors.

19 (e) In addition to the functions set forth in this
20 act, the board may perform any of the following functions:

21 (1) Review and make recommendations to the State
22 Fire Marshal in regard to changes to the rules or laws
23 pertaining to potable water single family dwelling fire
24 sprinkler systems.

25 (2) Make continuing studies, on its own initiative
26 or upon the request of the Department of Insurance, on the

1 effectiveness of enacted or proposed fire protection or
2 prevention regulations.

3 (3) Make rules and regulations for the conduct of
4 its board meetings, procedures, and execution of the purpose,
5 functions, powers, and duties delegated to it by this act.

6 Section 4. (a) The State Fire Marshal shall collect
7 and publish data on all structural fires in Alabama in a
8 report that includes all of the following information:

9 (1) The type of structure.

10 (2) The age of the structure.

11 (3) The code enforced when the structure was
12 constructed.

13 (4) The cause of the fire.

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

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

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

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

21 (b) The Fire Prevention, Protection, and Sprinkler
22 System Advisory Board may direct the State Fire Marshal to
23 include additional information in the report as it deems
24 necessary.

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

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

4 Section 5. This act shall become effective on the
5 first day of the third month following its passage and
6 approval by the Governor, or its otherwise becoming law.