

HOUSE BILL NO. 1451

Introduced by

Representatives Beadle, Guggisberg, Hanson, Hatlestad

Senator Bekkedahl

1 A BILL for an Act to create and enact a new section to chapter 18-01 and a new chapter to
2 title 43 of the North Dakota Century Code, relating to the plan approval, inspection, and testing
3 of fire sprinkler systems and fire sprinkler system licenses; and to provide a penalty.

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

5 **SECTION 1.** A new section to chapter 18-01 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Fire sprinkler systems plan approval, inspections, and testing.**

- 8 1. The fire marshal or the fire marshal's designee under section 18-01-03.2 shall review
9 all building plans for public or private buildings prior to the installation of a fire sprinkler
10 system to determine compliance with the applicable code standards of the national fire
11 protection association.
- 12 2. During installation or immediately after installation of a fire sprinkler system in a public
13 or private building, the fire marshal or the fire marshal's designee under section
14 18-01-03.2 shall inspect and test the fire sprinkler system to determine compliance
15 with applicable code standards of the national fire protection association.
- 16 3. The owner of any building containing a fire sprinkler system shall have the fire
17 sprinkler system inspected by the fire marshal or the fire marshal's designee under
18 section 18-01-03.2 pursuant to the schedule established by the national fire protection
19 association to assure compliance with applicable code standards of the national fire
20 protection association and to determine whether any changes in the building or in the
21 contents of the building requires modification of the fire sprinkler system.
- 22 4. In accordance with subsection 4 of section 54-21.3-03, single family dwellings or
23 residential buildings that do not contain more than two dwelling units are not subject to
24 this section.

1 5. The fire marshal shall establish and publish a fee schedule for the review of building
2 plans and sprinkler system inspections required by this section. A fire marshal's
3 designee under section 18-01-03.2 who conducts a review or inspection under this
4 section shall use the state fire marshal's fee schedule or may use a fee schedule
5 approved by the fire marshal.

6 **SECTION 2.** A new chapter to title 43 of the North Dakota Century Code is created and
7 enacted as follows:

8 **Definitions.**

9 As used in this chapter, unless the context otherwise requires:

- 10 1. "Apprentice fire sprinkler fitter" means an individual, other than a journeyman fire
11 sprinkler fitter, who:
- 12 a. Is engaged in learning and assisting in the practical installing, testing, inspecting,
13 dismantling to terminate, and repairing of fire sprinkler systems, under the
14 supervision of a licensed journeyman fire sprinkler fitter and a fire sprinkler
15 contractor; and
- 16 b. Is in a registered apprenticeship program under state or federal law.
- 17 2. "Board" means the fire sprinkler contractor board.
- 18 3. a. "Fire sprinkler contractor" means any contractor who has paid the annual fee and
19 obtained a license to conduct a business in the designing, installing, inspecting,
20 testing, dismantling to terminate service, maintaining, or repairing of fire sprinkler
21 systems; who employs any licensed professional engineer in the appropriate field
22 of competence; or who:
- 23 (1) Submits to the board satisfactory proof of having successfully completed an
24 accredited course in fire sprinkler engineering technologies or design;
- 25 (2) Submits a letter from the national institute for certification in engineering
26 technologies or other accredited school verifying successful completion of
27 the examination for level III fire sprinkler engineering technologies or design;
28 or
- 29 (3) Holds a current equivalent fire sprinkler designer's license issued by any
30 other state or Canadian province; and
- 31 (4) Has registered with the board.

- 1 b. Fire sprinkler contractors are designated under the following types:
- 2 (1) "Designer contractor" means a person who contracts to design a fire
- 3 protection system or its parts or related equipment.
- 4 (2) "Fire protection contractor" means a person who contracts to sell, design,
- 5 install, modify, alter, or inspect a fire protection system or its parts or related
- 6 equipment.
- 7 (3) "Limited contractor" means a person who performs fire protection-related
- 8 work on premises or that part of premises actually occupied by the
- 9 contractor and owned by the contractor or leased by the contractor for a
- 10 period of at least one year. No insurance or bond is required for a limited
- 11 contractor.
- 12 4. "Fire sprinkler system" means an integrated overhead piping system designed in
- 13 accordance with fire protection engineering standards, including:
- 14 a. The system includes at least one automatic water supply.
- 15 b. The aboveground portion of the system is a scheduled or hydraulically designed
- 16 piping installed in a building, structure, or area, generally overhead, to which
- 17 sprinklers are attached in a systematic pattern.
- 18 c. The valve controlling each system riser is located in a system riser or its supply
- 19 piping.
- 20 d. Each system riser includes a device for activating an alarm when the system is in
- 21 operation.
- 22 e. The system is usually activated by heat from a fire and discharges water over the
- 23 fire area.
- 24 5. "Journeyman sprinkler fitter" means any individual:
- 25 a. With a minimum of eight thousand hours of experience as a fire sprinkler fitter;
- 26 b. Who has paid the annual fee for license as a journeyman fire sprinkler fitter;
- 27 c. Who has obtained a license as a journeyman fire sprinkler fitter; and
- 28 d. Who is engaged in the practical installing, inspecting, testing, dismantling to
- 29 terminate service, maintaining, and repairing of fire sprinkler systems.
- 30 e. The board may determine alternative experience as deemed acceptable to the
- 31 board.

1 **Fire sprinkler contractor board.**

2 The board consists of five members appointed by the governor. One member must be an
3 employee of the board, and that member shall serve as secretary of the board; one member
4 must be selected from a local fire service jurisdiction; one member must be a licensed
5 journeyman fire sprinkler fitter; one member must be a fire sprinkler contractor or an employee
6 of a fire sprinkler contractor; and one member must be a consumer at large. Board members
7 shall serve four-year terms, except the governor shall appoint the initial members to terms of
8 four years or less so the terms of no more than two members expire each year. Each member
9 of the board is entitled to reimbursement for actual expenses incurred in performance of official
10 duties as provided for state officials and employees.

11 **Rulemaking.**

- 12 1. The board shall adopt rules governing:
- 13 a. Initial and subsequent competence, qualifications, examinations, and licensing of
14 fire sprinkler contractors and journeyman fire sprinkler fitters;
- 15 b. Fees and fines; and
- 16 c. System design and criteria.
- 17 2. The board is responsible for registration of fire sprinkler journeyman sprinkler fitters,
18 designers, contractors, and apprentice fire sprinkler fitters.

19 **License requirement.**

20 A person may not install, test, dismantle to terminate service, modify, alter, maintain, or
21 make a maintenance inspection on a fire sprinkler system or offer to do so unless licensed as a
22 journeyman sprinkler fitter or as an apprentice engaged in learning or working under a
23 journeyman sprinkler fitter.

24 **Exceptions.**

- 25 1. A person does not need a fire protection contractor license to maintain a fire protection
26 system. "Maintain" means the scheduled activities to keep a fire suppression system
27 operable. "Maintain" also means to make emergency repairs to correct an impairment
28 of a fire protection system until such time as a licensed fire protection contractor can
29 do permanent repairs.
- 30 2. Maintain shall not mean the practice of engaging in required activities prescribed by
31 NFPA 25, as adopted by the state fire marshal's office.

1 3. A license is not required to perform emergency repairs on exiting installations. An
2 emergency repair must be inspected by a licensed journeyman fire sprinkler fitter or
3 authority having jurisdiction as soon as possible.

4 **Issuances of licenses.**

5 The board shall issue licenses annually and registers under this chapter. A license expires
6 on December thirty-first of each year unless otherwise revoked. Annual renewal must be
7 submitted on forms provided by the board.

8 **Conceptual drawing, plan, or design for system requirements.**

9 A fire sprinkler contractor must be licensed or registered with the board before preparing a
10 conceptual drawing, plan, or design for a fire sprinkler system. The drawing, plan, or design
11 must include the license number of the contractor and designer. A fire sprinkler contractor may
12 obtain design services from any designer registered with the board.

13 **Journeyman fire sprinkler fitter licenses.**

14 Journeyman fire sprinkler fitter license reciprocity may be available with other states if the
15 other state reciprocates with this state, the other state has equal or more stringent
16 requirements, and the journeyman fire sprinkler fitter has applied for a North Dakota license and
17 has paid the required fee to this state. The board may not restrict any licensed journeyman fire
18 sprinkler fitter's work to any geographical territory. No work shall take place on any active job
19 site unless a licensed journeyman fire sprinkler fitter is present.

20 **Fees.**

21 Fees, fines, and permits must fund all enforcement and administrative costs for issuing
22 licenses and registrations under this chapter. The following fees must be paid to the board:

- 23 1. Fire sprinkler contractor annual license fee, two hundred fifty dollars.
- 24 2. Fire sprinkler designer contractor annual license fee, one hundred dollars.
- 25 3. Fire sprinkler limited contractor annual license fee, fifteen dollars.
- 26 4. Journeyman sprinkler fitter annual license fee, one hundred dollars.
- 27 5. Fire sprinkler designer annual registration fee, fifteen dollars.

28 **Fire protection contractor bond requirements.**

29 A fire sprinkler contractor must have one of the following:

- 30 1. A general liability insurance policy that:
 - 31 a. Includes products and complete operation coverage;

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

16 **Penalty and fines.**

17 A first willful violation of this chapter is a class B misdemeanor, and the board may impose a
18 penalty of not more than five hundred dollars. A second willful violation of this chapter is a
19 class A misdemeanor, and the board may impose a penalty of not more than one thousand
20 dollars. A third or subsequent willful violation of this chapter is a class A misdemeanor, and the
21 board may impose a penalty of not more than one thousand dollars. A separate violation occurs
22 each day the violation continues.

23 **Suspension or revocation of license.**

24 The board may suspend or revoke a license following notice and opportunity for hearing, if
25 the holder has:

- 26 1. Obtained or attempted to obtain a license by fraudulent misrepresentation.
- 27 2. Committed malpractice or exhibited incompetency in the installation or servicing of any
28 fire sprinkler equipment.
- 29 3. Serviced and failed to provide written notification to the owner and the authority having
30 jurisdiction of any deficiencies found in the fire system.

1 4. Employed a person who installs or services fire sprinkler equipment without the
2 required license.

3 5. Violated any of the conditions, qualifications, or limitations set forth in the license or
4 allows the license to be used by anyone other than the person or entity to whom the
5 license was issued.

6 **Revocation - Hearing.**

7 A license issued under this chapter may be revoked only after a hearing of the charges by
8 the board. The holder of the license must be notified in writing by the board of the charges
9 against the holder and of the time and place fixed for the hearing. Such notice must be served
10 by registered or certified mail, addressed to the post-office address of the licenseholder as
11 shown in the holder's license. The time set for the hearing must be not less than ten days after
12 the service of the notice. The hearing must be public and full opportunity must be given the
13 accused to produce witnesses and evidence in the accused's own behalf and to examine the
14 witnesses against the accused. After hearing all the evidence, the board shall render its
15 decision in writing and the accused must be furnished, by mail, a copy thereof. If the accused is
16 found guilty of any offense for which revocation of the license is provided, the license is revoked
17 automatically.

18 **Revocation of license - When reinstated.**

19 A person whose license issued under this chapter has been revoked by the board may not
20 be permitted to apply for a license for a period of one year from the date of the revocation. After
21 the expiration of such time, the board may consider an application for reinstatement of such
22 person and upon a showing that the disability has been removed or that there is no further
23 likelihood that the offense will be repeated, the board may reinstate the license.

24 **Continuing education requirements.**

25 During each calendar year, all fire sprinkler designers and journeyman fire sprinkler fitters
26 are required to attend eight hours of continuing education courses on the performance of fire
27 sprinkler-related work. All continuing education courses must be in the form of a workshop,
28 seminar, or educational conference approved by the board. Certificates of continuing education
29 shall be submitted with annual renewals. Education may be taken in person or online.

1 **Fitter licensed by board may practice at any place in state - Exception.**

2 A fitter registered and licensed by the board to engage in the business of journeyman fitter,
3 or fitter's apprentice may engage in or work at the business of plumbing at any place in this
4 state, except in cities that have adopted ordinances requiring a municipal license or registration
5 in addition to the state license before permitting any fitter to work in such municipality.

6 **Journeyman sprinkler fitter grandfather period.**

7 After December 31, 2015, sprinkler fitters who can demonstrate to the board that they have
8 attained journeyman status with their employer, applicable training program, or documented
9 experience, no later than June 30, 2017, shall be deemed a journeyman sprinkler fitter.

10 **SECTION 3. EFFECTIVE DATE.** This Act becomes effective on January 1, 2016.