

SENATE BILL No. 768

August 26, 2009, Introduced by Senators CHERRY, GLEASON, OLSHOVE, PRUSI, RICHARDVILLE, SCOTT and CLARK-COLEMAN and referred to the Committee on Economic Development and Regulatory Reform.

A bill to regulate certain activities involving automatic fire protection systems; to establish certain licensing and endorsement standards; to provide for certain powers and duties for certain state agencies; to create boards; to create a fund for certain purposes and to impose fees; and to provide for penalties and remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "automatic fire protection regulatory act".

3 Sec. 3. As used in this act:

4 (a) "Apprentice" means a person who is working in a training
5 capacity to service or install automatic fire protection systems
6 and who is studying in accordance with a program approved by the
7 bureau.

1 (b) "Apprentice fire sprinkler fitter permit" means a permit
2 issued to an apprentice fire sprinkler fitter.

3 (c) "Automatic fire protection system" means a fire sprinkler
4 system designed in accordance with nationally recognized standards
5 that consists of an assembly of piping or conduits that conveys
6 water, foam, or air with or without agents to dispersal openings or
7 devices to extinguish, control, or contain fire and that provides
8 protection from exposure to fire or the products of combustion. For
9 fire protection purposes, automatic fire protection system means an
10 integrated system of underground and overhead piping designed in
11 accordance with fire protection engineering standards. The system
12 includes a suitable water supply, such as a gravity tank, fire
13 pump, reservoir, pressure tank, or connection beginning at the
14 supply side of an approved gate valve located at or near the
15 property line where the pipe or piping system provides water used
16 exclusively for fire protection and related appurtenances and to
17 stand pipes connected to other related components or devices
18 necessary for water supplies.

19 (d) "Board" means the Michigan fire sprinkler board.

20 (e) "Bureau" means the bureau of fire services within the
21 department.

22 (f) "Contractor" means a person holding a Michigan fire
23 sprinkler contractor license.

24 (g) "Department" means the department of energy, labor, and
25 economic growth.

26 (h) "Endorsement" means a document, issued by the bureau, to
27 an individual who has met qualifications that authorizes the

1 individual to engage in system maintenance and inspection of
2 automatic fire protection systems.

3 (i) "Fire sprinkler fitter" means an individual who works on
4 automatic fire protection systems.

5 (j) "Fund" means the fire protection system fund created in
6 section 9.

7 (k) "Inspection" means the periodic examination of premises,
8 equipment, or procedures, or of a licensed or endorsed person or
9 entity, to determine whether the person's or entity's business or
10 profession is being conducted in a manner consistent with the
11 public health, safety, and welfare. Inspection includes the
12 inquiry, analysis, audit, or other pursuit of information, with
13 respect to a written complaint or other information before the
14 bureau, that is carried out for the purpose of assisting the bureau
15 in determining any of the following:

16 (i) Whether a person has violated a provision of law justifying
17 discipline against the person.

18 (ii) Whether a license should be granted or denied.

19 (iii) Whether the bureau should seek an injunction against
20 unlicensed practice.

21 (l) "Install" means the technical work that may be performed
22 only by an endorsed individual or an apprentice in the assembly of
23 an automatic fire protection system but does not include the
24 delivery of supplies or the off-site cutting or threading of pipe.
25 Install includes the following tasks relative to the assembly of an
26 automatic fire protection system and does not apply to the repair,
27 replacement, or maintenance of electrical supervisory devices for

1 automatic fire sprinkler systems:

2 (i) A determination of the course or plan of installation.

3 (ii) Jobsite assembly and installation of metal or nonmetal
4 pipe fittings including, but not limited to, fittings made of
5 brass, copper, lead, glass, and plastic.

6 (iii) The joining of piping by any means, including pipes joined
7 by threaded, caulked, wiped, soldered, brazed, fused, or cemented
8 joints.

9 (iv) The securing of a pipe to the structure by any means
10 including, but not limited to, clamps, brackets, hangers, and
11 welds.

12 (v) The testing of the installed system for mechanical
13 malfunctions.

14 (m) "Journey fire sprinkler license" means a license issued to
15 a journey sprinkler fitter.

16 (n) "License" means the document issued by the bureau that
17 authorizes a person or entity to engage in the business of
18 servicing or installing automatic fire protection systems.

19 (o) "Registered fire sprinkler fitter apprenticeship program"
20 means a 5-year program of apprenticeship training with the United
21 States department of labor or a state apprentice council involving
22 at least 8,500 hours of documented practical experience in the
23 installation of fire protection equipment and at least 850 hours of
24 classroom, shop, or related instruction in the fire protection
25 trade.

26 (p) "System maintenance and inspections", when referring to
27 automatic fire protection systems, means the maintenance and

1 testing required to keep the protective signaling and automatic
2 fire protection system and its component parts in an operative
3 condition at all times together with replacement of the system, or
4 its component parts, with listed or approved parts when for any
5 reason they become undependable, defective, or inoperative.

6 Sec. 5. (1) A contractor shall not engage in installing
7 automatic fire protection systems unless holding a license issued
8 by the department in the appropriate endorsement.

9 (2) A fire sprinkler fitter shall obtain an endorsement for
10 the following services:

11 (a) Installation of automatic fire protection systems.

12 (b) Fire service mains and appurtenances.

13 (c) Fire plumb installation and testing.

14 (d) Systems inspections, testing, and maintenance.

15 (3) The license must be prominently displayed at the business
16 premises, and endorsements must be carried by the person conducting
17 each installation or servicing and must be shown to anyone who
18 requests to see the documents.

19 (4) The bureau shall enforce this act and may conduct
20 inspections regarding activities regulated under this act.

21 Sec. 7. (1) An application for a license and any endorsements
22 shall be made on a form prescribed by the bureau and accompanied by
23 the appropriate fee. The department shall issue a license only to
24 an individual. The department shall delineate licensure classes for
25 contractors, journey, and apprentice levels by rule promulgated
26 under the administrative procedures act of 1969, 1969 PA 306, MCL
27 24.201 to 24.328.

1 (2) The department shall issue a license and endorsement for 3
2 years and shall issue a 1-year or 2-year license for an application
3 submitted after the due date for licenses and endorsements in the
4 particular license cycle. Licenses and endorsements shall be issued
5 on October 1 of each 3-year license cycle.

6 Sec. 9. (1) The fire protection system fund is created as a
7 revolving fund in the state treasury. The state treasurer shall be
8 the custodian of the fund and may invest the money in the fund and
9 any surplus of the fund in investments as are in the best interests
10 of the fund. The department is considered the administrator of the
11 fund for purposes of auditing. Money in the fund at the close of
12 each fiscal year shall remain in the fund and shall not lapse to
13 the general fund. The state fire marshal shall supervise and
14 administer the fund. Fees received by the bureau and money
15 collected under this act shall be deposited in the fund and shall
16 be appropriated by the legislature for administration and
17 enforcement of this act and the operation of the bureau, including
18 indirect overhead expenses. The state treasurer shall notify the
19 state fire marshal and the legislature of interest credited and the
20 balance of the fund as of September 30 of each year.

21 (2) The department shall charge an application fee of \$20.00,
22 a 3-year license fee of \$150.00, and a 3-year fee of \$40.00 for
23 each endorsement.

24 (3) Beginning 5 years after the effective date of this act,
25 the state fire marshal, after notifying the chairperson of the
26 senate and house appropriations committee of his or her intent to
27 establish the fees after approval of the board, and following a

1 public hearing held by the board, shall establish reasonable fees
2 to be charged by the bureau for issuance of certificates of
3 acceptability, testing, and evaluation.

4 (4) Within 30 days after the setting of fees under subsection
5 (3), the state fire marshal shall report to the legislature
6 regarding the following:

7 (a) The factors considered in the fee changes, including, but
8 not limited to, the increase in the nature and cost of the services
9 and the presence, absence, or change of any state or federal
10 mandates related to the services.

11 (b) Specific cost increases, if any, related to specific
12 services and the method of determining that increased cost.

13 (c) The individuals with direct knowledge of the fee changes
14 who are available to answer questions regarding those changes.

15 Sec. 11. (1) There is created a Michigan fire sprinkler board
16 within the department. The board shall consist of 9 members
17 appointed by the governor with the advice and consent of the
18 senate.

19 (2) Except as otherwise provided for in this section, the
20 board shall have not less than 5 members who are licensed under
21 this act. The terms of the board members is 3 years, except that
22 the initial board shall have 3 members appointed for 1 year, 3
23 members appointed for 2 years, and 3 members appointed for 3 years.
24 In the case of the initial board and in order to retain their
25 membership, the 5 licensed members shall become licensed under this
26 act within 12 months after the appointment of the board.

27 (3) The board shall advise the department and the bureau on

1 matters of qualifications, examinations, standards of practice, and
2 disciplinary actions against licensees.

3 Sec. 13. (1) An individual seeking licensure shall meet the
4 following qualifications and testing standards:

5 (a) Completion of a bona fide government-registered fire
6 sprinkler fitter apprenticeship program that establishes specified
7 minimum requirements for on-the-job training and classroom and shop
8 instruction and is approved by the board and the bureau.

9 (b) Passage of a test acceptable to the board.

10 (2) Beginning the effective date of this act and until the
11 expiration of 12 months after the effective date of this act, the
12 department shall issue a license and appropriate endorsement,
13 without meeting the training, education, and examination
14 requirements imposed in this act, to an individual meeting
15 standards determined by the bureau.

16 Sec. 15. The following individuals are exempt from the
17 licensing requirements imposed by this act:

18 (a) Individuals who engage only in the routine visual
19 inspection of automatic fire protection systems owned by the person
20 or entity and installed on property under their control.

21 (b) An individual or safety official representing a publicly
22 appointed commission or local authority having jurisdiction over
23 automatic fire protection systems.

24 Sec. 17. (1) Beginning the license cycle after the initial
25 license and endorsement and as a condition of renewal, an endorsee
26 shall obtain a minimum of 24 hours of continuing education per
27 license cycle and submit copies of continuing education

1 certificates with the application for renewal.

2 (2) The following continuing education programs may be
3 preapproved by the bureau for continuing education credit:

4 (a) Workshops, seminars, and educational conferences sponsored
5 by fire protection equipment manufacturers or trade associations.

6 (b) Courses in specialized programs approved or sponsored by
7 the bureau.

8 (c) Distance learning, video, or correspondence course work
9 approved by the bureau.

10 (e) Any continuing education which has been obtained in
11 another state that meets the continuing education standards imposed
12 in this state and is approved by the bureau.

13 (f) College or vocational school course work, approved by the
14 bureau, which is germane to the profession and contributes directly
15 to the professional competence of the endorsed individual, subject
16 to the following limitations:

17 (i) The endorsed individual must pass the course.

18 (ii) One semester credit shall equal 15 hours of continuing
19 education, and 1/4 credit shall equal 10 hours of continuing
20 education.

21 Sec. 19. (1) All work performed by an apprentice must be
22 subject to direct and task-specific instruction and direct
23 supervision of an endorsed individual.

24 (2) The bureau shall provide for an apprenticeship program.
25 Once an apprenticeship program has been approved, the licensee
26 shall provide the bureau with a list of all apprentices performing
27 work for the licensee and the name of the endorsed individual under

1 whom each apprentice will be working. The licensee shall provide
2 the bureau with updates of such list no later than 30 days after
3 any addition or subtraction of an apprentice from its program.

4 Sec. 21. A person engaged in activity regulated by this act
5 without a license and appropriate endorsement and without being
6 exempt from licensure under this act is guilty of a misdemeanor.

7 Sec. 23. The director of the department may promulgate rules
8 under the administrative procedures act of 1969, 1969 PA 306, MCL
9 24.201 to 24.328, for the purpose of administering and enforcing
10 this act.