

CF 7r2564

By: Delegates Weir, McHale, Conroy, and Ciliberti

Introduced and read first time: January 31, 1997

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 1997

CHAPTER ____

1 AN ACT concerning

2 State Fire Prevention Commission - Fire Sprinklers - Licensure and Regulation

3 FOR the purpose of requiring the State Fire Prevention Commission to adopt regulations
4 for the licensure and regulation of certain persons who install fire sprinkler systems;
5 authorizing the Commission to require an examination, charge a fee, adopt
6 regulations, and suspend, revoke, or deny a license to a person who installs fire
7 sprinkler systems to comply with the Commission's licensing and regulatory
8 requirements; authorizing the Commission to define certain terms; requiring a
9 license for certain fire sprinkler contractor services; exempting certain fire sprinkler
10 system maintenance activities from licensing; exempting a certain county from this
11 Act; defining a certain term; and generally relating to persons who install fire
12 sprinkler systems.

13 BY repealing and reenacting, without amendments,
14 Article 38A - Fires and Investigations
15 Section 3(e)
16 Annotated Code of Maryland
17 ~~(1993 Replacement Volume and 1996 Supplement)~~
18 (1997 Replacement Volume)

19 BY adding to
20 Article 38A - Fires and Investigations
21 Section 3(f) and (g) and 8(o)
22 Annotated Code of Maryland
23 ~~(1993 Replacement Volume and 1996 Supplement)~~
24 (1997 Replacement Volume)

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1 BY repealing and reenacting, with amendments,
2 Article 38A - Fires and Investigations
3 Section 14A(a)
4 Annotated Code of Maryland
5 (1997 Replacement Volume)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article 38A - Fires and Investigations**

9 3.

10 (e) (1) The State Fire Prevention Commission shall adopt regulations to
11 establish and administer a fee schedule for:

12 (i) Reviewing building plans to ensure compliance with the State Fire
13 Prevention Code; and

14 (ii) Conducting inspections in accordance with § 8 of this article.

15 (2) The State Fire Prevention Commission shall review annually the fee
16 schedule adopted under this subsection to ensure that the moneys collected shall at least
17 cover the costs of administering plan review and conducting inspections.

18 (3) This subsection may not be construed to limit the authority of a local
19 authority to establish a fee schedule for plan review and inspections conducted by the
20 local authority.

21 (F) (1) IN THIS SECTION, "PERSON" MEANS AN INDIVIDUAL, RECEIVER,
22 TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, REPRESENTATIVE
23 OF ANY KIND, PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER
24 ENTITY.

25 (2) THE STATE FIRE PREVENTION COMMISSION SHALL ADOPT
26 REGULATIONS THAT ESTABLISH A PROGRAM TO LICENSE AND REGULATE PERSONS
27 WHO INSTALL FIRE SPRINKLER SYSTEMS, INCLUDING PERSONS WHO ARE ENGAGED
28 IN THE DESIGN, INSTALLATION, INSPECTION, TESTING, REPAIR, OR MODIFICATION
29 OF ANY FIRE SPRINKLER SYSTEM IN ANY RESIDENTIAL OR COMMERCIAL BUILDING
30 IN THE STATE.

31 ~~(2)~~ (3) THE STATE FIRE PREVENTION COMMISSION SHALL:

32 (I) LICENSE FIRE SPRINKLER CONTRACTORS;

33 ~~(II)~~ (II) ESTABLISH PROFESSIONAL AND TECHNICAL STANDARDS;

34 ~~(III)~~ (III) ESTABLISH REQUIREMENTS FOR LIABILITY INSURANCE;

35 ~~(IV)~~ (IV) ESTABLISH REQUIREMENTS FOR LICENSURE;

36 ~~(V)~~ (V) ESTABLISH A REASONABLE LICENSING FEE;

3

1 ~~(V)~~ (VI) DESIGNATE AND IDENTIFY EXEMPTIONS TO
2 REGULATIONS;

3 ~~(VI)~~ (VII) DEFINE SPRINKLER SYSTEM; PROVIDED THAT THERE IS
4 NO CONFLICT WITH § 12-101(J) OF THE BUSINESS OCCUPATIONS AND PROFESSIONS
5 ARTICLE;

6 (VIII) DEFINE SPRINKLER CONTRACTOR; AND

7 ~~(VII)~~ (IX) ESTABLISH PROCEDURES FOR THE STATE FIRE MARSHAL
8 TO DENY, REVOKE, OR SUSPEND A LICENSE OF ANY PERSON WHO FAILS TO COMPLY
9 WITH ANY REGULATION ADOPTED BY THE STATE FIRE PREVENTION COMMISSION.

10 ~~(3)~~ (4) A PERSON MAY NOT DESIGN, INSTALL, INSPECT, TEST, REPAIR,
11 OR MODIFY A FIRE SPRINKLER SYSTEM UNLESS THE PERSON HAS COMPLIED WITH
12 THE LICENSING AND REGULATORY REQUIREMENTS ESTABLISHED BY THE STATE
13 FIRE PREVENTION COMMISSION.

14 (G) (1) ~~AN INDIVIDUAL~~ A PERSON MAY NOT PROVIDE SERVICES AS A FIRE
15 SPRINKLER CONTRACTOR IN THE STATE UNLESS LICENSED BY THE STATE FIRE
16 MARSHAL.

17 (2) ~~AN ORGANIZATION~~ A PERSON MAY NOT PROVIDE SERVICES AS A
18 FIRE SPRINKLER CONTRACTOR UNLESS SUCH SERVICES ARE PROVIDED BY AN
19 EMPLOYER OR CONTRACTOR OF THE ~~ORGANIZATION~~ PERSON WHO IS LICENSED BY
20 THE STATE FIRE MARSHAL.

21 (3) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT THE
22 FOLLOWING:

23 (I) INSPECTIONS AND TESTS BY INSURANCE REPRESENTATIVES
24 ACTING IN THE PERFORMANCE OF THEIR ASSIGNED DUTY;

25 (II) INSPECTIONS, TESTS, AND REPAIRS BY A FULL-TIME
26 MAINTENANCE EMPLOYEE OF THE PROPERTY OWNER, KNOWLEDGEABLE ABOUT
27 FIRE SPRINKLER SYSTEMS, ACTING IN THE PERFORMANCE OF THE EMPLOYEE'S
28 ASSIGNED DUTY FOR THE PROPERTY OWNER;

29 (III) INSPECTIONS, TESTING, PLAN REVIEW, AND ENSURING THE
30 MAINTENANCE OF AND ANY EMERGENCY MAINTENANCE ACTIVITY ON A FIRE
31 SPRINKLER SYSTEM OR RESTORATION OF AN OPERATING OR RECENTLY OPERATED
32 FIRE SPRINKLER SYSTEM TO ACTIVE SERVICE BY AN INDIVIDUAL ACTING IN THE
33 INDIVIDUAL'S CAPACITY AS A MEMBER OF A STATE, COUNTY, MUNICIPAL, CAREER,
34 OR VOLUNTEER FIRE DEPARTMENT, OR AUTHORITY HAVING JURISDICTION; ~~OR~~

35 ~~(IV)~~ (IV) INSTALLATION OF A LIMITED AREA FIRE SPRINKLER
36 SYSTEM OR EMERGENCY TEMPORARY REPAIRS PERFORMED BY A LICENSED
37 PLUMBER IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE STATE FIRE
38 PREVENTION COMMISSION; OR

39 (V) INSPECTIONS, TESTING, PREPARATION OF DESIGN AND
40 SPECIFICATION DOCUMENTS, HYDRAULIC CALCULATIONS, LAYOUT, AND PLAN

4

1 REVIEW OF FIRE SPRINKLER SYSTEMS BY A MARYLAND REGISTERED
2 PROFESSIONAL ENGINEER KNOWLEDGEABLE ABOUT FIRE SPRINKLER SYSTEMS.

3 (4) SUBSECTIONS (F) AND (G) OF THIS SECTION DO NOT APPLY TO
4 MONTGOMERY COUNTY.

5 8.

6 (O) THE STATE FIRE MARSHAL SHALL:

7 (1) COLLECT THE FEES ESTABLISHED BY THE STATE FIRE PREVENTION
8 COMMISSION FOR LICENSING OF THE FIRE SPRINKLER CONTRACTORS;

9 (2) KEEP RECORDS OF ALL FEES COLLECTED UNDER THIS SUBSECTION;
10 ~~AND~~

11 ~~(3) PAY ALL MONEYS COLLECTED UNDER THIS SUBSECTION INTO THE~~
12 ~~GENERAL FUND OF THE STATE. ESTABLISH A SCHEDULE OF FEES FOR LICENSES~~
13 ~~ISSUED UNDER THIS SECTION USING DOLLAR AMOUNTS THAT WILL RECOVER BUT~~
14 ~~NOT EXCEED THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE ISSUANCE~~
15 ~~OF THE LICENSES; AND~~

16 (4) INVESTIGATE COMPLAINTS RELATED TO VIOLATIONS OF THIS
17 LICENSING SUBTITLE.

18 14A.

19 (a) Notwithstanding any provisions in §§ 1 through 14 of this article, the powers,
20 duties and jurisdiction conferred by these sections upon the State Fire Prevention
21 Commission and the State Fire Marshal and any code, regulation or practice promulgated
22 by them under the authority thereof shall not apply to or within Baltimore City except
23 THOSE PROVISIONS OF §§ 3 AND 8 OF THIS ARTICLE THAT PERTAIN TO THE
24 LICENSING OF FIRE SPRINKLER CONTRACTORS AND on properties owned or operated
25 by the State of Maryland. The State Fire Code shall apply in Baltimore City to hospitals,
26 nursing homes and similar institutions which require State licensure.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 1997.