
By: Delegates Conroy, McHale, Malone, Boston, Love, Klausmeier, and Eckardt

Introduced and read first time: February 23, 1996

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Life Safety Protection Act**

3 FOR the purpose of requiring a person to have a license in order to provide services as a
4 fire sprinkler contractor; providing certain exceptions; specifying certain
5 requirements and qualifications for licensees; authorizing the Office of the State
6 Fire Marshal to adopt certain regulations and take certain disciplinary actions;
7 establishing certain insurance requirements; providing for the termination of this
8 Act under the Program Evaluation Act; providing for an evaluation by a certain
9 date; defining certain terms; and generally relating to licensing fire sprinkler
10 contractors.

11 BY adding to

12 Article 38A - Fires and Investigations
13 Section 12B-1 through 12B-13, inclusive, to be under the new subheading "Fire
14 Sprinkler Contractors"
15 Annotated Code of Maryland
16 (1993 Replacement Volume and 1995 Supplement)

17 BY adding to

18 Article - State Government
19 Section 8-403(l)
20 Annotated Code of Maryland
21 (1995 Replacement Volume)

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

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

25 **FIRE SPRINKLER CONTRACTORS**

26 12B-1.

27 (A) IN THIS SUBHEADING THE FOLLOWING WORDS HAVE THE MEANINGS
28 INDICATED.

2

1 (B) "AUTHORITY HAVING JURISDICTION" MEANS A PERSON OR ENTITY WHO
2 MAY LEGALLY ENFORCE STATE OR LOCAL FIRE SAFETY REGULATIONS AND WHO IS
3 SWORN AND DEPUTIZED BY THE STATE FIRE MARSHAL.

4 (C) "FIRE SPRINKLER CONTRACTOR" MEANS A PERSON ENGAGED IN THE
5 DESIGN, INSTALLATION, INSPECTION, TESTING, REPAIR, OR MODIFICATION OF ANY
6 FIRE SPRINKLER SYSTEM IN ANY BUILDING IN THE STATE.

7 (D) "FIRE SPRINKLER SYSTEM" MEANS A DEVICE THAT:

8 (1) CONVEYS WATER WITH OR WITHOUT OTHER AGENTS THROUGH
9 THE ASSEMBLY OF PIPING OR CONDUIT BEGINNING AT OR WITH A WATER SUPPLY
10 AND INCLUDES FIRE STANDPIPE SYSTEMS, ONLY IF THE FIRE STANDPIPE SYSTEM IS
11 THE COMBINATION AUTOMATIC SPRINKLER FEED MAIN AND FIRE STANDPIPE
12 SYSTEM;

13 (2) OPENS AUTOMATICALLY BY THE OPERATION OF A HEAT OR SMOKE
14 RESPONSIVE RELEASING MECHANISM;

15 (3) DISCHARGES WATER IN A SPECIFIC PATTERN OVER A DESIGNATED
16 AREA TO EXTINGUISH OR CONTROL FIRE; AND

17 (4) MEETS THE REQUIREMENTS OF THE NATIONAL FIRE PROTECTION
18 ASSOCIATION STANDARDS AS ADOPTED BY THE COMMISSION.

19 (E) "COMMISSION" MEANS THE STATE FIRE PREVENTION COMMISSION.

20 (F) "FIRE MARSHAL" MEANS THE OFFICE OF THE MARYLAND STATE FIRE
21 MARSHAL.

22 (G) "LICENSE" MEANS A LICENSE ISSUED BY THE FIRE MARSHAL TO PROVIDE
23 SERVICES AS A FIRE SPRINKLER CONTRACTOR.

24 (H) "LICENSED FIRE SPRINKLER CONTRACTOR" MEANS A FIRE SPRINKLER
25 CONTRACTOR WHO IS LICENSED BY THE FIRE MARSHAL TO PROVIDE SERVICES AS A
26 FIRE SPRINKLER CONTRACTOR.

27 12B-2.

28 (A) (1) THE COMMISSION MAY ADOPT REGULATIONS NECESSARY TO
29 CARRY OUT THIS SUBHEADING, INCLUDING REGULATIONS FOR:

30 (I) THE EXAMINATION OF APPLICANTS;

31 (II) PROCEDURES FOR RENEWAL OF LICENSES; AND

32 (III) REQUIREMENTS FOR LIABILITY INSURANCE.

33 (2) THE REGULATIONS SHALL BE ADOPTED ON OR BEFORE JANUARY 1,
34 1997.

35 (B) IN ADDITION TO ANY POWERS AND DUTIES SET FORTH ELSEWHERE, THE
36 COMMISSION SHALL:

3

1 (1) ESTABLISH THE QUALIFICATIONS FOR LICENSURE THAT ENSURE
2 THE COMPETENCE AND INTEGRITY TO ENGAGE IN THE PROFESSION; AND

3 (2) SET REASONABLE FEES FOR THE ISSUANCE AND RENEWAL OF
4 LICENSES.

5 12B-3.

6 IN ADDITION TO ANY POWERS AND DUTIES SET FORTH ELSEWHERE, THE FIRE
7 MARSHAL SHALL:

8 (1) COLLECT ANY FEES PAID TO THE STATE FIRE MARSHAL FOR
9 PURPOSES OF LICENSING UNDER THIS SUBHEADING;

10 (2) PAY ALL MONEY COLLECTED UNDER THIS SUBHEADING INTO THE
11 GENERAL FUND OF THE STATE;

12 (3) EXAMINE OR CAUSE TO BE EXAMINED, THE QUALIFICATION OF
13 EACH APPLICANT FOR LICENSURE;

14 (4) LICENSE QUALIFIED APPLICANTS;

15 (5) RECEIVE AND INVESTIGATE COMPLAINTS CONCERNING THE
16 CONDUCT OF ANY PERSON WHOSE ACTIVITIES ARE REGULATED BY THE
17 COMMISSION AND TAKE APPROPRIATE DISCIPLINARY ACTION IF WARRANTED;

18 (6) REMOVE, SUSPEND, OR FAIL TO RENEW A LICENSE FOR JUST CAUSE
19 AS ESTABLISHED BY REGULATION;

20 (7) KEEP A LIST OF ALL LICENSED FIRE SPRINKLER CONTRACTORS AND
21 PERIODICALLY DISTRIBUTE TO ALL AUTHORITIES HAVING JURISDICTION A
22 CURRENT LIST OF ALL LICENSED FIRE SPRINKLER CONTRACTORS IN THE STATE OF
23 MARYLAND; AND

24 (8) SUBMIT AN ANNUAL REPORT TO THE SECRETARY OF PUBLIC
25 SAFETY AND CORRECTIONAL SERVICES DETAILING THE NUMBER OF FIRE
26 SPRINKLER CONTRACTORS NEWLY LICENSED AND THE NUMBER OF RENEWALS.

27 12B-4.

28 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBHEADING, AN INDIVIDUAL
29 SHALL BE LICENSED BY THE FIRE MARSHAL BEFORE THE INDIVIDUAL MAY
30 PROVIDE SERVICES AS A FIRE SPRINKLER CONTRACTOR.

31 12B-5.

32 TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN INDIVIDUAL WHO
33 MEETS THE QUALIFICATIONS AND COMPETENCY STANDARDS ESTABLISHED BY THE
34 COMMISSION.

35 12B-6.

36 (A) THE FIRE MARSHAL SHALL ISSUE A LICENSE TO EACH APPLICANT WHO
37 MEETS THE REQUIREMENTS OF THIS SUBHEADING AND THE REGULATIONS
38 ESTABLISHED BY THE COMMISSION.

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1 (B) THE OFFICE OF THE STATE FIRE MARSHAL SHALL BE REIMBURSED FOR
2 COSTS INCURRED BY THE FIRE MARSHAL IN THIS REGARD FROM THE FUNDS PAID
3 INTO THE GENERAL FUND.

4 12B-7.

5 UNLESS A LICENSE IS RENEWED FOR A 2-YEAR TERM IN A MANNER PROVIDED
6 IN THE REGULATIONS, THE LICENSE SHALL EXPIRE ON THE SECOND ANNIVERSARY
7 OF ITS EFFECTIVE DATE.

8 12B-8.

9 SUBJECT TO THE HEARING PROVISIONS OF § 12B-9 OF THIS SUBHEADING, THE
10 FIRE MARSHAL MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY
11 LICENSEE, OR SUSPEND OR REVOKE A LICENSE IF THE APPLICANT OR LICENSEE:

12 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
13 OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;

14 (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

15 (3) IS GUILTY OF GROSS NEGLIGENCE, INCOMPETENCE, OR
16 MISCONDUCT WHILE ENGAGED AS A FIRE SPRINKLER CONTRACTOR; OR

17 (4) IS GUILTY OF AN UNFAIR OR DECEPTIVE TRADE PRACTICE, AS
18 DEFINED IN § 13-301 OF THE COMMERCIAL LAW ARTICLE.

19 12B-9.

20 (A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE
21 GOVERNMENT ARTICLE, BEFORE THE FIRE MARSHAL TAKES ANY FINAL ACTION
22 UNDER § 12B-8 OF THIS SUBHEADING, IT SHALL GIVE THE INDIVIDUAL AGAINST
23 WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING.

24 (B) THE FIRE MARSHAL SHALL GIVE NOTICE AND HOLD THE HEARING IN
25 ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

26 (C) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE ACTION IS
27 CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE STATE FIRE MARSHAL MAY
28 NEVERTHELESS HEAR AND DETERMINE THE MATTER.

29 12B-10.

30 (A) AN INDIVIDUAL MAY NOT PROVIDE SERVICES AS A FIRE SPRINKLER
31 CONTRACTOR IN THE STATE UNLESS LICENSED BY THE FIRE MARSHAL.

32 (B) AN ORGANIZATION MAY NOT PROVIDE SERVICES AS A FIRE SPRINKLER
33 CONTRACTOR UNLESS SUCH SERVICES ARE PROVIDED BY AN EMPLOYEE OR
34 CONTRACTOR OF THE ORGANIZATION WHO IS LICENSED BY THE FIRE MARSHAL.

35 (C) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT THE FOLLOWING:

36 (1) INSPECTIONS AND TESTS BY INSURANCE REPRESENTATIVES;

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1 (2) INSPECTIONS, TESTS, AND REPAIRS BY EMPLOYEES OF AN ELECTRIC
2 COMPANY, AS DEFINED BY ARTICLE 78, § 2 OF THE CODE; AND

3 (3) INSPECTIONS, TESTING, PLANS REVIEW, AND ENSURING THE
4 MAINTENANCE OF AND ANY EMERGENCY MAINTENANCE ACTIVITY ON A FIRE
5 SPRINKLER SYSTEM OR RESTORATION OF AN OPERATING OR RECENTLY OPERATED
6 FIRE SPRINKLER SYSTEM TO ACTIVE SERVICE BY AN INDIVIDUAL ACTING IN THE
7 INDIVIDUAL'S OFFICIAL CAPACITY AS A MEMBER OF A STATE, COUNTY, MUNICIPAL,
8 CAREER, OR VOLUNTEER FIRE DEPARTMENT, OR AUTHORITY HAVING
9 JURISDICTION.

10 12B-11.

11 UNLESS AUTHORIZED UNDER THIS SUBHEADING AS A LICENSED FIRE
12 SPRINKLER CONTRACTOR, A PERSON MAY NOT REPRESENT TO THE PUBLIC, BY USE
13 OF A TITLE, INCLUDING "LICENSED FIRE SPRINKLER CONTRACTOR", BY
14 DESCRIPTION OF SERVICES, METHODS OR PROCEDURES, OR OTHERWISE THAT THE
15 PERSON IS AUTHORIZED TO PROVIDE SERVICES AS A FIRE SPRINKLER
16 CONTRACTOR IN THIS STATE.

17 12B-12.

18 A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBHEADING IS GUILTY OF
19 A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000
20 OR IMPRISONMENT NOT EXCEEDING 3 YEARS OR BOTH.

21 12B-13.

22 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISION OF THE
23 MARYLAND PROGRAM EVALUATION ACT, THIS SUBHEADING AND ALL
24 REGULATIONS ADOPTED UNDER IT SHALL TERMINATE AND BE OF NO EFFECT
25 AFTER OCTOBER 1, 2006.

26 **Article - State Government**

27 8-403.

28 (L) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (E) OF THIS SECTION,
29 ON OR BEFORE OCTOBER 1, 2005, AN EVALUATION SHALL BE MADE OF THE
30 ACTIVITIES OF THE STATE FIRE PREVENTION COMMISSION TO LICENSE FIRE
31 SPRINKLER CONTRACTORS AND THE REGULATIONS ADOPTED BY THE STATE FIRE
32 PREVENTION COMMISSION THAT RELATE TO THE LICENSURE OF FIRE SPRINKLER
33 CONTRACTORS.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 1996.