
By: Senators Collins and Sfikas

Introduced and read first time: February 2, 1996

Assigned to: Economic and Environmental Affairs

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 StateFire Prevention
6 Commission to adopt certain regulations; authorizing the Commission to take
7 certain disciplinary actions; establishing certain insurance requirements; providing
8 for the termination of this Act under the Program Evaluation Act; providing for an
9 evaluation by a certain date; defining certain terms; and generally relating to
10 licensing fire sprinkler contractors.

11 BY repealing and reenacting, with amendments,
12 Article 38A - Fires and Investigations
13 Section 1(a)
14 Annotated Code of Maryland
15 (1993 Replacement Volume and 1995 Supplement)

16 BY adding to
17 Article 38A - Fires and Investigations
18 Section 12B-1 through 12B-17, inclusive, to be under the new subheading "Fire
19 Sprinkler Contractors"
20 Annotated Code of Maryland
21 (1993 Replacement Volume and 1995 Supplement)

22 BY adding to
23 Article - State Government
24 Section 8-403(l)
25 Annotated Code of Maryland
26 (1995 Replacement Volume)

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

2

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

2 1.

3 (a) There is hereby created a State Fire Prevention Commission, which shall
4 consist of 9 persons, qualified by experience and training to deal with the matters which
5 are the responsibilities of the Commission, appointed by the Secretary of Public Safety
6 and Correctional Services, with the approval of the Governor. The Commission shall be
7 part of the Department of Public Safety and Correctional Services. The term of office of
8 the members first taking office shall expire as designated by the Governor at the time of
9 appointment, one at the end of one year, one at the end of two years, one at the end of
10 three years, two at the end of four years, and two at the end of five years. Each succeeding
11 term shall be for five years, and any member is subject to removal by the Secretary of
12 Public Safety and Correctional Services, with the approval of the Governor at any time for
13 neglect of his duties or for other cause which in the opinion of the Secretary makes his
14 continued membership unwise in the public interest. Any member appointed to fill a
15 vacancy occurring prior to the expiration of the term for which his predecessor was
16 appointed, shall be appointed for the remainder of such term. Members may serve a
17 maximum of 2 terms. Of the members of said Commission there shall at all times be 1
18 member who shall be a member of a paid fire company; 3 members who shall be members
19 of volunteer fire companies; 1 member who shall be an architect or engineer; 1 member
20 who shall be a building contractor; [2] 1 [members] MEMBER of the Commission shall
21 be A [representatives] REPRESENTATIVE of industry, AND 1 MEMBER SHALL BE A
22 FIRE SPRINKLER CONTRACTOR LICENSED PURSUANT TO THIS TITLE, and one
23 member shall be representative of the general public interest. In addition five of the 9
24 members of the Commission shall reside in the following five regions of the State: (1)
25 Western Maryland -- the counties of Garrett, Allegany, Washington, Frederick, and
26 Carroll; (2) Central Maryland -- the counties of Harford, Baltimore, and Howard; (3)
27 Southern Maryland -- the counties of Anne Arundel, Calvert, Charles, and St. Mary's;
28 (4) Washington Metropolitan Area -- the counties of Montgomery and Prince George's;
29 and (5) Eastern Shore -- the counties of Cecil, Kent, Queen Anne's, Talbot, Caroline,
30 Dorchester, Wicomico, Somerset, and Worcester. The remainder of the members shall be
31 appointed to represent the State at large.

32 **FIRE SPRINKLER CONTRACTORS**

33 12B-1.

34 (A) IN THIS SUBHEADING THE FOLLOWING WORDS HAVE THE MEANINGS
35 INDICATED.

36 (B) "FIRE SPRINKLER CONTRACTOR" MEANS A PERSON ENGAGED IN THE
37 DESIGN, INSTALLATION, INSPECTION, TESTING, REPAIR, OR MODIFICATION OF ANY
38 FIRE SPRINKLER SYSTEM IN ANY RESIDENTIAL OR COMMERCIAL BUILDING IN THE
39 STATE.

40 (C) (1) "FIRE SPRINKLER SYSTEM" MEANS A DEVICE THAT:

41 (I) OPENS AUTOMATICALLY BY OPERATION OF A HEAT
42 RESPONSIVE RELEASING MECHANISM;

3

1 (II) DISCHARGES WATER IN A SPECIFIC PATTERN OVER A
2 DESIGNATED AREA TO EXTINGUISH OR CONTROL FIRE;

3 (III) USES THE SAME SERVICE WATER SUPPLY PIPE TO THE
4 DWELLING UNIT THAT THE PUBLIC WATER SYSTEM USES;

5 (IV) MEETS THE REQUIREMENTS OF CURRENT NATIONAL FIRE
6 PROTECTION ASSOCIATION STANDARDS;

7 (V) IS APPROVED BY THE STATE FIRE MARSHAL OR THE LOCAL
8 AUTHORITY HAVING JURISDICTION OVER THE ENFORCEMENT OF FIRE CODES.

9 (2) "FIRE SPRINKLER SYSTEM" INCLUDES:

10 (I) THE ASSEMBLY OF PIPING OR CONDUIT BEGINNING AT OR
11 WITH A WATER SUPPLY THAT CONVEYS WATER WITH OR WITHOUT OTHER AGENTS;
12 AND

13 (II) FIRE STANDPIPE SYSTEMS, ONLY IF THE FIRE STANDPIPE
14 SYSTEM IS THE COMBINATION AUTOMATIC SPRINKLER FEED MAIN AND FIRE
15 STANDPIPE SYSTEM.

16 (D) "COMMISSION" MEANS THE STATE FIRE PREVENTION COMMISSION.

17 (E) "LICENSE" MEANS A LICENSE ISSUED BY THE COMMISSION TO PROVIDE
18 SERVICES AS A FIRE SPRINKLER CONTRACTOR.

19 (F) "LICENSED FIRE SPRINKLER CONTRACTOR" MEANS A FIRE SPRINKLER
20 CONTRACTOR WHO IS LICENSED BY THE COMMISSION TO ENGAGE AS A FIRE
21 SPRINKLER CONTRACTOR.

22 12B-2.

23 (A) THE COMMISSION MAY:

24 (1) ADOPT ANY REGULATION TO CARRY OUT THIS SUBHEADING; AND

25 (2) SUE TO ENFORCE ANY PROVISION OF THIS SUBHEADING BY
26 INJUNCTION.

27 (B) IN ADDITION TO ANY DUTIES SET FORTH ELSEWHERE THE COMMISSION
28 SHALL:

29 (1) KEEP A LIST OF ALL LICENSED FIRE SPRINKLER CONTRACTORS;
30 AND

31 (2) SUBMIT AN ANNUAL REPORT TO THE SECRETARY OF PUBLIC
32 SAFETY AND CORRECTIONAL SERVICES DETAILING THE NUMBER OF FIRE
33 SPRINKLER CONTRACTORS NEWLY LICENSED, AND THE NUMBER OF RENEWALS .

34 (C) IN ADDITION TO ANY POWERS AND DUTIES SET FORTH ELSEWHERE, THE
35 COMMISSION HAS THE FOLLOWING POWERS AND DUTIES:

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

4

1 (2) TO EXAMINE OR CAUSE TO BE EXAMINED, THE QUALIFICATION OF
2 EACH APPLICANT FOR LICENSURE;

3 (3) TO LICENSE QUALIFIED APPLICANTS;

4 (4) TO RECEIVE COMPLAINTS CONCERNING THE CONDUCT OF ANY
5 PERSON WHOSE ACTIVITIES ARE REGULATED BY THE COMMISSION AND TO TAKE
6 APPROPRIATE DISCIPLINARY ACTION IF WARRANTED; AND

7 (5) TO REMOVE, SUSPEND, OR FAIL TO RENEW A LICENSE FOR JUST
8 CAUSE AS ENUMERATED IN THE REGULATIONS OF THE COMMISSION.

9 12B-3.

10 (A) THE COMMISSION MAY SET REASONABLE FEES FOR THE ISSUANCE AND
11 RENEWAL OF LICENSES AND OTHER SERVICES ADMINISTERED BY THE COMMISSION
12 OR ITS DESIGNEE.

13 (B) THE COMMISSION OR ITS DESIGNEE MAY COLLECT ANY FEES PAID TO
14 THE COMMISSION OR ITS DESIGNEE FOR PURPOSES OF LICENSING, UNDER THIS
15 SUBHEADING.

16 (C) THE COMMISSION OR ITS DESIGNEE SHALL PAY ALL MONEY COLLECTED
17 UNDER THIS SUBHEADING INTO THE GENERAL FUND OF THE STATE.

18 12B-4.

19 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBHEADING, AN INDIVIDUAL
20 SHALL BE LICENSED BY THE COMMISSION BEFORE THE INDIVIDUAL MAY PROVIDE
21 SERVICES AS A FIRE SPRINKLER CONTRACTOR.

22 12B-5.

23 (A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN INDIVIDUAL
24 WHO MEETS THE REQUIREMENTS OF THIS SECTION.

25 (B) THE APPLICANT SHALL MEET THE QUALIFICATIONS AND COMPETENCY
26 STANDARDS AS ESTABLISHED BY THE COMMISSION IN ACCORDANCE WITH § 12B-2(C)
27 OF THIS SUBHEADING.

28 (C) THE APPLICANT SHALL BE AT LEAST 18 YEARS OLD.

29 (D) THE APPLICANT SHALL PASS AN EXAMINATION GIVEN BY THE
30 COMMISSION OR ITS DESIGNEE UNDER THIS SUBHEADING.

31 (E) THE APPLICANT SHALL COMPLY AND SUBMIT PROOF OF COMPLIANCE
32 WITH THE INSURANCE REQUIREMENTS ESTABLISHED UNDER § 12B-13 OF THIS
33 SUBHEADING.

34 12B-6.

35 AN APPLICANT FOR A LICENSE SHALL:

36 (1) SUBMIT TO THE COMMISSION OR ITS DESIGNEE AN APPLICATION ON
37 THE FORM THAT THE COMMISSION OR ITS DESIGNEE REQUIRES; AND

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1 (2) PAY TO THE COMMISSION OR ITS DESIGNEE ANY APPLICATION AND
2 TESTING FEE ESTABLISHED BY THE COMMISSION; AND

3 (3) SUBMIT PROOF OF COMPLYING WITH THE INSURANCE
4 REQUIREMENTS ESTABLISHED UNDER § 12B-13 OF THIS SUBHEADING TO THE STATE
5 MARSHAL'S OFFICE.

6 12B-7.

7 (A) AN APPLICANT WHO OTHERWISE QUALIFIES FOR A LICENSE IS ENTITLED
8 TO BE EXAMINED AS PROVIDED IN THIS SECTION.

9 (B) THE COMMISSION OR ITS DESIGNEE SHALL GIVE EXAMINATIONS TO
10 APPLICANTS AT THE TIMES AND PLACES THAT THE COMMISSION OR ITS DESIGNEE
11 DETERMINES.

12 (C) THE COMMISSION OR ITS DESIGNEE SHALL GIVE EACH QUALIFIED
13 APPLICANT NOTICE OF THE TIME AND PLACE OF THE EXAMINATION.

14 (D) (1) THE COMMISSION OR ITS DESIGNEE SHALL DEVELOP AND
15 ADMINISTER AN EXAMINATION TO EVALUATE COMPETENCY OF APPLICANTS FOR A
16 FIRE SPRINKLER CONTRACTORS LICENSE.

17 (2) THE COMMISSION OR ITS DESIGNEE SHALL BE REIMBURSED FROM
18 THE GENERAL FUND FOR THE COST OF ADMINISTERING, EVALUATING AND
19 EXAMINING APPLICANTS FOR A LICENSE.

20 12B-8.

21 (A) THE COMMISSION OR ITS DESIGNEE SHALL ISSUE A LICENSE TO EACH
22 APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBHEADING AND THE
23 REGULATIONS ESTABLISHED BY THE COMMISSION AND SHALL BE REIMBURSED FOR
24 COSTS INCURRED BY THE COMMISSION OR ITS DESIGNEE IN THIS REGARD FROM
25 THE FUNDS PAID INTO THE GENERAL FUND.

26 (B) THE COMMISSION OR ITS DESIGNEE SHALL INCLUDE ON EACH LICENSE
27 THE FOLLOWING INFORMATION:

28 (1) THE NAME OF THE LICENSEE;

29 (2) THE DATE WHEN THE LICENSE BECAME EFFECTIVE;

30 (3) THE EXPIRATION DATE OF THE LICENSE; AND

31 (4) ANY OTHER INFORMATION THAT THE COMMISSION CONSIDERS
32 NECESSARY.

33 12B-9.

34 (A) UNLESS A LICENSE IS RENEWED FOR A 2-YEAR TERM AS PROVIDED IN
35 THIS SECTION, THE LICENSE SHALL EXPIRE ON THE SECOND ANNIVERSARY OF ITS
36 EFFECTIVE DATE.

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1 (B) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE COMMISSION OR ITS
2 DESIGNEE SHALL MAIL TO THE LICENSEE, AT THE LAST KNOWN ADDRESS OF THE
3 LICENSEE, A RENEWAL APPLICATION FORM AND A NOTICE THAT STATES:

4 (1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

5 (2) THE DATE BY WHICH THE COMMISSION MUST RECEIVE THE
6 RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED; AND

7 (3) THE AMOUNT OF THE RENEWAL FEE.

8 (C) PRIOR TO THE EXPIRATION DATE OF THE LICENSE, THE LICENSEE MAY
9 RENEW IT FOR AN ADDITIONAL 2-YEAR TERM, IF THE LICENSEE:

10 (1) IS IN GOOD STANDING AND IS OTHERWISE ENTITLED TO BE
11 LICENSED;

12 (2) PAYS THE RENEWAL FEE SET BY THE COMMISSION; AND

13 (3) SUBMITS TO THE COMMISSION A RENEWAL APPLICATION ON THE
14 FORM THAT THE COMMISSION REQUIRES.

15 (4) SUBMITS PROOF OF THE INSURANCE REQUIREMENTS AS
16 ESTABLISHED UNDER § 12B-13 OF THIS SUBHEADING.

17 (D) THE COMMISSION SHALL RENEW THE LICENSE OF AND ISSUE A RENEWAL
18 CERTIFICATE TO EACH LICENSEE WHO MEETS THE REQUIREMENTS OF THIS
19 SECTION.

20 12B-10.

21 SUBJECT TO THE HEARING PROVISIONS OF § 12B-11 OF THIS SUBHEADING, THE
22 COMMISSION MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY
23 LICENSEE, OR SUSPEND OR REVOKE A LICENSE IF THE APPLICANT OR LICENSEE:

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

26 (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

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

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

31 12B-11.

32 (A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE
33 GOVERNMENT ARTICLE, BEFORE THE COMMISSION TAKES ANY FINAL ACTION
34 UNDER § 12B-10 OF THIS SUBHEADING, IT SHALL GIVE THE INDIVIDUAL AGAINST
35 WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE
36 THE COMMISSION.

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1 (B) THE COMMISSION SHALL GIVE NOTICE AND HOLD THE HEARING IN
2 ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

3 (C) THE COMMISSION MAY ADMINISTER OATHS IN CONNECTION WITH ANY
4 PROCEEDING UNDER THIS SECTION.

5 (D) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE ACTION IS
6 CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE COMMISSION MAY
7 NEVERTHELESS HEAR AND DETERMINE THE MATTER.

8 12B-12.

9 ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE COMMISSION IN A
10 CONTESTED CASE, AS DEFINED IN § 10-202 OF THE STATE GOVERNMENT ARTICLE,
11 MAY MAKE AN APPEAL AS ALLOWED IN §§ 10-222 AND 10-223 OF THE STATE
12 GOVERNMENT ARTICLE.

13 12B-13.

14 A LICENSED FIRE SPRINKLER CONTRACTOR SHALL BE COVERED BY LIABILITY
15 INSURANCE IN THE AMOUNT OF \$500,000 PER INCIDENT, FOR THE PURPOSE OF
16 PAYING CLAIMS OR JUDGEMENTS FOR DAMAGES WHICH MAY OCCUR AS A RESULT
17 OF NEGLIGENCE BY THE FIRE SPRINKLER CONTRACTOR.

18 12B-14.

19 (A) AN INDIVIDUAL MAY NOT PROVIDE SERVICES AS A FIRE SPRINKLER
20 CONTRACTOR IN THE STATE UNLESS LICENSED BY THE COMMISSION.

21 (B) AN ORGANIZATION MAY NOT PROVIDE SERVICES AS A FIRE SPRINKLER
22 CONTRACTOR UNLESS SUCH SERVICES ARE PROVIDED BY AN EMPLOYEE OR
23 CONTRACTOR OF THE ORGANIZATION WHO IS LICENSED BY THE COMMISSION.

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

25 (1) INSPECTIONS AND TESTS BY INSURANCE REPRESENTATIVES;

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

28 (3) INSPECTION, TESTING, ENSURING THE OPERATION OF AND ANY
29 EMERGENCY MAINTENANCE ACTIVITY ON A FIRE SPRINKLER SYSTEM OR
30 RESTORATION OF AN OPERATING OR RECENTLY OPERATED FIRE SPRINKLER
31 SYSTEM TO ACTIVE SERVICE BY AN INDIVIDUAL ACTING IN THE INDIVIDUAL'S
32 OFFICIAL CAPACITY AS A MEMBER OF A COUNTY, MUNICIPAL, OR VOLUNTEER FIRE
33 DEPARTMENT.

34 12B-15.

35 UNLESS AUTHORIZED UNDER THIS TITLE AS A LICENSED FIRE SPRINKLER
36 CONTRACTOR, A PERSON MAY NOT REPRESENT TO THE PUBLIC, BY USE OF A TITLE,
37 INCLUDING "LICENSED FIRE SPRINKLER CONTRACTOR", BY DESCRIPTION OF
38 SERVICES, METHODS OR PROCEDURES, OR OTHERWISE THAT THE PERSON IS

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1 AUTHORIZED TO PROVIDE SERVICES AS A FIRE SPRINKLER CONTRACTOR IN THIS
2 STATE.

3 12B-16.

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

7 12B-17.

8 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISION OF THE
9 MARYLAND PROGRAM EVALUATION ACT, THIS SUBHEADING AND ALL
10 REGULATIONS ADOPTED UNDER THIS SUBHEADING SHALL TERMINATE AND BE OF
11 NO EFFECT AFTER OCTOBER 1, 2006.

12 **Article - State Government**

13 8-403.

14 (L) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (E) OF THIS SECTION,
15 ON OR BEFORE OCTOBER 1, 2005, AN EVALUATION SHALL BE MADE OF THE
16 ACTIVITIES OF THE STATE FIRE PREVENTION COMMISSION TO LICENSE FIRE
17 SPRINKLER CONTRACTORS AND THE REGULATIONS ADOPTED BY THE STATE FIRE
18 PREVENTION COMMISSION THAT RELATE TO THE LICENSURE OF FIRE SPRINKLER
19 CONTRACTORS.

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