
By: Senators Collins and Sfikas

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Assigned to: Rules

Re-referred to: Economic and Environmental Affairs, February 23, 1996

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 1996

CHAPTER ____

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 establishing a Task Force to Study the Licensure of Fire Sprinkler~~
11 ~~Contractors in the office of State Fire Marshal; specifying the membership, duties,~~
12 ~~and responsibilities of the Task Force; requiring the office of State Fire Marshal to~~
13 ~~submit a certain report by a certain date to certain committees of the General~~
14 ~~Assembly; providing for the effective date of this Act; providing for the termination~~
15 ~~of this Act; and generally relating to establishing a Task Force to Study the~~
16 ~~Licensure of Fire Sprinkler Contractors.~~

17 ~~BY adding to~~

18 ~~Article 38A—Fires and Investigations~~

19 ~~Section 12B-1 through 12B-13, inclusive, to be under the new subheading "Fire~~
20 ~~Sprinkler Contractors"~~

21 ~~Annotated Code of Maryland~~

22 ~~(1993 Replacement Volume and 1995 Supplement)~~

23 ~~BY adding to~~

24 ~~Article—State Government~~

25 ~~Section 8-403(l)~~

2

1 ~~Annotated Code of Maryland~~
2 ~~(1995 Replacement Volume)~~

3 BY adding to
4 Article 41 - Governor - Executive and Administrative Departments
5 Section 18-310
6 Annotated Code of Maryland
7 (1993 Replacement Volume and 1995 Supplement)

8 Preamble

9 WHEREAS, Fire sprinkler systems properly installed are between 95.7% and
10 99.8% effective in detecting and extinguishing fires and protecting life and safety; and

11 WHEREAS, Innumerable threats to life safety have been caused by improper,
12 unqualified, or negligent fire sprinkler system design, installation, maintenance, and
13 repair; and

14 WHEREAS, The fire sprinkler system installation industry is not an industry
15 where caveat emptor should prevail; and

16 WHEREAS, Any effort to effectively combat the problem of improper,
17 unqualified, or negligent fire sprinkler system design, installation, maintenance, and
18 repair and study and make recommendations on the issue of licensing should be a joint
19 effort between the industry, the office of State Fire Marshal, plumbers, and consumers;
20 now, therefore,

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

23 ~~**Article 38A - Fires and Investigations**~~

24 ~~FIRE SPRINKLER CONTRACTORS~~

25 ~~42B-1.~~

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

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

31 ~~(C) "FIRE SPRINKLER CONTRACTOR" MEANS A PERSON ENGAGED IN THE~~
32 ~~DESIGN, INSTALLATION, INSPECTION, TESTING, REPAIR, OR MODIFICATION OF ANY~~
33 ~~FIRE SPRINKLER SYSTEM IN ANY BUILDING IN THE STATE.~~

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

35 ~~(1) CONVEYS WATER WITH OR WITHOUT OTHER AGENTS THROUGH~~
36 ~~THE ASSEMBLY OF PIPING OR CONDUIT BEGINNING AT OR WITH A WATER SUPPLY~~
37 ~~AND INCLUDES FIRE STANDPIPE SYSTEMS, ONLY IF THE FIRE STANDPIPE SYSTEM IS~~

3

1 ~~THE COMBINATION AUTOMATIC SPRINKLER FEED MAIN AND FIRE STANDPIPE~~
2 ~~SYSTEM;~~

3 ~~(2) OPENS AUTOMATICALLY BY THE OPERATION OF A HEAT OR SMOKE~~
4 ~~RESPONSIVE RELEASING MECHANISM;~~

5 ~~(3) DISCHARGES WATER IN A SPECIFIC PATTERN OVER A DESIGNATED~~
6 ~~AREA TO EXTINGUISH OR CONTROL FIRE; AND~~

7 ~~(4) MEETS THE REQUIREMENTS OF THE NATIONAL FIRE PROTECTION~~
8 ~~ASSOCIATION STANDARDS AS ADOPTED BY THE COMMISSION.~~

9 ~~(E) "COMMISSION" MEANS THE STATE FIRE PREVENTION COMMISSION.~~

10 ~~(F) "FIRE MARSHAL" MEANS THE OFFICE OF THE MARYLAND STATE FIRE~~
11 ~~MARSHAL.~~

12 ~~(G) "LICENSE" MEANS A LICENSE ISSUED BY THE FIRE MARSHAL TO PROVIDE~~
13 ~~SERVICES AS A FIRE SPRINKLER CONTRACTOR.~~

14 ~~(H) "LICENSED FIRE SPRINKLER CONTRACTOR" MEANS A FIRE SPRINKLER~~
15 ~~CONTRACTOR WHO IS LICENSED BY THE FIRE MARSHAL TO PROVIDE SERVICES AS A~~
16 ~~FIRE SPRINKLER CONTRACTOR.~~

17 ~~42B-2.~~

18 ~~(A) (1) THE COMMISSION MAY ADOPT REGULATIONS NECESSARY TO~~
19 ~~CARRY OUT THIS SUBHEADING, INCLUDING REGULATIONS FOR:~~

20 ~~(I) THE EXAMINATION OF APPLICANTS;~~

21 ~~(II) PROCEDURES FOR RENEWAL OF LICENSES; AND~~

22 ~~(III) REQUIREMENTS FOR LIABILITY INSURANCE.~~

23 ~~(2) THE REGULATIONS SHALL BE ADOPTED ON OR BEFORE JANUARY 1,~~
24 ~~1997.~~

25 ~~(B) IN ADDITION TO ANY POWERS AND DUTIES SET FORTH ELSEWHERE, THE~~
26 ~~COMMISSION SHALL:~~

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

29 ~~(2) SET REASONABLE FEES FOR THE ISSUANCE AND RENEWAL OF~~
30 ~~LICENSES.~~

31 ~~42B-3.~~

32 ~~IN ADDITION TO ANY POWERS AND DUTIES SET FORTH ELSEWHERE, THE FIRE~~
33 ~~MARSHAL SHALL:~~

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

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

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

5 ~~(4) LICENSE QUALIFIED APPLICANTS;~~

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

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

11 ~~(7) KEEP A LIST OF ALL LICENSED FIRE SPRINKLER CONTRACTORS AND~~
12 ~~PERIODICALLY DISTRIBUTE TO ALL AUTHORITIES HAVING JURISDICTION A~~
13 ~~CURRENT LIST OF ALL LICENSED FIRE SPRINKLER CONTRACTORS IN THE STATE OF~~
14 ~~MARYLAND; AND~~

15 ~~(8) SUBMIT AN ANNUAL REPORT TO THE SECRETARY OF PUBLIC~~
16 ~~SAFETY AND CORRECTIONAL SERVICES DETAILING THE NUMBER OF FIRE~~
17 ~~SPRINKLER CONTRACTORS NEWLY LICENSED AND THE NUMBER OF RENEWALS.~~

18 ~~4B-4.~~

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

22 ~~4B-5.~~

23 ~~TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN INDIVIDUAL WHO~~
24 ~~MEETS THE QUALIFICATIONS AND COMPETENCY STANDARDS ESTABLISHED BY THE~~
25 ~~COMMISSION.~~

26 ~~4B-6.~~

27 ~~(A) THE FIRE MARSHAL SHALL ISSUE A LICENSE TO EACH APPLICANT WHO~~
28 ~~MEETS THE REQUIREMENTS OF THIS SUBHEADING AND THE REGULATIONS~~
29 ~~ESTABLISHED BY THE COMMISSION.~~

30 ~~(B) THE OFFICE OF THE STATE FIRE MARSHAL SHALL BE REIMBURSED FOR~~
31 ~~COSTS INCURRED BY THE FIRE MARSHAL IN THIS REGARD FROM THE FUNDS PAID~~
32 ~~INTO THE GENERAL FUND.~~

33 ~~4B-7.~~

34 ~~UNLESS A LICENSE IS RENEWED FOR A 2-YEAR TERM IN A MANNER PROVIDED~~
35 ~~IN THE REGULATIONS, THE LICENSE SHALL EXPIRE ON THE SECOND ANNIVERSARY~~
36 ~~OF ITS EFFECTIVE DATE.~~

1 ~~12B-8.~~

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

5 ~~(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO~~
6 ~~OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;~~

7 ~~(2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;~~

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

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

12 ~~12B-9.~~

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

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

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

22 ~~12B-10.~~

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

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

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

29 ~~(1) INSPECTIONS AND TESTS BY INSURANCE REPRESENTATIVES;~~

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

32 ~~(3) INSPECTIONS, TESTING, PLANS REVIEW, AND ENSURING THE~~
33 ~~MAINTENANCE OF AND ANY EMERGENCY MAINTENANCE ACTIVITY ON A FIRE~~
34 ~~SPRINKLER SYSTEM OR RESTORATION OF AN OPERATING OR RECENTLY OPERATED~~
35 ~~FIRE SPRINKLER SYSTEM TO ACTIVE SERVICE BY AN INDIVIDUAL ACTING IN THE~~
36 ~~INDIVIDUAL'S OFFICIAL CAPACITY AS A MEMBER OF A STATE, COUNTY, MUNICIPAL,~~
37 ~~CAREER, OR VOLUNTEER FIRE DEPARTMENT, OR AUTHORITY HAVING~~
38 ~~JURISDICTION.~~

1 ~~42B-11.~~

2 UNLESS AUTHORIZED UNDER THIS SUBHEADING AS A LICENSED FIRE
3 SPRINKLER CONTRACTOR, A PERSON MAY NOT REPRESENT TO THE PUBLIC, BY USE
4 OF A TITLE, INCLUDING "LICENSED FIRE SPRINKLER CONTRACTOR", BY
5 DESCRIPTION OF SERVICES, METHODS OR PROCEDURES, OR OTHERWISE THAT THE
6 PERSON IS AUTHORIZED TO PROVIDE SERVICES AS A FIRE SPRINKLER
7 CONTRACTOR IN THIS STATE.

8 ~~42B-12.~~

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

12 ~~42B-13.~~

13 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISION OF THE
14 MARYLAND PROGRAM EVALUATION ACT, THIS SUBHEADING AND ALL
15 REGULATIONS ADOPTED UNDER IT SHALL TERMINATE AND BE OF NO EFFECT
16 AFTER OCTOBER 1, 2006.

17 **Article—State Government**

18 ~~8-403.~~

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

25 **Article 41 - Governor - Executive and Administrative Departments**

26 ~~18-310.~~

27 ~~(A) THERE IS A TASK FORCE TO STUDY THE LICENSURE OF FIRE SPRINKLER~~
28 ~~CONTRACTORS IN THE OFFICE OF STATE FIRE MARSHAL.~~

29 ~~(B) THE TASK FORCE SHALL BE COMPOSED OF 11 MEMBERS APPOINTED BY~~
30 ~~THE STATE FIRE MARSHAL AS FOLLOWS:~~

31 ~~(1) THREE REPRESENTATIVES FROM THE FIRE SPRINKLER SYSTEM~~
32 ~~INDUSTRY;~~

33 ~~(2) THREE REPRESENTATIVES FROM THE PLUMBING INDUSTRY;~~

34 ~~(3) THREE REPRESENTATIVES FROM A FIREFIGHTER ASSOCIATION OR~~
35 ~~AFFILIATED ORGANIZATION; AND~~

36 ~~(4) TWO MEMBERS OF THE GENERAL PUBLIC.~~

37 ~~(C) THE STATE FIRE MARSHAL SHALL SELECT A CHAIRMAN FROM THE~~
38 ~~MEMBERSHIP OF THE TASK FORCE.~~

7

1 (D) MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT COMPENSATION.

2 (E) (1) THE OFFICE OF STATE FIRE MARSHAL ALONG WITH THE TASK
3 FORCE SHALL STUDY AND MAKE RECOMMENDATIONS ON THE LICENSURE OF
4 PERSONS THAT INSTALL FIRE SPRINKLER SYSTEMS, INCLUDING STUDYING AND
5 MAKING RECOMMENDATIONS ON EDUCATION AND EXPERIENCE REQUIREMENTS
6 FOR PERSONS THAT INSTALL FIRE SPRINKLER SYSTEMS AND LIABILITY INSURANCE
7 REQUIREMENTS.

8 (2) THE OFFICE OF STATE FIRE MARSHAL:

9 (I) SHALL BE RESPONSIBLE FOR SETTING THE TIME AND PLACE
10 OF THE MEETINGS OF THE TASK FORCE; AND

11 (II) SHALL PROVIDE NECESSARY STAFF FOR THE TASK FORCE.

12 (F) ON OR BEFORE DECEMBER 1, 1996, THE OFFICE OF STATE FIRE MARSHAL
13 SHALL SUBMIT A REPORT TO THE SENATE ECONOMIC AND ENVIRONMENTAL
14 AFFAIRS COMMITTEE OF THE GENERAL ASSEMBLY AND THE HOUSE
15 ENVIRONMENTAL MATTERS COMMITTEE OF THE GENERAL ASSEMBLY ON ITS
16 FINDINGS AND RECOMMENDATIONS.

17 (G) THIS SECTION SHALL TERMINATE AND BE OF NO EFFECT AFTER
18 DECEMBER 1, 1996.

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