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**By: Senators Collins, Sfikas, and Craig**

Introduced and read first time: January 31, 1997

Assigned to: Economic and Environmental Affairs

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A BILL ENTITLED

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; and generally relating to persons who  
11 install fire sprinkler systems.

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

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

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 3.

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

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

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

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

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

7 (F) (1) THE STATE FIRE PREVENTION COMMISSION SHALL ADOPT  
8 REGULATIONS THAT ESTABLISH A PROGRAM TO LICENSE AND REGULATE PERSONS  
9 WHO INSTALL FIRE SPRINKLER SYSTEMS, INCLUDING PERSONS WHO ARE ENGAGED  
10 IN THE DESIGN, INSTALLATION, INSPECTION, TESTING, REPAIR, OR MODIFICATION  
11 OF ANY FIRE SPRINKLER SYSTEM IN ANY RESIDENTIAL OR COMMERCIAL BUILDING  
12 IN THE STATE.

13 (2) THE STATE FIRE PREVENTION COMMISSION SHALL:

14 (I) ESTABLISH PROFESSIONAL AND TECHNICAL STANDARDS;

15 (II) ESTABLISH REQUIREMENTS FOR LIABILITY INSURANCE;

16 (III) ESTABLISH REQUIREMENTS FOR LICENSURE;

17 (IV) ESTABLISH A REASONABLE LICENSING FEE;

18 (V) DESIGNATE AND IDENTIFY EXEMPTIONS TO REGULATIONS;

19 (VI) DEFINE SPRINKLER SYSTEM; AND

20 (VII) DENY, REVOKE, OR SUSPEND A LICENSE OF ANY PERSON WHO  
21 FAILS TO COMPLY WITH ANY REGULATION ADOPTED BY THE STATE FIRE  
22 PREVENTION COMMISSION.

23 (3) A PERSON MAY NOT DESIGN, INSTALL, INSPECT, TEST, REPAIR, OR  
24 MODIFY A FIRE SPRINKLER SYSTEM UNLESS THE PERSON HAS COMPLIED WITH THE  
25 LICENSING AND REGULATORY REQUIREMENTS ESTABLISHED BY THE STATE FIRE  
26 PREVENTION COMMISSION.

27 (G) (1) AN INDIVIDUAL MAY NOT PROVIDE SERVICES AS A FIRE SPRINKLER  
28 CONTRACTOR IN THE STATE UNLESS LICENSED BY THE STATE FIRE MARSHAL.

29 (2) AN ORGANIZATION MAY NOT PROVIDE SERVICES AS A FIRE  
30 SPRINKLER CONTRACTOR UNLESS SUCH SERVICES ARE PROVIDED BY AN  
31 EMPLOYER OR CONTRACTOR OF THE ORGANIZATION WHO IS LICENSED BY THE  
32 STATE FIRE MARSHAL.

33 (3) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT THE  
34 FOLLOWING:

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

37 (II) INSPECTIONS, TESTS, AND REPAIRS BY A FULL-TIME  
38 MAINTENANCE EMPLOYEE OF THE PROPERTY OWNER, KNOWLEDGEABLE ABOUT

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1 FIRE SPRINKLER SYSTEMS, ACTING IN THE PERFORMANCE OF THE EMPLOYEE'S  
2 ASSIGNED DUTY FOR THE PROPERTY OWNER;

3 (III) INSPECTIONS, TESTING, PLAN 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 CAPACITY AS A MEMBER OF A STATE, COUNTY, MUNICIPAL, CAREER,  
8 OR VOLUNTEER FIRE DEPARTMENT, OR AUTHORITY HAVING JURISDICTION; OR

9 (IV) INSPECTIONS, TESTING, PREPARATION OF DESIGN AND  
10 SPECIFICATION DOCUMENTS, HYDRAULIC CALCULATIONS, LAYOUT, AND PLAN  
11 REVIEW OF FIRE SPRINKLER SYSTEMS BY A MARYLAND REGISTERED  
12 PROFESSIONAL ENGINEER KNOWLEDGEABLE ABOUT FIRE SPRINKLER SYSTEMS.

13 8.

14 (O) THE STATE FIRE MARSHAL SHALL:

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

17 (2) KEEP RECORDS OF ALL FEES COLLECTED UNDER THIS SUBSECTION;  
18 AND

19 (3) PAY ALL MONEYS COLLECTED UNDER THIS SUBSECTION INTO THE  
20 GENERAL FUND OF THE STATE.

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