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E4

1997 Regular Session
7lr2564

CF 7lr2544

By: Senators Collins, Sfikas, and Craig

Introduced and read first time: January 31, 1997

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate 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; defining a certain term; providing for
11 the construction of this Act; 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 BY adding to
19 Article 38A - Fires and Investigations
20 Section 3(f) and (g) and 8(o)
21 Annotated Code of Maryland
22 (1993 Replacement Volume and 1996 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article 38A - Fires and Investigations

2

1 Section 14A(a)
 2 Annotated Code of Maryland
 3 (1997 Replacement Volume)

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

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

7 3.

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

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

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

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

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

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

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

29 ~~(2)~~ (3) THE STATE FIRE PREVENTION COMMISSION SHALL:

30 (I) LICENSE FIRE SPRINKLER CONTRACTORS;

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

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

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

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

35 ~~(VI)~~ (VI) DESIGNATE AND IDENTIFY EXEMPTIONS TO
 36 REGULATIONS;

3

1 ~~(VII)~~ (VII) DEFINE SPRINKLER SYSTEM, PROVIDED THAT THERE BE
 2 NO CONFLICT WITH § 12-101(J) OF THE BUSINESS OCCUPATIONS AND PROFESSIONS
 3 ARTICLE:

4 (VIII) DEFINE SPRINKLER CONTRACTOR; AND

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

8 ~~(3)~~ (4) A PERSON MAY NOT DESIGN, INSTALL, INSPECT, TEST, REPAIR,
 9 OR MODIFY A FIRE SPRINKLER SYSTEM UNLESS THE PERSON HAS COMPLIED WITH
 10 THE LICENSING AND REGULATORY REQUIREMENTS ESTABLISHED BY THE STATE
 11 FIRE PREVENTION COMMISSION.

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

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

19 (3) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT THE
 20 FOLLOWING:

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

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

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

33 (IV) INSPECTIONS, TESTING, PREPARATION OF DESIGN AND
 34 SPECIFICATION DOCUMENTS, HYDRAULIC CALCULATIONS, LAYOUT, AND PLAN
 35 REVIEW OF FIRE SPRINKLER SYSTEMS BY A MARYLAND REGISTERED
 36 PROFESSIONAL ENGINEER KNOWLEDGEABLE ABOUT FIRE SPRINKLER SYSTEMS; OR

37 (V) INSTALLATION OF A LIMITED AREA FIRE SPRINKLER SYSTEM
 38 OR EMERGENCY TEMPORARY REPAIRS PERFORMED BY A LICENSED MASTER
 39 PLUMBER IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE STATE FIRE
 40 PREVENTION COMMISSION.

4

1 8.

2 (O) THE STATE FIRE MARSHAL SHALL:

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

5 (2) KEEP RECORDS OF ALL FEES COLLECTED UNDER THIS SUBSECTION;
6 ~~AND~~

7 (3) PAY ALL MONEYS COLLECTED UNDER THIS SUBSECTION INTO THE
8 GENERAL FUND OF THE STATE; AND

9 (4) INVESTIGATE COMPLAINTS RELATED TO VIOLATIONS OF THIS
10 LICENSING SUBTITLE.

11 14A.

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not
21 supersede any local law or ordinance that establishes standards or qualifications for fire
22 sprinkler contractors involved in the installation, inspection, testing, repair, or
23 modification of any fire sprinkler system.

24 SECTION 2- 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 1997.