Fire suppression systems-licensing.

Sponsored by: Joint Corporations, Elections and Political Subdivisions Interim Committee

A BILL

for

AN ACT relating to fire prevention and safety; providing licensing requirements for fire suppression system installers; authorizing rulemaking; requiring all service and installation of fire prevention systems to be done by a licensed installer; providing for individual endorsements of employees; providing definitions; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 35-9-171 through 35-9-175 are created to read:

DIVISION 7 - FIRE SUPPRESSION SYSTEMS

(a) As used in this division:

(i) "Automatic fire-extinguishing system" means an approved system of devices and equipment which automatically detects a fire and discharges an approved fire-extinguishing agent onto or in the area of a fire;

(ii) "Automatic Sprinkler System" means a sprinkler system for fire protection purposes which is an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The system includes a suitable water supply. The portion of the system above the ground is a network of specially sized or hydraulically designed piping installed in a structure or area, generally overhead, and to which automatic sprinklers are connected in a systematic pattern. The system is usually activated by heat from a fire and discharges water over the fire area;

(iii) "Endorsement" means a document, issued by the department of fire prevention and electrical safety to an individual who has met qualifications, that authorizes
the individual to service and install fire alarm systems, automatic fire-extinguishing systems or automatic sprinkler systems under the license of a licensed fire suppression system installer;

(iv) “Fire alarm system” means a combination of approved compatible devices with the necessary electrical interconnection and energy to produce an alarm signaling the event of fire or system activation. The term does not include single station smoke or heat detectors;

(v) “Fire suppression system installer license” means the document issued by the department of fire prevention and electrical safety that authorizes a person or entity to engage in the business of servicing fire extinguishers or to engage in the business of servicing, or installing fire alarm systems, special agent fire suppression systems or fire extinguishing systems;

(vi) “Inspection” means the periodic examination of premises, equipment or procedures of a licensed or endorsed person or entity to determine whether the person’s or entity’s business or profession is being conducted in a manner consistent with the public health, safety and
welfare. The term includes the inquiry, analysis, audit or other pursuit of information, with respect to a written complaint or other information before the department of fire prevention and electrical safety in determining:

(A) Whether a person has violated a provision of law justifying discipline against the person;

(B) Whether a license should be granted or denied; or

(C) Whether the department should seek an injunction against unlicensed practice;

(vii) "Install" means technical work that may be performed only by an endorsed individual in the assembly of a fire alarm system, automatic fire extinguishing system or automatic sprinkler system. "Install" does not include the delivery of supplies or the offsite cutting or threading of pipe, but does include:

(A) Inspection of job sites to determine the presence of obstructions and to ascertain that holes will not cause structural weakness;
(B) Determination of the course or plan of installation;

(C) Any job site bending of pipe or electrical conduit as part of the installation;

(D) Job site assembly and installation of metal or nonmetal pipe fittings, including but not limited to those made of brass, copper, lead, glass and plastic;

(E) Job site assembly and installation of wiring systems;

(F) Job site assembly of piping by any means, including pipes joined by threaded, caulked, wiped, soldered, brazed, fused or cemented joints;

(G) Securing of pipe, wire or electrical conduit to the structure by an approved method recognized in adopted codes;

(H) Testing the installed system for electrical or mechanical malfunctions;
(viii) "Letter of Certification" means a letter of certification issued by the manufacturer to an individual certifying completion of the manufacturer’s training to service the manufacturer’s portable fire extinguisher, service or install the manufacturer’s automatic fire-extinguishing system, automatic sprinkler system or fire alarm system;

(ix) "Portable fire extinguisher" means a portable device, carried or on wheels and operated by hand, containing an extinguishing agent that can be expelled under pressure for the purpose of suppressing or extinguishing a fire;

(x) "Service", when referring to portable fire extinguishers and fire extinguisher cylinders, means maintenance and includes breakdown for replacement of parts or for agent, repair, recharging or hydrostatic testing. When referring to alarm systems, automatic fire extinguishing systems or automatic sprinkler systems, the term means maintenance and testing required to keep the protective signaling, extinguishing and suppression system and its component parts in an operative condition at all
times, together with replacement of the system or its component parts listed or approved parts when for any reason they become undependable, defective or inoperative. The term does not include resetting manual alarm systems that may be reset by a properly trained building owner or the owner’s designated representative.

35-9-172. State fire marshal responsible for licensing; appeal to council.

(a) The state fire marshal is responsible for licensing and issuing endorsements for persons who install or service portable fire extinguishers, fire alarm systems, automatic fire extinguishing systems or automatic sprinkler systems and shall pass on the fitness and qualifications of applicants for licenses or endorsements. Every applicant for a license or endorsement under this division shall provide his social security number to the state fire marshal.

(b) Any applicant for a fire suppression system installer license or endorsement may appeal a decision of the state fire marshal to the council.
(c) The council shall suspend or cancel the fire suppression system installer license or endorsement of any licensee or endorsee for flagrant violation of this act or the rules and regulations of the council.

(d) Any person whose application for a fire suppression system installer license is denied or whose license is suspended, cancelled or refused by the council may appeal to the appropriate district court.

(e) Upon receipt from the department of family services of a certified copy of an order from a court to withhold, suspend or otherwise restrict a fire suppression system installer license issued by the council, the council shall notify the party named in the court order of the withholding, suspension or restriction of the license in accordance with the terms of the court order. No appeal under the Wyoming Administrative Procedure Act shall be allowed for a license withheld, suspended or restricted under this subsection.

35-9-173. Fire suppression system service and installations to be performed by licensed installers; standards; exceptions.
(a) The council of fire prevention and safety shall establish minimum standards not exceeding the standards prescribed by the International Fire Code and the International Building Code for the servicing and installation of portable fire extinguishers, fire alarm systems, automatic fire extinguishing systems and automatic sprinkler systems.

(b) Licensed fire suppression system installers employing endorsed employees shall service and install all portable fire extinguishers, fire alarm systems, automatic fire extinguishing systems or automatic sprinkler systems. This requirement is waived for:

(i) Oil or gas field operations, including those operations involving exploration, testing, drilling, production or transporting via pipeline of oil or gas, railroads, petroleum refineries, fertilizer manufacturing facilities, foundries, mines and their appurtenant facilities;
(ii) Liquefied petroleum, gas, electric or communication facilities exercising their function as public utilities;

(iii) Farms or ranches of forty (40) acres or more on deeded land.

(c) Exceptions shall not apply to anyone who contracts or subcontracts to or for any exempt person, partnership or corporation.

35-9-174. Fire suppression system installer licenses.

(a) On or before March 1 of each year, an installer or servicer of portable fire extinguishers, fire alarm systems, automatic fire extinguishing systems or automatic sprinkler systems shall file with the state fire marshal a license application in writing for each of his firms. The licensee shall pay the fee required by W.S. 35-9-175 for each firm operated by him. If the applicant qualifies, he shall receive a license which bears the date of issue and expires on March 1 next following the date of issue. To qualify for a license, the applicant shall:
(i) Submit satisfactory evidence that the applicant is properly equipped and staffed to provide fire suppression system services and installations;

(ii) Submit proof of insurance as required by rules of the department of fire prevention and electrical safety; and

(iii) Be or actively employ a full-time supervisor of record who assumes responsibility to ensure that the applicable rules of the department of fire prevention and electrical safety are adhered to on all service and installations undertaken by the licensee in the state of Wyoming.

(b) On or before March 1 of each year, any licensee shall file with the state fire marshal an application for endorsement of any person employed by the licensee who services or installs portable fire extinguishers, fire alarm systems, automatic fire suppression systems or automatic sprinkler systems. The application shall be in writing for each employee. The applicant for endorsement shall specify whether the person is seeking an endorsement for service and installation of:
(i) Portable fire extinguishers;

(ii) Fire alarm systems;

(iii) Automatic fire suppression systems; or

(iv) Automatic sprinkler systems.

(c) The applicant for endorsement shall pay the fee required by W.S. 35-9-175 for each endorsement requested. If the applicant qualifies, he shall receive an endorsement which bears the date of issue and expires on March 1 next following the date of issue. To qualify for an endorsement, the person to be endorsed shall:

(i) Score a passing grade on an examination devised by or approved by the department of fire prevention and electrical safety; or

(ii) Have received a letter of certification by the manufacturer of the equipment for which the endorsement is sought or by a national testing agency approved by the department.
(d) A licensee or endorsee is entitled to renew his license or endorsement for the ensuing year by paying the proper fee on or before the date his license or endorsement expires.

35-9-175. Fees.

(a) The annual fees for licenses, endorsements and examinations shall be determined by the board but shall not exceed:

(i) Fire suppression system installer license  $200.00

(ii) Portable fire extinguisher endorsement

------------------------------------------------------------------$50.00

(iii) Fire alarm system endorsement

------------------------------------------------------------------$50.00

(iv) Automatic fire extinguishing system endorsement

------------------------------------------------------------------$50.00

(v) Automatic sprinkler system endorsement  $50.00
(vi) Examination fee-------------------------$300.00

(b) Fees collected pursuant to subsection (a) of this section shall be deposited in a special account to be credited to the department of fire prevention and electrical safety.

Section 2. W.S. 35-9-102(a), 35-9-107(a) by creating a new paragraph (viii), 35-9-108(a), (j), (k), (o), 35-9-130(a)(intro) and (b) are amended to read:


(a) As used in W.S. 35-9-101 through 35-9-130 and 35-9-171 through 35-9-175:

(iii) "Automatic fire-extinguishing system" means as defined in W.S. 35-9-171(a)(i).

(iv) "Automatic Sprinkler System" means as defined in W.S. 35-9-171(a)(ii);

(v) "Board" means the electrical board;
"Council" means the council on fire prevention and electrical safety in buildings;

"Department" means the department of fire prevention and electrical safety;

"Electrical contractor" means a person licensed by the department to contract with another to plan, lay out and supervise the installation of electric equipment. "Electrical contractor" excludes a person who only plans or designs electrical installations;

"Fire alarm system" means as defined in W.S. 35-9-171(a)(iv);

"Fire suppression system installer license" means as defined in W.S. 35-9-171(a)(v);

"Full-time paid fire fighters" means an individual regularly employed for devoting his entire time of employment to the care, operation and requirements of a regularly constituted fire department;
"Installation of electric equipment" includes installing, altering and repairing the wiring of apparatus equipment and conductors subject to the National Electrical Code;

"Journeyman electrician" means a person licensed by the department who has four (4) years experience in the electrical wiring industry and technical knowledge to install and supervise the installation of electrical equipment for any purpose in accordance with the National Electrical Code and city, county and state ordinances and regulations;

"Limited electrical contractor" means a person, licensed by the department to contract with another to plan, lay out and supervise the installation of electrical equipment associated with the type of limited electrical contractor license held. "Limited electrical contractor" excludes a person who only plans or designs electrical installations;

"Limited technician" means a person licensed by the department who has two (2) years experience in the portion of the electrical wiring industry covered by
his limited license and technical knowledge to install and supervise the installation of electrical equipment associated with the type of limited electrical license held in accordance with the National Electrical Code and city, county and state ordinances and regulations;

(xii) (xvi) "Low voltage electrical contractor" means a person licensed by the department to contract with another to plan, lay out and supervise the installation of electrical equipment associated with the type of limited electrical contractor license held. "Low voltage electrical contractor" excludes a person who only plans or designs electrical installations;

(xiii) (xvii) "Low voltage technician" means a person licensed by the department who has two (2) years experience in the portion of the electrical wiring industry covered by his low voltage license and technical knowledge to install and supervise the installation of electrical equipment associated with the type of low voltage electrical license held in accordance with the National Electrical Code and city, county and state ordinances and regulations;
"Master electrician" means a person licensed by the department who has eight (8) years experience in the electrical wiring industry and technical knowledge to plan, lay out and supervise the installation of electric equipment in accordance with the National Electrical Code and city, county and state ordinances and regulations;

"Master electrician of record" means a Wyoming licensed master electrician who is actively employed by a licensed electrical contractor in a full-time capacity, and who assumes responsibility to ensure that the National Electrical Code, W.S. 35-9-120 through 35-9-130 and applicable rules of the department of fire prevention and electrical safety are adhered to on all electrical work undertaken by the electrical contractor in the state of Wyoming, and who is not the master electrician of record for, or employed by, any other electrical contractor;

"Owner" means the person holding legal title to a building or real property;

"Portable fire extinguisher" means as defined in W.S. 35-9-171(a)(ix);
"Public building" means a building intended for access by the general public;

"Remodeling" includes repairing, altering or adding to a building or its electrical system;

"Technician of record" means a Wyoming licensed low voltage or limited technician who is actively employed by a licensed low voltage or limited electrical contractor in a full-time capacity, and who assumes responsibility to ensure that the National Electrical Code, W.S. 35-9-120 through 35-9-130 and applicable rules of the department of fire prevention and electrical safety are adhered to on all low voltage or limited electrical work undertaken by the low voltage or limited electrical contractor in the state of Wyoming, and who is not the technician of record for, or employed by, any other low voltage or limited electrical contractor.


(a) The state fire marshal shall:
(vi) Upon request, assist the chief of a fire company or department, a fire marshals, a local building inspector, other state agencies or political subdivisions of the state or county fire wardens in fire prevention matters; and

(vii) Keep a record of all fires which occur in the state, including the origin, facts, statistics and circumstances of the fire determined by investigation under this act. The record, except for testimony given in the examination, shall be open for public inspection at all times; and

(viii) Administer the licensing and endorsing of fire suppression system installers pursuant to W.S. 35-9-171 through 35-9-175.

35-9-108. Plan review; procedure; fees.

(a) Prior to beginning any new construction, the remodeling of existing buildings except as provided under subsection (q) of this section, the installation of fire alarm systems, automatic fire extinguishing systems or automatic sprinkler systems, or the installation of
aboveground flammable or combustible fuel storage tanks,
the owner or the owner's designated representative shall
submit plans to the state fire marshal for review of the
proposed project for compliance with applicable fire and
electrical safety standards for:

(j) No new construction or remodeling of buildings,
installation of fire alarm systems, automatic fire
extinguishing systems or automatic sprinkler systems, or
installation of aboveground flammable or combustible fuel
storage tanks shall begin until the state fire marshal has
approved the plans for compliance with applicable fire and
electrical safety standards.

(k) If new construction or remodeling of buildings,
installation of fire alarm systems, automatic fire
extinguishing systems or automatic sprinkler systems, or
installation of aboveground flammable or combustible fuel
storage tanks is commenced without approved plans, the
state fire marshal may order the construction, remodeling
or installation to cease until plans are approved, subject
to the requirements of subsection (m) of this section.
(m) Orders issued by the state fire marshal pursuant to this section shall be served upon the owner in the manner provided for service of process by the Wyoming Rules of Civil Procedure. The order shall require that the person served immediately cease certain activities until he has complied with the applicable statutory requirements. The order shall be in full force and effect from the time of service until the person complies with the statutory requirement as described in the order, or the order is revoked by the council. If the person fails to cease certain activities as required within forty-eight (48) hours of service, the person is guilty of a misdemeanor.

(o) After the installation of fire alarm systems, automatic fire extinguishing systems or automatic sprinkler systems, or the installation of aboveground flammable or combustible fuel storage tanks is completed, the state fire marshal shall inspect the premises and determine conformance with the plan review. If he finds conformance, the state fire marshal shall issue a letter of compliance. No premises with fire alarm systems, automatic fire extinguishing systems or automatic sprinkler systems, or aboveground flammable or combustible fuel storage tanks installed shall be used until the state fire marshal has
issued a letter of compliance. If a premise with fire alarm systems, automatic fire extinguishing systems or automatic sprinkler systems, or aboveground flammable or combustible fuel storage tanks installed is used prior to issuance of a letter of compliance, the state fire marshal shall order the use of the premises to cease until a letter of compliance is issued, subject to the requirements of subsection (m) of this section.

35-9-130. Criminal penalties; other remedies.

(a) A person who violates W.S. 35-9-101 through 35-9-130 and 35-9-129 and 35-9-171 through 35-9-175 commits a misdemeanor punishable as follows:

(b) Violators of W.S. 35-9-101 through 35-9-130 35-9-129 and 35-9-171 through 35-9-175 may also be enjoined from continuing the violation by proceedings brought by the district or county and prosecuting attorney or by the attorney general.

Section 3. This act is effective July 1, 2006.