

STATE OF NEW YORK

4403

2019-2020 Regular Sessions

IN SENATE

March 11, 2019

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to fire suppression systems and licensing professionals to perform authorized work on fire suppression systems

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Legislative intent. (a) The legislature hereby finds that:
2 (1) The manner in which fire suppression or sprinkler systems are
3 constructed, installed, maintained and inspected have a direct and
4 substantial impact on public safety.
5 (2) Improper construction, installation, maintenance or inspection of
6 fire suppression systems by persons lacking adequate education, training
7 and experience can lead to serious injuries, death and substantial prop-
8 erty damage.
9 (3) Promulgating a code establishing minimum qualification standards
10 for work performed on fire suppressions systems, including criteria for
11 the education, training, testing and licensing of persons performing
12 such work will promote public safety.
13 (b) It is the intent of the legislature and this act:
14 (1) To ensure that work on fire suppression systems is performed by
15 persons who have sufficient education, training and experience in such
16 work.
17 (2) To ensure that adequate qualification standards are maintained
18 through adherence of proper education, training, testing and licensing
19 requirements for those engaged in the sprinkler fitting trades.
20 (3) To establish a state board of examiners for the sprinkler fitting
21 industry to ensure proper qualification and examination of persons
22 performing work on fire suppression systems and to ensure proper adher-
23 ence to and enforcement of the requirements of this act and applicable
24 regulations issued pursuant to this act.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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§ 2. The general business law is amended by adding a new article 40 to read as follows:

ARTICLE 40

FIRE SUPPRESSION SYSTEMS

Section 900. Definitions.

901. Authorized work on fire suppression systems.

902. State board of examiners for the sprinkler fitting industry.

903. Powers and duties of the state board of examiners for the sprinkler fitting industry.

904. Sprinkler fitter license.

905. Sprinkler fitter apprentice and helper permits.

906. Fire suppression system inspector.

907. Reciprocity.

908. Transitional grace period.

909. Registry of sprinkler fitter licenses and permits.

910. Violations.

911. Penalties.

912. Enforcement.

913. Severability.

§ 900. Definitions. As used in this article, unless the context requires otherwise:

(a) "Fire suppression system" means an automatic or manual system designed to protect occupants and/or buildings or structures from fire. Such systems include, but are not limited to, water sprinkler, water spray, foam-water, foam-water spray, carbon dioxide, foam extinguishing, dry chemical, wet chemical, halogenated and other chemical systems used for fire protection. Such systems also include the supply mains, yard hydrants, standpipes, tank heaters, hose connections to sprinkler systems, air lines and thermal systems used in connection with sprinklers and pumps dedicated for fire suppression.

(b) "Fire suppression system inspector" means a person licensed under this article to perform inspections on fire suppression systems.

(c) "Fire suppression system inspector license" means a license issued to a fire suppression system inspector pursuant to this article authorizing the person to perform inspections on fire suppression systems.

(d) "Sprinkler fitter" means a person, other than an apprentice or helper regulated under this article, who performs work on a fire suppression system as defined by this section.

(e) "Sprinkler fitter apprentice" means a person who is enrolled in a sprinkler fitter apprenticeship program and is learning and working on fire suppression systems under the supervision of another person certified in accordance with the provisions of this article.

(f) "Sprinkler fitter apprentice permit" means a permit issued to an apprentice sprinkler fitter pursuant to this article authorizing the person to perform work on fire suppression systems.

(g) "Sprinkler fitter apprenticeship program" means an apprenticeship training program that is approved by the U.S. department of labor, bureau of apprenticeship and training or a state apprenticeship agency and consists of a minimum of ten thousand hours of documented practical experience in work on fire suppression systems, combined with a minimum of seven hundred twenty hours of related instruction, including classroom or shop instruction, in the sprinkler fitter trade.

(h) "Sprinkler fitter helper" means a person who works on fire suppression systems under the direct supervision of a licensed sprinkler fitter.

1 (i) "Sprinkler fitter helper permit" means a permit issued to a sprin-
2 kler fitter helper pursuant to this article authorizing the person to
3 perform work on fire suppression systems under the direct supervision of
4 a licensed sprinkler fitter.

5 (j) "Sprinkler fitter license" means a license issued to a sprinkler
6 fitter pursuant to this article authorizing the person to perform work
7 on fire suppression systems.

8 (k) "State board of examiners for the sprinkler fitting industry" or
9 "board" means the board of examiners created pursuant to this article.

10 (l) "Work on a fire suppression system" means the construction,
11 installation, alteration, renovation, removal, repair, servicing, main-
12 tenance or testing of fire suppression systems, unless specifically
13 excluded by the provisions of this article.

14 § 901. Authorized work on fire suppression systems. (a) No person
15 within the jurisdiction of this state may perform work on a fire
16 suppression system unless he or she:

17 (1) Possesses a sprinkler fitter license, sprinkler fitter apprentice
18 or helper permit or fire suppression system inspector license issued
19 pursuant to this article;

20 (2) Performs work on portable fire extinguishers or work on dry stand-
21 pipes that are not connected to a fire suppression system; or

22 (3) Is employed as a state or local fire official.

23 (b) No person may employ a person or cause or direct a person to
24 perform work on a fire suppression system unless the person performing
25 such work possesses a sprinkler fitter license, sprinkler fitter appren-
26 tice or helper permit or fire suppression system inspector license
27 issued pursuant to this article.

28 (c) No person, corporation, partnership or other business entity may
29 perform or contract to perform work on fire suppression systems except
30 through persons who possess a sprinkler fitter license, sprinkler fitter
31 apprentice or helper permit or fire suppression system inspector license
32 issued pursuant to this article.

33 (d) The requirements of this article do not apply to work on fire
34 suppression systems in New York city, Nassau county or Suffolk county.

35 (e) Nothing in this article shall prevent any political subdivision of
36 the state from enacting local legislation that establishes qualification
37 standards for the sprinkler fitter trade that exceed the requirements of
38 this article.

39 § 902. State board of examiners for the sprinkler fitting industry.
40 (a) There is hereby established in the safety and health license and
41 certification unit of the department of labor a state board of examiners
42 for the sprinkler fitting industry.

43 (b) Composition. The board shall consist of seven members appointed by
44 the governor as follows:

45 (1) one representative from the division of homeland security and
46 emergency services, office of fire prevention and control;

47 (2) one representative from the department of state, division of
48 building standards and codes;

49 (3) one fire suppression contractor;

50 (4) one licensed fire protection engineer;

51 (5) one sprinkler fitter licensed in accordance with this article;

52 (6) one representative from the New York state pipe trades associ-
53 ation; and

54 (7) one representative from the New York state apprenticeship and
55 training council.

1 § 903. Powers and duties of the state board of examiners for the
2 sprinkler fitting industry. In addition to all other powers and duties
3 conferred or imposed upon the board, the board is authorized and
4 empowered to:

5 (a) elect its own officers and prescribe their duties;

6 (b) grant sprinkler fitter licenses and permits to duly qualified
7 applicants as provided in this article;

8 (c) establish fees that are reasonable and necessary to defray the
9 cost of administering this article;

10 (d) promulgate, adopt, amend, and repeal such rules and regulations,
11 not inconsistent with the laws of this state, as may be necessary for
12 the orderly conduct of its affairs and the administration of this arti-
13 cle;

14 (e) enforce the provisions of this article and any codes, rules or
15 regulations hereunder through inspections, audits, citations, civil
16 penalties, and any other appropriate means;

17 (f) subpoena records and documents, conduct hearings and compel the
18 attendance of witnesses pursuant to an investigation or a hearing of the
19 board;

20 (g) bring a suit, in any court of competent jurisdiction, to cause the
21 enjoiner of all persons violating this article. When seeking an injunc-
22 tion, the board shall not be required to prove that an adequate remedy
23 at law does not exist or that substantial or irreparable damages would
24 result if an injunction is not granted;

25 (h) establish and administer or contract out to a recognized third-
26 party certifier for examinations as required for licenses under this
27 article and determine satisfactory performance for these examinations;

28 (i) revoke or suspend a license or permit issued under this article,
29 or reprimand persons for incompetence or any violations of this article
30 or rules or regulations of the board; and

31 (j) establish a procedure for reinstating licenses or permits that
32 have been revoked or suspended, including the use of retesting proce-
33 dures.

34 § 904. Sprinkler fitter license. (a) To obtain a sprinkler fitter
35 license under this article, an applicant must:

36 (1) pay an application fee established by the board; and

37 (2) provide evidence demonstrating that he or she has successfully
38 completed a sprinkler fitter apprenticeship program and has passed a
39 sprinkler fitter license examination established by the board; or

40 (3) meet the requirements of section nine hundred seven or nine
41 hundred eight of this article.

42 (b) All persons holding a sprinkler fitter license under this article
43 shall complete a minimum of eight hours annually of education and skill
44 training on fire suppression systems, provided:

45 (1) courses for such training shall be pre-approved by the board and
46 evidence of completion of continuing education requirements shall be
47 submitted to the board with the application for license renewal; and

48 (2) the continuing education requirement does not apply until the
49 conclusion of the first full year after initial issuance of a person's
50 sprinkler fitter license.

51 (c) A sprinkler fitter license under this article shall be valid for a
52 period of three years from date of issue.

53 (d) The board shall renew for a period of three years licenses or
54 permits as provided by this article upon receiving a completed renewal
55 application and required fee as determined by the board.

1 (e) Any person who is issued a sprinkler fitter license shall be
2 issued a photo identification card and shall maintain such card in his
3 or her possession at all times when performing work on fire suppression
4 systems.

5 § 905. Sprinkler fitter apprentice and helper permits. (a) To obtain a
6 sprinkler fitter apprentice permit, an applicant must:

7 (1) pay an application fee established by the board;

8 (2) complete an application for an apprentice permit established by
9 the board; and

10 (3) present evidence in a form acceptable to the board, demonstrating
11 that the applicant is enrolled in a sprinkler fitter apprenticeship
12 program.

13 (b) The sprinkler fitter apprentice permit shall state that it is
14 valid only if the person to whom it is issued remains enrolled in a
15 sprinkler fitter apprenticeship program. This permit shall be valid for
16 a period of three years from the date of issuance and may be renewed
17 once upon submission of a renewal application and a renewal fee deter-
18 mined by the board.

19 (c) To obtain a sprinkler fitter helper permit, an applicant must:

20 (1) pay an application fee established by the board;

21 (2) complete an application for a helper permit by the board; and

22 (3) present evidence in a form acceptable to the board demonstrating
23 that the applicant is employed as a sprinkler fitter helper that shall
24 include specific acknowledgement from the applicant and his or her
25 employer that the applicant is only authorized to work under the direct
26 supervision of a licensed sprinkler fitter.

27 (d) A sprinkler fitter helper permit shall state that the person
28 possessing it may only perform work on fire suppression systems under
29 the direct supervision of a licensed sprinkler fitter on a one-on-one
30 basis. This permit shall be valid for a period of eighteen months from
31 the date of issuance and shall not be eligible for renewal.

32 (e) Any person who is issued a sprinkler fitter apprentice or helper
33 permit shall be issued a photo identification card and shall maintain
34 such card in his or her possession at all times when performing work on
35 fire suppression systems.

36 § 906. Fire suppression system inspector. (a) To obtain a fire
37 suppression system inspector license, an applicant must:

38 (1) pay an application fee established by the board;

39 (2) complete an application for a fire suppression system inspector
40 license established by the board that provides evidence in a form
41 acceptable to the board of one of the following:

42 (A) at least two thousand hours of experience in the inspection of
43 fire suppression systems;

44 (B) completion of a sprinkler fitter apprenticeship program; or

45 (C) possession of a level one certificate from the national institute
46 for certification for engineering technologies for inspection and test-
47 ing for water based fire protection systems; and

48 (3) complete an examination established by the board for a fire
49 suppression system inspector.

50 (b) The board shall renew for a period of three years a fire
51 suppression system inspector license upon receiving a completed renewal
52 application and required fee as determined by the board.

53 (c) Any person who is issued a fire suppression system inspector
54 license shall be issued a photo identification card and shall maintain
55 such card in his or her possession at all times when performing
56 inspections on fire suppression systems.

1 § 907. Reciprocity. (a) The board may issue a reciprocity sprinkler
2 fitter license or fire suppression system inspector license, without
3 examination to any currently practicing, competent sprinkler fitter or
4 fire suppression system inspector who holds a similar authorization
5 granted by any other state according to the laws of such state which has
6 qualification requirements substantially similar to, or greater than,
7 those established under this article; provided that the other state
8 grants authorization to any competent person holding a license under
9 this article.

10 (b) The board may issue a sprinkler fitter license or fire suppression
11 system inspector license pursuant to this section to any person who:

12 (1) Completes an application for sprinkler fitter license or fire
13 suppression system inspector license by reciprocity established by the
14 board;

15 (2) Presents competent evidence in a form acceptable to the board
16 demonstrating that the applicant is a currently practicing, competent
17 person who holds a similar authorization granted by any other state
18 according to the laws of such state which has qualification requirements
19 substantially similar to, or greater than, those established under this
20 article; and

21 (3) Pays the appropriate fees established by the board.

22 § 908. Transitional grace period. (a) There shall be a one-year peri-
23 od from the effective date of this article that shall serve as a grace
24 period for all persons applying for sprinkler fitter licenses and fire
25 suppression inspector licenses.

26 (b) During the one-year grace period no person shall be required to
27 possess a sprinkler fitter license, apprentice or helper permit or fire
28 suppression system inspector license, provided he or she has submitted
29 the necessary application for such credentials within one hundred eighty
30 days from the effective date of this article.

31 (c) The board shall issue a sprinkler fitter license without examina-
32 tion to any person who submits an application for a sprinkler fitter
33 license during the one hundred eighty day period after the effective
34 date of this article, provided the applicant pays the required applica-
35 tion fee and submits evidence demonstrating he or she has:

36 (1) completed a sprinkler fitter apprenticeship program; or

37 (2) performed at least ten thousand hours of documented practical
38 experience of work on fire suppression systems within the past eight
39 years.

40 (d) The board shall issue a fire suppression inspector license without
41 examination to any person who submits an application for a fire
42 suppression inspector license during the one hundred eighty day period
43 after the effective date of this article, provided the applicant pays
44 the required application fee and submits evidence demonstrating he or
45 she has:

46 (1) At least two thousand hours of experience in the inspection of
47 fire suppression systems;

48 (2) Completion of a sprinkler fitter apprenticeship program; or

49 (3) Possession of a level one certificate from the national institute
50 for certification for engineering technologies for inspection and test-
51 ing for water based fire protection systems.

52 (e) Initial applications for sprinkler fitter apprentice or helper
53 permits shall be submitted by applicants within one hundred eighty days
54 from the effective date of this article in accordance with the require-
55 ments of section nine hundred five of this article.

1 § 909. Registry of sprinkler fitter licenses and permits. (a) The
2 board shall establish a fire suppression system technician registry to
3 maintain a central registry of the names of all persons to whom it has
4 issued fire suppression system inspector licenses, sprinkler fitter
5 licenses and sprinkler fitter permits.

6 (b) The fire suppression system technician registry shall be main-
7 tained on a publicly accessible website and shall be updated on a month-
8 ly basis.

9 § 910. Violations. It shall be unlawful and a violation of this arti-
10 cle for any person to:

11 (a) perform work on a fire suppression system without possessing an
12 applicable license or permit as required by this article;

13 (b) employ a person or cause or direct a person to perform work on a
14 fire suppression system unless the person performing such work holds an
15 applicable license or permit as required by this article;

16 (c) engage in other conduct prohibited by section nine hundred three
17 of this article;

18 (d) obtain a license or permit required by this article through error,
19 fraud or intentional or reckless misrepresentation;

20 (e) impersonate another person, use an expired or revoked license or
21 permit issued pursuant to this article or allow another person to use a
22 license or permit not issued to such person;

23 (f) give false or forged evidence of any kind to the board or any
24 member thereof in an application for the issuance or renewal of a
25 license or permit under this article; or

26 (g) knowingly or recklessly make a material false statement regarding
27 a person's license, or permit or status with intent to influence,
28 persuade, or induce an individual to contract for services regulated
29 under this article.

30 § 911. Penalties. (a) The board shall revoke or suspend a license or
31 permit issued under this article, or reprimand a license or permit hold-
32 er for incompetence or any violation of this article or rules or regu-
33 lations of the board issued pursuant to this article.

34 (b) Any person who violates any provision of this article or any
35 applicable rule, regulation, permit or other order of the board shall be
36 subject to a civil penalty of not less than five hundred dollars and not
37 more than one thousand dollars for each act or violation. Each day a
38 person performs work on a fire suppression system without a required
39 license or permit as required by this article shall constitute a sepa-
40 rate violation.

41 (c) A person who willfully violates this article or any applicable
42 rule or regulation adopted pursuant to this article shall be guilty of a
43 misdemeanor.

44 (d) In addition to any other penalties provided in this section, a
45 person, corporation or other business entity that knowingly employs or
46 directs a person to perform work on a fire suppression system in
47 violation of this article shall forfeit any business or contractor
48 license, registration or certificate issued by the state for a period of
49 not less than one year and not more than three years, as determined by
50 the state attorney general. For purposes of this section, the term
51 "knowingly" shall mean actions that are willful or taken with deliberate
52 ignorance or reckless disregard of the requirements of this article.

53 § 912. Enforcement. (a) The requirements of this article will be
54 enforced by the board in conjunction with the licensure and certif-
55 ication unit within the department of labor.

1 **(b) The licensure and certification unit within the department of**
2 **labor shall inspect project work sites where work on fire suppression**
3 **systems is being performed to ensure that persons performing such work**
4 **possess applicable licenses and permits required by this article.**

5 **(c) In any circumstances where the licensure and certification unit**
6 **within the department of labor determines that work on fire suppression**
7 **systems is being performed in violation of this article, it shall issue**
8 **or cause to be issued a stop work order requiring that all such work**
9 **cease and require that such work shall not be resumed until a full**
10 **investigation has been undertaken and verification has been made that**
11 **all work on the fire suppression system in question has been performed**
12 **by duly authorized persons.**

13 **§ 913. Severability. To the extent that any section or portion of this**
14 **article is deemed invalid by a reviewing court, the remainder of this**
15 **article shall be unaffected by such ruling.**

16 § 3. This act shall take effect immediately.