

STATE OF NEW YORK

9064--A

IN ASSEMBLY

January 31, 2022

Introduced by M. of A. BRONSON, STECK, JOYNER, GALEF, SIMON, J. A. GIGLIO -- read once and referred to the Committee on Economic Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

3 ARTICLE 40-A
4 FIRE SUPPRESSION SYSTEMS

5 Section 930. Definitions.

6 931. Authorized work on fire suppression systems.

7 932. State board of examiners for the sprinkler fitting indus-
8 try.

9 933. Powers and duties of the state board of examiners for the
10 sprinkler fitting industry.

11 934. Sprinkler fitter license.

12 935. Sprinkler fitter apprentice and helper permits.

13 936. Fire suppression system inspector.

14 937. Reciprocity.

15 938. Transitional grace period.

16 939. Registry of sprinkler fitter licenses and permits.

17 940. Violations.

18 941. Penalties.

19 942. Enforcement.

20 943. Severability.

21 § 930. Definitions. As used in this article, unless the context
22 requires otherwise:

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

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

34 (c) "Fire suppression system inspector license" means a license issued
35 to a fire suppression system inspector pursuant to this article author-
36 izing the person to perform inspections on fire suppression systems.

37 (d) "Public employer" shall mean (i) the state of New York, (ii) a
38 county, city, town, village or any other political subdivision
39 or civil division of the state, (iii) a school district or any govern-
40 mental entity operating a public school, college or university,
41 (iv) a public improvement or special district, (v) a public authority,
42 commission or public benefit corporation, or (vi) any other public
43 corporation, agency, instrumentality or unit of government which exer-
44 cises governmental power under the laws of the state.

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

48 (f) "Sprinkler fitter apprentice" means a person who is enrolled in a
49 sprinkler fitter apprenticeship program and is learning and working on
50 fire suppression systems under the supervision of another person certi-
51 fied in accordance with the provisions of this article.

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

55 (h) "Sprinkler fitter apprenticeship program" means an apprenticeship
56 training program that is approved by the U.S. department of labor,

1 bureau of apprenticeship and training or a state apprenticeship agency
2 and consists of a minimum of eight thousand hours of documented practical
3 experience in work on fire suppression systems, combined with a
4 minimum of seven hundred twenty hours of related instruction, including
5 classroom or shop instruction, in the sprinkler fitter trade.

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

9 (j) "Sprinkler fitter helper permit" means a permit issued to a sprin-
10 kler fitter helper pursuant to this article authorizing the person to
11 perform work on fire suppression systems under the direct supervision of
12 a licensed sprinkler fitter.

13 (k) "Sprinkler fitter license" means a license issued to a sprinkler
14 fitter pursuant to this article authorizing the person to perform work
15 on fire suppression systems.

16 (l) "State board of examiners for the sprinkler fitting industry" or
17 "board" means the board of examiners created pursuant to this article.

18 (m) "Work on a fire suppression system" means the construction,
19 installation, alteration, renovation, removal, repair, servicing, main-
20 tenance or testing of fire suppression systems, unless specifically
21 excluded by the provisions of this article.

22 § 931. Authorized work on fire suppression systems. (a) No person
23 within the jurisdiction of this state may perform work on a fire
24 suppression system unless he or she:

25 (1) Possesses a sprinkler fitter license, sprinkler fitter apprentice
26 or helper permit or fire suppression system inspector license issued
27 pursuant to this article;

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

30 (3) Is employed as a state or local fire official; or

31 (4) Performs work on fire suppression systems of a public employer as
32 an employee of such public employer.

33 (b) No person may employ a person or cause or direct a person to
34 perform work on a fire suppression system unless the person performing
35 such work possesses a sprinkler fitter license, sprinkler fitter appren-
36 tice or helper permit or fire suppression system inspector license
37 issued pursuant to this article.

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

43 (d) The requirements of this article do not apply to work on fire
44 suppression systems in New York city, Nassau county or Suffolk county,
45 or to work on fire suppression systems of a public employer performed by
46 employees of such public employer.

47 (e) Nothing in this article shall prevent any political subdivision of
48 the state from enacting local legislation that establishes qualification
49 standards for the sprinkler fitter trade that exceed the requirements of
50 this article.

51 § 932. State board of examiners for the sprinkler fitting industry.
52 (a) There is hereby established in the safety and health license and
53 certification unit of the department of labor a state board of examiners
54 for the sprinkler fitting industry.

55 (b) Composition. The board shall consist of seven members appointed by
56 the governor, with advice and consent of the senate, as follows:

- 1 (1) one representative from the division of homeland security and
2 emergency services, office of fire prevention and control;
3 (2) one representative from the department of state, division of
4 building standards and codes;
5 (3) one fire suppression contractor;
6 (4) one licensed fire protection engineer;
7 (5) one sprinkler fitter licensed in accordance with this article;
8 (6) one representative from the New York state pipe trades associ-
9 ation; and
10 (7) one representative from the New York state apprenticeship and
11 training council.

12 § 933. Powers and duties of the state board of examiners for the
13 sprinkler fitting industry. In addition to all other powers and duties
14 conferred or imposed upon the board, the board is authorized and
15 empowered to:

- 16 (a) elect its own officers and prescribe their duties;
17 (b) grant sprinkler fitter licenses and permits to duly qualified
18 applicants as provided in this article;
19 (c) establish fees that are reasonable and necessary to defray the
20 cost of administering this article;
21 (d) promulgate, adopt, amend, and repeal such rules and regulations,
22 not inconsistent with the laws of this state, as may be necessary for
23 the orderly conduct of its affairs and the administration of this arti-
24 cle;
25 (e) enforce the provisions of this article and any codes, rules or
26 regulations hereunder through inspections, audits, citations, civil
27 penalties, and any other appropriate means;
28 (f) subpoena records and documents, conduct hearings and compel the
29 attendance of witnesses pursuant to an investigation or a hearing of the
30 board;
31 (g) bring a suit, in any court of competent jurisdiction, to cause the
32 enjoinder of all persons violating this article. When seeking an injunc-
33 tion, the board shall not be required to prove that an adequate remedy
34 at law does not exist or that substantial or irreparable damages would
35 result if an injunction is not granted;
36 (h) establish and administer or contract out to a recognized third-
37 party certifier for examinations as required for licenses under this
38 article and determine satisfactory performance for these examinations;
39 (i) revoke or suspend a license or permit issued under this article,
40 or reprimand persons for incompetence or any violations of this article
41 or rules or regulations of the board; and
42 (j) establish a procedure for reinstating licenses or permits that
43 have been revoked or suspended, including the use of retesting proce-
44 dures.

45 § 934. Sprinkler fitter license. (a) To obtain a sprinkler fitter
46 license under this article, an applicant must:

- 47 (1) pay an application fee established by the board; and
48 (2) provide evidence demonstrating that he or she has successfully
49 completed a sprinkler fitter apprenticeship program and has passed a
50 sprinkler fitter license examination established by the board; or
51 (3) meet the requirements of section nine hundred thirty-seven or nine
52 hundred thirty-eight of this article.

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

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

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

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

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

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

16 § 935. Sprinkler fitter apprentice and helper permits. (a) To obtain a
17 sprinkler fitter apprentice permit, an applicant must:

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

19 (2) complete an application for an apprentice permit established by
20 the board; and

21 (3) present evidence in a form acceptable to the board, demonstrating
22 that the applicant is enrolled in a sprinkler fitter apprenticeship
23 program.

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

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

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

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

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

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

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

47 § 936. Fire suppression system inspector. (a) To obtain a fire
48 suppression system inspector license, an applicant must:

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

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

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

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

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

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

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

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

13 § 937. Reciprocity. (a) The board may issue a reciprocity sprinkler
14 fitter license or fire suppression system inspector license, without
15 examination to any currently practicing, competent sprinkler fitter or
16 fire suppression system inspector who holds a similar authorization
17 granted by any other state according to the laws of such state which has
18 qualification requirements substantially similar to, or greater than,
19 those established under this article; provided that the other state
20 grants authorization to any competent person holding a license under
21 this article.

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

24 (1) Completes an application for sprinkler fitter license or fire
25 suppression system inspector license by reciprocity established by the
26 board;

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

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

34 § 938. Transitional grace period. (a) There shall be a one-year peri-
35 od from the effective date of this article that shall serve as a grace
36 period for all persons applying for sprinkler fitter licenses and fire
37 suppression inspector licenses.

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

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

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

49 (2) performed at least eight thousand hours of documented practical
50 experience of work on fire suppression systems within the past eight
51 years.

52 (d) The board shall issue a fire suppression inspector license without
53 examination to any person who submits an application for a fire
54 suppression inspector license during the one hundred eighty day period
55 after the effective date of this article, provided the applicant pays

1 the required application fee and submits evidence demonstrating he or
2 she has:

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

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

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

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

13 § 939. Registry of sprinkler fitter licenses and permits. (a) The
14 board shall establish a fire suppression system technician registry to
15 maintain a central registry of the names of all persons to whom it has
16 issued fire suppression system inspector licenses, sprinkler fitter
17 licenses and sprinkler fitter permits.

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

21 § 940. Violations. It shall be unlawful and a violation of this arti-
22 cle for any person to:

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

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

28 (c) engage in other conduct prohibited by section nine hundred thir-
29 ty-three of this article;

30 (d) obtain a license or permit required by this article through fraud
31 or intentional or reckless misrepresentation;

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

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

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

42 § 941. Penalties. (a) The board shall revoke or suspend a license or
43 permit issued under this article, or reprimand a license or permit hold-
44 er for incompetence or any violation of this article or rules or regu-
45 lations of the board issued pursuant to this article.

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

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

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

10 § 942. Enforcement. (a) The requirements of this article will be
11 enforced by the board in conjunction with the licensure and certif-
12 ication unit within the department of labor.

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

17 (c) In any circumstances where the licensure and certification unit
18 within the department of labor determines that work on fire suppression
19 systems is being performed in violation of this article, it shall issue
20 or cause to be issued a stop work order requiring that all such work
21 cease and require that such work shall not be resumed until a full
22 investigation has been undertaken and verification has been made that
23 all work on the fire suppression system in question has been performed
24 by duly authorized persons.

25 § 943. Severability. To the extent that any section or portion of this
26 article is deemed invalid by a reviewing court, the remainder of this
27 article shall be unaffected by such ruling.

28 § 3. This act shall take effect on the one hundred eightieth day after
29 it shall have become a law. Effective immediately, the addition, amend-
30 ment and/or repeal of any rule or regulation necessary for the implemen-
31 tation of this act on its effective date are authorized to be made and
32 completed on or before such effective date.