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Introduced by Sens. SAVINO, ADDABBO, MANNION, MATTERA, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- recommitted to the Committee on Consumer Protection in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

Section 1. Legislative intent. (a) The legislature hereby finds that:

(1) The manner in which fire suppression or sprinkler systems are constructed, installed, maintained and inspected have a direct and substantial impact on public safety.

(2) Improper construction, installation, maintenance or inspection of fire suppression systems by persons lacking adequate education, training and experience can lead to serious injuries, death and substantial property damage.

(3) Promulgating a code establishing minimum qualification standards for work performed on fire suppressions systems, including criteria for the education, training, testing and licensing of persons performing such work will promote public safety.

(b) It is the intent of the legislature and this act:

(1) To ensure that work on fire suppression systems is performed by persons who have sufficient education, training and experience in such work.

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

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(2) To ensure that adequate qualification standards are maintained through adherence of proper education, training, testing and licensing requirements for those engaged in the sprinkler fitting trades.

(3) To establish a state board of examiners for the sprinkler fitting industry to ensure proper qualification and examination of persons performing work on fire suppression systems and to ensure proper adherence to and enforcement of the requirements of this act and applicable regulations issued pursuant to this act.

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

ARTICLE 40-A

FIRE SUPPRESSION SYSTEMS

Section 930. Definitions.
931. Authorized work on fire suppression systems.
932. State board of examiners for the sprinkler fitting industry.
933. Powers and duties of the state board of examiners for the sprinkler fitting industry.
934. Sprinkler fitter license.
935. Sprinkler fitter apprentice and helper permits.
936. Fire suppression system inspector.
937. Reciprocity.
938. Transitional grace period.
939. Registry of sprinkler fitter licenses and permits.
940. Violations.
941. Penalties.
942. Enforcement.
943. Severability.

§ 930. 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, 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) "Public employer" shall mean (i) the state of New York, (ii) a county, city, town, village or any other political subdivision or civil division of the state, (iii) a school district or any governmental entity operating a public school, college or university, (iv) a public improvement or special district, (v) a public authority, commission or public benefit corporation, or (vi) any other public corporation, agency, instrumentality or unit of government which exercises governmental power under the laws of the state.

(e) "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.

(f) "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.

(g) "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.

(h) "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 eight 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.

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

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

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

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

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

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

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

(2) Performs work on portable fire extinguishers or work on dry standpipes that are not connected to a fire suppression system;

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

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

(b) No person may employ a person or cause or direct a person to perform work on a fire suppression system unless the person performing such work possesses a sprinkler fitter license, sprinkler fitter apprentice or helper permit or fire suppression system inspector license issued pursuant to this article.

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

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

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

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

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

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

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

(3) one fire suppression contractor;

(4) one licensed fire protection engineer;

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

(6) one representative from the New York state pipe trades association; and

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

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

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

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

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

(d) promulgate, adopt, amend, and repeal such rules and regulations, not inconsistent with the laws of this state, as may be necessary for the orderly conduct of its affairs and the administration of this article;

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

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

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

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

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

(j) establish a procedure for reinstating licenses or permits that have been revoked or suspended, including the use of retesting procedures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) possession of a level one certificate from the national institute for certification for engineering technologies for inspection and testing for water based fire protection systems; and

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

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

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

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

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

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

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

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

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

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

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

(1) completed a sprinkler fitter apprenticeship program; or

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

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

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

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

(3) Possession of a level one certificate from the national institute for certification for engineering technologies for inspection and testing for water based fire protection systems.

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

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

(b) The fire suppression system technician registry shall be maintained on a publicly accessible website and shall be updated on a monthly basis.

§ 940. Violations. It shall be unlawful and a violation of this article for any person to:

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

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

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

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

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

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

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

§ 941. Penalties. (a) The board shall revoke or suspend a license or permit issued under this article, or reprimand a license or permit holder for incompetence or any violation of this article or rules or regulations of the board issued pursuant to this article.

(b) Any person who violates any provision of this article or any applicable rule, regulation, permit or other order of the board shall be subject to a civil penalty of not less than five hundred dollars and not

more than one thousand dollars for each act or violation. Each day a person performs work on a fire suppression system without a required license or permit as required by this article shall constitute a separate violation.

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

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

§ 942. Enforcement. (a) The requirements of this article will be enforced by the board in conjunction with the licensure and certification unit within the department of labor.

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

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

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

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.