

By: Senator(s) Kirby

To: Insurance; Judiciary

SENATE BILL NO. 2292

1 AN ACT TO REQUIRE THE LICENSING OF FIRE PROTECTION SPRINKLER  
2 CONTRACTORS; TO PROVIDE FOR THE ADMINISTRATION OF SUCH LICENSING  
3 BY THE STATE FIRE MARSHAL; TO ESTABLISH CIVIL AND CRIMINAL  
4 PENALTIES FOR VIOLATING THE PROVISIONS OF THIS ACT; AND FOR  
5 RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 SECTION 1. For the purposes of this act, the following words  
8 and phrases shall have the meanings ascribed to them in this  
9 section:

10 (a) "Fire protection sprinkler contractor" means an  
11 individual, partnership, corporation, association or joint venture  
12 engaged in the business of the installation, repair, alteration,  
13 addition, maintenance or inspection of fire protection sprinkler  
14 systems. This term does not include local building officials,  
15 fire inspectors or insurance inspectors when acting in their  
16 official capacity.

17 (b) "Certified fire protection sprinkler contractor"  
18 means a fire protection sprinkler contractor who has qualified and  
19 received a permit from the State Fire Marshal.

20 (c) "Certificate holder" means an individual who:

21 (i) Holds the appropriate certification level in  
22 fire protection engineering technology automatic sprinkler system  
23 layout as required by the rules and regulations promulgated by the  
24 State Fire Marshal; and

25 (ii) Is an owner, partner, officer or any employee  
26 of a fire protection sprinkler contractor and has been  
27 continuously employed by the contractor during the

28 one-hundred-twenty-day period immediately before the filing of an  
29 application for a permit as provided for in Section 4 of this act.

30 (d) "Fire protection sprinkler system" means a system  
31 of overhead piping designed in accordance with fire protection  
32 engineering standards that is supplied from a reliable, constant  
33 and sufficient water supply such as a gravity tank, fire pump,  
34 reservoir, pressure tank or connection by underground piping to a  
35 city main. The portion of the sprinkler system above ground shall  
36 be considered the fire protection sprinkler system for purposes of  
37 this act and is a network of specially sized or hydraulically  
38 designed piping installed in a building, structure or area,  
39 generally overhead, and to which sprinklers are connected in a  
40 systematic pattern. The system includes a controlling valve and  
41 device for activating an alarm when the system is in operation.  
42 The system is usually activated by heat and/or fire and discharges  
43 water over the fire area. Fire protection sprinkler systems shall  
44 include the following types: wet-pipe systems, dry-pipe systems,  
45 pre-action systems, deluge systems, combined dry-pipe and  
46 pre-action systems, antifreeze systems and circulating closed loop  
47 systems, each as defined and continuously revised in National Fire  
48 Protection Association Pamphlet 13, entitled "Standard for the  
49 Installation of Sprinkler Systems."

50 (e) "Permit" means the form issued by the State Fire  
51 Marshal to a fire protection sprinkler contractor upon approval of  
52 the application, payment of the required fee and proof of the  
53 required certification of the person designated as that company's  
54 certificate holder.

55 SECTION 2. The State Fire Marshal shall administer this act  
56 and may set or change the amount of the fee charged as may be  
57 necessary for the administration and enforcement of this act.  
58 Such fee shall not exceed Two Hundred Dollars (\$200.00). The  
59 State Fire Marshal is authorized to promulgate rules and  
60 regulations necessary to carry out the purposes of this act.

61 SECTION 3. It is unlawful for any fire protection sprinkler  
62 contractor to engage in the planning, sale, installation, repair,  
63 alteration, addition, maintenance or inspection of a fire  
64 protection sprinkler system in this state except in conformity

65 with this act.

66       SECTION 4. (1) Any fire protection sprinkler contractor  
67 desiring to engage in the planning, sale, installation, repair,  
68 alteration, addition, maintenance or inspection of fire protection  
69 sprinkler systems shall apply for a permit to the State Fire  
70 Marshal on standard forms provided by the State Fire Marshal  
71 supplying all the required information on the person designated to  
72 be the certificate holder. An application fee of Two Hundred  
73 Dollars (\$200.00) shall be paid when making the application.

74       (2) The State Fire Marshal shall issue, upon receipt of the  
75 application, the fee, an insurance certificate and proof of the  
76 required certification of the person designated to be the  
77 certificate holder, a permit to a fire protection sprinkler  
78 contractor.

79       SECTION 5. If the requirements of Section 4 of this act are  
80 met, the State Fire Marshal shall within thirty (30) days issue a  
81 permit in the name of the fire protection sprinkler contractor  
82 with the name of the certificate holder noted thereon.

83       SECTION 6. In no case shall a certificate holder be allowed  
84 to obtain a permit for more than one fire protection sprinkler  
85 contractor at a time. If the certificate holder leaves the  
86 employment of the fire protection sprinkler contractor, he must  
87 notify the State Fire Marshal within thirty (30) days. The  
88 certificate holder shall not broker his permit authorization to  
89 more than one fire protection sprinkler contractor at a time nor  
90 consecutively in a manner so as to create corporate entities just  
91 for individual profit. Violation of this provision by a permit  
92 holder shall subject the permit holder to suspension of his permit  
93 for a period of one (1) year. If the certificate holder leaves  
94 the employment of the fire protection sprinkler contractor or  
95 dies, the contractor shall have six (6) months to submit a new  
96 application on another certificate holder and be issued a new  
97 permit. If such application is not received within the allotted

98 time, the State Fire Marshal shall revoke the permit of the fire  
99 protection sprinkler contractor.

100 SECTION 7. (1) The permit shall expire at midnight on each  
101 September 30. At least thirty (30) days before expiration, the  
102 fire protection sprinkler contractor must submit a renewal  
103 application. A renewal fee of Two Hundred Dollars (\$200.00),  
104 current insurance certificate and proof of the appropriate  
105 certification of the person designated to be the certificate  
106 holder must be submitted with the renewal application.

107 (2) Failure to renew the permit before the expiration shall  
108 cause the permit to be void as of the expiration date, and it  
109 shall be unlawful under this act for any fire protection sprinkler  
110 contractor to engage in planning, selling, installing, repairing,  
111 altering, adding, maintaining or inspecting a fire protection  
112 sprinkler system without a valid permit.

113 (3) The permit may be reinstated by making application and  
114 providing the items required under Section 4 of this act; however,  
115 until a new permit is issued, it shall be unlawful for the fire  
116 protection sprinkler contractor to engage in planning, selling,  
117 installing, repairing, altering, adding, maintaining or inspecting  
118 fire protection sprinkler systems.

119 SECTION 8. The local building permit official shall require  
120 a copy of the permit before issuing a license or building permit.

121 The local official shall impose no other requirements or fees on  
122 the certified fire protection sprinkler contractor to prove  
123 competency other than proper evidence of a valid permit.

124 SECTION 9. If shop drawings are required to be submitted and  
125 approved by any county or municipal governing authority, the state  
126 or any political subdivision of the state, the plans shall bear  
127 the permit numbers of the certified fire protection sprinkler  
128 contractor.

129 SECTION 10. This act also applies to any fire protection  
130 sprinkler contractor performing work for any county municipal

131 governing authority or the state. Officials of any county,  
132 municipality or the state are required to determine compliance  
133 with this act before awarding any contracts for the installation,  
134 repair, alteration, addition or inspection of a fire protection  
135 sprinkler system. Bids for such shall be accompanied by a copy of  
136 a valid permit.

137       SECTION 11. All funds collected under this act shall be  
138 deposited to the credit of the State Fire Marshal's Fund, which is  
139 hereby created in the State Treasury. The State Fire Marshal  
140 shall be authorized to receive grants and donations from the  
141 associations, firms or individuals who are interested in the  
142 upgrading and quality of fire protection sprinkler systems, which  
143 shall also be paid to the State Fire Marshal's Fund. The State  
144 Fire Marshal is authorized to expend monies in accordance with  
145 legislative appropriation from the State Fire Marshal's Fund for  
146 the administration and enforcement of this act.

147       SECTION 12. (1) The State Fire Marshal may issue and  
148 deliver an order to cease and desist to any individual,  
149 partnership, corporation, association or joint venture who he has  
150 reason to believe is or has been violating the provisions of this  
151 act or any rules and regulations promulgated hereunder. Whoever  
152 fails to comply with any order issued under this section shall be  
153 assessed an administrative fine of not more than One Thousand  
154 Dollars (\$1,000.00) for each day of such violation.

155       (2) Violations of this act or any rules and regulations  
156 promulgated hereunder, or failure to comply with an order to cease  
157 and desist shall also constitute cause for revocation of the  
158 permit.

159       (3) An individual, or a director, officer or agent of a  
160 corporation, who knowingly and willfully violates any of the  
161 provisions of this act or any rules and regulations promulgated  
162 hereunder is guilty of a misdemeanor and, upon conviction thereof,  
163 shall be fined not more than One Thousand Dollars (\$1,000.00) or

164 imprisoned not more than one (1) year, or both.

165           SECTION 13. This act shall take effect and be in force from  
166 and after July 1, 1999.