

LEGISLATIVE BILL 636

Approved by the Governor May 27, 1997

Introduced by Kristensen, 37; Cudaback, 36; Withem, 14

AN ACT relating to fire protection systems; to provide for certificates for contractors who work on water-based fire protection systems; to provide duties for the State Fire Marshal; and to provide penalties. Be it enacted by the people of the State of Nebraska,

Section 1. For purposes of sections 1 to 7 of this act:

(1) Responsible managing employee means an individual employed full time by the water-based fire protection system contractor who (a) is currently certified by the National Institute for Certification in Engineering Technologies at level III or IV in fire protection engineering technology, automatic sprinkler system layout, or another nationally recognized certification in automatic sprinkler system layout recognized by the State Fire Marshal, (b) has completed and passed an examination administered by the State Fire Marshal, and (c) is an owner, partner, or officer or in a management position of a contractor;

(2) Water-based fire protection system means a system of overhead piping: (a) Designed in accordance with fire protection engineering standards, usually activated by heat from a fire and which, when activated, discharges water over a fire area; (b) supplied from an acceptable water supply; (c) which is specially sized or hydraulically designed and installed in a building, structure, or fire area to which fire sprinklers are connected; and (d) which includes a controlling valve and usually a device for actuating an alarm when the system is in operation. Only the portion of the water-based fire protection system which is separate from the domestic water system is considered the water-based fire protection system. Water-based fire protection systems include wet-pipe systems, dry-pipe systems, foam-water systems, pre-action systems, deluge systems, combined dry-pipe and pre-action systems, standpipe systems, combined standpipe and sprinkler systems, water-spray fixed systems, fire pumps, fire protection water storage tanks, antifreeze systems, and circulating closed-loop systems; and

(3) Water-based fire protection system contractor means a person engaged in the business of installation, repair, alteration, addition, maintenance, or inspection of water-based fire protection systems, but does not include (a) individuals employed by and working under the direction of a contractor or (b) local building officials, fire inspectors, or insurance inspectors when acting in their official capacity.

Sec. 2. (1) Any water-based fire protection system contractor who installs, repairs, alters, adds to, maintains, or inspects water-based fire protection systems in this state shall first obtain a contractor certificate.

(2) A water-based fire protection system contractor may apply to the State Fire Marshal for a contractor certificate. The application shall be made on a form prescribed by the State Fire Marshal and shall include a certificate fee of up to one hundred dollars. Each applicant must designate a responsible managing employee on the application, and this individual's name shall appear on the certificate with that of the water-based fire protection system contractor upon issuance. Proof of insurance required by section 3 of this act shall also accompany the application.

(3) Upon receipt of a complete application, proof of insurance, and certificate fee, the State Fire Marshal shall schedule a time for an examination of the responsible managing employee to demonstrate that he or she is familiar with the procedures and rules of the State Fire Marshal relating to water-based fire protection systems. If the responsible managing employee passes the examination, the State Fire Marshal shall issue the certificate to the water-based fire protection system contractor within thirty days.

(4) A certificate shall expire on September 30 of the year following issuance. An application for renewal shall be filed at least thirty days prior to expiration and shall be accompanied by a renewal fee of up to one hundred dollars and a sworn affidavit that the responsible managing employee is currently employed by the water-based fire protection system contractor. A water-based fire protection system contractor who fails to apply for renewal within the time stated in this subsection must make a new application for a certificate.

(5) A responsible managing employee may only act as such for one water-based fire protection system contractor at a time. When a responsible managing employee terminates his or her association with a water-based fire

protection system contractor, the water-based fire protection system contractor shall notify the State Fire Marshal within thirty days after termination. The responsible managing employee shall not be designated as the responsible managing employee for more than two water-based fire protection system contractors in any twelve-month period. The State Fire Marshal shall revoke the certificate of a water-based fire protection system contractor whose responsible managing employee has terminated his or her association with the water-based fire protection system contractor unless an application designating a new responsible managing employee is filed within six months after termination or prior to expiration of the current certificate, whichever is earlier.

Sec. 3. A water-based fire protection system contractor shall maintain general and completed operations liability insurance for installation, inspection, and testing of water-based fire protection systems providing at least one million dollars of coverage.

Sec. 4. Sections 1 to 7 of this act shall not be construed to:

(1) Relieve any person from payment of local license or permit fees;

(2) Limit the power of the state or political subdivisions to regulate the quality and character of work performed by water-based fire protection system contractors through a system of permits, fees, and inspections which are designed to assure compliance with, and aid in the implementation of, state and local building laws or to enforce other local laws for the protection of the public health and safety; or

(3) Limit the power of the state or political subdivisions to adopt any system of permits requiring submission to and approval by the state or political subdivision of plans and specifications for work to be performed by water-based fire protection system contractors before commencement of the work.

Sec. 5. Any money collected under sections 1 to 3 of this act shall be remitted to the State Treasurer for credit to the State Fire Marshal Cash Fund. Any civil penalties collected under section 6 of this act shall be remitted to the State Treasurer for credit to the permanent school fund.

Sec. 6. Any violation of sections 1 to 5 of this act is a Class V misdemeanor. In addition, the State Fire Marshal may impose a civil penalty of up to two hundred fifty dollars for each day a violation continues. Any violation shall also constitute grounds for revocation of a contractor certificate.

Sec. 7. The State Fire Marshal shall adopt and promulgate rules and regulations to carry out sections 1 to 6 of this act.