



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington State Patrol

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 16-12-055 ; or | <input checked="" type="checkbox"/> Original Notice       |
| <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or           | <input type="checkbox"/> Supplemental Notice to WSR _____ |
| <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).                  | <input type="checkbox"/> Continuance of WSR _____         |

Title of rule and other identifying information: Fire Protection Sprinkler System Contractors

Hearing location(s): Washington State Patrol  
General Administration Building Room G-3  
210 11<sup>th</sup> Avenue SW  
Olympia WA 98504-2600

Date: November 28, 2016 Time: 9:00 AM

**Submit written comments to:**

Name: Chief Deputy State Fire Marshal Dan Johnson  
Address: PO Box 42600  
Olympia WA 98504-2600  
e-mail [dan.johnson@wsp.wa.gov](mailto:dan.johnson@wsp.wa.gov)  
fax (360) 596-3934 by (date) November 23, 2016

**Assistance for persons with disabilities:** Contact

Melissa Van Gorkom by November 23, 2016

(360) 596-4017

Date of intended adoption: November 29, 2016  
(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The proposed rules will provide clean up to the chapter which will include clarification with regard to the penalty levels for individual/contractor violations as well as provide clarification regarding the certification requirements.

**Reasons supporting proposal:** Updates are to provide clarity and consistency in terms used and clean up existing language.

Statutory authority for adoption: RCW 18.270.900 and 18.160.030

Statute being implemented:

**Is rule necessary because of a:**

- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
- If yes, CITATION:

DATE October 10, 2016

NAME (type or print)  
John R. Batiste

SIGNATURE

TITLE  
Chief

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: **October 13, 2016**

TIME: **3:07 PM**

**WSR 16-21-056**

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

**Name of proponent:** (person or organization)

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Dan Johnson	PO Box 42600 Olympia WA 98504	(360) 596-3913
Implementation....Fire Protection Bureau	PO Box 42600 Olympia WA 98504	(360) 596-3900
Enforcement..... Fire Protection Bureau	PO Box 42600 Olympia WA 98504	(360) 596-3900

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

The proposed changes do not pose a more than minor cost to small businesses.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No: Please explain: This proposal is not a significant rules change. The changes clarify language throughout the chapter by updating references to state/national law/standards, and other language without changing its effect.

**WAC 212-80-018 License and certification requirements.** (1) **Fire protection sprinkler contractors**, only a licensed contractor, who has at least one certificate holder on staff certified to license level consistent with the contractor's license, by the director, can bid, offer to bid, contract, or perform the designing, installation, inspection, testing, maintenance, or repair of a NFPA fire protection sprinkler system or any part of such a system based on the level of the contractor license. The following levels will apply to contractor licenses issued by the director:

(a) **Level 1 contractor license** - (~~(NFPA 13D, and underground work (NFPA 24) or inspection, testing and maintenance (NFPA 25) for)~~) Residential structures consistent with the definitions found within NFPA 13D.

(b) **Level 2 contractor license** - (~~(NFPA 13D or NFPA 13R and underground work (NFPA 24) or inspection, testing and maintenance (NFPA 25) for NFPA 13D or NFPA 13R.)~~) Residential structures consistent with the definitions found within NFPA 13D, NFPA 13R, and NFPA 25. NFPA 24 is applicable only when the water main supplying the fire sprinkler system is equal to or greater than four inches in size.

(c) **Level 3 contractor license** - (~~(NFPA 13D, NFPA 13R, NFPA 13 systems, or underground work (NFPA 24) or inspection, testing and maintenance (NFPA 25).)~~) Includes work defined by Levels 1 and 2. This license is applicable to structures and fire protection sprinkler systems defined in NFPA 13, NFPA 24, and NFPA 25.

(d) **Level U contractor license** - Specialized license for underground work (NFPA 24) only.

(e) **Level I&T (inspection and testing) contractor license** - Specialized license for inspection and testing work (NFPA 25). This license level allows for inspection or testing of a (~~(NFPA 13D,)~~) NFPA 13R(~~(,)~~) or NFPA 13, wet and dry pipe fire protection sprinkler system, provided that the:

(i) Inspection and testing technician must limit his or her work on the fire protection sprinkler system to the contractor's license level; and

(ii) Testing and maintenance of fire protection sprinkler systems such as preaction, deluge, foam or fire pumps, will be performed only by contractors who are also qualified and licensed to design and install that type of system or fire pump.

**Chart 1: Fire Protection Sprinkler Contractors**

Level of Contractor License	Standard Defining Work to be Performed				
	NFPA 13D	NFPA 13R	NFPA 13	NFPA 24	NFPA 25
<b>Level 1 Contractor</b> One- and two-family dwellings and manufactured homes	Yes	No	No	<del>(Yes)</del> <u>No</u>	<del>(Yes)</del> (See WAC 212-80-018 (e)(i)) <u>No</u>



(ii) Residential-level sprinkler fitter certification - Limited to installation, maintenance, and repair of the fire protection sprinkler system of residential occupancies as defined by NFPA 13D and NFPA 13R. A residential level sprinkler fitter certification may also perform installation and repair of NFPA 13 fire protection sprinkler systems and components while under the direct supervision of a certified journey-level sprinkler fitter.

(iii) Trainee-level sprinkler fitter certification - Limited to performing sprinkler fittings under the direct supervision of a journey-level sprinkler fitter or residential sprinkler fitter certified to perform the type of services the trainee level sprinkler fitter is providing.

**Chart 2: Fire Protection Sprinkler Certifications**

Level of Certificate Holder – See Note (1)	Standard Defining Work That May Be Performed				
	NFPA 13D	NFPA 13R	NFPA 13	NFPA 24	NFPA 25
<b>Level 1 Design Certification</b>	Yes	No	No	((Yes (NFPA 13D Systems Only))) No	No
<b>Level 2 Design Certification</b>	Yes	Yes	No	Yes ((NFPA 13D and/or NFPA 13R Systems Only)) (Restricted to only certain NFPA 13R systems) (see WAC 212-80-018 (1)(b))	((No)) Yes (Restricted to only 13R systems)
<b>Level 3 Design Certification</b>	Yes	Yes	Yes	Yes	((No)) Yes
<b>Level U ((Design)) Certification</b>	No	No	No	Yes	No
<b>Level ITT ((Design)) Certification</b>	No	No	No	No	Yes See subsection (1)(e) of this section for exceptions
<b><u>Journey-Level Sprinkler Fitter</u></b>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>
<b><u>Residential-Level Sprinkler Fitter</u></b>	<u>Yes</u>	<u>Yes</u>	<u>Only if under the direct supervision of a journey-level sprinkler fitter</u>	<u>No</u>	<u>No</u>
<b><u>Trainee-Level Sprinkler Fitter</u></b>	<u>Only if under the direct supervision of a residential/ journey-level sprinkler fitter</u>	<u>Only if under the direct supervision of a residential/ journey-level sprinkler fitter</u>	<u>Only if under the direct supervision of a journey-level sprinkler fitter</u>	<u>No</u>	<u>No</u>

**Chart 3: Certificate Level Required for Level of License**

<b>Contractor Level</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>U</b>	<b>I&amp;T</b>
Building Type	One- and two-family dwellings and manufactured homes	Dwellings up to and including four stories in height	All dwellings and commercial or high occupancy facilities	Dedicated underground fire service main of a water based fire protection system	Inspection, testing, and maintenance of water based fire protection systems
Certificate Holder Level Needed to Qualify for License	1	2	3	U	ITT

(3) **May a person who has two levels of certification as provided by subsection (2) of this section work for two different licensed contractors if the person only uses one type of certification for each licensed contractor?** No. RCW 18.160.040(10) prohibits a certificate holder from working for more than one licensed contractor.

(4) **May a contractor obtain a fire protection sprinkler system license if the contractor employs only sprinkler fitters?** No. A sprinkler fitter may only install piping from approved plans with a design certification.

AMENDATORY SECTION (Amending WSR 14-03-019, filed 1/7/14, effective 2/7/14)

**WAC 212-80-093 Certificate holder certification.** (1) **How do I become a certificate holder?** The issuance of a certificate is dependent on employment with a licensed contractor. All applications for a certificate must be submitted with the fire protection sprinkler system contractor's license application. A certificate application will not be processed without the fire protection sprinkler system contractor's license application. All applications must be made on the forms provided by the director and include the required fees provided by WAC 212-80-098 and documentation for the required level of certification as provided by this section.

(a) **For Level 1 design certification,** the applicant must:

(i) Have satisfactorily passed with a final score of eighty percent or better an examination administered by the director, or present a copy of a current certificate from the National Institute for Certification in Engineering Technologies showing that the applicant has achieved Level 2 certification in the field of water-based fire protection system layout; or

(ii) Be a Washington licensed professional engineer.

(b) **For Level 2 design certification,** the applicant must:

(i) Present a copy of a current certificate from the National Institute for Certification in Engineering Technologies showing that the applicant has achieved a Level 2 in the field of water-based fire protection systems layout; or

(ii) Be a Washington licensed professional engineer.

(c) **For Level 3 design certification,** the applicant must either:

(i) Present a copy of a current certificate from the National Institute for Certification in Engineering Technologies showing that the applicant has achieved a Level 3 in the field of water-based fire protection systems layout; or

(ii) Be a Washington licensed professional engineer.

(d) **For Level U certification,** the applicant must have satisfactorily passed with a final score of eighty percent or better an examination administered by the director.

(e) **For inspection and testing technician certification,** the applicant must:

(i) Possess a National Institute for Certification and Engineering Technologies Inspection, Testing and Maintenance Level 2 or Level 3 certification; and

(ii) Perform work consistent with the employing contractor's licensing level.

(f) **For journey-level sprinkler fitter certification,** the applicant must:

(i) Provide evidence on the forms provided by the director of at least eight thousand hours of trade related fire protection sprinkler system experience in installation and repair;

(ii) Not have more than three thousand hours of experience in residential sprinkler fitting; and

(iii) Satisfactorily pass an examination provided by the director with a final score of eighty percent.

(g) **For residential sprinkler fitter certification,** the applicant must:

(i) Provide evidence on the forms provided by the director, of at least four thousand hours of trade related fire protection sprinkler system experience in installation, repair, and maintenance; and

(ii) Satisfactorily pass an examination provided by the director with a final score of eighty percent.

(h) **For journey- or residential-level sprinkler fitter training certification,** except as provided by (g)(i) of this subsection, the applicant must:

(i) Provide evidence to the director, on the forms provided by the director, of trade related employment by a licensed contractor;

(ii) Remain employed by a licensed contractor to maintain trainee status; and

(iii) Only engage in the fire protection sprinkler system trade when under the supervision of a certified journey level or residential installer.

(i) For a professional engineer ((is exempt from certification when acting solely in a professional capacity.)) to act as a Level 1, 2, or 3 certificate of competency holder and be issued a stamp, the professional engineer must:

(i) Be licensed by the department of licensing;

(ii) Obtain a Level 1, Level 2, or Level 3 certificate;

(iii) Properly register with the department of licensing;

(iv) Complete the application process for certification provided by WAC 212-80-093;

(v) Pay fees provided by WAC 212-80-073; ((and))

(vi) Supply the director with proof that he or she holds a current, valid state of Washington registration as a professional engineer; and

(vii) Otherwise the professional engineer is exempt from certification when acting solely in a professional capacity.

(2) Proof of competency to the satisfaction of the director is mandatory.

**Certificate of Competency Holder Requirements**

<b>Certificate of Competency Level</b>	<b>Application Required</b>	<b>Certification or Exam Required</b>	<b>Stamp Issued</b>	<b>Type of work performed by Certificate Holder</b>
Level 1	Yes	NICET Level 2 or pass an exam (See <del>((a) of this subsection))</del> <u>WAC 212-80-093 (1)(a)</u> )	Yes	Designs <u>NFPA 13D</u> fire sprinkler systems or <u>inspection, testing, maintenance (NFPA 25)</u> for <u>NFPA 13D</u>
Level 2	Yes	NICET Level 2 (See <del>((b) of this subsection))</del> <u>WAC 212-80-093 (1)(b)</u> )	Yes	Designs <u>NFPA 13D, 13R or certain NFPA 24</u> (Restricted to only certain NFPA 13R systems, see <u>WAC 212-80-018 (1)(b)</u> ) fire sprinkler systems or <u>inspection, testing, maintenance (NFPA 25)</u> for <u>NFPA 13D or 13R</u>
Level 3	Yes	NICET Level 3 or 4 (See <del>((b) of this subsection))</del> <u>WAC 212-80-093 (1)(b)</u> )	Yes	Designs <u>NFPA 13, 13D, 13R or 24</u> fire sprinkler systems or <u>inspection, testing, maintenance (NFPA 25)</u> for <u>NFPA 13, 13D or 13R</u>
Level "U"	Yes	Pass an exam (See <del>((c) of this subsection))</del> <u>WAC 212-80-093 (1)(c)</u> )	Yes	Supervises or performs the underground installation of fire sprinkler system piping ( <del>(regardless of the level it will be at the above ground connection, (i.e., Level 1, 2, or 3))</del> )
Inspection, Testing Technician (ITT) Employed by an Inspection & Testing Contractor	Yes	NICET Level 2 (See <del>((d) of this subsection))</del> <u>WAC 212-80-093 (1)(d)</u> )	No	Performs inspection or testing on <u>NFPA ((13D;)) 13R(;) or 13</u> , wet and dry pipe fire protection systems only
Inspection, Testing Technician (ITT) Employed by a Level <del>((1 or))</del> 2 Contractor	Yes	NICET Level 2 (See <del>((d) of this subsection))</del> <u>WAC 212-80-093 (1)(d)</u> )	No	Performs inspection, testing and maintenance on <u>NFPA ((13D;)) 13R(;) or 13</u> , wet and dry pipe fire protection systems only
Inspection, Testing Technician (ITT) Employed by a Level 3 Contractor	Yes	NICET Level 2 (See <del>((d) of this subsection))</del> <u>WAC 212-80-093 (1)(d)</u> )	No	Same as ITT above and includes the testing of other fire protection systems such as preaction, deluge, foam, or fire pump
Journey Sprinkler Fitter	Yes	Pass an exam (See <del>((e) of this subsection))</del> <u>WAC 212-80-093 (1)(e)</u> )	No	Installs and repairs <u>NFPA 13D, 13R, or 13</u> fire sprinkler systems

Certificate of Competency Holder Requirements				
Certificate of Competency Level	Application Required	Certification or Exam Required	Stamp Issued	Type of work performed by Certificate Holder
Residential Sprinkler Fitter	Yes	Pass an exam (See <del>((f) of this subsection))</del> WAC 212-80-093 (1)(f))	No	Installs, repairs, and performs maintenance on fire sprinkler systems in residential occupancies
Professional Engineer (P.E.) Licensed in Washington State	<del>((No))</del> <u>Only if acting as a Level 1, 2 or 3 certificate of competency holder</u>	Licensed with department of licensing	By DOL unless <u>acting as a Level 1, 2, or 3 certificate of competency holder</u>	<u>Designs, evaluates or consults on fire protection fire sprinkler systems</u>

(3) All information submitted by an applicant to the director to apply for a certificate must be true and accurate. If the director finds that information or documents submitted by an applicant is false, misleading, or has been altered in an effort to meet the requirements provided by this chapter, the finding will constitute a level 3 violation.

(4) A violation of this section that involves a contractor allowing an employee to engage in performing fire protection sprinkler system work:

(a) Without a license or certificate, or with a license or certificate that has been expired for one or more years is a level 3 violation.

(b) With a license or certificate that has been expired for more than ninety days and less than one year is a level 2 violation.

(c) With a license or certificate that has been expired less than ninety days is a level 1 violation.

(d) By engaging in the trade of fire sprinkler fitting without having a valid sprinkler fitter certificate of competency issued for the work being conducted is a level 3 violation.

(e) By a trainee sprinkler fitter engaging in the trade of fire sprinkler fitting without the direct supervision of a certified residential or journey sprinkler fitter is a level 3 violation.

(f) As a trainee without a trainee certificate but with the direct supervision of a certified residential or journey sprinkler fitter is a level 1 violation.