

FIRST REGULAR SESSION

HOUSE BILL NO. 384

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LANT (Sponsor), DAVIS, FLANIGAN, BURLISON,
FUNDERBURK AND REIBOLDT (Co-sponsors).

1306L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 320, RSMo, by adding thereto eight new sections relating to fire sprinkler contractors.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 320, RSMo, is amended by adding thereto eight new sections, to be known as sections 320.400, 320.402, 320.406, 320.408, 320.410, 320.412, 320.414, and 320.416, to read as follows:

320.400. As used in sections 320.400 to 320.416, the following terms shall mean:

(1) "Certificate of registration", the document issued to a contractor under sections 320.400 to 320.416;

(2) "Contractor", an organization that offers to undertake, represents itself as being able to undertake, or does undertake the proposed layout and specifications, planning, installation, or servicing of a fire sprinkler system or any part of such a system for pay;

(3) "Fire sprinkler system", a suppression system which requires individual calculation and layout in accordance with nationally recognized standards, such as those of the National Fire Protection Association, to protect the interior or exterior of a specific building, structure, or special hazard from fire by conveying water, with or without other agents, to dispersal openings or devices. Such systems also include any overhead and underground fire mains beginning at the point of service, fire hydrants and hydrant mains, standpipes and hoses connected to sprinkler systems, sprinkler tank heaters, air lines,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 thermal systems used in connection with fire sprinkler systems, and tanks and pumps
16 connected to fire sprinkler systems;

17 (4) "Inspection", a visual examination of a fire sprinkler system or portion thereof
18 to verify that it appears to be in operating condition and is free of physical damage;

19 (5) "Installation", the initial placement of fire sprinkler equipment or the
20 extension, modification, or alteration of equipment after the initial placement, and includes
21 the inspection and testing of equipment attendant to the placement or alteration of fire
22 sprinkler equipment;

23 (6) "NICET", National Institute of Certification in Engineering Technologies;

24 (7) "Organization", a corporation, a partnership or other business association, a
25 sole proprietorship, a governmental entity, or any other legal or commercial entity;

26 (8) "Person", a natural person, including an owner, manager, officer, employee,
27 or occupant;

28 (9) "Point of service", the point at which the underground piping for a sprinkler
29 system using water as the extinguishing agent becomes used exclusively for the sprinkler
30 system;

31 (10) "Registered firm", an organization holding a valid certificate of registration
32 issued under sections 320.400 to 320.416;

33 (11) "Service", to inspect, test, or repair fire sprinkler equipment in order to
34 furnish or return the fire sprinkler system to operational condition, and including
35 maintenance contracts;

36 (12) "Special agent fire suppression system", an approved system, and components
37 thereof, which requires individual calculations and layout in accordance with the
38 manufacturer's instructions to determine the flow rates, nozzle pressures, quantities of
39 extinguishing agent, and number and types of nozzles for protecting one or more hazards
40 by suppressing or extinguishing fire. These systems include kitchen hood fire suppression
41 systems, dry chemical systems, carbon dioxide systems, halogenated and gaseous agent
42 systems, foam systems, and wet chemical systems not connected to fire sprinkler systems.
43 Special agent fire suppression systems shall not include a fire sprinkler system.

320.402. 1. Any contractor who engages in the installation of fire sprinkler systems
2 or services fire sprinkler systems may register with the state fire marshal for a certificate
3 of registration.

4 2. The provisions of sections 320.400 to 320.416 and the rules and regulations
5 promulgated under sections 320.400 to 320.416 shall have uniform force and effect
6 throughout the state. A municipality, county, or any other local governmental body or

7 jurisdiction may enact or enforce registration or licensing requirements, and the
8 registration provisions of sections 320.400 to 320.416 shall not supercede them.

9 3. A municipality, county, or any other local governmental body or jurisdiction
10 may require a contractor to obtain a permit and pay a fee for the installation of a fire
11 sprinkler system and require the installation of such system in conformance with the
12 building code or other construction requirements of the municipality, county, or any other
13 local governmental body or jurisdiction.

14 4. Sections 320.400 to 320.416 shall not apply to:

15 (1) A person or organization that only sells or supplies products or materials used
16 in fire sprinkler systems;

17 (2) A person or organization who designs, plans, sells, places, or maintains special
18 agent fire suppression systems; or

19 (3) Inspection activities performed by a government official as part of code
20 enforcement activities.

21 5. Nothing in sections 320.400 to 320.416 shall be deemed to limit or restrict the
22 practice of engineering by licensed professional engineers.

 320.406. 1. The state fire marshal is authorized to promulgate rules and regulations
2 regarding:

3 (1) The content of applications and the procedures for filing an application for an
4 initial or renewal certificate of registration in this state;

5 (2) All applicable fees, set at a level to produce revenue which shall not exceed the
6 cost and expense of administering the provisions of sections 320.400 to 320.416;

7 (3) Establishment of procedures for granting reciprocity with other states.

8 2. Any rule or portion of a rule, as that term is defined in section 536.010, that is
9 created under the authority delegated in this section shall become effective only if it
10 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
11 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
12 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
13 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
14 grant of rulemaking authority and any rule proposed or adopted after August 28, 2013,
15 shall be invalid and void.

 320.408. 1. One of the following requirements shall be fulfilled in order to obtain
2 a certificate of registration from the state fire marshal:

3 (1) The applicant shall employ or contract with a professional engineer licensed in
4 the state of Missouri who is disciplined in fire protection;

5 **(2) The applicant shall employ or contract with a person with a NICET Level III**
6 **General Plans and Hydraulics and Water Supply Planning, or NICET IV certification, or**
7 **equivalent as approved by the Missouri state fire marshal, in the Water-Based System**
8 **Layout subfield; or**

9 **(3) The applicant shall employ or contract with a person with a NICET Level III**
10 **certification in the automatic sprinkler system layout subfield demonstrating the certified**
11 **person has received training in planning, installation, or servicing of fire sprinkler systems.**

12 **2. Any organization that holds a certificate of registration in this state under**
13 **sections 320.400 to 320.416 may use the title "certified fire sprinkler contractor". No other**
14 **person or organization may use the title "certified fire sprinkler contractor". No other**
15 **person or organization shall assume any title or use any abbreviation or any other words,**
16 **letters, signs, or devices to indicate that the person or organization using the same is a**
17 **certified fire sprinkler contractor.**

18 **3. A certificate of registration shall be valid for a period of two years from the date**
19 **of issue and is renewable biennially on payment of a fee; provided however, that the initial**
20 **certificates of registration issued on or after August 28, 2013, may be issued for periods of**
21 **less than two years and the fee shall be prorated proportionally.**

22 **4. A fee shall be charged by the state fire marshal for any request for a duplicate**
23 **certificate of registration or any request requiring change to a certificate of registration.**
24 **The fee shall be set by the fire marshal.**

25 **5. Each contractor holding itself out as a "certified fire sprinkler contractor" shall**
26 **display its certificate of registration issued under sections 320.400 to 320.416 in a**
27 **conspicuous place in the contractor's place of business.**

28 **6. Plans, bids, proposals, offers, and installation drawings for fire sprinkler systems**
29 **may display the contractor's certificate of registration number.**

30 **7. A certificate of registration issued under sections 320.400 to 320.416 shall not be**
31 **transferable.**

32 **8. There is hereby created in the state treasury the "Fire Sprinkler Contractor**
33 **Registration Fund", which shall consist of money collected under sections 320.400 to**
34 **320.416. The state treasurer shall be custodian of the fund and may approve**
35 **disbursements from the fund in accordance with sections 30.170 and 30.180. Upon**
36 **appropriation, money in the fund shall be used solely for the administration of sections**
37 **320.400 to 320.416. Any money remaining in the fund at the end of the biennium shall**
38 **revert to the credit of the general revenue fund. The state treasurer shall invest moneys**
39 **in the fund in the same manner as other funds are invested. Any interest and moneys**
40 **earned on such investments shall be credited to the fund.**

320.410. 1. As provided in subsection 3 of section 320.408, each renewal of a certificate of registration issued under sections 320.400 to 320.416 is valid for a period of two years. The certificate of registration fee is payable on renewal.

2. At least thirty days before the expiration of a certificate of registration, the state fire marshal shall send written notice of the impending certificate of registration expiration to the registrant at the last known address.

3. The state fire marshal may, by rule, adopt a system under which certificates of registration expire on various dates during the year. When the certificate of registration expiration date is less than two years from its issuance or anniversary date, the fee shall be prorated on a monthly basis so that each registrant shall pay only that portion of the fee that is allocable to the number of months during which the registration is valid. On each subsequent renewal, the total renewal fee is payable.

320.412. The state fire marshal shall not issue a certificate of registration under sections 320.400 to 320.416 unless the applicant files evidence of a general liability insurance policy that includes products and completed operations coverage. The limits of insurance coverage required by this section shall be in an amount not less than one million dollars aggregate for all occurrences per policy year. The general liability policy shall be conditioned to pay on behalf of the insured those amounts that the insured is legally obligated to pay as damages because of bodily injury and property damage caused by an occurrence involving the insured or the insured's servant, officer, agent, or employee in the conduct of any business registered under sections 320.400 to 320.416.

320.414. 1. The state fire marshal may refuse to issue any certificate of registration or renew any certificate of registration required by one or any provisions of sections 320.400 to 320.416 for one or any combination of reasons stated in subsection 2 of this section. The state fire marshal shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the right to file a complaint with the administrative hearing commission as provided in chapter 621.

2. The state fire marshal may cause a complaint to be filed with the administrative hearing commission as provided in chapter 621 against the holder of any certificate of registration required by sections 320.400 to 320.416 or any person or organization who has failed to renew or has surrendered their certificate for any one or any combination of the following causes:

(1) Use of fraud, deception, misrepresentation, or bribery in securing a certificate issued pursuant to the provisions of sections 320.400 to 320.416;

(2) Impersonation of any organization holding a certificate or allowing any person or organization to use his or her certificate;

16 **(3) Disciplinary action against the holder of a certificate by another state, territory,**
17 **federal agency, or country upon grounds for which revocation or suspension is authorized**
18 **in this state;**

19 **(4) Issuance of a certificate based upon a material mistake of fact;**

20 **(5) The person or organization has been finally adjudicated and found guilty, or**
21 **entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any**
22 **state or of the United States, for any offense reasonably related to the qualifications,**
23 **functions, or duties of any profession regulated under sections 320.400 to 320.416, for any**
24 **offense an essential element of which is fraud, dishonesty or an act of violence, or for any**
25 **offense involving moral turpitude, whether or not sentence is imposed;**

26 **(6) Incompetence, misconduct, gross negligence, fraud, misrepresentation, or**
27 **dishonesty in the performance of the functions or duties of the profession that is regulated**
28 **by sections 320.400 to 320.416;**

29 **(7) Violation of, or assisting or enabling any person or organization to violate, any**
30 **provision of sections 320.400 to 320.416, or any lawful rule or regulation adopted pursuant**
31 **to such sections;**

32 **(8) A person is finally adjudged insane or incompetent by a court of competent**
33 **jurisdiction;**

34 **(9) Operating without at least one million dollars in liability insurance coverage.**

35 **3. After the filing of a complaint pursuant to subsection 2 of this section, the**
36 **proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a**
37 **finding by the administrative hearing commission that the grounds, provided in subsection**
38 **2 of this section, for disciplinary action are met, the state fire marshal may, singly or in**
39 **combination, censure or place the person or organization named in the complaint on**
40 **probation on such terms and conditions as the state fire marshal deems appropriate for a**
41 **period not to exceed five years, or may suspend, for a period not to exceed three years, or**
42 **revoke the certificate of registration of the person or organization. An individual whose**
43 **certificate of registration has been revoked shall wait three years from the date of**
44 **revocation to apply for another certificate. Certification shall be at the discretion of the**
45 **state fire marshal after compliance with all requirements of sections 320.400 to 320.416**
46 **relative to the certification of an applicant for the first time.**

47 **4. The state fire marshal shall maintain an information file containing each**
48 **complaint filed with the state fire marshal relating to a holder of a certificate of**
49 **registration.**

320.416. 1. Upon proper application by the state fire marshal, a court of competent
2 **jurisdiction may grant an injunction, restraining order, or other order as may be**

3 appropriate to enjoin a person or organization from holding himself, herself, or itself out
4 as a certified fire sprinkler contractor.

5 2. Any such actions shall be commenced either in the county in which such conduct
6 occurred or in the county in which the defendant resides.

7 3. Any action brought under this section shall be in addition and not in lieu of any
8 penalty provided by law and may be brought concurrently with other actions to enforce
9 sections 320.400 to 320.416.

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