

WORKING DRAFT

HOUSE BILL NO. _____

Fire suppression systems-licensing.

Sponsored by: Joint Corporations, Elections and Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to fire prevention and safety; providing
2 licensing requirements for fire suppression system
3 installers; authorizing rulemaking; requiring all service
4 and installation of fire prevention systems to be done by a
5 licensed installer; providing for individual endorsements
6 of employees; providing definitions; and providing for an
7 effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 35-9-171 through 35-9-175 are created
12 to read:

13

14 DIVISION 7 - FIRE SUPPRESSION SYSTEMS

15

1 **35-9-171. Definitions.**

2

3 (a) As used in this division:

4

5 (i) "Automatic fire-extinguishing system" means
6 an approved system of devices and equipment which
7 automatically detects a fire and discharges an approved
8 fire-extinguishing agent onto or in the area of a fire;

9

10 (ii) "Automatic Sprinkler System" means a
11 sprinkler system for fire protection purposes which is an
12 integrated system of underground and overhead piping
13 designed in accordance with fire protection engineering
14 standards. The system includes a suitable water supply.
15 The portion of the system above the ground is a network of
16 specially sized or hydraulically designed piping installed
17 in a structure or area, generally overhead, and to which
18 automatic sprinklers are connected in a systematic pattern.
19 The system is usually activated by heat from a fire and
20 discharges water over the fire area;

21

22 (iii) "Endorsement" means a document, issued by
23 the department of fire prevention and electrical safety to
24 an individual who has met qualifications, that authorizes

1 the individual to service and install fire alarm systems,
2 automatic fire-extinguishing systems or automatic sprinkler
3 systems under the license of a licensed fire suppression
4 system installer;

5

6 (iv) "Fire alarm system" means a combination of
7 approved compatible devices with the necessary electrical
8 interconnection and energy to produce an alarm signaling
9 the event of fire or system activation. The term does not
10 include single station smoke or heat detectors;

11

12 (v) "Fire suppression system installer license"
13 means the document issued by the department of fire
14 prevention and electrical safety that authorizes a person
15 or entity to engage in the business of servicing fire
16 extinguishers or to engage in the business of servicing, or
17 installing fire alarm systems, special agent fire
18 suppression systems or fire extinguishing systems;

19

20 (vi) "Inspection" means the periodic examination
21 of premises, equipment or procedures of a licensed or
22 endorsed person or entity to determine whether the person's
23 or entity's business or profession is being conducted in a
24 manner consistent with the public health, safety and

1 welfare. The term includes the inquiry, analysis, audit or
2 other pursuit of information, with respect to a written
3 complaint or other information before the department of
4 fire prevention and electrical safety in determining:

5

6 (A) Whether a person has violated a
7 provision of law justifying discipline against the person;

8

9 (B) Whether a license should be granted or
10 denied; or

11

12 (C) Whether the department should seek an
13 injunction against unlicensed practice;

14

15 (vii) "Install" means technical work that
16 may be performed only by an endorsed individual in the
17 assembly of a fire alarm system, automatic fire
18 extinguishing system or automatic sprinkler system.
19 "Install" does not include the delivery of supplies or the
20 offsite cutting or threading of pipe, but does include:

21

22 (A) Inspection of job sites to determine
23 the presence of obstructions and to ascertain that holes
24 will not cause structural weakness;

1

2 (B) Determination of the course or plan of
3 installation;

4

5 (C) Any job site bending of pipe or
6 electrical conduit as part of the installation;

7

8 (D) Job site assembly and installation of
9 metal or nonmetal pipe fittings, including but not limited
10 to those made of brass, copper, lead, glass and plastic;

11

12 (E) Job site assembly and installation of
13 wiring systems;

14

15 (F) Job site assembly of piping by any
16 means, including pipes joined by threaded, caulked, wiped,
17 soldered, brazed, fused or cemented joints;

18

19 (G) Securing of pipe, wire or electrical
20 conduit to the structure by an approved method recognized
21 in adopted codes;

22

23 (H) Testing the installed system for
24 electrical or mechanical malfunctions;

1

2 (viii) "Letter of Certification" means a letter
3 of certification issued by the manufacturer to an
4 individual certifying completion of the manufacturer's
5 training to service the manufacturer's portable fire
6 extinguisher, service or install the manufacturer's
7 automatic fire-extinguishing system, automatic sprinkler
8 system or fire alarm system;

9

10 (ix) "Portable fire extinguisher" means a
11 portable device, carried or on wheels and operated by hand,
12 containing an extinguishing agent that can be expelled
13 under pressure for the purpose of suppressing or
14 extinguishing a fire;

15

16 (x) "Service", when referring to portable fire
17 extinguishers and fire extinguisher cylinders, means
18 maintenance and includes breakdown for replacement of parts
19 or for agent, repair, recharging or hydrostatic testing.
20 When referring to alarm systems, automatic fire
21 extinguishing systems or automatic sprinkler systems, the
22 term means maintenance and testing required to keep the
23 protective signaling, extinguishing and suppression system
24 and its component parts in an operative condition at all

1 times, together with replacement of the system or its
2 component parts listed or approved parts when for any
3 reason they become undependable, defective or inoperative.
4 The term does not include resetting manual alarm systems
5 that may be reset by a properly trained building owner or
6 the owner's designated representative.

7

8 **35-9-172. State fire marshal responsible for**
9 **licensing; appeal to council.**

10

11 (a) The state fire marshal is responsible for
12 licensing and issuing endorsements for persons who install
13 or service portable fire extinguishers, fire alarm systems,
14 automatic fire extinguishing systems or automatic sprinkler
15 systems and shall pass on the fitness and qualifications of
16 applicants for licenses or endorsements. Every applicant
17 for a license or endorsement under this division shall
18 provide his social security number to the state fire
19 marshal.

20

21 (b) Any applicant for a fire suppression system
22 installer license or endorsement may appeal a decision of
23 the state fire marshal to the council.

24

1 (c) The council shall suspend or cancel the fire
2 suppression system installer license or endorsement of any
3 licensee or endorsee for flagrant violation of this act or
4 the rules and regulations of the council.

5

6 (d) Any person whose application for a fire
7 suppression system installer license is denied or whose
8 license is suspended, cancelled or refused by the council
9 may appeal to the appropriate district court.

10

11 (e) Upon receipt from the department of family
12 services of a certified copy of an order from a court to
13 withhold, suspend or otherwise restrict a fire suppression
14 system installer license issued by the council, the council
15 shall notify the party named in the court order of the
16 withholding, suspension or restriction of the license in
17 accordance with the terms of the court order. No appeal
18 under the Wyoming Administrative Procedure Act shall be
19 allowed for a license withheld, suspended or restricted
20 under this subsection.

21

22 **35-9-173. Fire suppression system service and**
23 **installations to be performed by licensed installers;**
24 **standards; exceptions.**

1

2 (a) The council of fire prevention and safety shall
3 establish minimum standards not exceeding the standards
4 prescribed by the International Fire Code and the
5 International Building Code for the servicing and
6 installation of portable fire extinguishers, fire alarm
7 systems, automatic fire extinguishing systems and automatic
8 sprinkler systems.

9

10 (b) Licensed fire suppression system installers
11 employing endorsed employees shall service and install all
12 portable fire extinguishers, fire alarm systems, automatic
13 fire extinguishing systems or automatic sprinkler systems.
14 This requirement is waived for:

15

16 (i) Oil or gas field operations, including those
17 operations involving exploration, testing, drilling,
18 production or transporting via pipeline of oil or gas,
19 railroads, petroleum refineries, fertilizer manufacturing
20 facilities, foundries, mines and their appurtenant
21 facilities;

22

1 (ii) Liquefied petroleum, gas, electric or
2 communication facilities exercising their function as
3 public utilities;

4

5 (iii) Farms or ranches of forty (40) acres or
6 more on deeded land.

7

8 (c) Exceptions shall not apply to anyone who
9 contracts or subcontracts to or for any exempt person,
10 partnership or corporation.

11

12 **35-9-174. Fire suppression system installer licenses.**

13

14 (a) On or before March 1 of each year, an installer
15 or servicer of portable fire extinguishers, fire alarm
16 systems, automatic fire extinguishing systems or automatic
17 sprinkler systems shall file with the state fire marshal a
18 license application in writing for each of his firms. The
19 licensee shall pay the fee required by W.S. 35-9-175 for
20 each firm operated by him. If the applicant qualifies, he
21 shall receive a license which bears the date of issue and
22 expires on March 1 next following the date of issue. To
23 qualify for a license, the applicant shall:

24

1 (i) Submit satisfactory evidence that the
2 applicant is properly equipped and staffed to provide fire
3 suppression system services and installations;

4
5 (ii) Submit proof of insurance as required by
6 rules of the department of fire prevention and electrical
7 safety; and

8
9 (iii) Be or actively employ a full-time
10 supervisor of record who assumes responsibility to ensure
11 that the applicable rules of the department of fire
12 prevention and electrical safety are adhered to on all
13 service and installations undertaken by the licensee in the
14 state of Wyoming.

15
16 (b) On or before March 1 of each year, any licensee
17 shall file with the state fire marshal an application for
18 endorsement of any person employed by the licensee who
19 services or installs portable fire extinguishers, fire
20 alarm systems, automatic fire suppression systems or
21 automatic sprinkler systems. The application shall be in
22 writing for each employee. The applicant for endorsement
23 shall specify whether the person is seeking an endorsement
24 for service and installation of:

1

2

(i) Portable fire extinguishers;

3

4

(ii) Fire alarm systems;

5

6

(iii) Automatic fire suppression systems; or

7

8

(iv) Automatic sprinkler systems.

9

10

(c) The applicant for endorsement shall pay the fee

11

required by W.S. 35-9-175 for each endorsement requested.

12

If the applicant qualifies, he shall receive an endorsement

13

which bears the date of issue and expires on March 1 next

14

following the date of issue. To qualify for an

15

endorsement, the person to be endorsed shall:

16

17

(i) Score a passing grade on an examination

18

devised by or approved by the department of fire prevention

19

and electrical safety; or

20

21

(ii) Have received a letter of certification by

22

the manufacturer of the equipment for which the endorsement

23

is sought or by a national testing agency approved by the

24

department.

1

2 (d) A licensee or endorsee is entitled to renew his
 3 license or endorsement for the ensuing year by paying the
 4 proper fee on or before the date his license or endorsement
 5 expires.

6

7 **35-9-175. Fees.**

8

9 (a) The annual fees for licenses, endorsements and
 10 examinations shall be determined by the board but shall not
 11 exceed:

12

13 (i) Fire suppression system installer license \$200.00

14

15 (ii) Portable fire extinguisher endorsement
 16 -----\$50.00

17

18 (iii) Fire alarm system endorsement
 19 -----\$50.00

20

21 (iv) Automatic fire extinguishing system
 22 endorsement -----\$50.00

23

24 (v) Automatic sprinkler system endorsement - \$50.00

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(vi) Examination fee-----\$300.00

(b) Fees collected pursuant to subsection (a) of this section shall be deposited in a special account to be credited to the department of fire prevention and electrical safety.

Section 2. W.S. 35-9-102(a), 35-9-107(a) by creating a new paragraph (viii), 35-9-108(a), (j), (k), (o), 35-9-130(a) (intro) and (b) are amended to read:

35-9-102. Definitions.

(a) As used in W.S. 35-9-101 through 35-9-130 and 35-9-171 through 35-9-175:

(iii) "Automatic fire-extinguishing system" means as defined in W.S. 35-9-171(a) (i).

(iv) "Automatic Sprinkler System" means as defined in W.S. 35-9-171(a) (ii);

~~(iii)~~ (v) "Board" means the electrical board;

1

2 ~~(iv)~~ (vi) "Council" means the council on fire
3 prevention and electrical safety in buildings;

4

5 ~~(v)~~ (vii) "Department" means the department of
6 fire prevention and electrical safety;

7

8 ~~(vi)~~ (viii) "Electrical contractor" means a
9 person licensed by the department to contract with another
10 to plan, lay out and supervise the installation of electric
11 equipment. "Electrical contractor" excludes a person who
12 only plans or designs electrical installations;

13

14 (ix) "Fire alarm system" means as defined in
15 W.S. 35-9-171(a) (iv);

16

17 (x) "Fire suppression system installer license"
18 means as defined in W.S. 35-9-171(a) (v);

19

20 ~~(vii)~~ (xi) "Full-time paid fire fighters" means
21 an individual regularly employed for devoting his entire
22 time of employment to the care, operation and requirements
23 of a regularly constituted fire department;

24

1 ~~(viii)~~(xii) "Installation of electric equipment"
2 includes installing, altering and repairing the wiring of
3 apparatus equipment and conductors subject to the National
4 Electrical Code;

5
6 ~~(ix)~~(xiii) "Journeyman electrician" means a
7 person licensed by the department who has four (4) years
8 experience in the electrical wiring industry and technical
9 knowledge to install and supervise the installation of
10 electrical equipment for any purpose in accordance with the
11 National Electrical Code and city, county and state
12 ordinances and regulations;

13
14 ~~(x)~~(xiv) "Limited electrical contractor" means a
15 person, licensed by the department to contract with another
16 to plan, lay out and supervise the installation of
17 electrical equipment associated with the type of limited
18 electrical contractor license held. "Limited electrical
19 contractor" excludes a person who only plans or designs
20 electrical installations;

21
22 ~~(xi)~~(xv) "Limited technician" means a person
23 licensed by the department who has two (2) years experience
24 in the portion of the electrical wiring industry covered by

1 his limited license and technical knowledge to install and
2 supervise the installation of electrical equipment
3 associated with the type of limited electrical license held
4 in accordance with the National Electrical Code and city,
5 county and state ordinances and regulations;

6
7 ~~(xii)~~ (xvi) "Low voltage electrical contractor"
8 means a person licensed by the department to contract with
9 another to plan, lay out and supervise the installation of
10 electrical equipment associated with the type of limited
11 electrical contractor license held. "Low voltage
12 electrical contractor" excludes a person who only plans or
13 designs electrical installations;

14
15 ~~(xiii)~~ (xvii) "Low voltage technician" means a
16 person licensed by the department who has two (2) years
17 experience in the portion of the electrical wiring industry
18 covered by his low voltage license and technical knowledge
19 to install and supervise the installation of electrical
20 equipment associated with the type of low voltage
21 electrical license held in accordance with the National
22 Electrical Code and city, county and state ordinances and
23 regulations;

24

1 ~~(xiv)~~ (xviii) "Master electrician" means a person
2 licensed by the department who has eight (8) years
3 experience in the electrical wiring industry and technical
4 knowledge to plan, lay out and supervise the installation
5 of electric equipment in accordance with the National
6 Electrical Code and city, county and state ordinances and
7 regulations;

8
9 ~~(xv)~~ (xix) "Master electrician of record" means a
10 Wyoming licensed master electrician who is actively
11 employed by a licensed electrical contractor in a full-time
12 capacity, and who assumes responsibility to ensure that the
13 National Electrical Code, W.S. 35-9-120 through 35-9-130
14 and applicable rules of the department of fire prevention
15 and electrical safety are adhered to on all electrical work
16 undertaken by the electrical contractor in the state of
17 Wyoming, and who is not the master electrician of record
18 for, or employed by, any other electrical contractor;

19
20 ~~(xvi)~~ (xx) "Owner" means the person holding legal
21 title to a building or real property;

22
23 (xxi) "Portable fire extinguisher" means as
24 defined in W.S. 35-9-171(a)(ix);

1

2 ~~(xvii)~~(xxii) "Public building" means a building
3 intended for access by the general public;

4

5 ~~(xviii)~~(xxiii) "Remodeling" includes repairing,
6 altering or adding to a building or its electrical system;

7

8 ~~(xix)~~(xxiv) "Technician of record" means a
9 Wyoming licensed low voltage or limited technician who is
10 actively employed by a licensed low voltage or limited
11 electrical contractor in a full-time capacity, and who
12 assumes responsibility to ensure that the National
13 Electrical Code, W.S. 35-9-120 through 35-9-130 and
14 applicable rules of the department of fire prevention and
15 electrical safety are adhered to on all low voltage or
16 limited electrical work undertaken by the low voltage or
17 limited electrical contractor in the state of Wyoming, and
18 who is not the technician of record for, or employed by,
19 any other low voltage or limited electrical contractor.

20

21 **35-9-107. Duties and powers of state fire marshal.**

22

23 (a) The state fire marshal shall:

24

1 (vi) Upon request, assist the chief of a fire
2 company or department, a fire marshal, a local building
3 inspector, other state agencies or political subdivisions
4 of the state or county fire wardens in fire prevention
5 matters; ~~and~~

6
7 (vii) Keep a record of all fires which occur in
8 the state, including the origin, facts, statistics and
9 circumstances of the fire determined by investigation under
10 this act. The record, except for testimony given in the
11 examination, shall be open for public inspection at all
12 times; ~~and~~

13
14 (viii) Administer the licensing and endorsing of
15 fire suppression system installers pursuant to W.S. 35-9-
16 171 through 35-9-175.

17
18 **35-9-108. Plan review; procedure; fees.**

19
20 (a) Prior to beginning any new construction, the
21 remodeling of existing buildings except as provided under
22 subsection (q) of this section, the installation of fire
23 alarm systems, automatic fire extinguishing systems or
24 automatic sprinkler systems, or the installation of

1 aboveground flammable or combustible fuel storage tanks,
2 the owner or the owner's designated representative shall
3 submit plans to the state fire marshal for review of the
4 proposed project for compliance with applicable fire and
5 electrical safety standards for:

6

7 (j) No new construction or remodeling of buildings,
8 installation of fire alarm systems, automatic fire
9 extinguishing systems or automatic sprinkler systems, or
10 installation of aboveground flammable or combustible fuel
11 storage tanks shall begin until the state fire marshal has
12 approved the plans for compliance with applicable fire and
13 electrical safety standards.

14

15 (k) If new construction or remodeling of buildings,
16 installation of fire alarm systems, automatic fire
17 extinguishing systems or automatic sprinkler systems, or
18 installation of aboveground flammable or combustible fuel
19 storage tanks is commenced without approved plans, the
20 state fire marshal may order the construction, remodeling
21 or installation to cease until plans are approved, subject
22 to the requirements of subsection (m) of this section.

23

1 (m) Orders issued by the state fire marshal pursuant
2 to this section shall be served upon the owner in the
3 manner provided for service of process by the Wyoming Rules
4 of Civil Procedure. The order shall require that the
5 person served immediately cease certain activities until he
6 has complied with the applicable statutory requirements.
7 The order shall be in full force and effect from the time
8 of service until the person complies with the statutory
9 requirement as described in the order, or the order is
10 revoked by the council. If the person fails to cease
11 certain activities as required within forty-eight (48)
12 hours of service, the person is guilty of a misdemeanor.

13
14 (o) After the installation of fire alarm systems,
15 automatic fire extinguishing systems or automatic sprinkler
16 systems, or the installation of aboveground flammable or
17 combustible fuel storage tanks is completed, the state fire
18 marshal shall inspect the premises and determine
19 conformance with the plan review. If he finds conformance,
20 the state fire marshal shall issue a letter of compliance.
21 No premises with fire alarm systems, automatic fire
22 extinguishing systems or automatic sprinkler systems, or
23 aboveground flammable or combustible fuel storage tanks
24 installed shall be used until the state fire marshal has

1 issued a letter of compliance. If a premise with , fire
2 alarm systems, automatic fire extinguishing systems or
3 automatic sprinkler systems, or aboveground flammable or
4 combustible fuel storage tanks installed is used prior to
5 issuance of a letter of compliance, the state fire marshal
6 shall order the use of the premises to cease until a letter
7 of compliance is issued, subject to the requirements of
8 subsection (m) of this section.

9

10 **35-9-130. Criminal penalties; other remedies.**

11

12 (a) A person who violates W.S. 35-9-101 through ~~35-9-~~
13 ~~130~~ 35-9-129 and 35-9-171 through 35-9-175 commits a
14 misdemeanor punishable as follows:

15

16 (b) Violators of W.S. 35-9-101 through ~~35-9-130~~ 35-9-
17 129 and 35-9-171 through 35-9-175 may also be enjoined from
18 continuing the violation by proceedings brought by the
19 district or county and prosecuting attorney or by the
20 attorney general.

21

22 **Section 3.** This act is effective July 1, 2006.

23

24

(END)

1