

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 SENATE BILL 1927

By: Ballenger

4  
5 AS INTRODUCED

6 An Act relating to fire sprinkler systems; creating  
7 the State Fire Sprinkler System Licensing Act;  
8 providing short title; prohibiting installation,  
9 repair and sales of certain systems without license;  
10 providing criminal and administrative penalty for  
11 violations; setting fine amount; granting rulemaking  
12 authority to State Fire Marshal; directing rules for  
13 mandatory qualifications, experience and examination;  
14 requiring compliance with certain national codes;  
15 authorizing the State Fire Marshal to select a  
16 committee for examinations and hearing violations;  
17 setting number of persons on certain committee;  
18 requiring costs of administration to be paid by fees  
19 collected; prohibiting claims in excess of funds;  
20 creating the Fire Sprinkler System Revolving Fund;  
21 directing deposits and expenditures; providing  
22 license fee; setting maximum fee amount; making fees  
23 nonrefundable; directing issuance of license for  
24 qualified persons; construing renewal authority when  
disciplinary action is pending; authorizing prorated  
fees and licenses; providing certain period to obtain  
an original license for certain person engaged in  
certain work; prohibiting continuation of work after  
certain date or denial; construing license  
requirements for other licensing acts; authorizing  
dual licenses; prohibiting false representations;  
requiring licensee to be responsible for acts of  
employees; construing municipal permits for certain  
installations; prohibiting additional license;  
directing the Department of Labor to cease  
administration or regulation of fire sprinkler  
systems on certain date; providing for transfer of  
authority; providing for codification; and providing  
an effective date.

1 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

2 SECTION 1. NEW LAW A new section of law to be codified  
3 in the Oklahoma Statutes as Section 1821 of Title 59, unless there  
4 is created a duplication in numbering, reads as follows:

5 This act shall be known and may be cited as the "State Fire  
6 Sprinkler System Licensing Act".

7 SECTION 2. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 1821.1 of Title 59, unless there  
9 is created a duplication in numbering, reads as follows:

10 No person shall engage in the installation, repair or sales of a  
11 fire sprinkler system in any commercial or residential property  
12 without first having obtained a license pursuant to the provisions  
13 of this act.

14 Until the effective date of this act, any person licensed by the  
15 Fire Extinguisher Licensing Act or the Alarm and Locksmith Industry  
16 Act may continue to engage in the installation, repair or sales of a  
17 fire sprinkler system as provided in this act.

18 SECTION 3. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 1821.2 of Title 59, unless there  
20 is created a duplication in numbering, reads as follows:

21 Any person violating any provision of this act, upon conviction,  
22 shall be guilty of a misdemeanor punishable by a fine of Five  
23 Hundred Dollars (\$500.00), which shall be in addition to any  
24 administrative fine imposed by the Office of the State Fire Marshal.

1 SECTION 4. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1821.3 of Title 59, unless there  
3 is created a duplication in numbering, reads as follows:

4 The State Fire Marshal is authorized to promulgate, adopt,  
5 amend, enforce, and repeal rules consistent with the provisions of  
6 this act for purposes of governing the establishment and  
7 implementation, the enforcement, the levying of administrative  
8 fines, and the examination and licensure of fire sprinkler system  
9 installers, repair specialists and sales persons.

10 Until the effective date of this act, any rules promulgated by  
11 the Department of Labor relating to fire sprinkler systems shall  
12 remain in full force and effect. On the effective date of this act,  
13 any rules of the Department of Labor relating to fire sprinkler  
14 systems shall be transferred to the Office of the State Fire  
15 Marshal.

16 SECTION 5. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 1821.4 of Title 59, unless there  
18 is created a duplication in numbering, reads as follows:

19 The State Fire Marshal shall develop and implement rules  
20 relating to mandatory qualifications and experience for licensure of  
21 fire sprinkler systems installers, repair specialists and sales  
22 persons. The rules, qualifications and experience shall be  
23 consistent and compliant with and include, but shall not be limited  
24 to, the standards, qualifications and experience recommended,

1 adopted or published by the National Fire Protection Association,  
2 the Building Officials and Code Administrators (BOCA) National  
3 Building Code, the Life Safety Code, and such other codes deemed  
4 applicable by the State Fire Marshal.

5 SECTION 6. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 1821.5 of Title 59, unless there  
7 is created a duplication in numbering, reads as follows:

8 The State Fire Marshal may select a committee of five (5)  
9 qualified persons to research and recommend an examination and  
10 application process for licensure and for hearing any complaints or  
11 investigating violations of this act or rules promulgated thereto.

12 SECTION 7. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 1821.6 of Title 59, unless there  
14 is created a duplication in numbering, reads as follows:

15 The Office of the State Fire Marshal shall pay all costs of  
16 administration of this act from fees, monies and other revenue  
17 collected pursuant to the provisions of this act or rules  
18 promulgated thereto. At no time shall a claim for payment be  
19 submitted to the Director of the State Office of Management and  
20 Enterprise Services or the State Treasurer if the revenue deposited  
21 in the Fire Sprinkler System Revolving Fund to the current date does  
22 not equal or exceed the total claims for payment made to that date.

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1           SECTION 8.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1821.7 of Title 59, unless there  
3 is created a duplication in numbering, reads as follows:

4           There is hereby created in the State Treasury a revolving fund  
5 for the State Fire Marshal, to be designated the "Fire Sprinkler  
6 System Revolving Fund". The fund shall be a continuing fund, not  
7 subject to fiscal year limitations, and shall consist of all monies  
8 received by the Fire Sprinkler System Revolving Fund or the State  
9 Fire Marshal pursuant to the Fire Sprinkler System Licensing Act.  
10 All monies accruing to the credit of the fund are hereby  
11 appropriated and may be budgeted and expended by the Office of the  
12 State Fire Marshal for the purpose of administration, implementing,  
13 and enforcement of the Fire Sprinkler System Licensing Act,  
14 including, but not limited to, office administration and personnel  
15 expense, licensing and training, reimbursements in accordance with  
16 the State Travel Reimbursement Act, and other necessary expenses  
17 relating to the Fire Sprinkler System Licensing Act. The State Fire  
18 Marshal shall not expend or transfer any monies from this fund for  
19 any purpose not relating to the Fire Sprinkler Systems Licensing  
20 Act. Expenditures from the fund shall be made upon warrants issued  
21 by the State Treasurer against claims filed as prescribed by law  
22 with the Director of the Office of Management and Enterprise  
23 Services for approval and payment.

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1 SECTION 9. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1821.8 of Title 59, unless there  
3 is created a duplication in numbering, reads as follows:

4 An application for any license authorized under the provisions  
5 of this act, and any rules promulgated thereto, shall be accompanied  
6 by the appropriate fee which shall be set by the State Fire Marshal;  
7 provided, no fee authorized by this act shall exceed Six Hundred  
8 Dollars (\$600.00). All fees shall be nonrefundable.

9 SECTION 10. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 1821.9 of Title 59, unless there  
11 is created a duplication in the numbering, reads as follows:

12 A. Upon receiving proper application, payment of the proper  
13 license fee, and meeting all mandatory examinations, qualifications  
14 and experience, the State Fire Marshal shall issue a license to the  
15 applicant. The license shall be valid for a one-year term.

16 B. Renewal of a license shall not prohibit disciplinary  
17 proceedings for an act committed prior to the renewal.

18 C. The State Fire Marshal may adopt a system under which  
19 licenses expire on various dates throughout the year. For any  
20 change in such expiration dates, license fees shall be prorated on  
21 an appropriate periodic basis.

22 SECTION 11. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 1821.10 of Title 59, unless  
24 there is created a duplication in numbering, reads as follows:

1        Nothing in this act shall authorize any person to continue to  
2 operate contrary to the provisions of this act or any rule  
3 promulgated thereto after the effective date of this act.  Provided,  
4 however, persons currently engaged in the business of installing,  
5 repairing or sales of fire sprinkler systems shall be allowed ninety  
6 (90) days to obtain an original license required by this act, unless  
7 required to be previously licensed pursuant to the Fire Extinguisher  
8 Licensing Act or the Alarm and Locksmith Industry Act, in which case  
9 the current license shall remain valid until its expiration date.  
10 During such time when an application is pending for licensure under  
11 the provisions of this act, the person seeking licensure may  
12 complete existing jobs and perform duties until the application is  
13 approved or denied.  The denial of an application or failure to  
14 apply for licensure as provided in this section shall be an absolute  
15 prohibition to any continued installation, repair or sales of fire  
16 sprinkler systems by such person or company until a valid license is  
17 issued.

18        The provisions of this act shall not be deemed to alter or  
19 modify, or conflict with any provision of the Fire Extinguisher  
20 Licensing Act, the Alarm and Locksmith Industry Act or the Plumbing  
21 Licensing Act of 1955, as amended, nor shall the provisions of this  
22 act prohibit dual licensing when the person is qualified under one  
23 or more licensing acts.

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1 SECTION 12. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1821.11 of Title 59, unless  
3 there is created a duplication in numbering, reads as follows:

4 No person shall represent falsely that the person is licensed or  
5 employed by a licensee under the provisions of this act. Any such  
6 action shall constitute a violation of this act.

7 Any person licensed under the provisions of this act shall be  
8 responsible for the activities on the part of the licensee's  
9 employees. Improper conduct on the part of any employee which  
10 occurs within the scope of employment shall be considered by the  
11 State Fire Marshal as an act of the licensee and shall subject the  
12 licensee to disciplinary action and/or criminal prosecution.

13 SECTION 13. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 1821.12 of Title 59, unless  
15 there is created a duplication in numbering, reads as follows:

16 Nothing in this act shall prohibit a municipality from levying  
17 and collecting fees for permits on installation of fire sprinkler  
18 systems within its jurisdiction; provided, however, imposing an  
19 additional license shall be prohibited.

20 SECTION 14. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 1821.13 of Title 59, unless  
22 there is created a duplication in numbering, reads as follows:

23 On and after the effective date of this act, the Department of  
24 Labor shall no longer administer or regulate any provision relating

1 to fire sprinkler systems. All authority relating in any manner to  
2 fire sprinkler systems is hereby transferred from the Department of  
3 Labor to the Office of the State Fire Marshal on the effective date  
4 of this act.

5 SECTION 15. This act shall become effective November 1, 2014.

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