

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1299
Committee Substitute Favorable 6/26/89
Committee Substitute #2 Favorable 7/6/89

Short Title: Fire Sprinkler Contractors.

(Public)

Sponsors:

Referred to:

April 12, 1989

A BILL TO BE ENTITLED

AN ACT TO INCLUDE FIRE SPRINKLER CONTRACTORS UNDER THE
LICENSURE REQUIREMENTS OF THE STATE BOARD OF EXAMINERS OF
PLUMBING AND HEATING CONTRACTORS; AND TO CHANGE THE
COMPOSITION OF THE BOARD.

The General Assembly of North Carolina enacts:

Section 1. G.S. 87-16 reads as rewritten:

"§ 87-16. Board of Examiners; appointment; term of office.

There is created the State Board of Examiners of ~~Plumbing and Heating~~ Plumbing, Heating, and Fire Sprinkler Contractors consisting of ~~seven-eight~~ members appointed by the Governor: one member from a school of engineering of the Greater University of North Carolina, one member who is a plumbing inspector from a city in North Carolina, one licensed air conditioning contractor, one licensed plumbing contractor, one licensed heating contractor, one licensed fire sprinkler contractor, and two persons who have no ties with the construction industry to represent the interests of the public at large. Members serve for terms of seven years, with the term of one member expiring each ~~year-year~~, except for the year 1990 and each seven years thereafter, in which years two terms shall expire. No member appointed after June 7, 1979, shall serve more than one complete consecutive term. Vacancies occurring during a term are filled by appointment of the Governor for the remainder of the unexpired term."

Sec. 2. G.S. 87-19 reads as rewritten:

"§ 87-19. Regular and special meetings; quorum.

1 The Board after holding its first meeting as hereinbefore provided, shall thereafter
2 hold at least two regular meetings each year. Special meetings may be held at such
3 times and places as the bylaws and/or rules of the Board provide; or as may be required
4 in carrying out the provisions hereof. A quorum of the Board shall consist of not less
5 than ~~three~~ four members."

6 Sec. 3. G.S. 87-21 reads as rewritten:

7 "**§ 87-21. Definitions; contractors licensed by Board; examination; posting license,**
8 **etc.**

9 (a) Definitions. – For the purpose of this Article:

10 (1) The word 'plumbing' is hereby defined to be the system of pipes,
11 fixtures, apparatus and appurtenances, installed upon the premises, or
12 in a building, to supply water thereto other than for a fire sprinkler
13 system, and to convey sewage or other waste therefrom.

14 (2) The phrase 'heating, group number one' shall be deemed and held to
15 be the heating system of a building, which requires the use of high or
16 low pressure steam, vapor or hot water, including all piping, ducts, and
17 mechanical equipment appurtenant thereto, within, adjacent to or
18 connected with a building, for comfort heating.

19 (3) The phrase 'heating, group number two' means an air conditioning
20 system which consists of an assemblage of interacting components
21 producing conditioned air for comfort cooling by the lowering of
22 temperature, and having a mechanical refrigeration capacity in excess
23 of fifteen tons, and which circulates air.

24 (4) The phrase 'heating, group number three' shall be deemed and held to
25 be a direct heating system of a building which produces heat to raise
26 the temperature of the space within the building for the purpose of
27 comfort in which electric heating elements or products of combustion
28 exchange heat either directly with the building supply air or indirectly
29 through a heat exchanger and using an air distribution system of ducts.
30 A heating system requiring air distribution ducts and supplied by
31 ground water or utilizing a coil supplied by water from a domestic hot
32 water heater not exceeding 150° Fahrenheit requires either plumbing
33 or heating group number one license to extend piping from valved
34 connections in the domestic hot water system to the heating coil and
35 requires either heating group number one or heating group number
36 three license for installation of coil, duct work, controls, drains and
37 related appurtenances.

38 (5) Any person, firm or corporation, who for a valuable consideration, (i)
39 installs, alters or restores, or offers to install, alter or restore, either
40 plumbing, heating group number one, or heating group number two, or
41 heating group number three, or (ii) lays out, fabricates, installs, alters
42 or restores, or offers to lay out, fabricate, install, alter or restore fire
43 sprinklers, or any combination thereof, as defined in this Article, shall
44 be deemed and held to be engaged in the business of ~~plumbing or~~

1 ~~heating-plumbing, heating, or fire sprinkler~~ contracting; provided,
2 however, that nothing herein shall be deemed to restrict the practice of
3 qualified registered professional engineers. Any person who installs a
4 ~~plumbing or heating~~ plumbing, heating, or fire sprinkler system on
5 property which at the time of installation was intended for sale or to be
6 used primarily for rental is deemed to be engaged in the business of
7 ~~plumbing or heating~~ plumbing, heating, or fire sprinkler contracting
8 without regard to receipt of consideration, unless exempted elsewhere
9 in this Article.

10 (6) The word 'contractor' is hereby defined to be a person, firm or
11 corporation engaged in the business of ~~plumbing or heating~~ plumbing,
12 heating, or fire sprinkler contracting.

13 (7) The word 'heating' shall be deemed and held to mean heating group
14 number one, heating group number two, heating group number three,
15 or any combination thereof.

16 (8) The obtaining of a license, as required by this Article, shall not of itself
17 authorize the practice of another profession or trade for which a State
18 qualification license is required.

19 (9) The word 'Board' means the State Board of Examiners of ~~Plumbing and~~
20 ~~Heating-Plumbing, Heating, and Fire Sprinkler~~ Contractors.

21 (10) The phrase 'fire sprinkler' means an automatic or manual sprinkler
22 system designed to protect the interior or exterior of a building or
23 structure from fire, and where the primary extinguishing agent is
24 water. These systems include wet pipe and dry pipe systems, pre-
25 action systems, water spray systems, foam water sprinkler systems,
26 foam water spray systems, nonfreeze systems, and circulating closed-
27 loop systems. These systems also include the overhead piping,
28 combination standpipes, inside hose connections, thermal systems used
29 in connection with the sprinklers, tanks, and pumps connected to the
30 sprinklers, and controlling valves and devices for actuating an alarm
31 when the system is in operation. This subsection shall not apply to
32 owners of property who are building or improving farm outbuildings.
33 This subsection shall not include water and standpipe systems having
34 no connection with a fire sprinkler system.

35 (b) Classes of Licenses; Eligibility and Examination of Applicant; Necessity for
36 License. – In order to protect the public health, comfort and safety, the Board shall
37 establish two classes of licenses: Class I covering all ~~structures and systems~~ plumbing,
38 heating, and fire sprinkler systems for all structures, to which this Article applies, and
39 Class II covering plumbing and heating systems in single-family detached residential
40 dwellings. The Board shall prescribe the standard of competence and efficiency to be
41 required of an applicant for license of each class, and shall give an examination
42 designed to ascertain the technical and practical knowledge of the applicant concerning
43 the analysis of plans and specifications, estimating costs, fundamentals of installation
44 and design, fire ~~hazards~~ hazards, codes, and related subjects as these subjects pertain to

1 ~~either plumbing or heating; and as plumbing, heating, or fire sprinkler systems. The~~
2 examination for a fire sprinkler contractor's license shall include such materials as
3 would test the competency of the applicant and which would meet the minimum
4 requirements of certification for Level III, subfield of Automatic Sprinkler System
5 Layout, National Institute for Certification in Engineering Technologies (NICET). As a
6 result of the examination, the Board shall issue a certificate of license of the appropriate
7 class in ~~plumbing or heating, plumbing, heating, or fire sprinkler contracting,~~ and a
8 license shall be obtained, in accordance with the provisions of this Article, before any
9 person, firm or corporation shall engage in, or offer to engage in, the business of either
10 ~~plumbing or heating~~ plumbing, heating, or fire sprinkler contracting, or any combination
11 thereof. It is the purpose and intent of this section that the Board shall provide an
12 examination for plumbing, heating group number one, or heating group number two, or
13 heating group number three, and it ~~may provide an examination for fire sprinkler~~
14 contracting or adopt the examination requirements for Fire Protection Engineering
15 Technician, Level III, subfield of Automatic Sprinkler System Layout, administered by
16 the National Institute for Certification in Engineering Technologies. The Board is
17 authorized to issue a certificate of license limited to either plumbing or heating group
18 number one, or heating group number two, or heating group number three, or fire
19 sprinkler contracting, or any combination thereof. Each application for examination
20 shall be accompanied by a check, post-office money order, or cash, in the amount of the
21 annual license fee required by this ~~Article~~ Article; provided, however, that all fees
22 associated with applying for or taking an examination administered by NICET in
23 connection with a fire sprinkler contractor's license shall be borne by the applicant.
24 Regular examinations shall be given in the months of April and October of each year,
25 and additional examinations may be given at such other times as the Board may deem
26 wise and necessary. Any person may demand in writing a special examination, and
27 upon payment by the applicant of the cost of holding such examination and the deposit
28 of the amount of the annual license fee, the Board in its discretion will fix a time and
29 place for such examination. Upon satisfactory proof of the applicant's inability to write
30 and upon demand of an applicant for a Class II plumbing or heating license six weeks
31 prior to an examination, the Board shall conduct the examination of that applicant
32 orally, and shall not require that applicant to take a written examination as to
33 examination inquiries answered other than by preparation of diagrams. Signed
34 statements from two reliable citizens resident in the home county of the applicant shall
35 constitute satisfactory proof of an applicant's inability to write. A person who fails to
36 pass any examination shall not be reexamined until the next regular examination.

37 (c) To Whom Article Applies. – The provisions of this Article shall apply to all
38 persons, firms, or corporations who engage in, or attempt to engage in, the business of
39 ~~plumbing or heating~~ plumbing, heating, or fire sprinkler contracting, or any combination
40 thereof as defined in this Article. The provisions of this Article shall not apply to those
41 who make minor repairs or minor replacements to an already installed system of
42 plumbing or ~~heating~~ heating, but shall apply to those who make minor repairs,
43 replacements, or modifications to an already installed fire sprinkler system.

44 (d) Repealed by Session Laws 1979, c. 834, s. 7.

1 (e) Posting License; License Number on Contracts, etc. – The current license
2 issued in accordance with the provisions of this Article shall be posted in the business
3 location of the licensee, and its number shall appear on all proposals or contracts and
4 requests for permits issued by municipalities.

5 (f) Repealed by Session Laws 1971, c. 768, s. 4.

6 (g) The Board may, in its discretion, grant to ~~plumbing or heating~~ plumbing,
7 heating, and fire sprinkler contractors licensed by other states license of the same or
8 equivalent classification without written examination upon receipt of satisfactory proof
9 that the qualifications of such applicants are substantially equivalent to the
10 qualifications of holders of similar licenses in North Carolina and upon payment of the
11 usual license fee.

12 (h) Notwithstanding any other provision of this Article, any person, firm or
13 corporation engaged in the business of fire sprinkler contracting and holding a fire
14 sprinkler privilege license pursuant to G.S. 105-55 on or before the effective date of this
15 act may, within one year from said date, file an application for licensure as a fire
16 sprinkler contractor on forms prepared by the Board, and the Board shall issue a
17 certificate of license in fire sprinkler contracting upon the payment of the fee as
18 provided by G.S. 87-22 and further upon the receipt of affidavits from three
19 professional engineers or architects registered in the State of North Carolina attesting
20 that the applicant has successfully laid out, fabricated and installed at least three fire
21 sprinkler systems of 200 or more sprinkler heads in size, and such affidavits shall
22 include a description and location of the fire sprinkler system of 200 or more sprinkler
23 heads. The provisions of this subsection shall expire one year from the effective date of
24 this act."

25 Sec. 4. G.S. 87-22 reads as rewritten:

26 "**§ 87-22. License fee based on population; expiration and renewal; penalty.**

27 All persons, firms, or corporations engaged in the business of either plumbing or
28 heating contracting, or both, in cities or towns of 10,000 inhabitants or more shall pay
29 an annual license fee not exceeding fifty dollars (\$50.00), and in cities or towns of less
30 than 10,000 inhabitants an annual license fee not exceeding twenty-five dollars
31 (\$25.00). All persons, firms, or corporations engaged in the business of fire sprinkler
32 contracting shall pay an annual license fee of one hundred dollars (\$100.00). In the
33 event the Board refuses to license an applicant, the license fee deposited shall be
34 returned by the Board to the applicant. All licenses shall expire on the last day of
35 December in each year following their issuance or renewal. It shall be the duty of the
36 secretary and treasurer to cause to be mailed to every licensee registered hereunder
37 notice to his last known address of the amount of fee required for renewal of license,
38 such notice to be mailed at least one month in advance of the expiration of said license.
39 In the event of failure on the part of any person, firm or corporation to renew the license
40 certificate annually and pay the fee therefor during the month of January in each year,
41 the Board shall increase said license fee ten per centum (10%) for each month or
42 fraction of a month that payment is delayed; provided that the penalty for nonpayment
43 shall not exceed the amount of the annual fee, and provided further that the Board
44 requires reexamination upon failure of a licensee to renew license within three years

1 after expiration. The Board may adopt regulations requiring attendance at programs of
2 continuing education as a condition of license renewal."

3 Sec. 5. G.S. 87-23 reads as rewritten:

4 **"§ 87-23. Revocation or suspension of license for cause.**

5 (a) The Board shall have power to revoke or suspend the license of any ~~plumbing~~
6 ~~or heating~~ plumbing, heating, or fire sprinkler contractor, or ~~both~~, any combination
7 thereof, who is guilty of any fraud or deceit in obtaining a license, or who fails to
8 comply with any provision or requirement of this Article, or for gross negligence,
9 incompetency, or misconduct, in the practice of or in carrying on the business of ~~either a~~
10 ~~plumbing or heating~~ a plumbing, heating, or fire sprinkler contractor, or ~~both~~, any
11 combination thereof, as defined in this Article. Any person may prefer charges of such
12 fraud, deceit, gross negligence, incompetency, misconduct, or failure to comply with
13 any provision or requirement of this Article, against any ~~plumbing or heating~~ plumbing,
14 heating, or fire sprinkler contractor, or ~~both~~, any combination thereof, who is licensed
15 under the provisions of this Article. All of such charges shall be in writing and verified
16 by the complainant, and such charges shall be heard and determined by the Board in
17 accordance with the provisions of Chapter ~~150A-150B~~ of the General Statutes.

18 (b) The Board shall adopt and publish guidelines, consistent with the provisions
19 of this Chapter, governing the suspension and revocation of licenses.

20 (c) The Board shall establish and maintain a system whereby detailed records are
21 kept regarding complaints against each licensee."

22 Sec. 6. G.S. 87-24 reads as rewritten:

23 **"§ 87-24. Reissuance of revoked licenses; replacing lost or destroyed license.**

24 The Board may in its discretion reissue license to any person, firm or corporation
25 whose license may have been revoked: Provided, ~~three~~ four or more members of the
26 Board vote in favor of such reissuance for reasons deemed sufficient by the Board. A
27 new certificate of registration to replace any license which may be lost or destroyed may
28 be issued subject to the rules and regulations of the Board."

29 Sec. 7. G.S. 87-25 reads as rewritten:

30 **"§ 87-25. Violations made misdemeanor; employees of licensees excepted.**

31 Any person, firm or corporation who shall engage in or offer to engage in, or carry
32 on the business of ~~either plumbing or heating~~ plumbing, heating, or fire sprinkler
33 contracting, or both, any combination thereof, as defined in G.S. 87-21, without first
34 having been licensed to engage in such business, or businesses, as required by the
35 provisions of this Article; or any person, firm or corporation holding a limited heating
36 license under the provisions of this Article who shall practice or offer to practice or
37 carry on any type of heating contracting not authorized by said limited license; or any
38 person, firm or corporation who shall give false or forged evidence of any kind to the
39 Board, or any member thereof, in obtaining a license, or who shall falsely impersonate
40 any other practitioner of like or different name, or who shall use an expired or revoked
41 license, or who shall violate any of the provisions of this Article, shall be guilty of a
42 misdemeanor and upon conviction fined not less than one hundred dollars (\$100.00) or
43 imprisoned for not more than three months, or both, in the discretion of the court.
44 Employees, while working under the supervision and jurisdiction of a person, firm or

1 corporation licensed in accordance with the provisions of the Article, shall not be
2 construed to have engaged in the business of ~~either plumbing or heating plumbing,~~
3 heating, or fire sprinkler contracting, or both, as the case may be."

4 Sec. 8. This act shall become effective October 1, 1989.