

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 553*
Committee Substitute Favorable 4/11/19
Committee Substitute #2 Favorable 6/5/19

Short Title: Licensing Certain Fire Safety Equip. Work.

(Public)

Sponsors:

Referred to:

April 3, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE LICENSING AND PERMITTING FOR FIRMS AND PERSONS
3 THAT INSTALL AND SERVICE PORTABLE FIRE EXTINGUISHERS AND FIRE
4 SUPPRESSION SYSTEMS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Chapter 58 of the General Statutes is amended by adding a new Article
7 to read:

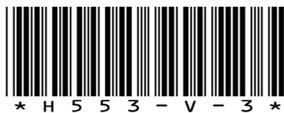
8 "Article 82B.

9 "Licensing and Permitting for the Installation and Servicing of Portable Fire Extinguishers and
10 Fire Suppression Systems.

11 **"§ 58-82B-1. Definitions.**

12 The following definitions apply in this Article:

- 13 (1) Alarm system contractor. – A person or firm licensed under Chapter 74D of
14 the General Statutes.
- 15 (2) Commissioner. – The North Carolina Commissioner of Insurance.
- 16 (3) Electrical contractor. – A person or firm licensed under Article 4 of Chapter
17 87 of the General Statutes.
- 18 (4) Engineered special hazard fire suppression system. – A fire suppression
19 system having pipe lengths, number of fittings, number and types of nozzles,
20 suppression agent flow rates, and nozzle pressures calculated based on
21 appropriate standards of the National Fire Protection Association. An
22 engineered special hazard fire suppression system may include other
23 components, including, but not limited to, detection devices, alarm devices,
24 and control devices as tested and approved by a nationally recognized testing
25 laboratory, where the component's manufacturer determines the component is
26 compatible with the fire suppression system.
- 27 (5) Fire sprinkler contractor. – A person or firm licensed under Article 2 of
28 Chapter 87 of the General Statutes.
- 29 (6) Fire suppression system. – A firefighting system employing a suppression
30 agent with the purpose of controlling, suppressing, or extinguishing a fire in a
31 specific hazard, and includes an engineered special hazard fire suppression
32 system, an industrial fire suppression system, and a kitchen fire suppression
33 system.
- 34 (7) Industrial fire suppression system. – A pre-engineered automatic fire
35 extinguishing system providing for the protection of property or equipment as



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1 described by the manufacturer other than a system covered under the
2 definition of "kitchen fire suppression system." As used in this subdivision,
3 the term "pre-engineered" refers to a system having predetermined flow rates,
4 nozzle pressures, and quantities of an extinguishing agent.

5 (8) Kitchen fire suppression system. – A pre-engineered automatic fire
6 extinguishing system providing for the protection of grease removal devices,
7 hoods, duct systems, and cooking equipment. As used in this subdivision, the
8 term "pre-engineered" refers to a system having predetermined flow rates,
9 nozzle pressures, and quantities of an extinguishing agent.

10 (9) Suppression agent. – A recognized agent or water additive required to control,
11 suppress, or extinguish a fire. This term does not include an agent where the
12 primary extinguishing agent is water as utilized by a fire sprinkler system as
13 defined in G.S. 87-21(a)(11).

14 (10) Firm. – A business, person, partnership, organization, association, or
15 corporation.

16 (11) License. – The document issued by the Commissioner that authorizes a firm
17 to engage in the business of installation, inspection, repair, recharging,
18 service, or testing of fire suppression systems or portable fire extinguishers.

19 (12) Permit. – The document issued by the Commissioner that authorizes a person
20 to install, inspect, repair, recharge, service, or test fire suppression systems or
21 portable fire extinguishers.

22 (13) Plumbing contractor. – A person or firm licensed under Article 2 of Chapter
23 87 of the General Statutes.

24 (14) Portable fire extinguisher. – A portable device containing an extinguishing
25 agent that can be expelled under pressure for the purpose of suppressing or
26 extinguishing a fire.

27 **§ 58-82B-2. Commissioner of Insurance to administer Article; rules and regulations.**

28 The Commissioner of Insurance, through the Office of the State Fire Marshal, has the
29 following powers and duties:

30 (1) To administer the provisions of this Article.

31 (2) To apply for and receive grants for the administration of this Article from
32 parties interested in upgrading and improving the quality of fire protection
33 provided by portable fire extinguishers or fire suppression systems.

34 (3) To adopt rules to enforce the purposes and provisions of this Article, including
35 rules with respect to the following:

36 a. Proper installation, inspection, recharging, repairing, servicing, or
37 testing of fire suppression systems or portable fire extinguishers.

38 b. Required specifications as to the number, type, size, shape, color, and
39 information and data contained thereon of service tags to be attached
40 to all portable fire extinguishers and fire suppression systems covered
41 by this Article when they are installed, inspected, recharged, repaired,
42 serviced, or tested.

43 c. The applicable standards of the National Fire Protection Association
44 or another nationally recognized organization, if the standards are
45 judged by the Commissioner to be suitable for the enforcement of this
46 Article.

47 d. Requiring an applicant for a license or permit to take an examination
48 as to the applicant's competence to be licensed or permitted under this
49 Article. If required, the applicant must take and pass the examination
50 according to requirements prescribed by the Commissioner.

51 **§ 58-82B-3. License requirement.**

1 (a) License Required. – Except as otherwise provided in subsection (d) of this section,
2 no firm may install, inspect, repair, recharge, service, or test a fire suppression system or a
3 portable fire extinguisher that is required by the Commissioner's rules or by other State or local
4 fire safety rules unless the firm is licensed under this section.

5 (b) Requirements. – In order to issue a license under this section, the Commissioner shall
6 find that a firm has done all of the following:

7 (1) Submitted a completed application and paid the applicable fees.

8 (2) Not committed an act that is a ground for denial, suspension, probation,
9 revocation, or nonrenewal set forth in G.S. 58-82B-8.

10 (3) Been determined, by inspection of the Commissioner, to possess the
11 equipment required for the activities the applicant requests to be licensed to
12 perform. If the applicant includes in the request the high-pressure hydrostatic
13 testing of equipment, the applicant must submit a copy of its United States
14 Department of Transportation approval and renewals.

15 (4) Submitted to the Commissioner proof of a valid comprehensive liability
16 insurance policy purchased from an insurer authorized to do business in North
17 Carolina. The coverage must include bodily injury and property damage,
18 products liability, completed operations, and contractual liability. The proof
19 of insurance must also be provided before any license can be renewed. The
20 minimum amount of the coverage shall be one million dollars (\$1,000,000).
21 An insurer that provides this coverage shall notify the Commissioner of any
22 change in coverage.

23 (5) Paid a nonrefundable fee fixed by rule of the Commissioner when filing an
24 application for an examination, if the Commissioner requires an examination
25 pursuant to this Article.

26 (6) Successfully passed any examination, if the Commissioner requires an
27 examination pursuant to this Article.

28 (c) Application. – A firm applying for a license under this section shall apply on a form
29 prescribed by the Commissioner and declare under penalty of denial, suspension, or revocation
30 of the license that the statements made in the application are true, correct, and complete to the
31 best of the applicant's knowledge and belief. The Commissioner shall give an applicant 60 days
32 to correct any deficiencies in the application.

33 (d) Exemptions. – This section does not apply to the following:

34 (1) A fire chief, fire marshal, fire inspector, or insurance company inspector with
35 regard to the routine visual inspection of a fire suppression system or portable
36 fire extinguisher.

37 (2) An alarm system contractor, electrical contractor, fire sprinkler contractor, or
38 plumbing contractor while performing activities governed by the licensure
39 requirements of those occupational licenses, provided that licensure or
40 permitting under this Article is required for any work performed on any
41 portion of a fire suppression system beyond the point of connection to a
42 system required to be performed by an alarm system contractor, electrical
43 contractor, fire sprinkler contractor, or plumbing contractor.

44 (e) Notification of Changes. – A licensee shall notify the Commissioner within 30 days
45 of any change to the information provided to the Commissioner on the license application.

46 (f) Production of License. – A licensee must be able to produce a valid license upon
47 demand by the Commissioner or the Commissioner's representatives, or by any local authority
48 having jurisdiction for fire protection or prevention, or by any person for whom the licensee or
49 permittee solicits to perform any of the activities covered by this Article.

50 **"§ 58-82B-4. Permit requirement.**

1 (a) Permit Required. – Except as otherwise provided in subsection (e) of this section, no
2 person may install, inspect, repair, recharge, service, or test a fire suppression system or a
3 portable fire extinguisher that is required by the Commissioner's rules or by other State or local
4 fire safety rules unless the person is permitted under this section. In order to obtain a permit under
5 this section, a person must be certified to install, inspect, repair, recharge, service, or test one or
6 more of the systems or devices listed in this subsection, and the permit must indicate, on its face,
7 each of the systems or devices for which the person is being permitted. The systems or devices
8 are:

- 9 (1) Portable fire extinguishers.
- 10 (2) Pre-engineered kitchen fire suppression systems.
- 11 (3) Pre-engineered industrial fire suppression systems.
- 12 (4) Engineered special hazard fire suppression systems.

13 (b) Requirements. – Before approving a permit for a person, the Commissioner shall find
14 that the person has:

- 15 (1) Submitted a completed application and paid the applicable fees.
- 16 (2) Identified a validly licensed firm for whom the applicant will be performing
17 work as a permittee pursuant to this Article.
- 18 (3) Not committed an act that is a ground for denial, suspension, probation,
19 revocation, or nonrenewal set forth in G.S. 58-82B-8.
- 20 (4) Satisfied all requirements of this Article.
- 21 (5) Paid a nonrefundable fee fixed by rule of the Commissioner when filing an
22 application for an examination, if the Commissioner requires an examination
23 pursuant to this Article.
- 24 (6) Successfully passed any examination, if the Commissioner requires an
25 examination pursuant to this Article.

26 (c) Application. – A person applying for a permit shall apply on a form prescribed by the
27 Commissioner and declare under penalty of denial, suspension, or revocation of the permit that
28 the statements made in the application are true, correct, and complete to the best of the person's
29 knowledge and belief. A permit application shall include the name of the licensee employing the
30 applicant. The Commissioner shall give an applicant 60 days to correct any deficiencies in the
31 application.

32 (d) Form of Permit. – A permit shall indicate the systems or devices for which the
33 permittee is certified to install, inspect, repair, recharge, service, or test. A permittee may not
34 install, inspect, repair, recharge, service, or test any system or device that is not indicated on the
35 permit.

36 (e) Exemptions. – This section does not apply to the following:

- 37 (1) A fire chief, fire marshal, fire inspector, or insurance company inspector with
38 regard to the routine visual inspection of a fire suppression system or portable
39 fire extinguisher.
- 40 (2) An alarm system contractor, electrical contractor, fire sprinkler contractor, or
41 plumbing contractor while performing activities governed by the licensure
42 requirements of those occupational licenses, provided that licensure or
43 permitting under this Article is required for any work performed on any
44 portion of a fire suppression system beyond the point of connection to a
45 system required to be performed by an alarm system contractor, electrical
46 contractor, fire sprinkler contractor, or plumbing contractor.
- 47 (3) A person who does any of the activities listed in this subdivision with respect
48 to a fire suppression system or a portable fire extinguisher that is owned and
49 already installed on property controlled by a firm or governmental entity for
50 whom the person is employed. However, nothing in this subdivision exempts

1 a firm or governmental entity from complying with the licensing requirements
 2 of this Article. The activities are:
 3 a. Making minor repairs or minor replacements.
 4 b. Performing routine visual inspections.
 5 c. Recharging, servicing, or testing.

6 (f) Notification of Changes. – A permittee shall notify the Commissioner within 30 days
 7 of any change to the information provided to the Commissioner on the permit application.

8 (g) Production of Permit. – A permittee must:
 9 (1) Have a valid permit upon the permittee's person at all times while engaging in
 10 the installing, inspecting, recharging, repairing, servicing, or testing of fire
 11 suppression systems or portable fire extinguishers.
 12 (2) Be able to produce a valid permit, as appropriate, upon demand by the
 13 Commissioner or the Commissioner's representatives, or by any local
 14 authority having jurisdiction for fire protection or prevention, or by any person
 15 for whom the permittee solicits to perform any of the activities covered by this
 16 Article.

17 **"§ 58-82B-5. Terms of licenses and permits; fees; failure to renew.**

18 (a) Fees. – The Commissioner shall charge an applicant for a license or permit issued
 19 under this Article the nonrefundable fees listed in this section. A license or permit issued under
 20 this Article shall expire on December 31 of each year. A firm or person that is licensed or
 21 permitted under this Article shall annually, on or before December 31 of each year, renew the
 22 license or permit and pay the required renewal fee. A permittee must also renew each certification
 23 for which the permittee is certified. The fees required by this section do not apply to an employee
 24 of the federal government, the State, a local government, or to a member of a legally organized
 25 fire department while acting in the member's official capacity. The fees are:

26 Issuance of license.....\$375.00
 27 License renewal.....\$225.00
 28 Issuance of permit
 29 Portable fire extinguisher certification fee.....\$285.00
 30 Pre-engineered kitchen fire suppression system certification fee.....\$285.00
 31 Pre-engineered industrial fire suppression system certification fee.....\$285.00
 32 Engineered special hazard fire suppression system certification fee.....\$285.00

33 Permit renewal

34 Portable fire extinguisher certification renewal fee.....\$175.00
 35 Pre-engineered kitchen fire suppression system certification renewal fee.....\$175.00
 36 Pre-engineered industrial fire suppression system certification renewal fee.....\$175.00
 37 Engineered special hazard fire suppression system certification renewal fee.....\$175.00

38 (b) Failure to Renew. – The failure to renew a license or permit by December 31 of each
 39 year shall cause the license or permit to become inoperative. A license or permit that is
 40 inoperative because of the failure to renew the license or permit shall be restored upon payment
 41 of the applicable fee, plus a penalty equal to the applicable fee, if the fee and penalty are paid
 42 within 90 days of expiration. After 90 days, a former licensee or former permittee must apply for
 43 a new license or permit as required for an initial license or permit.

44 **"§ 58-82B-6. Reciprocity.**

45 The Commissioner may issue a license or permit under this Article to a firm or person who
 46 holds a comparable valid permit, license, or certification issued by another state, provided the
 47 minimum requirements of that state are at least equal to the minimum requirements under this
 48 Article for the specific license or permit issued and the firm or the person pays the application
 49 and filing fees required under this Article.

50 **"§ 58-82B-7. Tags required.**

1 It is unlawful for a person to install, inspect, recharge, repair, service, or test a fire suppression
2 system or a portable fire extinguisher without attaching the required tag or tags completed in
3 detail, including the actual month, day, and year the work was performed, or to use a tag not
4 meeting the specifications set forth by the Commissioner.

5 **"§ 58-82B-8. Grounds for denial, suspension, probation, revocation, or nonrenewal of a**
6 **license or permit.**

7 The Commissioner may deny, suspend, place on probation, revoke, or refuse to renew a
8 license or permit under this Article, in accordance with the provisions of Article 3A of Chapter
9 150B of the General Statutes, for the following reasons:

- 10 (1) Performing any action for which a license or permit is required under this
11 Article without having first obtained such license or permit.
- 12 (2) Improperly installing, recharging, repairing, servicing, inspecting, or testing a
13 portable fire extinguisher or fire suppression system.
- 14 (3) Rendering inoperative a fire suppression system or portable fire extinguisher
15 covered by this Article, except during the time the extinguisher or system is
16 being inspected, recharged, repaired, serviced, or tested or except pursuant to
17 court order.
- 18 (4) Material misstatement, misrepresentation, or fraud in obtaining a license or
19 permit under this Article.
- 20 (5) Failing to provide proof of or maintain the minimum comprehensive liability
21 insurance coverage as set forth in G.S. 58-82B-3.
- 22 (6) Failing to notify the Commissioner, in writing, within 30 days after a change
23 of any information required on applications under G.S. 58-82B-3 and
24 G.S. 58-82B-4.
- 25 (7) Cheating on an examination for a license or permit, if an examination is
26 required by the Commissioner pursuant to this Article.
- 27 (8) Having any professional license denied, suspended, or revoked in this State or
28 any other jurisdiction for causes substantially similar to those listed in this
29 section.
- 30 (9) Failing or refusing to comply with a cease and desist order or any other notice
31 or order to correct a violation related to conduct governed by this Article.
- 32 (10) Retaining an officer, director, stockholder, owner, or person who has a direct
33 or indirect interest that has had his or her license or permit suspended or
34 revoked under this Article.
- 35 (11) Serving or previously serving as an officer, director, stockholder, or owner of
36 a firm whose license has been suspended or revoked under this Article, or who
37 has or had a direct or indirect interest in a firm whose license has been
38 suspended or revoked under this Article.
- 39 (12) While holding a license or permit, using a license or permit, or license number
40 or permit number other than his or her own valid license or permit, or license
41 number or permit number.
- 42 (13) Using credentials, methods, means, or practices to impersonate a
43 representative of the Commissioner or the State Fire Marshal or any local fire
44 chief, fire marshal, or other fire authority having jurisdiction.
- 45 (14) A cause for which the issuance of the license or permit could have been denied
46 had it been known to the Commissioner at the time of issuance.
- 47 (15) Failing to obtain, retain, or maintain one or more of the qualifications for a
48 license or permit required by this Article.
- 49 (16) Knowingly aiding or abetting others to evade or violate the provisions of this
50 Article.

- 1 (17) Failing to comply with an administrative or court order imposing a child
2 support obligation, after entry of a final judgment or order finding the
3 violation to have been willful.
- 4 (18) Failing to pay State income tax or comply with any administrative or court
5 order directing payment of State income tax after entry of a final judgment or
6 order finding the violation to have been willful.
- 7 (19) Conviction of a crime involving dishonesty, a breach of trust, or moral
8 turpitude.
- 9 (20) Violating any other provision of this Article or any rule or regulation adopted
10 and promulgated pursuant to this Article.
- 11 (21) A cause sufficient to deny, suspend, or revoke the license or permit under any
12 other provision of this Article.

13 **"§ 58-82B-9. License or permit sanction and denial procedures.**

14 (a) Authority. – The suspension, placing on probation, revocation, denial, or refusal to
15 renew a license or permit under this Article shall be in accordance with the provisions of Chapter
16 150B of the General Statutes.

17 (b) Notice of Denial. – Whenever the Commissioner denies an initial application or an
18 application for a reissuance of a license or permit under this Article, the Commissioner, no later
19 than 30 days after denial, shall notify the applicant in writing of the reasons for the denial of the
20 license or permit. The applicant may also be denied for any reasons for which a license or permit
21 may be suspended or revoked or not renewed under G.S. 58-82B-8.

22 (c) Review. – In order for an applicant to be entitled to a review of the Commissioner's
23 action to determine the reasonableness of the action, the applicant must make a written demand
24 upon the Commissioner for a review no later than 30 days after service of the notification upon
25 the applicant. The review shall be completed without undue delay, and the applicant shall be
26 notified in writing no later than 120 days after receipt by the Commissioner of the written demand
27 by the applicant of the outcome of the review.

28 (d) Hearing. – In order for an applicant who disagrees with the outcome of the review to
29 be entitled to a hearing under Article 3A of Chapter 150B of the General Statutes, the applicant
30 must make a written demand upon the Commissioner for a hearing no later than 30 days after
31 service upon the applicant of the notification of the outcome.

32 (e) Surrender of License or Permit. – A licensee or permittee whose license or permit is
33 suspended, revoked, or not renewed shall surrender the license or permit to the Commissioner
34 within 30 days of the suspension, revocation, or nonrenewal.

35 (f) Limitations During Suspension or Revocation. – The following limitations apply
36 during a period of suspension or revocation:

37 (1) A licensee or permittee whose license or permit has been suspended or
38 revoked shall not engage in or attempt or profess to engage in any transaction
39 or business for which a license or permit is required under this Article or
40 directly or indirectly own, control, or be employed in any manner by any firm
41 for which a license or permit under this Article is required.

42 (2) If, during the period between the beginning of proceedings and the entry of an
43 order of suspension or revocation by the Commissioner, a new license or
44 permit has been issued to the firm or person charged, the order of suspension
45 or revocation shall operate to suspend or revoke, as the case may be, the new
46 license or permit held by the firm or person.

47 (3) The Commissioner shall not, so long as the revocation or suspension remains
48 in effect, issue a new license for the establishment of a new firm that has or
49 will have the same or similar management, ownership, control, employees, or
50 permittees, or will use the same or a similar name as the revoked or suspended
51 firm.

"§ 58-82B-10. Cease and desist orders; period of revocation.

(a) Authority. – Whenever the Commissioner has reason to believe that a person or firm is or has been violating any provisions of this Article, the Commissioner may issue and deliver to the person or firm an order to cease and desist the violation.

(b) Notice and Hearing. – An order issued by the Commissioner under this section shall contain or be accompanied by a notice of opportunity for hearing which may provide that a hearing will be held if, and only if, a person or firm subject to the order requests a hearing within 30 days of receipt of the order and notice. The Commissioner shall serve the order and notice by hand delivery or by registered or certified mail.

(c) Failure to Comply. – Failure to comply with a cease and desist order is cause for revocation of any or all permits and licenses issued by the Commissioner for a period of not less than six months and not to exceed five years. If a new permit or license has been issued to the firm or person, the order of revocation shall operate effectively with respect to the new permits and licenses held by the firm or person.

"§ 58-82B-11. Civil penalty; injunction.

(a) Civil Penalty. – A person or firm who violates any provision of this Article, or any rule or order issued by the Commissioner under this Article is subject to a civil penalty imposed by the Commissioner of not more than one thousand dollars (\$1,000) for a first offense, not less than one thousand dollars (\$1,000) and not more than two thousand dollars (\$2,000) for a second offense, and not less than two thousand dollars (\$2,000) or more than five thousand dollars (\$5,000) for a third or subsequent offense. The clear proceeds of a civil penalty assessed under this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(b) Notice. – Prior to subjecting a person or firm to a penalty under this subsection, the Commissioner shall give written notice of the violation to the person or firm by hand delivery or by registered or certified mail. No later than 30 days after written notice is given under this section, the Commissioner shall issue an order. The order must be delivered in accordance with the provisions of subsection G.S. 58-82B-10(b) and must notify the person or firm of the right to a hearing only if that person or firm requests a hearing within 30 days of receipt of the order.

(c) Civil Action. – In addition to other powers granted to the Commissioner under this Article, the Commissioner may bring a civil action to enjoin a violation of any provision of this Article or of any rule or order issued by the Commissioner under this Article.

"§ 58-82B-12. Criminal penalty.

It is a Class 1 misdemeanor to willfully or intentionally do any of the following:

- (1) Obliterate the serial number on a fire suppression system or portable fire extinguisher for the purpose of falsifying service records.
- (2) Improperly install a fire suppression system or improperly recharge, repair, service, or test any fire suppression system or portable fire extinguisher.
- (3) While holding a license or permit, allow another firm or person to use the permit or license, or permit number or license number.
- (4) Use a license or permit, or license number or permit number, belonging to another firm or person.
- (5) Use any credential, method, means, or practice to impersonate a representative of the Commissioner or the State Fire Marshal or any local fire chief, fire marshal, or other fire authority having jurisdiction.
- (6) Engage in the business of installing, inspecting, recharging, repairing, servicing, or testing portable fire extinguishers or fire suppression systems, except in conformity with the provisions of this Article and the applicable rules and regulations of the Commissioner.
- (7) Fail to comply with a cease and desist order under G.S. 58-82B-11.

"§ 58-82B-13. Power of the State and local governments to regulate not limited.

1 (a) Nothing in this Article limits the power of the State or a unit of local government to
2 require the submission and approval of plans and specifications or to regulate the quality and
3 character of work performed by any person, firm, or governmental entity, for the protection of
4 the public health and safety.

5 (b) No unit of local government shall impose any other requirements on firms or persons
6 licensed or permitted by the Commissioner as set forth in this Article to prove competency to
7 conduct any activity covered by the license or permit."

8 **SECTION 2.** The Department of Insurance shall report to the Joint Legislative
9 Administrative Procedure Oversight Committee no later than October 1, 2020, with information
10 indicating how many licenses and permits have been issued since the implementation of this
11 Article and any issues relevant to the regulation of activities under Article 82B of the General
12 Statutes, and may make any recommendations as to whether the license or permit fees established
13 in this Article need to be adjusted so that the continued administration of this Article is
14 receipt-supported.

15 **SECTION 3.** The Department of Insurance may adopt temporary rules to implement
16 the provisions of this Article. Any temporary rules adopted in accordance with this section shall
17 remain in effect until permanent rules that replace the temporary rules become effective.

18 **SECTION 4.** This act becomes effective January 1, 2020.