

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 98

Short Title: Fire Sprinkler Contractors Deregulated.

(Public)

Sponsors: Representatives DeVane; Cummings and Sutton.

Referred to: State Government.

February 9, 1993

A BILL TO BE ENTITLED

AN ACT TO DEREGULATE FIRE SPRINKLER CONTRACTORS.

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, and Fire Sprinkler-Heating~~ Contractors consisting of seven 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 or mechanical 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 one person who has and two~~ persons who have no tie 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. The term of the member initially appointed to fill the second position of licensed fire sprinkler contractor-public member shall commence April 25, ~~1991-1993.~~ 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. 87-21 reads as rewritten:

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

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

(1) The word 'plumbing' is hereby defined to be the system of pipes, fixtures, apparatus and appurtenances, installed upon the premises, or

- 1 in a building, to supply water thereto and to convey sewage or other
2 waste therefrom.
- 3 (2) The phrase 'heating, group number one' shall be deemed and held to be
4 the heating system of a building, which requires the use of high or low
5 pressure steam, vapor or hot water, including all piping, ducts, and
6 mechanical equipment appurtenant thereto, within, adjacent to or
7 connected with a building, for comfort heating.
- 8 (3) The phrase 'heating, group number two' means an air conditioning
9 system which consists of an assemblage of interacting components
10 producing conditioned air for comfort cooling by the lowering of
11 temperature, and having a mechanical refrigeration capacity in excess
12 of fifteen tons, and which circulates air.
- 13 (4) The phrase 'heating, group number three' shall be deemed and held to
14 be a direct heating system of a building which produces heat to raise
15 the temperature of the space within the building for the purpose of
16 comfort in which electric heating elements or products of combustion
17 exchange heat either directly with the building supply air or indirectly
18 through a heat exchanger and using an air distribution system of ducts.
19 A heating system requiring air distribution ducts and supplied by
20 ground water or utilizing a coil supplied by water from a domestic hot
21 water heater not exceeding 150° Fahrenheit requires either plumbing
22 or heating group number one license to extend piping from valved
23 connections in the domestic hot water system to the heating coil and
24 requires either heating group number one or heating group number
25 three license for installation of coil, duct work, controls, drains and
26 related appurtenances.
- 27 (5) Any person, firm or corporation, who for a valuable consideration, (+)
28 installs, alters or restores, or offers to install, alter or restore, either
29 plumbing, heating group number one, or heating group number two, or
30 heating group number three, ~~or (ii) lays out, fabricates, installs, alters or~~
31 ~~restores, or offers to lay out, fabricate, install, alter or restore fire sprinklers,~~
32 ~~or any combination thereof, as defined in this Article,~~ shall be deemed and
33 held to be engaged in the business of plumbing, heating, or fire sprinkler
34 plumbing or heating contracting; provided, however, that nothing
35 herein shall be deemed to restrict the practice of qualified registered
36 professional engineers. Any person who installs a ~~plumbing, heating, or~~
37 ~~fire sprinkler plumbing or heating system~~ on property which at the time
38 of installation was intended for sale or to be used primarily for rental is
39 deemed to be engaged in the business of ~~plumbing, heating, or fire~~
40 ~~sprinkler plumbing or heating contracting~~ without regard to receipt of
41 consideration, unless exempted elsewhere in this Article.
- 42 (6) The word 'contractor' is hereby defined to be a person, firm or
43 corporation engaged in the business of ~~plumbing, heating, or fire~~
44 ~~sprinkler plumbing or heating contracting~~.

- 1 (7) The word 'heating' shall be deemed and held to mean heating group
2 number one, heating group number two, heating group number three,
3 or any combination thereof.
- 4 (8) The obtaining of a license, as required by this Article, shall not of itself
5 authorize the practice of another profession or trade for which a State
6 qualification license is required.
- 7 (9) The word 'Board' means the State Board of Examiners of ~~Plumbing,~~
8 ~~Heating, and Fire Sprinkler-Plumbing and Heating~~ Contractors.
- 9 (10) The word 'experience' means actual and practical work directly related
10 to the category of plumbing, heating group number one, heating group
11 number two, heating group number three, ~~or fire sprinkler contracting,~~
12 and includes related work for which a license is not required.
- 13 (11) ~~The phrase 'fire sprinkler' means an automatic or manual sprinkler~~
14 ~~system designed to protect the interior or exterior of a building or~~
15 ~~structure from fire, and where the primary extinguishing agent is~~
16 ~~water. These systems include wet pipe and dry pipe systems, preaction~~
17 ~~systems, water spray systems, foam water sprinkler systems, foam~~
18 ~~water spray systems, nonfreeze systems, and circulating closed-loop~~
19 ~~systems. These systems also include the overhead piping, combination~~
20 ~~standpipes, inside hose connections, thermal systems used in~~
21 ~~connection with the sprinklers, tanks, and pumps connected to the~~
22 ~~sprinklers, and controlling valves and devices for actuating an alarm~~
23 ~~when the system is in operation. This subsection shall not apply to~~
24 ~~owners of property who are building or improving farm outbuildings.~~
25 ~~This subsection shall not include water and standpipe systems having~~
26 ~~no connection with a fire sprinkler system. Nothing herein shall~~
27 ~~prevent licensed plumbing contractors, utility contractors, or fire~~
28 ~~sprinkler contractors from installing underground water supplies for~~
29 ~~fire sprinkler systems.~~

30 (b) Classes of Licenses; Eligibility and Examination of Applicant; Necessity for
31 License. – In order to protect the public health, comfort and safety, the Board shall
32 establish two classes of licenses: Class I covering all ~~plumbing, heating, and fire sprinkler~~
33 plumbing and heating systems for all structures, and Class II covering plumbing and
34 heating systems in single-family detached residential dwellings. The Board shall
35 prescribe the standard of competence, experience and efficiency to be required of an
36 applicant for license of each class, and shall give an examination designed to ascertain
37 the technical and practical knowledge of the applicant concerning the analysis of plans
38 and specifications, estimating costs, fundamentals of installation and design, codes, fire
39 hazards, and related subjects as these subjects pertain to ~~plumbing, heating, or fire~~
40 sprinkler-plumbing or heating systems. ~~The examination for a fire sprinkler contractor's~~
41 ~~license shall include such materials as would test the competency of the applicant and which~~
42 ~~may include the minimum requirements of certification for Level III, subfield of Automatic~~
43 ~~Sprinkler System Layout, National Institute for Certification of Engineering Technologies~~
44 ~~(NICET).—As a result of the examination, the Board shall issue a certificate of license of~~

1 the appropriate class in ~~plumbing, heating, or fire sprinkler~~ plumbing or heating
2 contracting, and a license shall be obtained, in accordance with the provisions of this
3 Article, before any person, firm or corporation shall engage in, or offer to engage in, the
4 business of ~~plumbing, heating, or fire sprinkler~~ plumbing or heating contracting, or any
5 combination thereof. The Board may require experience as a condition of examination,
6 provided that (i) the experience required may not exceed two years, (ii) that up to one-
7 half the experience may be in the form of academic or technical courses of study, and
8 (iii) that registration is not required at the commencement of the period of experience.
9 Conditions of examination set by the Board shall be uniformly applied to each applicant
10 within each license classification. It is the purpose and intent of this section that the
11 Board shall provide an examination for plumbing, heating group number one, or heating
12 group number two, or heating group number three, ~~and may provide an examination for fire~~
13 ~~sprinkler contracting or may accept a current certification of the National Institute for~~
14 ~~Certification in Engineering Technologies for Fire Protection Engineering Technician, Level~~
15 ~~III, subfield of Automatic Sprinkler System Layout, three.~~ The Board is authorized to issue
16 a certificate of license limited to either plumbing or heating group number one, or
17 heating group number two, or heating group number three, ~~or fire sprinkler contracting,~~ or
18 any combination thereof. Each application for examination shall be accompanied by a
19 check, post-office money order, or cash, in the amount of the annual license fee required
20 by this Article. Regular examinations shall be given in the months of April and October
21 of each year, and additional examinations may be given at such other times as the Board
22 may deem wise and necessary. Any person may demand in writing a special
23 examination, and upon payment by the applicant of the cost of holding such
24 examination and the deposit of the amount of the annual license fee, the Board in its
25 discretion will fix a time and place for such examination. Upon satisfactory proof of the
26 applicant's inability to write and upon demand of an applicant for a Class II plumbing or
27 heating license six weeks prior to an examination, the Board shall conduct the
28 examination of that applicant orally, and shall not require that applicant to take a written
29 examination as to examination inquiries answered other than by preparation of
30 diagrams. Signed statements from two reliable citizens resident in the home county of
31 the applicant shall constitute satisfactory proof of an applicant's inability to write. A
32 person who fails to pass any examination shall not be reexamined until the next regular
33 examination.

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

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

42 (d1) Expired.

43 (e) Posting License; License Number on Contracts, etc. – The current license
44 issued in accordance with the provisions of this Article shall be posted in the business

1 location of the licensee, and its number shall appear on all proposals or contracts and
2 requests for permits issued by municipalities. The initial qualified licensee on a license
3 is the permanent possessor of the license number under which that license is issued,
4 except that a licensee, or the licensee's legal agent, personal representative, heirs or
5 assigns, may designate in writing to the Board a qualified licensee to whom the Board
6 shall assign the license number upon the payment of a ten dollar (\$10.00) assignment
7 fee. Upon such assignment, the qualified licensee becomes the permanent possessor of
8 the assigned license number. Notwithstanding the foregoing, the license number may be
9 assigned only to a qualified licensee who has been employed by the initial licensee's
10 plumbing and heating company for at least 10 years or is a lineal relative, sibling, first
11 cousin, nephew, niece, daughter-in-law, son-in-law, brother-in-law, or sister-in-law of
12 the initial licensee. Each successive licensee to whom a license number is assigned
13 under this subsection may assign the license number in the same manner as provided in
14 this subsection.

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

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

22 Sec. 3. G.S. 87-22 reads as rewritten:

23 **"§ 87-22. License fee based on population; expiration and renewal; penalty.**

24 All persons, firms, or corporations engaged in the business of either plumbing or
25 heating contracting, or both, in cities or towns of 10,000 inhabitants or more shall pay
26 an annual license fee not exceeding seventy-five dollars (\$75.00), and in cities or towns
27 of less than 10,000 inhabitants an annual license fee not exceeding fifty dollars
28 (\$50.00). ~~All persons, firms, or corporations engaged in the business of fire sprinkler~~
29 ~~contracting shall pay an initial application fee not to exceed seventy-five dollars (\$75.00) and~~
30 ~~an annual license fee not to exceed three hundred dollars (\$300.00).~~ In the event the Board
31 refuses to license an applicant, the license fee deposited shall be returned by the Board
32 to the applicant. All licenses shall expire on the last day of December in each year
33 following their issuance or renewal. It shall be the duty of the secretary and treasurer to
34 cause to be mailed to every licensee registered hereunder notice to his last known
35 address reflected on the records of the Board of the amount of fee required for renewal
36 of license, such notice to be mailed at least one month in advance of the expiration of
37 said license. In the event of failure on the part of any person, firm or corporation to
38 renew the license certificate annually and pay the fee therefor during the month of
39 January in each year, the Board shall increase said license fee ten per centum (10%) for
40 each month or fraction of a month that payment is delayed; provided that the penalty for
41 nonpayment shall not exceed the amount of the annual fee, and provided further that the
42 Board requires reexamination upon failure of a licensee to renew license within three
43 years after expiration. The Board may adopt regulations requiring attendance at
44 programs of continuing education as a condition of license renewal. A licensee

1 employed full time as a local government plumbing, heating, or mechanical inspector
2 and holding qualifications from the Code Officials Qualifications Board may renew his
3 license at a fee not to exceed twenty-five dollars (\$25.00)."

4 Sec. 4. G.S. 87-23(a) reads as rewritten:

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

19 Sec. 5. G.S. 87-25 reads as rewritten:

20 "**§ 87-25. Violations made misdemeanor; employees of licensees excepted.**

21 Any person, firm or corporation who shall engage in or offer to engage in, or carry
22 on the business of ~~plumbing, heating, or fire sprinkler~~ plumbing or heating contracting, or
23 any combination thereof, as defined in G.S. 87-21, without first having been licensed to
24 engage in such business, or businesses, as required by the provisions of this Article; or
25 any person, firm or corporation holding a limited plumbing or heating license under the
26 provisions of this Article who shall practice or offer to practice or carry on any type of
27 plumbing or heating contracting not authorized by said limited license; or any person,
28 firm or corporation who shall give false or forged evidence of any kind to the Board, or
29 any member thereof, in obtaining a license, or who shall falsely impersonate any other
30 practitioner of like or different name, or who shall use an expired or revoked license, or
31 who shall violate any of the provisions of this Article, shall be guilty of a misdemeanor
32 and upon conviction fined not less than one hundred dollars (\$100.00) or imprisoned for
33 not more than three months, or both, in the discretion of the court. An employee in the
34 course of his work as a bona fide employee of a licensee of the Board shall not be
35 construed to have engaged in the business of ~~plumbing, heating, or fire sprinkler~~ plumbing
36 or heating contracting, as the case may be."

37 Sec. 6. This act is effective upon ratification.