

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 896
Finance Committee Substitute Adopted 6/20/90

Short Title: Fire Sprinkler Contractors.

(Public)

Sponsors:

Referred to:

April 17, 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 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 or mechanical contractor, one licensed heating contractor, one licensed fire sprinkler contractor, and ~~two persons who have no ties~~ one person who has 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 position of licensed fire sprinkler contractor shall commence April 25, 1991. 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 and to convey sewage or other
13 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,
39 installs, (i) 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 contracting~~plumbing, heating, or fire sprinkler contracting;
 2 provided, however, that nothing herein shall be deemed to restrict the
 3 practice of qualified registered professional engineers. Any person
 4 who installs a ~~plumbing or heating~~ plumbing, heating, or fire sprinkler
 5 system on property which at the time of installation was intended for
 6 sale or to be used primarily for rental is deemed to be engaged in the
 7 business of ~~plumbing or heating~~ plumbing, heating, or fire sprinkler
 8 contracting without regard to receipt of consideration, unless exempted
 9 elsewhere 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 word 'experience' means actual and practical work directly related
 22 to the category of plumbing, heating group number one, heating group
 23 number two, ~~or~~ heating group number three, or fire sprinkler
 24 contracting, and includes related work for which a license is not
 25 required.

26 (11) The phrase 'fire sprinkler' means an automatic or manual sprinkler
 27 system designed to protect the interior or exterior of a building or
 28 structure from fire, and where the primary extinguishing agent is
 29 water. These systems include wet pipe and dry pipe systems, pre-
 30 action systems, water spray systems, foam water sprinkler systems,
 31 foam water spray systems, nonfreeze systems, and circulating closed-
 32 loop systems. These systems also include the overhead piping,
 33 combination standpipes, inside hose connections, thermal systems used
 34 in connection with the sprinklers, tanks, and pumps connected to the
 35 sprinklers, and controlling valves and devices for actuating an alarm
 36 when the system is in operation. This subsection shall not apply to
 37 owners of property who are building or improving farm outbuildings.
 38 This subsection shall not include water and standpipe systems having
 39 no connection with a fire sprinkler system. Nothing herein shall
 40 prevent licensed plumbing contractors, utility contractors, or fire
 41 sprinkler contractors from installing underground water supplies for
 42 fire sprinkler systems.

43 (b) Classes of Licenses; Eligibility and Examination of Applicant; Necessity for
 44 License. – In order to protect the public health, comfort and safety, the Board shall

1 establish two classes of licenses: Class I covering all ~~structures and systems to which this~~
2 ~~Article applies, plumbing, heating, and fire sprinkler systems for all structures,~~ and Class
3 II covering plumbing and heating systems in single-family detached residential
4 dwellings. The Board shall prescribe the standard of competence, experience and
5 efficiency to be required of an applicant for license of each class, and shall give an
6 examination designed to ascertain the technical and practical knowledge of the applicant
7 concerning the analysis of plans and specifications, estimating costs, fundamentals of
8 installation and design, codes, fire hazards, and related subjects as these subjects pertain
9 to either plumbing or heating; and as plumbing, heating, or fire sprinkler systems. The
10 examination for a fire sprinkler contractor's license shall include such materials as
11 would test the competency of the applicant and which may include the minimum
12 requirements of certification for Level III, subfield of Automatic Sprinkler System
13 Layout, National Institute for Certification of Engineering Technologies (NICET). As a
14 result of the examination, the Board shall issue a certificate of license of the appropriate
15 class in ~~plumbing or heating, plumbing, heating, or fire sprinkler contracting,~~ and a
16 license shall be obtained, in accordance with the provisions of this Article, before any
17 person, firm or corporation shall engage in, or offer to engage in, the business of ~~either~~
18 ~~plumbing or heating~~ plumbing, heating, or fire sprinkler contracting, or any combination
19 thereof. The Board may require experience as a condition of examination, provided that
20 (i) the experience required may not exceed two years, (ii) that up to one-half the
21 experience may be in the form of academic or technical courses of study, and (iii) that
22 registration is not required at the commencement of the period of experience.
23 Conditions of examination set by the Board shall be uniformly applied to each applicant
24 within each license classification. It is the purpose and intent of this section that the
25 Board shall provide an examination for plumbing, heating group number one, or heating
26 group number two, or heating group number three, and ~~it may provide an examination~~
27 for fire sprinkler contracting or may accept a current certification of the National
28 Institute for Certification in Engineering Technologies for Fire Protection Engineering
29 Technician, Level III, subfield of Automatic Sprinkler System Layout. The Board is
30 authorized to issue a certificate of license limited to either plumbing or heating group
31 number one, or heating group number two, or heating group number three, or fire
32 sprinkler contracting, or any combination thereof. Each application for examination
33 shall be accompanied by a check, post-office money order, or cash, in the amount of the
34 annual license fee required by this Article. Regular examinations shall be given in the
35 months of April and October of each year, and additional examinations may be given at
36 such other times as the Board may deem wise and necessary. Any person may demand
37 in writing a special examination, and upon payment by the applicant of the cost of
38 holding such examination and the deposit of the amount of the annual license fee, the
39 Board in its discretion will fix a time and place for such examination. Upon satisfactory
40 proof of the applicant's inability to write and upon demand of an applicant for a Class II
41 plumbing or heating license six weeks prior to an examination, the Board shall conduct
42 the examination of that applicant orally, and shall not require that applicant to take a
43 written examination as to examination inquiries answered other than by preparation of
44 diagrams. Signed statements from two reliable citizens resident in the home county of

1 the applicant shall constitute satisfactory proof of an applicant's inability to write. A
2 person who fails to pass any examination shall not be reexamined until the next regular
3 examination.

4 (c) To Whom Article Applies. – The provisions of this Article shall apply to all
5 persons, firms, or corporations who engage in, or attempt to engage in, the business of
6 ~~plumbing or heating~~ plumbing, heating, or fire sprinkler contracting, or any combination
7 thereof as defined in this Article. The provisions of this Article shall not apply to those
8 who make minor repairs or minor replacements to an already installed system of
9 plumbing or ~~heating~~ heating, but shall apply to those who make repairs, replacements,
10 or modifications to an already installed fire sprinkler system.

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

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

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

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

23 (h) Notwithstanding any other provision of this Article, any North Carolina
24 resident engaged in the business of fire sprinkler contracting and holding a fire sprinkler
25 privilege license pursuant to G.S. 105-55 on or before the effective date of this act may,
26 within one year from said date, file an application for licensure as a fire sprinkler
27 contractor on forms prepared by the Board, and the Board shall issue a certificate of
28 license in fire sprinkler contracting upon the payment of the fees as provided by G.S.
29 87-22 and further upon presentation of satisfactory evidence which clearly establishes
30 that the applicant was engaged in the business of fire sprinkler contracting within three
31 years prior to the effective date of this act. The provisions of this subsection shall
32 expire one year from the effective date of this act.”

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

34 **"§ 87-22. License fee based on population; expiration and renewal; penalty.**

35 All persons, firms, or corporations engaged in the business of either plumbing or
36 heating contracting, or both, in cities or towns of 10,000 inhabitants or more shall pay
37 an annual license fee not exceeding seventy-five dollars (\$75.00), and in cities or towns
38 of less than 10,000 inhabitants an annual license fee not exceeding fifty dollars
39 (\$50.00). All persons, firms, or corporations engaged in the business of fire sprinkler
40 contracting shall pay an initial application fee not to exceed seventy-five dollars
41 (\$75.00) and an annual license fee not to exceed three hundred dollars (\$300.00). In the
42 event the Board refuses to license an applicant, the license fee deposited shall be
43 returned by the Board to the applicant. All licenses shall expire on the last day of
44 December in each year following their issuance or renewal. It shall be the duty of the

1 secretary and treasurer to cause to be mailed to every licensee registered hereunder
2 notice to his last known address reflected on the records of the Board of the amount of
3 fee required for renewal of license, such notice to be mailed at least one month in
4 advance of the expiration of said license. In the event of failure on the part of any
5 person, firm or corporation to renew the license certificate annually and pay the fee
6 therefor during the month of January in each year, the Board shall increase said license
7 fee ten per centum (10%) for each month or fraction of a month that payment is
8 delayed; provided that the penalty for nonpayment shall not exceed the amount of the
9 annual fee, and provided further that the Board requires reexamination upon failure of a
10 licensee to renew license within three years after expiration. The Board may adopt
11 regulations requiring attendance at programs of continuing education as a condition of
12 license renewal. A licensee employed full time as a local government plumbing,
13 heating, or mechanical inspector and holding qualifications from the Code Officials
14 Qualifications Board may renew his license at a fee not to exceed twenty-five dollars
15 (\$25.00)."

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

17 "**§ 87-23. Revocation or suspension of license for cause.**

18 (a) The Board shall have power to revoke or suspend the license of or order the
19 reprimand or probation of any plumbing or heating plumbing, heating, or fire sprinkler
20 contractor, or both, any combination thereof, who is guilty of any fraud or deceit in
21 obtaining or renewing a license, or who fails to comply with any provision or
22 requirement of this Article, or for gross negligence, incompetency, or misconduct, in the
23 practice of or in carrying on the business of either a plumbing or heating a plumbing,
24 heating, or fire sprinkler contractor, or both, any combination thereof, as defined in this
25 Article. Any person may prefer charges of such fraud, deceit, gross negligence,
26 incompetency, misconduct, or failure to comply with any provision or requirement of
27 this Article, against any plumbing or heating plumbing, heating, or fire sprinkler
28 contractor, or both, any combination thereof, who is licensed under the provisions of this
29 Article. All of such charges shall be in writing and verified by the complainant, and
30 such charges shall be heard and determined by the Board in accordance with the
31 provisions of Chapter ~~450A~~ 150B of the General Statutes.

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

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

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

37 "**§ 87-24. Reissuance of revoked licenses; replacing lost or destroyed license.**

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

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

44 "**§ 87-25. Violations made misdemeanor; employees of licensees excepted.**

1 Any person, firm or corporation who shall engage in or offer to engage in, or carry
2 on the business of ~~either plumbing or heating~~ plumbing, heating, or fire sprinkler
3 contracting, or both, any combination thereof, as defined in G.S. 87-21, without first
4 having been licensed to engage in such business, or businesses, as required by the
5 provisions of this Article; or any person, firm or corporation holding a limited plumbing
6 or heating license under the provisions of this Article who shall practice or offer to
7 practice or carry on any type of plumbing or heating contracting not authorized by said
8 limited license; or any person, firm or corporation who shall give false or forged
9 evidence of any kind to the Board, or any member thereof, in obtaining a license, or
10 who shall falsely impersonate any other practitioner of like or different name, or who
11 shall use an expired or revoked license, or who shall violate any of the provisions of this
12 Article, shall be guilty of a misdemeanor and upon conviction fined not less than one
13 hundred dollars (\$100.00) or imprisoned for not more than three months, or both, in the
14 discretion of the court. An employee in the course of his work as a bona fide employee
15 of a licensee of the Board shall not be construed to have engaged in the business of
16 ~~either plumbing or heating~~ plumbing, heating, or fire sprinkler contracting, or both, as the
17 case may be."

18 Sec. 8. This act shall become effective October 1, 1990.