



Wednesday, April 1, 2009

## Summary - A06526

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### A06526 Summary:

BILL NO A06526

SAME AS Same as S 3190

SPONSOR John

COSPNSR

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Add Art 7-B SS178 - 178-s, Exec L

Enacts the water-based fire protection licensure act for the purpose of regulating the business of layout, installing, servicing, repairing, inspecting, testing and maintenance of automatic water-based fire protection systems.

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### A06526 Actions:

BILL NO A06526

03/06/2009 referred to governmental operations

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### A06526 Votes:

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### A06526 Memo:

BILL NUMBER:A6526

TITLE OF BILL: An act to amend the executive law, in relation to enacting the New York water-based fire protection licensure act for the purpose of regulating the business of layout, installing, servicing, repairing, inspecting, testing and maintenance of automatic water-based fire protection systems

PURPOSE OR GENERAL IDEA OF BILL: This act provides for the establishment

of minimum standards for licensure of water-based fire protection system installation, servicing, repairing, inspecting, testing and maintenance, and establishes penalties for improper business, and prohibition of unlicensed activities.

SUMMARY OF SPECIFIC PROVISIONS: Executive law is amended by adding a new article 7-B.

178-a defines the licensure categories and scope of work by a water-based fire protection contractor. Also included is the qualifications for the Responsible Managing Employee who will hold a certification qualifying the contractor employer to perform work in the scope of this act.

178-b appoints the New York State Office of Fire Prevention and Control as the overseeing authority of the requirements within. This section also sets in motion the OFPC to develop the New York Fire Protection Advisory Council in order to administer sections within their scope in this act and possible oversight of future licensure categories of other present or future fire protections systems.

178-c sets the minimum qualifications in the licensure and certification categories.

178-d addresses existing water-based fire protections contractors and recently formed contractors.

178-e sets forth administration by OFPC for testing applicants and verifying qualifications for journey persons and apprentices fire suppression specialists.

178-f and 178-g sets the license and certificate administration as well as the insurance minimum coverage to be carried in the proper category for fire protection not only to protect the contractor and employees, but also the public.

178-h entitles OFPC to inspect new water-based fire protection work on sight while during installation or upon completion. This section also sets forth minimum inspection, testing and maintenance requirements.

178-i defines the fee amounts.

178-j defines suspension, revocation, and fines attributed to certain violations and causes also spelled out in this section not to be imposed until reviewed per section 178-k.

178-k and 178-l grant rights, to a hearing before the OFPC and the New York Fire Protection Advisory Council on charges or deficiencies in which the contractor, RME, specialist or applicant may be accused.

178-m ensures action against entities that hold themselves out to practice, without license or certificate, to perform water-based fire protection work in any category.

178-n official acts of the OFPC considered prima facie evidence.

178-o disposes monies collected to the OFPC in accordance with state financial law.

178-p holds applicability of this act to the State of New York minus New York City, Nassau and Suffolk Counties. Contractors within the above areas that wish to work outside these defined areas must comply with this act.

178-q contains contractual agreements and indemnification provisions.

178-r allows separability of any part of this act in the future if adjudged invalid by a competent court.

**JUSTIFICATION:** This act is to protect, promote and preserve the public health, safety and general welfare by providing for the establishment of minimum standards for licensure of water-based fire protection system installation contractors, certification of Responsible Managing Employees, fire suppression specialists as well as establish penalties for improper layout, installing servicing, repairing, inspecting, testing, or maintaining of fire protection systems and prohibit unlicensed activities.

This bill is intended to enhance the fire and life safety within the State of New York where there now exists and may in the future exist within the State of New York locations where water-based fire protections systems are installed. Improper layout, installation, service, repair, inspection, testing, and maintenance of fire protection systems may adversely affect the public health, safety and general welfare. It is further acknowledged that fire protection systems are critical life and property safety systems and said systems whose layout, installing servicing, repairing, inspecting, testing, or maintenance require measured specialized knowledge and experience.

**PRIOR LEGISLATIVE HISTORY:** A11706 of 2008: Referred to Governmental Operations

**FISCAL IMPLICATIONS:** None.

**EFFECTIVE DATE:** This act shall take effect immediately.

**Contact Webmaster**

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