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S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N A S S E M B L Y

March 6, 2009

Introduced by M. of A. JOHN -- read once and referred to the Committee on Governmental Operations

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

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "New York state water-based fire protection licensure act".
3 S 2. Legislative intent. It is declared that there exists and may in
4 the future exist within the state locations where water-based fire
5 protection systems are installed and improper installation and/or
6 improper inspection, testing, and maintenance of existing fire
7 protection systems may adversely affect the public health, safety and
8 general welfare. It is further acknowledged that fire protection systems
9 are critical life and property safety systems and said systems whose
10 layout, installing, servicing, repairing, inspecting, testing, or main-
11 tenance require specialized knowledge and experience.

12 Therefore the purpose of this act is to protect, promote and preserve
13 the public health, safety and general welfare by providing for the
14 establishment of minimum standards for licensure of water-based fire
15 protection system installation contractors, certification of responsible
16 managing employees, as well as establish penalties for improper layout,
17 installing, servicing, repairing, inspecting, testing, or maintaining of
18 fire protection systems and prohibit unlicensed activities.

19 S 3. The executive law is amended by adding a new article 7-B to read
20 as follows:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

LBD10113-01-9

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1 ARTICLE 7-B
2 WATER-BASED FIRE PROTECTION
3 LICENSURE ACT

4 SECTION 178. DEFINITIONS.

5 178-A. CONTRACTOR LICENSE AND RME CERTIFICATE REQUIREMENTS;
6 SCOPE OF PRACTICE; PENALTIES FOR NON-COMPLIANCE.

7 178-B. POWERS OF THE OFFICE OF FIRE PREVENTION AND CONTROL.

8 178-C. NEW LICENSING AND CERTIFICATION REQUIREMENTS.

9 178-D. LICENSING AND CERTIFICATION REQUIREMENTS FOR EXISTING
10 CONTRACTORS.

11 178-E. FIRE SUPPRESSION SPECIALISTS.

12 178-F. LICENSE: APPLICATION; INSURANCE; DISPLAY; DUPLICATES.

13 178-G. LICENSE: RENEWAL; CONTINUING EDUCATION.

14 178-H. INSPECTION OF FIRE PROTECTION SYSTEMS.

15 178-I. FEES.

16 178-J. SUSPENSION AND REVOCATION OF LICENSES AND CERTIFICATES.

17 178-K. HEARING ON CHARGES; DECISION.

18 178-L. JUDICIAL REVIEW.

19 178-M. VIOLATIONS AND PENALTIES.

20 178-N. OFFICIAL ACTS USED AS EVIDENCE.

21 178-O. DISPOSITION OF MONEYS DERIVED FROM OPERATION OF ARTICLE.

22 178-P. APPLICABILITY.

23 178-Q. CONTRACTUAL AGREEMENTS.

24 178-R. ELECTRONIC INFORMATION.

25 178-S. SEPARABILITY.

26 S 178. DEFINITIONS. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT
27 REQUIRES OTHERWISE:

28 1. "A/D/B/A" MEANS ALSO DOING BUSINESS AS.

29 2. "ADVISORY COUNCIL" MEANS THE NEW YORK FIRE PROTECTION ADVISORY
30 COUNCIL (NYFPAC) ESTABLISHED BY THE OFFICE OF FIRE PREVENTION AND
31 CONTROL. THE COUNCIL SHALL BE THE APPROVING BODY OF ALL RULES, REQUIRE-
32 MENTS, AND FUTURE MODIFICATIONS AFFECTING TRAINING, LICENSURES, CERTIF-
33 ICATIONS AND OTHER ISSUES WITHIN THIS ARTICLE.

34 3. "APPRENTICE SPRINKLER FITTER" MEANS A PERSON WITH INTEREST IN AND
35 APPTITUDE FOR PERFORMING FIRE SUPPRESSION WORK KNOWN AS, BUT NOT LIMITED
36 TO, FIRE SPRINKLER FITTING WORK BUT WHO ALONE IS NOT CAPABLE OF PERFORM-
37 ING FIRE SUPPRESSION WORK, AND SUCH PERSON MUST BE ENROLLED IN A NEW
38 YORK STATE REGISTERED FIRE SPRINKLER FITTER APPRENTICESHIP PROGRAM.

39 4. "APPROVED APPRENTICESHIP PROGRAM" MEANS AN APPRENTICESHIP TRAINING
40 PROGRAM RECOGNIZED BY THE INDUSTRY AND CERTIFIED AS AN APPRENTICESHIP
41 PROGRAM BY THE STATE OF NEW YORK OR THE UNITED STATES DEPARTMENT OF
42 LABOR.

43 5. "BUSINESS ENTITY" MEANS A FIRM, COMPANY, PARTNERSHIP, LIMITED
44 LIABILITY COMPANY OR CORPORATION.

45 6. "ENGINEER OF RECORD" MEANS A PROFESSIONAL ENGINEER LICENSED IN
46 ACCORDANCE WITH ARTICLE ONE HUNDRED FORTY-FIVE OF THE EDUCATION LAW AND
47 QUALIFIED BY EXPERIENCE AND TRAINING TO PROVIDE DESIGN CRITERIA FOR FIRE
48 PROTECTION SYSTEMS TO INCLUDE: (A) SELECTION OF TYPE OF SYSTEM AND
49 COMPONENTS; (B) CLASSIFICATION OF THE HAZARD AND COMMODITIES TO BE
50 PROTECTED; (C) THE DENSITY AND WATER FLOW AND PRESSURE REQUIREMENTS FOR
51 THE SPRINKLER SYSTEM DESIGN; (D) CONFIRMATION OF THE AVAILABLE WATER
52 SUPPLY DATA; (E) PRELIMINARY HYDRAULIC CALCULATIONS TO VERIFY ADEQUACY
53 OF PROPOSED WATER SUPPLY ARRANGEMENTS; (F) REASONABLE EFFORTS TO IDENTI-

54 FY WATER SUPPLIES THAT COULD LEAD TO MICROBIOLOGICALLY INFLUENCED CORRO-
55 SION (MIC); AND (G) SEISMIC INFORMATION.

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1 7. "FEE", "EXAMINATION FEE", "CERTIFICATION FEE", "LICENSE FEE",
2 AND/OR "RENEWAL FEE" MEANS THE FEES REQUIRED TO ACCOMPANY AN APPLICATION
3 OR ISSUANCE OF ANY CERTIFICATE OR LICENSE, INCLUDING ANY TEMPORARY OR
4 RENEWAL CERTIFICATE OR LICENSE, PURSUANT TO THIS ARTICLE. SUCH FEE SHALL
5 BE NON-REFUNDABLE.

6 8. "FIRE SUPPRESSION" MEANS:

7 (A) THE PRACTICE, MATERIALS, AND EQUIPMENT, IN OR ADJACENT TO A BUILD-
8 ING, OR PREMISES, USED IN THE INSTALLATION, MAINTENANCE, EXTENSION, OR
9 ALTERATION OF ALL PIPING, MATERIALS, AND EQUIPMENT, BOTH ABOVE AND BELOW
10 GROUND, AS DEFINED BY THE STATE FIRE CODE, IN CONNECTION WITH THE
11 DISCHARGE OF WATER, OTHER SPECIAL FLUIDS, OR GASES, BACKFLOW PREVENTERS,
12 AND PRIVATE WATER SUPPLY SYSTEMS, FOR THE EXPRESS PURPOSE OF EXTINGUISH-
13 ING AND CONTROLLING FIRE; AND

14 (B) THE PRACTICE OF INSTALLING, REPAIRING, TESTING AND SERVICING FIRE
15 SUPPRESSION OR FIRE FIGHTING SYSTEMS INCLUDING BOTH OVERHEAD PIPING AND
16 UNDERGROUND FIRE WATER MAINS, BACKFLOW PREVENTERS, FIRE HYDRANTS AND
17 HYDRANT MAINS, STANDPIPES AND HOSE CONNECTIONS TO THE FIRE SPRINKLER
18 SYSTEMS, FIRE SPRINKLER TANK HEATERS, AIR LINES AND THERMAL SYSTEMS USED
19 IN CONNECTION WITH FIRE SPRINKLER SYSTEMS, TANK AND PUMP CONNECTIONS,
20 AND FIRE PROTECTION SYSTEMS USING MULSIFYRE, SPRAY, WATER, FOG, CARBON
21 DIOXIDE, CLEAN AGENT GAS, FOAM, AND DRY CHEMICAL SYSTEMS AS DEFINED BY
22 THE STATE FIRE CODE.

23 9. "FIRE SPRINKLER SYSTEM" MEANS ANY WATER-BASED AUTOMATIC FIRE EXTIN-
24 GUISHING SYSTEM EMPLOYING FIRE SPRINKLERS AND CONSISTING OF UNDERGROUND
25 AND OVERHEAD PIPING OR CONDUITS INCLUDING ACCESSORY FIRE PUMPS AND ASSO-
26 CIATED PIPING, FIRE STANDPIPES THAT CONVEY WATER WITH OR WITHOUT OTHER
27 AGENTS TO DISPERSAL OPENINGS OR DEVICES TO EXTINGUISH, CONTROL,
28 SUPPRESS, OR CONTAIN FIRE AND PROVIDE PROTECTION FROM EXPOSURE TO FIRE
29 OR THE PRODUCTS OF COMBUSTION AND INSTALLED IN ACCORDANCE WITH APPLICA-
30 BLE CODES OF THIS STATE AND RECOGNIZED NFPA STANDARDS.

31 10. "FULL TIME EMPLOYEE" MEANS AN EMPLOYEE OF THE BUSINESS ENTITY IN A
32 POSITION EXPECTED TO WORK AT LEAST TWO THOUSAND HOURS PER YEAR. EARNED,
33 PAID TIME FOR LEAVE SUCH AS VACATION, SICK OR PERSONAL DAYS SHALL NOT
34 COUNT AGAINST THE TWO THOUSAND HOURS.

35 11. "GEOGRAPHICAL AREA" MEANS DISTINCT AREAS OF THE STATE AS FOLLOWS:

36 (A) ZIP CODES 10000 - 12999 AND 13300 - 13999

37 (B) ZIP CODES 13000 - 13299 AND 14000 - 14999

38 12. "INSPECTION" MEANS A VISUAL EXAMINATION OF A SYSTEM OR PORTION
39 THEREOF TO VERIFY THAT IT APPEARS TO BE IN OPERATING CONDITION AND IS
40 FREE OF PHYSICAL DAMAGE.

41 13. "INSPECTION, TESTING AND MAINTENANCE SERVICE" MEANS A SERVICE
42 PROGRAM PROVIDED BY A NEW YORK STATE LICENSED WATER-BASED FIRE
43 PROTECTION CONTRACTOR OR QUALIFIED BUILDING OWNER'S REPRESENTATIVE IN
44 WHICH ALL COMPONENTS UNIQUE TO THE PROPERTY'S SYSTEMS ARE INSPECTED AND
45 TESTED AT THE REQUIRED TIMES AND NECESSARY MAINTENANCE IS PROVIDED. THIS
46 PROGRAM INCLUDES LOGGING AND RETENTION OF RELEVANT RECORDS AND REPORTING
47 OF DEFICIENCIES AND MALFUNCTIONS TO THE BUILDING OWNER OR HIS OR HER
48 AUTHORIZED REPRESENTATIVE AND APPROPRIATE AUTHORITIES THAT MAY BE
49 REQUIRED.

50 14. "INSPECTOR" MEANS A PERSON EMPLOYED BY A LICENSED CONTRACTOR WHO
51 PERFORMS INSPECTION, TESTING AND MAINTENANCE ON A WATER-BASED FIRE
52 PROTECTION SYSTEM WITHIN THE SCOPE OF NFPA 25. IT IS THE INTENT THAT AN
53 "INSPECTOR" MEET THE QUALIFICATIONS OF NICET II INSPECTION AND TESTING.

54 15. "INSTALL" OR "INSTALLATION" MEANS THE INITIAL PLACEMENT OF THE

55 WATER-BASED FIRE PROTECTION SYSTEM OR ITS EXTENSION OR ALTERATION AFTER
56 THE INITIAL PLACEMENT.

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1 16. "JOURNEYPERSON FITTER" MEANS A PERSON QUALIFIED BY AT LEAST TEN
2 THOUSAND HOURS OF WORK EXPERIENCE INSTALLING, ADJUSTING, REPAIRING, AND
3 DISMANTLING FIRE SUPPRESSION SYSTEMS AND WHO IS COMPETENT TO INSTRUCT
4 AND SUPERVISE THE FIRE SUPPRESSION WORK OF APPRENTICE FIRE SPRINKLER
5 FITTERS.

6 17. "LAYOUT" MEANS THE PLACEMENT OF RISERS, CROSS MAINS, BRANCH LINES,
7 SPRINKLER HEADS, SIZING OF PIPE, HANGER LOCATIONS, AND SUPPLEMENTAL
8 HYDRAULIC CALCULATIONS IN ACCORDANCE WITH THE PROVISIONS OF WATER-BASED
9 FIRE PROTECTION DESIGN STANDARDS.

10 18. "LICENSE HOLDER" MEANS A BUSINESS ENTITY LICENSED BY THE OFFICE TO
11 ENGAGE IN THE BUSINESS OF LAYOUT, INSTALLING, REPAIRING, INSPECTING,
12 TESTING, OR MAINTAINING WATER-BASED FIRE PROTECTION SYSTEMS UNDER THIS
13 ARTICLE. ONE LICENSE MAY NAME NO MORE THAN ONE BUSINESS ENTITY.

14 19. "MAINTENANCE" MEANS WORK PERFORMED BY THE LICENSED WATER-BASED
15 FIRE PROTECTION CONTRACTOR TO KEEP EQUIPMENT OPERABLE AND MAKE REPAIRS.

16 20. "MULTIPURPOSE SYSTEM" MEANS A PIPING SYSTEM INTENDED TO SERVE BOTH
17 THE DOMESTIC AND FIRE PROTECTION NEEDS.

18 21. "NCCI" MEANS THE NATIONAL COUNCIL ON COMPENSATION INSURANCE.

19 22. "NFFPA" MEANS THE NATIONAL FIRE PROTECTION ASSOCIATION.

20 23. "NFSA" MEANS THE NATIONAL FIRE SPRINKLER ASSOCIATION, INC.

21 24. "NICET" MEANS THE NATIONAL INSTITUTE FOR CERTIFICATION IN ENGI-
22 NEERING TECHNOLOGIES. CERTIFICATIONS BY FUTURE INSTITUTIONS OF THE
23 EQUIVALENT SHALL NOT BE DENIED.

24 25. "OFPC" OR "OFFICE" MEANS THE OFFICE OF FIRE PREVENTION AND CONTROL
25 ESTABLISHED BY ARTICLE SIX-C OF THIS CHAPTER.

26 26. "POINT OF PRIVATE SERVICE" MEANS THE POINT AT WHICH THE PRIVATE
27 UNDERGROUND PIPING FOR A WATER-BASED FIRE PROTECTION SYSTEM USING WATER
28 AS THE EXTINGUISHING AGENT BECOMES USED FOR THE WATER-BASED FIRE
29 PROTECTION SYSTEM.

30 27. "REPAIR" MEANS ANY WORK ON A SYSTEM AFTER THE INITIAL INSTALLATION
31 TO REPLACE, CORRECT AND MAINTAIN THE SYSTEM TO PROVIDE PERFORMANCE AS
32 ORIGINALLY DESIGNED.

33 28. "RESPONSIBLE MANAGING EMPLOYEE" OR "RME" MEANS AN INDIVIDUAL
34 CERTIFIED BY THE OFFICE AND A FULL TIME EMPLOYEE OF THE WATER-BASED FIRE
35 PROTECTION COMPANY AND DESIGNATED AS THE WATER-BASED FIRE PROTECTION
36 COMPANY'S QUALIFIER TO DO BUSINESS AS A WATER-BASED FIRE PROTECTION
37 CONTRACTING COMPANY. THE RME ON A FULL TIME BASIS SUPERVISES THAT EACH
38 SYSTEM IS INSTALLED, INSPECTED, TESTED, AND MAINTAINED IN COMPLIANCE
39 WITH STATE CODE AND NATIONALLY ACCEPTED WATER-BASED FIRE PROTECTION
40 STANDARDS AS ADOPTED BY THE STATE. AN RME MAY SERVE TO QUALIFY ONLY ONE
41 CONTRACTOR BUSINESS LOCATION. THE RME MAY QUALIFY UP TO TWO SEPARATE
42 WATER-BASED FIRE SPRINKLER COMPANIES THAT OPERATE IN THE SAME PHYSICAL
43 BUSINESS LOCATION AND PHYSICAL ADDRESS PROVIDED THAT THE CONTROLLING
44 BUSINESS PRINCIPAL MAINTAINS BOTH CONTRACTOR LICENSES OF ANY CLASS FOR
45 BOTH BUSINESSES ALONG WITH ALL OTHER REQUIREMENTS WITHIN THIS ARTICLE AT
46 ONE LOCATION.

47 29. "SUPERVISE" OR "SUPERVISION" MEANS THE DIRECTION, MANAGEMENT, AND
48 OVERSIGHT BY A CERTIFIED RME OF THE ACTIVITIES OF NON-CERTIFIED PERSON-
49 NEL IN THE LAYOUT, INSTALLING, REPAIRING, INSPECTING, TESTING, OR MAIN-
50 TAINING REPAIR OF ANY WATER-BASED FIRE PROTECTION SYSTEM. HOWEVER, IT IS
51 NOT THE INTENTION THAT SUPERVISION REQUIRES THE RME TO HAVE TO BE AT THE
52 SITE OF EACH LAYOUT, INSTALLATION, REPAIR, INSPECTION, TEST, OR MAINTE-
53 NANCE OF THE WATER-BASED FIRE PROTECTION SYSTEMS AT ALL TIMES.

54 30. "TESTING" MEANS A PROCEDURE USED TO DETERMINE THE STATUS OF A

55 SYSTEM AS INTENDED BY CONDUCTING PERIODIC PHYSICAL CHECKS ON WATER-BASED
56 FIRE PROTECTION SYSTEMS SUCH AS WATER-FLOW TESTS, FIRE PUMP TESTS, ASSO-
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1 CIATED ALARM TESTS, AND TRIP TESTS OF DRY PIPE, DELUGE, OR PREACTION
2 VALVES, FOR COMPARISONS WITH THE ORIGINAL ACCEPTANCE TEST.

3 31. "TO ENGAGE IN THE BUSINESS OF LAYOUT, INSTALLING, REPAIRING,
4 INSPECTING, TESTING, OR MAINTAINING WATER-BASED FIRE PROTECTION SYSTEMS"
5 MEANS AND REFERS TO A NEW YORK STATE LICENSED WATER-BASED FIRE
6 PROTECTION CONTRACTOR THAT HOLDS ITSELF OUT DIRECTLY OR INDIRECTLY, AS
7 BEING ABLE, OR WHO OFFERS OR UNDERTAKES, BY ANY MEANS OR METHOD, TO
8 LAYOUT, INSTALL, REPAIR, INSPECT, TEST, OR MAINTAIN A WATER-BASED FIRE
9 PROTECTION SYSTEM.

10 32. "WATER-BASED FIRE PROTECTION CONTRACTOR" CLASSES:

11 (A) "CONTRACTOR I" OR "WATER-BASED FIRE PROTECTION SYSTEMS CONTRACTOR"
12 MEANS A BUSINESS ENTITY THAT OFFERS TO UNDERTAKE OR REPRESENTS ITSELF AS
13 BEING ABLE TO UNDERTAKE, OR DOES UNDERTAKE THE LAYOUT, INSTALLING,
14 REPAIRING, INSPECTING, TESTING, OR MAINTAINING ALL TYPES OF WATER-BASED
15 FIRE PROTECTION SYSTEMS AND COMPONENTS. TYPES OF SYSTEMS INCLUDE BUT ARE
16 NOT LIMITED TO LAND BASED AND MARINE APPLICATIONS OF FIRE SPRINKLER,
17 STANDPIPE AND HOSE, FIXED WATER SPRAY, AND FOAM FIRE PROTECTION SYSTEMS.
18 MULTI-PURPOSE NFPA 13R FIRE SPRINKLER SYSTEM LAYOUT, INSTALLATION,
19 SERVICE, REPAIR, INSPECTION, TEST, OR MAINTENANCE SHALL REQUIRE A
20 CONTRACTOR I OR III LICENSE AND MEET ALL REQUIREMENTS CONTAINED IN THIS
21 ARTICLE REGARDLESS OF AND IN ADDITION TO ANY OTHER POTABLE WATER PROFES-
22 SIONAL OR TRADE REQUIREMENTS, CERTIFICATIONS OR LICENSURES REQUIRED BY
23 THE STATE.

24 (B) "CONTRACTOR II" OR "WATER-BASED FIRE PROTECTION SYSTEMS INSPECTION
25 CONTRACTOR" MEANS A BUSINESS ENTITY THAT IS LIMITED TO THE EXECUTION OF
26 CONTRACTS REQUIRING THE ABILITY FOR INSPECTION AND TESTING ALONG WITH
27 MINOR MAINTENANCE OF LAND-BASED AND MARINE WATER-BASED FIRE PROTECTION
28 SYSTEMS. CONTRACTOR II INSPECTORS SHALL MEET NICET II REQUIREMENTS FOR
29 INSPECTION AND TESTING OF WATER-BASED SYSTEMS. REPAIRS MAY BE PERFORMED
30 BY THIS CLASS TO THE LIMIT OF REPLACING DEFICIENT PARTS WITHOUT BEING
31 CONSIDERED AN ALTERATION OR CHANGE IN THE ORIGINAL SYSTEM.

32 (C) "CONTRACTOR III" OR "FIRE SPRINKLER SYSTEM CONTRACTOR" MEANS A
33 BUSINESS ENTITY THAT OFFERS TO UNDERTAKE OR REPRESENTS ITSELF AS BEING
34 ABLE TO UNDERTAKE, OR DOES UNDERTAKE THE LAYOUT, INSTALLING, REPAIRING,
35 INSPECTING, TESTING, OR MAINTAINING ALL TYPES OF WATER-BASED FIRE
36 PROTECTION SYSTEMS AND COMPONENTS WITH THE EXCEPTION OF FOAM SYSTEMS.
37 TYPES OF SYSTEMS INCLUDE LAND BASED AND MARINE APPLICATIONS OF FIRE
38 SPRINKLER, STANDPIPE AND HOSE AND FIXED WATER SPRAY. MULTI-PURPOSE NFPA
39 13R FIRE SPRINKLER SYSTEM LAYOUT, INSTALLATION, SERVICE, REPAIR,
40 INSPECTION, TEST, OR MAINTENANCE SHALL REQUIRE A CONTRACTOR I OR III
41 LICENSE AND MEET ALL REQUIREMENTS CONTAINED IN THIS ARTICLE REGARDLESS
42 OF AND IN ADDITION TO ANY OTHER POTABLE WATER PROFESSIONAL OR TRADE
43 REQUIREMENTS, CERTIFICATIONS OR LICENSURES REQUIRED BY THE STATE.

44 (D) "CONTRACTOR IV" OR "NFPA 13D FIRE SPRINKLER CONTRACTOR FOR DWELL-
45 INGS" MEANS A BUSINESS ENTITY THAT OFFERS TO UNDERTAKE OR REPRESENTS
46 ITSELF AS BEING ABLE TO UNDERTAKE, OR DOES UNDERTAKE THE LAYOUT,
47 INSTALLING, SERVICING, REPAIRING, INSPECTING, TESTING, OR MAINTAINING OF
48 ONE- AND TWO-FAMILY DWELLINGS AND MANUFACTURED HOUSING WATER-BASED FIRE
49 PROTECTION SYSTEMS AND WHOSE SCOPE OF BUSINESS IS LIMITED TO THE SCOPE
50 OF APPLICATION OF THE NFPA 13D STANDARD FOR THE INSTALLATION OF SPRIN-
51 KLER SYSTEMS IN ONE- AND TWO-FAMILY DWELLINGS AND MANUFACTURED HOMES.
52 MULTI-PURPOSE NFPA 13D FIRE SPRINKLER SYSTEM LAYOUT, INSTALLATION,
53 SERVICE, REPAIR, INSPECTION, TEST, OR MAINTENANCE SHALL REQUIRE A
54 CONTRACTOR IV LICENSE AND MEET ALL REQUIREMENTS CONTAINED IN THIS ARTI-

55 CLE REGARDLESS OF AND IN ADDITION TO ANY OTHER POTABLE WATER PROFES-
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1 SIONAL OR TRADE REQUIREMENTS, CERTIFICATIONS OR LICENSURES REQUIRED BY
2 THE STATE.

3 33. "WATER-BASED FIRE PROTECTION CONTRACTOR BUSINESS LICENSE" MEANS A
4 LICENSE ISSUED BY THE OFFICE TO A BUSINESS ENTITY TO OPERATE AS A
5 WATER-BASED FIRE PROTECTION CONTRACTOR.

6 34. "WATER-BASED FIRE PROTECTION SYSTEM" IS A SYSTEM INDIVIDUALLY
7 DESIGNED TO PROTECT THE INTERIOR OR EXTERIOR OF A SPECIFIC BUILDING,
8 STRUCTURE, OR OTHER HAZARD FROM FIRE, WHETHER LAND-BASED OR MARINE. SAID
9 SYSTEM BEGINS AT THE POINT OF PRIVATE SERVICE AS DEFINED IN THIS ARTICLE
10 AND ENDS AT THE MOST REMOTE SUPPRESSION DEVICE. SUCH SYSTEMS INCLUDE,
11 BUT ARE NOT LIMITED TO, WATER FIRE SPRINKLER SYSTEMS, WATER SPRAY
12 SYSTEMS, FOAM-WATER SPRINKLER SYSTEMS, FOAM-WATER SPRAY SYSTEMS, AND
13 FOAM EXTINGUISHING SYSTEMS USED FOR FIRE PROTECTION. SUCH SYSTEMS ALSO
14 INCLUDE ANY OVERHEAD AND PRIVATE UNDERGROUND FIRE MAINS, FIRE HYDRANTS
15 ATTACHED THERETO, STANDPIPES AND HOSES CONNECTED TO FIRE SPRINKLER
16 SYSTEMS, FIRE SPRINKLER TANK HEATERS, AIR LINES, THERMAL SYSTEMS USED IN
17 CONNECTION WITH FIRE SPRINKLER SYSTEMS, AND TANKS AND PUMPS CONNECTED TO
18 FIRE SPRINKLER SYSTEMS AND INSTALLED IN ACCORDANCE WITH APPLICABLE CODES
19 OF THE STATE OF NEW YORK AND THE RECOGNIZED NFPA STANDARDS.

20 35. "YEARS EXPERIENCE" MEANS PROOF OF EMPLOYMENT BASED ON TWO THOUSAND
21 HOURS PER YEAR IN THE BUSINESS OF WATER-BASED FIRE PROTECTION. EARNED,
22 PAID TIME FOR LEAVE SUCH AS VACATION, SICK OR PERSONAL DAYS SHALL NOT
23 COUNT AGAINST THE TWO THOUSAND HOURS.

24 S 178-A. CONTRACTOR LICENSE AND RME CERTIFICATE REQUIREMENTS; SCOPE OF
25 PRACTICE; PENALTIES FOR NON-COMPLIANCE. 1. (A) IT IS UNLAWFUL FOR ANY
26 ORGANIZATION, BUSINESS, OR INDIVIDUAL TO ENGAGE IN THE BUSINESS OF
27 LAYOUT, INSTALLING, SERVICING, REPAIRING, INSPECTING, TESTING, OR MAIN-
28 TAINING OF A WATER-BASED FIRE PROTECTION SYSTEM, ACT IN THE CAPACITY OF
29 A WATER-BASED FIRE PROTECTION CONTRACTOR, OR ADVERTISE ITSELF AS BEING A
30 WATER-BASED FIRE PROTECTION CONTRACTOR WITHOUT HAVING BEEN DULY LICENSED
31 AND HOLDING A VALID AND EXISTING LICENSE, EXCEPT AS OTHERWISE PROVIDED
32 IN THIS ARTICLE. THE HOLDER OF AN RME CERTIFICATE USED TO QUALIFY AN
33 ORGANIZATION MUST BE A FULL TIME EMPLOYEE OF THE QUALIFIED ORGANIZATION
34 OR BUSINESS. A CERTIFICATE HOLDER WHO IS EMPLOYED BY MORE THAN ONE
35 WATER-BASED FIRE PROTECTION CONTRACTOR DURING THE SAME PERIOD OF TIME
36 SHALL NOT BE THE QUALIFYING CERTIFICATE HOLDER FOR MORE THAN ONE WATER-
37 BASED FIRE PROTECTION CONTRACTOR.

38 (B) THE OFFICE SHALL REVOKE, FOR A PERIOD OF TIME DETERMINED BY THE
39 OFFICE, THE RME CERTIFICATE WHEN AN RME MAKES USE OR ALLOWS THE USE OF
40 THE CERTIFICATE TO QUALIFY A COMPANY OF WHICH THE CERTIFICATE HOLDER IS
41 NOT A FULL-TIME EMPLOYEE.

42 (C) WITHIN TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ARTICLE, A
43 CONTRACTOR WHO PERFORMS WATER-BASED FIRE PROTECTION SYSTEMS WORK IN THIS
44 STATE MUST HAVE IN ITS EMPLOY ONE CERTIFIED RME AT EACH LOCATION WHERE
45 LAYOUT OF WATER-BASED FIRE PROTECTION SYSTEMS SHOP DRAWINGS IS
46 PERFORMED. THIS INCLUDES WATER-BASED FIRE PROTECTION SYSTEMS CONTRACTORS
47 BASED IN OTHER STATES, NEW YORK CITY, SUFFOLK COUNTY AND NASSAU COUNTY
48 FOR WORK PERFORMED IN AREAS AFFECTED BY THIS ARTICLE.

49 (D) NOTHING IN THIS SECTION SHALL PROHIBIT AN EMPLOYEE ACTING ON
50 BEHALF OF GOVERNMENTAL ENTITIES OR INSURANCE PROVIDERS FROM INSPECTING
51 AND ENFORCING STATE LAW OR REGULATIONS, PROVIDED SUCH EMPLOYEE IS ACTING
52 SOLELY ON BEHALF OF ITS EMPLOYER. ALL FIRE PROTECTION CERTIFICATES AND
53 LICENSES REQUIRED BY THIS ARTICLE AND ISSUED BY THE OFFICE SHALL HAVE
54 STATEWIDE APPLICATION AND LOCAL GOVERNMENTAL ENTITIES ARE PROHIBITED
55 FROM ESTABLISHING AND IMPOSING MORE OR LESS STRINGENT STANDARDS ON STATE

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1 CERTIFIED OR LICENSED WATER-BASED FIRE PROTECTION CONTRACTORS OR ITS
2 EMPLOYEES.

3 (E) LOCAL GOVERNMENTS SHALL NOT REQUIRE A BUSINESS CERTIFICATE OF A
4 LICENSED WATER-BASED FIRE PROTECTION CONTRACTOR, ITS RME OR ITS EMPLOY-
5 EES UNLESS THE COMPANY MAINTAINS AN OFFICE WITHIN SUCH LOCAL GOVERN-
6 MENT'S JURISDICTION.

7 2. WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS ARTICLE, NO PERSON OR
8 BUSINESS ENTITY SHALL ENGAGE IN THE BUSINESS OF LAYOUT, INSTALLING,
9 SERVICING, REPAIRING, INSPECTING, TESTING, OR MAINTAINING WATER-BASED
10 FIRE PROTECTION SYSTEMS BEGINNING AT THE POINT OF SERVICE AS DEFINED IN
11 THIS ARTICLE TO THE MOST REMOTE PARTS OF THE SYSTEM OR HOLD HIMSELF OR
12 HERSELF OUT AS BEING ABLE SO TO DO UNLESS HE OR SHE IS LICENSED AND
13 CERTIFIED PURSUANT TO THIS ARTICLE. NOTHING IN THIS ARTICLE SHALL
14 PROHIBIT A PROPERLY LICENSED BUSINESS ENTITY IN ACCORDANCE WITH THE
15 PROVISIONS OF THIS ARTICLE FROM EMPLOYING INDIVIDUALS INCLUDING LICENSED
16 JOURNEYPERSONS AND APPRENTICES TO ASSIST IN THE LAYOUT, INSTALLING,
17 SERVICING, REPAIRING, INSPECTING, TESTING, OR MAINTAINING OF WATER-BASED
18 FIRE PROTECTION SYSTEMS AND SAID LICENSE HOLDER SHALL BE RESPONSIBLE FOR
19 THE PROPER LAYOUT, INSTALLING, SERVICING, REPAIRING, INSPECTING, TEST-
20 ING, OR MAINTAINING OF WATER-BASED FIRE PROTECTION SYSTEMS.

21 3. WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THIS ARTICLE, THE OFFICE
22 SHALL REQUIRE NICET, SUB-FIELD OF INSPECTION AND TESTING OF FIRE
23 PROTECTION SYSTEMS LEVEL II AS PROOF THAT THE INSPECTORS ARE KNOWLEDGE-
24 ABLE ABOUT NATIONALLY ACCEPTED STANDARDS FOR THE INSPECTION, TESTING,
25 AND MAINTENANCE OF WATER-BASED FIRE PROTECTION SYSTEMS.

26 4. WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS ARTICLE, NO PERSON OR
27 BUSINESS SHALL ENGAGE IN THE BUSINESS OF LAYOUT, INSTALLING, SERVICING,
28 REPAIRING, INSPECTING, TESTING, OR MAINTAINING A WATER-BASED FIRE
29 PROTECTION SYSTEM FOR ONE- AND TWO-FAMILY DWELLINGS OR MANUFACTURED
30 HOUSING WITHIN THIS STATE, EXEMPTING NEW YORK CITY, SUFFOLK COUNTY AND
31 NASSAU COUNTY, UNLESS LICENSED AS A WATER-BASED FIRE PROTECTION CONTRAC-
32 TOR I OR CONTRACTOR IV IN THIS STATE.

33 5. WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS ARTICLE, THE CONTRAC-
34 TOR I, CONTRACTOR III, OR CONTRACTOR IV, WHO INSTALLS THE UNDERGROUND
35 PIPING FROM THE POINT OF SERVICE AS DEFINED IN THIS ARTICLE IS RESPONSI-
36 BLE FOR COMPLETING THE INSTALLATION TO THE ABOVEGROUND CONNECTION
37 FLANGE, WHICH BY DEFINITION IN THIS ARTICLE IS NO MORE THAN THREE FEET
38 ABOVE THE FINISHED FLOOR, BEFORE COMPLETING THE CONTRACTOR'S MATERIAL
39 AND TEST CERTIFICATE FOR UNDERGROUND PIPING DOCUMENT. ABOVEGROUND
40 CONTRACTORS MAY NOT COMPLETE THE CONTRACTOR'S MATERIAL AND TEST CERTIF-
41 ICATE FOR UNDERGROUND PIPING DOCUMENT FOR UNDERGROUND PIPING OR PORTIONS
42 THEREOF WHICH HAVE BEEN INSTALLED BY OTHERS.

43 6. RETROFITTING OF A BACKFLOW DEVICE ON AN EXISTING WATER-BASED FIRE
44 PROTECTION SYSTEM WILL CAUSE A REDUCTION IN AVAILABLE WATER PRESSURE AND
45 MAY CREATE SYSTEM MALFUNCTION. THE DEVELOPMENT OF ABOVEGROUND FIRE
46 PROTECTION SYSTEM HYDRAULIC CALCULATIONS IS A TASK OF THE CONTRACTOR I,
47 AS DEFINED IN THIS ARTICLE. ACCORDINGLY, A CONTRACTOR I SHALL BE
48 CONTRACTED TO INSPECT AND RECALCULATE THE SYSTEM AND TAKE CORRECTIVE
49 ACTIONS TO ENSURE THAT THE SYSTEM WILL FUNCTION WITH THE AVAILABLE WATER
50 SUPPLY BEFORE RETROACTIVELY INSTALLING ANY CROSS-CONTAMINATION OR BACK-
51 FLOW DEVICE UPON ANY EXISTING WATER-BASED FIRE PROTECTION SYSTEMS.

52 7. A WATER-BASED FIRE PROTECTION CONTRACTOR LICENSED UNDER THIS ARTI-
53 CLE SHALL NOT:

54 (A) ENTER INTO A WRITTEN OR ORAL AGREEMENT TO AUTHORIZE, OR OTHERWISE
55 KNOWINGLY ALLOW A CONTRACTOR WHO IS NOT LICENSED PURSUANT TO THIS ARTI-
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8

1 CLE TO ENGAGE IN THE BUSINESS OF, OR ACT IN THE CAPACITY OF, A
 2 WATER-BASED FIRE PROTECTION CONTRACTOR; OR
 3 (B) APPLY FOR OR OBTAIN A CONSTRUCTION PERMIT FOR WATER-BASED FIRE
 4 PROTECTION WORK UNLESS THE WATER-BASED FIRE PROTECTION CONTRACTOR OR THE
 5 BUSINESS ORGANIZATION QUALIFIED BY THE WATER-BASED FIRE PROTECTION
 6 CONTRACTOR HAS CONTRACTED TO CONDUCT THE WORK SPECIFIED IN THE APPLICA-
 7 TION FOR THE PERMIT.
 8 8. ANY PERSON WHO VIOLATES ANY PROVISION OF THIS ARTICLE OR COMMITS
 9 ANY OF THE ACTS CONSTITUTING CAUSE FOR DISCIPLINARY ACTION AS SET FORTH
 10 IN THIS ARTICLE IS GUILTY OF A MISDEMEANOR, PUNISHABLE AS PROVIDED IN
 11 THIS ARTICLE.
 12 9. IN ADDITION TO THE PENALTIES OTHERWISE PROVIDED IN THIS ARTICLE, A
 13 WATER-BASED FIRE PROTECTION CONTRACTOR LICENSED PURSUANT TO THIS ARTICLE
 14 WHO VIOLATES ANY PROVISION OF THIS SECTION OR WHO COMMITS ANY ACT
 15 CONSTITUTING CAUSE FOR DISCIPLINARY ACTION IS SUBJECT TO SUSPENSION OR
 16 REVOCATION OF THE LICENSE AND ADMINISTRATIVE FINES.
 17 10. A LICENSE HOLDER HAS AN AFFIRMATIVE DUTY TO PROVIDE SUPERVISION TO
 18 EMPLOYEES AND FOR ALL BUSINESS ACTIVITIES. SUCH SUPERVISION SHALL
 19 CONSIST OF REGULAR, FREQUENT AND CONSISTENT PERSONAL GUIDANCE, INSTRU-
 20 CTION, OVERSIGHT AND SUPERINTENDENCE BY THE QUALIFYING RME OR RMES WITH
 21 RESPECT TO THE GENERAL BUSINESS CONDUCTED BY THE FIRM AND ALL MATTERS
 22 RELATING THERETO.
 23 11. (A) THE LICENSE HOLDER SHALL EMPLOY APPRENTICES WHO HAVE SUCCESS-
 24 FULLY ENROLLED IN A NEW YORK STATE REGISTERED OR A UNITED STATES DEPART-
 25 MENT OF LABOR RECOGNIZED FIRE SPRINKLER FITTER APPRENTICESHIP PROGRAM.
 26 (B) NOTWITHSTANDING ANY MORATORIUM ON APPRENTICESHIP TRAINING PROGRAMS
 27 THAT MAY BE IMPOSED BY ANY STATE AGENCY OR BOARD, ON THE EFFECTIVE DATE
 28 OF THIS ARTICLE, FIRE SPRINKLER FITTER APPRENTICESHIP TRAINING PROGRAMS
 29 APPROVED BY THE UNITED STATES DEPARTMENT OF LABOR SHALL BE APPROVED AND
 30 ACCEPTED BY ALL STATE AGENCIES.
 31 12. NOTHING IN THIS ARTICLE SHALL PROHIBIT A PRINCIPAL OF A GIVEN
 32 BUSINESS ENTITY FROM QUALIFYING AS THAT BUSINESS ENTITY'S RME AS LONG AS
 33 THE PRINCIPAL MEETS ALL THE QUALIFIERS.
 34 13. LICENSES ISSUED TO CONTRACTORS AND CERTIFICATES ISSUED TO RMES
 35 SHALL START WITH AN OBVIOUS IDENTIFIER DIGIT FOR EASE OF IDENTIFICATION
 36 BY FIELD STAFF OF THE OFFICE AS WELL AS CODE ENFORCEMENT OFFICIALS AT
 37 ALL LEVELS AND OTHER INTERESTED PARTIES.
 38 (A) CLASS I LICENSES SHALL START WITH "1"
 39 (B) CLASS II LICENSES SHALL START WITH "2"
 40 (C) CLASS III LICENSES SHALL START WITH "3"
 41 (D) CLASS IV LICENSES SHALL START WITH "4"
 42 (E) RME CERTIFICATION NUMBERS SHALL START WITH "R"
 43 (F) FUTURE CLASSIFICATIONS WILL ALSO HAVE A READILY IDENTIFIABLE FIRST
 44 DIGIT FOR THE CLASS AS NOTED ABOVE AND IN OTHER SECTIONS OF THIS ARTI-
 45 CLE.
 46 14. LICENSE APPLICABILITY OVERVIEW:
 47 FUNCTION CLASS I CLASS II CLASS III CLASS IV
 48 INSPECT ALL ALL WATER 13D
 49 TEST ALL ALL WATER 13D
 50 MAINTAIN ALL WATER 13D
 51 INSTALL ALL WATER 13D
 52 REPAIR ALL WATER 13D
 53 MODIFY ALL WATER 13D
 54 15. THE PROPER APPLICATION OF THE REFERENCED WATER-BASED FIRE
 55 PROTECTION SYSTEM INSPECTION, TESTING, AND MAINTENANCE STANDARD REQUIRES
 56 ONE WITH SPECIAL KNOWLEDGE AND CERTIFICATION AS REQUIRED HEREIN. THE ACT
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1 OF OPENING AND CLOSING VALVES AND OTHER ACTIONS NECESSARY TO ENSURE
2 SYSTEM READINESS THEREFORE REQUIRES SPECIAL SKILLS AND KNOWLEDGE; AN
3 UNTRAINED PERSON COULD CAUSE A COSTLY SYSTEM TRIP. ACCORDINGLY, THE
4 POINT OF CONNECTION FOR FIRE ALARM SIGNALING DEVICES IS THE POINT OF
5 CONNECTION ON THE INITIATING DEVICE. IT IS THE INTENT THAT ALARM
6 CONTRACTORS BE PROHIBITED FROM AND ONLY THE APPROPRIATE WATER-BASED FIRE
7 PROTECTION LICENSE HOLDERS OPENING VALVES OR FLOWING WATER IN
8 WATER-BASED FIRE PROTECTION SYSTEMS AND THAT TESTING THE WIRES FROM THE
9 POINT OF CONNECTION BACK TO THE MONITORING DEVICES IS THE SCOPE OF PRAC-
10 TICE OF AN ALARM TECHNICIAN. THE WATER-BASED SYSTEM INSPECTOR EMPOWERED
11 TO TEST THE FIRE SUPPRESSION SYSTEM PURSUANT TO THIS ARTICLE IS RESPON-
12 SIBLE TO FLOW WATER AND RESET THE ALARM PANEL WHEN FLOW AND TAMPER INDI-
13 CATORS REPORT. IT IS THE INTENT THAT AN ALARM LICENSE IS NOT REQUIRED TO
14 PERFORM THIS PORTION OF INSPECTION, TESTING, AND MAINTENANCE.

15 S 178-B. POWERS OF THE OFFICE OF FIRE PREVENTION AND CONTROL. IN ADDI-
16 TION TO THE POWERS AND DUTIES OTHERWISE PRESCRIBED IN THIS ARTICLE, THE
17 OFFICE SHALL HAVE THE POWER:

18 1. TO APPOINT AN ADEQUATE NUMBER OF ASSISTANTS, INSPECTORS AND OTHER
19 EMPLOYEES AS MAY BE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ARTI-
20 CLE, TO PRESCRIBE THEIR DUTIES, AND TO FIX THEIR COMPENSATION WITHIN THE
21 AMOUNT APPROPRIATED THEREFOR.

22 2. TO EXAMINE THE QUALIFICATIONS AND FITNESS OF APPLICANTS FOR CERTIF-
23 ICATES AND LICENSES UNDER THIS ARTICLE.

24 3. TO KEEP RECORDS OF ALL CERTIFICATES AND LICENSES ISSUED, SUSPENDED
25 OR REVOKED AND PUBLISH SUCH CERTIFICATION AND LICENSURE INFORMATION ON A
26 WEBSITE ACCESSIBLE BY THE PUBLIC.

27 4. TO PREPARE A MANUAL OF RULES AND REGULATIONS FOR THE LICENSURE
28 PROCESS OF WATER-BASED FIRE PROTECTION CONTRACTORS AND TO PUBLISH SUCH
29 INFORMATION ON A WEBSITE ACCESSIBLE BY THE PUBLIC.

30 5. TO ADOPT SUCH RULES AND REGULATIONS NOT INCONSISTENT WITH THE
31 PROVISIONS OF THIS ARTICLE, AS MAY BE NECESSARY WITH RESPECT TO THE FORM
32 AND CONTENT OF APPLICATIONS FOR CERTIFICATES, LICENSES, AND THE RECEP-
33 TION THEREOF, THE INVESTIGATION AND EXAMINATION OF APPLICANTS AND THEIR
34 QUALIFICATIONS, AND THE OTHER MATTERS INCIDENTAL OR APPROPRIATE TO HIS
35 OR HER POWERS AND DUTIES AS PRESCRIBED BY THIS ARTICLE AND FOR THE PROP-
36 ER ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS OF THIS ARTICLE, AND
37 TO AMEND OR REPEAL ANY OF SUCH RULES AND REGULATIONS.

38 6. THE STATE FIRE ADMINISTRATOR SHALL ESTABLISH THE NEW YORK FIRE
39 PREVENTION ADVISORY COUNCIL AND HAVE ITS FIRST MEETING WITHIN NINETY
40 DAYS OF THE EFFECTIVE DATE OF THIS ARTICLE COMPOSED OF NINE MEMBERS AS
41 FOLLOWS:

42 (A) THE STATE FIRE ADMINISTRATOR OR HIS OR HER DESIGNEE;

43 (B) THE DIRECTOR OF THE DIVISION OF CODES ENFORCEMENT AND ADMINIS-
44 TRATION OR HIS OR HER DESIGNEE;

45 (C) TWO FIRE SPRINKLER FITTER REPRESENTATIVES APPOINTED BY THE PRESI-
46 DENT OF THE NEW YORK PIPE TRADES RESIDING IN SEPARATE GEOGRAPHICAL AREAS
47 OF NEW YORK STATE;

48 (D) TWO PERSONS APPOINTED BY THE PRESIDENT OF THE NFSA REPRESENTING
49 BUSINESSES SHALL BE FROM DIFFERENT GEOGRAPHICAL AREAS OF THIS STATE WHO
50 HAVE BEEN ACTIVELY ENGAGED IN THE BUSINESS OF LAYOUT, INSTALLING,
51 INSPECTING, TESTING, SERVICING, ALTERING, OR MAINTAINING WATER-BASED
52 FIRE PROTECTION SYSTEMS FOR AT LEAST FIVE YEARS IMMEDIATELY PRIOR TO
53 THEIR APPOINTMENT;

54 (E) THE NFSA REGIONAL MANAGER REPRESENTING NEW YORK; AND

55 (F) TWO NEW YORK LICENSED PROFESSIONAL ENGINEERS. PROFESSIONAL ENGI-
56 NEERS IN THE FIRE PROTECTION DISCIPLINE WILL HAVE PRIORITY.

1 7. THE CHAIR OF THE ADVISORY COUNCIL SHALL BE THE STATE FIRE ADMINIS-
2 TRATOR.

3 8. THE ADVISORY COUNCIL SHALL ACT IN A CAPACITY TO DIRECT THE OFFICE
4 IN ADMINISTRATION OF THE REQUIREMENTS ESTABLISHED IN THIS ARTICLE. THE
5 ADVISORY COUNCIL SHALL MEET AT LEAST QUARTERLY BUT MAY MEET MORE OFTEN
6 AS THE NEED PRESENTS ITSELF. THE FIRST MEETING SHALL BE WITHIN NINETY
7 DAYS OF THE EFFECTIVE DATE OF THIS ARTICLE. THE ADVISORY COUNCIL SHALL
8 HAVE THE AUTHORITY TO REVIEW COMPLAINTS AND DISPUTED ADMINISTRATIVE
9 ACTION AND MAKE NON-BINDING RECOMMENDATIONS FOR DISCIPLINARY ACTION TO
10 THE OFFICE AT THE REQUEST OF THE CERTIFICATE HOLDER, LICENSE HOLDER, OR
11 THE OFFICE. THE ADVISORY COUNCIL SHALL MAKE DECISIONS AND SUPPLY IN
12 WRITING TO THE OFFICE REGARDING RULES, CODES, STANDARDS, INTERPRETATIONS
13 AND TRAINING. THE ADVISORY COUNCIL MEMBERS' TERMS SHALL EXPIRE JUNE
14 THIRTIETH AND BIENNIALLY THEREAFTER. A MAJORITY OF THE BOARD INCLUDING
15 AT LEAST ONE FIRE PROTECTION CONTRACTOR AND ONE TRADE REPRESENTATIVE
16 SHALL CONSTITUTE A QUORUM TO CONDUCT BUSINESS, VOTE, AND MAKE DECISIONS.
17 NO MEMBER OF THE ADVISORY COUNCIL SHALL BE PAID A SALARY AS SUCH MEMBER,
18 BUT EACH SHALL RECEIVE NECESSARY EXPENSES WHILE ATTENDING ADVISORY COUN-
19 CIL MEETINGS AND REIMBURSEMENT, INCLUDING TRAVEL IN PERFORMANCE OF HIS
20 OR HER DUTIES.

21 9. MOTIONS SHALL NOT MOVE FORWARD WITHOUT AT LEAST ONE VOTE IN CONSEN-
22 SUS FROM EACH A SPRINKLER FITTER REPRESENTATIVE AND A BUSINESS REPRESEN-
23 TATIVE OF THE ADVISORY COUNCIL.

24 10. THE ADVISORY COUNCIL SHALL DEVELOP AND MAINTAIN FITTER TESTING FOR
25 THE PURPOSE OF LICENSURE OF JOURNEYPERSONS AND APPRENTICES WHICH SHALL
26 BE ADMINISTERED AND ENFORCED BY THE OFFICE.

27 11. IT IS EXPECTED THAT MEMBERS OF THE ADVISORY COUNCIL MAKE DUE DILI-
28 GENCE TO PARTICIPATE IN ALL SCHEDULED AND SPECIAL MEETINGS AS REQUIRED.
29 THE OFFICE SHALL MAKE MINUTES AVAILABLE AS SOON AS REASONABLY POSSIBLE
30 TO ADVISORY COUNCIL MEMBERS THAT WERE ABSENT.

31 S 178-C. NEW LICENSING AND CERTIFICATION REQUIREMENTS. 1. ACTIVE NICET
32 III CERTIFICATE HOLDERS IN "AUTOMATIC SPRINKLER SYSTEMS LAYOUT" AND
33 NICET II CERTIFICATE HOLDERS IN "SPECIAL HAZARDS" SHALL BE CONSIDERED
34 HAVING MET REQUIREMENTS FOR CONTRACTOR I.

35 2. ACTIVE NICET II CERTIFICATE HOLDERS IN "INSPECTION AND TESTING OF
36 WATER-BASED FIRE PROTECTION SYSTEMS" SHALL BE CONSIDERED HAVING MET
37 REQUIREMENTS FOR CONTRACTOR II.

38 3. ACTIVE NICET III CERTIFICATE HOLDERS IN "AUTOMATIC SPRINKLER
39 SYSTEMS LAYOUT" SHALL BE CONSIDERED HAVING MET REQUIREMENTS FOR CONTRAC-
40 TOR III.

41 4. ACTIVE NICET II CERTIFICATE HOLDERS IN "AUTOMATIC SPRINKLER SYSTEMS
42 LAYOUT" SHALL BE CONSIDERED HAVING MET REQUIREMENTS FOR CONTRACTOR IV.

43 5. AS A PREREQUISITE FOR LICENSURE AS A CONTRACTOR I THE RME APPLICANT
44 MUST BE AT LEAST TWENTY-THREE YEARS OF AGE, BE OF GOOD MORAL CHARACTER,
45 AND SHALL POSSESS FIVE YEARS' PROVEN EXPERIENCE AND PROGRESSIVE TRAINING
46 IN THE EMPLOY OF A CONTRACTOR I OR A COMBINATION OF EQUIVALENT EDUCATION
47 AND EXPERIENCE. A CONTRACTOR I SHALL MEET THE CRITERIA OF NICET III
48 CERTIFICATION IN THE SPECIFIC TECHNICAL DISCIPLINE OF "AUTOMATIC SPRIN-
49 KLER SYSTEMS LAYOUT" AS A PREREQUISITE WITH NICET "SPECIAL HAZARDS".

50 6. AS A PREREQUISITE FOR LICENSURE AS A CONTRACTOR II, THE INSPECTORS
51 MUST BE AT LEAST EIGHTEEN YEARS OF AGE AND BE OF GOOD MORAL CHARACTER.
52 AN INSPECTOR SHALL MEET THE CRITERIA FOR NICET II FOR INSPECTION AND
53 TESTING. A NICET I INSPECTOR MAY PERFORM INSPECTION AND TESTING UNDER
54 DIRECT SUPERVISION OF A NICET II INSPECTOR.

55 7. AS A PREREQUISITE FOR LICENSURE AS A CONTRACTOR III, THE RME APPLI-
56 CANT MUST BE AT LEAST TWENTY-THREE YEARS OF AGE, BE OF GOOD MORAL CHAR-

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1 ACTER, AND SHALL POSSESS FIVE YEARS' PROVEN EXPERIENCE AND PROGRESSIVE
2 TRAINING IN THE EMPLOY OF A CONTRACTOR I OR III OR A COMBINATION OF
3 EQUIVALENT EDUCATION AND EXPERIENCE. A CONTRACTOR III SHALL MEET THE
4 CRITERIA OF NICET III CERTIFICATION IN THE SPECIFIC TECHNICAL DISCIPLINE
5 OF "AUTOMATIC SPRINKLER SYSTEMS LAYOUT" AS A PREREQUISITE.

6 8. AS A PREREQUISITE FOR LICENSURE AS A CONTRACTOR IV, THE RME APPLI-
7 CANT MUST BE AT LEAST TWENTY-THREE YEARS OF AGE, BE OF GOOD MORAL CHAR-
8 ACTER, AND SHALL POSSESS FIVE YEARS' PROVEN EXPERIENCE AND PROGRESSIVE
9 TRAINING IN THE EMPLOY OF A CONTRACTOR I OR CONTRACTOR IV OR A COMBINA-
10 TION OF EQUIVALENT EDUCATION AND EXPERIENCE. AN RME QUALIFYING CONTRAC-
11 TOR IV SHALL MEET THE CRITERIA OF NICET II CERTIFICATION OR EQUIVALENT
12 IN THE SPECIFIC TECHNICAL DISCIPLINE OF AUTOMATIC SPRINKLER SYSTEMS
13 LAYOUT.

14 9. IF AN APPLICANT FOR AN ORIGINAL LICENSE, AFTER HAVING BEEN NOTIFIED
15 TO DO SO, DOES NOT SHOW PROOF OF APPLICABLE NICET CERTIFICATION FOR THE
16 CONTRACTOR CLASS BEING APPLIED FOR WITHIN ONE YEAR FROM THE DATE OF
17 FILING HIS OR HER APPLICATION, THE FEE PAID BY THE APPLICANT SHALL BE
18 FORFEITED. NEW APPLICATIONS FOR A LICENSE SHALL BE ACCOMPANIED BY ANOTH-
19 ER APPLICATION FEE FIXED BY THIS ARTICLE.

20 10. A NEW YORK STATE PROFESSIONAL ENGINEER LICENSE WITH EDUCATION AND
21 EXPERIENCE IN FIRE PROTECTION ENGINEERING MAY BE SUBSTITUTED FOR THE
22 NICET REQUIREMENTS IN THIS SECTION.

23 S 178-D. LICENSING AND CERTIFICATION REQUIREMENTS FOR EXISTING
24 CONTRACTORS. 1. (A) ANY BUSINESS ENTITY WHICH PRESENTS TO THE OFFICE
25 SATISFACTORY EVIDENCE THAT THE BUSINESS HAS BEEN ACTIVELY ENGAGED IN THE
26 PROPER CLASS OF CONTRACTING IN THE SCOPE OF THE LICENSE APPLIED FOR IN
27 LAYOUT, INSTALLING, SERVICING, REPAIRING, INSPECTING, TESTING, OR MAIN-
28 TAINING OF WATER-BASED FIRE PROTECTION SYSTEMS AS A CONTRACTOR I,
29 CONTRACTOR II, OR CONTRACTOR III WITHIN THIS STATE FOR AT LEAST FIVE
30 YEARS WITHIN THE PERIOD OF SIX YEARS IMMEDIATELY PRIOR TO THE EFFECTIVE
31 DATE OF THIS ARTICLE AND SHOW PROOF OF PROPER INSURANCE AS A WATER-BASED
32 FIRE PROTECTION CONTRACTOR WITHIN THIS STATE, SHALL BE ENTITLED TO A
33 LICENSE UNDER THIS ARTICLE. EVIDENCE OF DOING BUSINESS SHALL CONSIST OF
34 PROOF OF FIVE YEARS AS A WATER-BASED FIRE PROTECTION CONTRACTOR AND
35 PROOF OF FIVE YEARS INSURANCE IMMEDIATE TO APPLICATION AS A WATER-BASED
36 FIRE PROTECTION CONTRACTOR. PROOF OF FIVE YEARS INSURANCE SHALL INCLUDE
37 THE LATEST NCCI RATING SHEET FOR WORKERS' COMPENSATION SHOWING THE
38 APPROPRIATE CODE FOR FIRE SPRINKLER FITTERS.

39 (B) NEW BUSINESSES THAT HAVE FORMED WITHIN FIVE YEARS PRIOR TO THE
40 EFFECTIVE DATE OF THIS ARTICLE THAT PERFORM WORK IN ONE OF THE
41 WATER-BASED FIRE PROTECTION CONTRACTOR CATEGORIES PURSUANT TO THIS ARTI-
42 CLE AS AN ALTERNATIVE TO PARAGRAPH (A) OF THIS SUBDIVISION, MAY SHOW
43 PROOF OF HAVING SUCCESSFULLY COMPLETED A FIRE SPRINKLER APPRENTICESHIP
44 PROGRAM AS PROVIDED BY FIRE SPRINKLER FITTERS LOCALS OR A NATIONALLY
45 RECOGNIZED FIRE SPRINKLER ASSOCIATION, SHOW THAT THEIR BUSINESS HAS BEEN
46 IN EXISTENCE FOR LESS THAN FIVE YEARS, AND SHOW PROOF OF PROPER INSUR-
47 ANCE AS A WATER-BASED FIRE PROTECTION CONTRACTOR WITHIN THIS STATE.

48 2. (A) THIS PROVISION FOR FILING FOR A LICENSE AS AN EXISTING BUSINESS
49 ENTITY PURSUANT TO THIS ACT SHALL BE REPEALED ONE YEAR AFTER THE EFFEC-
50 TIVE DATE OF THIS ARTICLE.

51 (B) PROVISIONS ARE REPEALED TWO YEARS FROM THE EFFECTIVE DATE OF THIS
52 ARTICLE AT WHICH TIME ALL CONTRACTORS AFFECTED BY THIS ARTICLE MUST MEET
53 THE REQUIREMENTS OF THIS ARTICLE.

54 S 178-E. FIRE SUPPRESSION SPECIALISTS. 1. THE FOLLOWING CLASSES ARE
55 DEEMED SPECIALISTS:

56 (A) JOURNEYPELSON FITTER; AND

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1 (B) APPRENTICE FITTER.

2 2. THE OFFICE SHALL IMPLEMENT RULES AND REGULATIONS REGARDING THE
3 QUALIFICATIONS AND TESTING PURSUANT TO THIS ARTICLE FOR THE PURPOSES OF
4 REGISTERING SPECIALISTS.

5 3. IN ADDITION TO ANY OTHER INFORMATION REQUIRED BY THE OFFICE, THE
6 APPLICANT'S SOCIAL SECURITY NUMBER SHALL BE RECORDED ON ANY APPLICATION
7 FOR A REGISTRATION SUBMITTED PURSUANT TO THE PROVISIONS OF THIS ARTICLE.

8 4. THE OFFICE SHALL PREPARE AND ARRANGE FOR THE RECEIPT OF APPLICA-
9 TIONS FROM THOSE WHO INTEND TO PERFORM FIRE SUPPRESSION WORK WITHIN THE
10 STATE. SUCH APPLICATION SHALL BE SUFFICIENTLY DETAILED TO ENABLE THE
11 OFFICE TO DETERMINE THE PRESENCE OR ABSENCE OF AN APPLICANT'S QUALIFICA-
12 TIONS FOR A LICENSE OF A PARTICULAR CLASS. THE OFFICE MAY REQUIRE APPLI-
13 CANTS TO SUPPLY AFFIDAVITS OR OTHER DOCUMENTS ATTESTING TO THE APPLI-
14 CANT'S QUALIFICATIONS FROM PAST EMPLOYERS, OTHER FIRE SPRINKLER FITTERS,
15 ENGINEERS, AND OTHERS WITH SPECIFIC KNOWLEDGE OF THE APPLICANT'S QUALI-
16 FICATIONS. THE OFFICE MAY MAKE SUCH OTHER INQUIRIES AS IT CONSIDERS
17 NECESSARY TO DETERMINE THE QUALIFICATIONS OF THE APPLICANT. AN APPLICANT
18 EXPRESSLY CONSENTS TO SUCH INQUIRIES BY THE STATE FIRE ADMINISTRATOR OR
19 HIS OR HER DESIGNEE BY SUCH APPLICANT'S APPLICATION.

20 5. WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS ARTICLE, THE OFFICE
21 SHALL GRANT LICENSES PURSUANT TO THIS SECTION WITHOUT REQUIRING A TEST.
22 AFTER THE ONE YEAR PERIOD, THE OFFICE SHALL, IN ADDITION TO ALL OTHER
23 REQUIREMENTS UNDER THIS ARTICLE, REQUIRE EACH APPLICANT TO PASS A COMPE-
24 TENCY TEST SHOWING THAT THE APPLICANT IS KNOWLEDGEABLE IN FIRE
25 SUPPRESSION WORK PRIOR TO ISSUING ANY LICENSE PURSUANT TO THIS ARTICLE.

26 6. THE OFFICE SHALL ESTABLISH A METHOD FOR ESTABLISHING AN APPLICANT'S
27 QUALIFICATIONS, INCLUDING THE DETERMINATION OF HOW MANY HOURS OF FIRE
28 SUPPRESSION WORK THE APPLICANT HAS PERFORMED.

29 7. THE OFFICE MAY DENY THE APPLICATION OF ANY APPLICANT WHO FAILS TO
30 COMPLY WITH THE PROVISIONS OF THIS ARTICLE OR ANY RULE OR REGULATION
31 RELATING THERETO, OR WHO LACKS THE NECESSARY QUALIFICATIONS FOR A
32 LICENSE.

33 8. THE OFFICE AND ADVISORY BOARD MAY, UPON COMPLAINT OR UPON HIS OR
34 HER OWN INQUIRY, AND UPON NOTICE TO A SPECIALIST, SUSPEND OR REVOKE ANY
35 LICENSE ISSUED PURSUANT TO THIS ARTICLE IF:

36 (A) THE SPECIALIST APPLICATION AND SUPPORTING DOCUMENTATION WAS MATE-
37 RIALY FALSE OR MISLEADING REGARDING THE QUALIFICATIONS OR EXPERIENCE OF
38 THE APPLICANT; OR

39 (B) THE SPECIALIST SUBSCRIBED OR VOUCHERED FOR A MATERIALLY FALSE OR
40 MISLEADING STATEMENT BY AN APPLICANT; OR

41 (C) THE SPECIALIST UNSAFELY OR INCOMPETENTLY PERFORMED FIRE
42 SUPPRESSION WORK; OR

43 (D) THE SPECIALIST VIOLATED ANY LAW, RULE, OR REGULATION THAT WAS
44 ENACTED TO PROTECT THE CONSUMER OR THE PUBLIC AGAINST UNFAIR, UNSAFE,
45 UNLAWFUL, OR IMPROPER BUSINESS PRACTICES; OR

46 (E) THE SPECIALIST FAILS TO COMPLY WITH ANY RULE OR REGULATION OF THE
47 ADVISORY BOARD OR THE OFFICE PROMULGATED TO IMPLEMENT THE PROVISIONS OF
48 THIS ARTICLE.

49 9. ANY PERSON AGGRIEVED BY A DECISION OF THE ADVISORY BOARD OR OFFICE
50 IS ENTITLED TO JUDICIAL REVIEW AS PROVIDED IN THE CIVIL PRACTICE LAW AND
51 RULES.

52 10. ANY PERSON, FIRM, CORPORATION, OR EMPLOYEE THEREOF, OR ANY REPRE-
53 SENTATIVE, MEMBER OR OFFICER OF SUCH FIRM OR CORPORATION ENTERING OR
54 CAUSING A PERSON TO ENTER UPON OR ENGAGE IN THE BUSINESS OF PERFORMING
55 ANY FIRE SUPPRESSION WORK AS DEFINED IN THIS SECTION, WITHOUT OBTAINING
56 THE REQUIRED LICENSE OR OTHERWISE COMPLYING WITH THIS ARTICLE, IS FOR
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1 THE FIRST OFFENSE GUILTY OF A MISDEMEANOR. UPON CONVICTION THEREOF, SUCH
2 PERSON SHALL BE FINED NOT LESS THAN ONE HUNDRED DOLLARS, NOR MORE THAN
3 FIVE HUNDRED DOLLARS. FOR A SECOND AND EACH SUBSEQUENT OFFENSE, THE
4 PENALTY AND PUNISHMENT SHALL BE A FINE OF NOT LESS THAN FIVE HUNDRED
5 DOLLARS, NOR MORE THAN ONE THOUSAND DOLLARS. EACH DAY DURING WHICH FIRE
6 SUPPRESSION WORK IS PERFORMED WITHOUT THE REQUIRED LICENSE OR WHILE NOT
7 IN COMPLIANCE WITH ANY OF THE PROVISIONS OF THIS SECTION, AFTER OFFICIAL
8 NOTICE THAT SUCH WORK IS UNLAWFUL, IS A SEPARATE OFFENSE.

9 11. ANY FIRE SUPPRESSION WORK PERFORMED BY A PERSON WHICH IS DETER-
10 MINED BY THE STATE FIRE ADMINISTRATOR TO CONSTITUTE A SAFETY OR HEALTH
11 HAZARD TO MEMBERS OF THE PUBLIC, OR ANY FIRE SUPPRESSION WORK OF AN
12 EXTENSIVE NATURE BEING PERFORMED BY ANY PERSON WITHOUT THE REQUIRED
13 LICENSE OR OTHERWISE IN NONCOMPLIANCE WITH THE REQUIREMENTS OF THIS
14 ARTICLE OR CONTRARY TO AN ORDER OR RULE PROMULGATED LAWFULLY BY THE
15 OFFICE OR ADVISORY BOARD, IS SUBJECT TO BEING ISSUED A CITATION OR A
16 CIVIL ACTION IN THE NAME OF THE STATE IN THE SUPREME COURT OF THE COUNTY
17 WHERE SUCH WORK IS BEING PERFORMED FOR AN INJUNCTION AGAINST SUCH
18 PERSON, FIRM OR CORPORATION, ENJOINING SUCH WORK OR VIOLATION. A COURT
19 BY MANDATORY OR PROHIBITORY INJUNCTION MAY COMPEL COMPLIANCE WITH THE
20 PROVISIONS OF THIS ARTICLE, WITH THE LAWFUL ORDERS OF THE STATE FIRE
21 ADMINISTRATOR AND WITH ANY FINAL DECISION OF THE ADVISORY COUNCIL. THE
22 ADVISORY BOARD AND STATE FIRE ADMINISTRATOR SHALL BE REPRESENTED IN ALL
23 SUCH PROCEEDINGS BY THE ATTORNEY GENERAL OR HIS OR HER DESIGNEE.

24 12. AS OF THE EFFECTIVE DATE OF THIS ARTICLE, NO MUNICIPALITY OR COUN-
25 TY MAY REQUIRE ANY LICENSE OR EVIDENCE OF A PERSON'S COMPETENCE AS A
26 FIRE SUPPRESSION SYSTEM WORKER FROM A PERSON PURSUANT TO THIS ARTICLE AS
27 A CONDITION PRECEDENT TO PERMISSION TO PERFORM FIRE SUPPRESSION WORK
28 WITHIN THE MUNICIPALITY. THIS SHALL NOT INCLUDE A LICENSE FOR ANY WORK
29 COVERED BY ANY NATIONAL, STATE OR MUNICIPAL ELECTRICAL CODE INCLUDING
30 BUT NOT LIMITED TO PULL STATIONS, STROBES, HEAT DETECTORS, SMOKE DETEC-
31 TORS, FIRE ALARMS OR BELLS, AND ANY ELECTRICAL WIRING INCLUDING CONDUIT
32 CONNECTED TO RACEWAY CONTROL CABINETS.

33 13. THE FIRST DIGIT OF THE LICENSE IDENTIFICATION NUMBER ISSUED TO A
34 JOURNEYPERSON SHALL BE A "J".

35 14. THE FIRST DIGIT OF THE LICENSE IDENTIFICATION NUMBER ISSUED TO AN
36 APPRENTICE SHALL BE AN "A".

37 15. NO JOURNEYPERSON OR APPRENTICE SHALL HOLD HIMSELF OR HERSELF OUT
38 TO BE QUALIFIED TO INSTALL, INSPECT, TEST, OR MAINTAIN A FIRE PROTECTION
39 SYSTEM WITHOUT BEING IN THE ACTIVE EMPLOY OF A LICENSED NEW YORK STATE
40 WATER-BASED FIRE PROTECTION CONTRACTOR.

41 16. THE OFFICE MAY ISSUE A TEMPORARY LICENSE TO A FITTER PRIOR TO SUCH
42 PERSON TAKING AN EXAMINATION IF SUCH PERSON MEETS THE REQUIREMENTS OF A
43 JOURNEYPERSON FITTER AS DEFINED IN THIS ARTICLE. THE TEMPORARY LICENSE
44 SHALL ONLY BE ISSUED ONCE TO A PERSON DURING HIS OR HER LIFETIME AND
45 SHALL ONLY BE VALID FROM THE DATE OF ISSUANCE UNTIL THE DATE OF THE NEXT
46 EXAMINATION.

47 S 178-F. LICENSE: APPLICATION; INSURANCE; DISPLAY; DUPLICATES. 1.
48 AFTER A REPRESENTATIVE RME HAS SUCCESSFULLY PASSED THE DESIGNATED EXAM-
49 INATION AS PROVIDED IN THIS ARTICLE OR IF THE APPLICANT MEETS THE
50 PROVISIONS OF THIS ARTICLE, ANY BUSINESS ENTITY DESIRING A LICENSEE TO
51 ENGAGE IN THE BUSINESS OF LAYOUT, INSTALLING, INSPECTING, SERVICING,
52 ALTERING, OR MAINTAINING OF WATER-BASED FIRE PROTECTION SYSTEMS PURSUANT
53 TO THIS ARTICLE, MAY MAKE APPLICATION TO THE OFFICE THEREFOR. THE APPLI-
54 CATION SHALL BE SUBSCRIBED BY THE APPLICANT AND AFFIRMED BY HIM OR HER
55 AS TRUE UNDER THE PENALTIES OF PERJURY. THE APPLICATION SHALL BE IN
56 SUCH FORM AND SHALL CONTAIN SUCH INFORMATION RELATIVE TO THE APPLICANT
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1 AND HIS OR HER QUALIFICATIONS AS MAY BE PRESCRIBED BY THE OFFICE. EACH
2 APPLICATION SHALL BE ACCOMPANIED BY EVIDENCE OF EDUCATION, EXPERIENCE,
3 AND REQUIRED CERTIFICATIONS AS ESTABLISHED IN THIS ARTICLE PROVING THE
4 LEVEL OF CERTIFICATION FOR INSPECTION BY THE OFFICE.

5 2. ALL LICENSES SHALL BE FOR A PERIOD OF THREE YEARS.

6 3. NO LICENSE SHALL BE ASSIGNABLE OR TRANSFERABLE EXCEPT AS PROVIDED
7 IN THIS ARTICLE.

8 4. (A) A LICENSE ISSUED TO A LIMITED LIABILITY COMPANY OR CORPORATION
9 TO ENGAGE IN THE BUSINESS OF LAYOUT, INSTALLING, SERVICING, REPAIRING,
10 INSPECTING, TESTING, OR MAINTAINING OF WATER-BASED FIRE PROTECTION
11 SYSTEMS SHALL REQUIRE THAT SUCH BUSINESS BE OPERATED UNDER THE DIRECTION
12 OF AN RME OF THE LIMITED LIABILITY COMPANY OR CORPORATION, WHO SHALL BE
13 REQUIRED TO MEET THE CERTIFICATION REQUIREMENTS OF THIS ARTICLE ON
14 BEHALF OF THE LICENSE HOLDER AND WHO, IN THE CASE OF A CORPORATION,
15 SHALL NOT BE REQUIRED TO BE AN OFFICER OF THE CORPORATION. IF SUCH RME,
16 WHO SHALL HAVE MET THE REQUIREMENTS OF THIS ARTICLE, CEASES TO ACT IN
17 THE CAPACITY OF RME FOR ANY REASON WHATSOEVER, THE LICENSE HOLDER SHALL
18 NOTIFY THE OFFICE IN WRITING WITHIN FOURTEEN DAYS FROM SUCH TERMINATION
19 OR CESSATION. THE LICENSE HOLDER MAY CONTINUE TO CONDUCT THE BUSINESS OF
20 LAYOUT, INSTALLING, SERVICING, REPAIRING, INSPECTING, TESTING, OR MAIN-
21 TAINING WATER-BASED FIRE PROTECTION SYSTEMS FOR A PERIOD NOT TO EXCEED
22 SIXTY DAYS FROM THE DATE OF SUCH TERMINATION OR CESSATION. SUCH PERIOD
23 MAY BE EXTENDED UPON APPLICATION TO THE OFFICE FOR GOOD CAUSE FOR AN
24 ADDITIONAL PERIOD NOT TO EXCEED ONE HUNDRED TWENTY DAYS. BY THE END OF
25 SUCH PERIOD A NEW RME, WHO HAS MET THE CERTIFICATION REQUIREMENTS OF
26 THIS ARTICLE, MUST BE DESIGNATED ON BEHALF OF THE LICENSE HOLDER. A
27 LICENSE HOLDER MAY QUALIFY AS ONLY ONE COMPANY.

28 (B) THE LIMITED LIABILITY COMPANY OR CORPORATION SHALL BE LIABLE WITH
29 RESPECT TO ALL ACTIONS TAKEN BY ITS MEMBER, MANAGER OR MANAGING OFFICER
30 ACTING ON BEHALF OF SUCH LIMITED LIABILITY COMPANY OR CORPORATION.

31 5. (A) AS A PREREQUISITE TO ISSUANCE OF A LICENSE, THE OFFICE SHALL
32 REQUIRE THE BUSINESS ENTITY TO SUBMIT SATISFACTORY EVIDENCE THAT THE
33 COMPANY HAS OBTAINED APPROPRIATE WATER-BASED FIRE PROTECTION CONTRACTING
34 COMMERCIAL GENERAL LIABILITY INSURANCE SHOWING PROOF OF APPROPRIATE
35 COVERAGE AMOUNTS DOING BUSINESS AS DESCRIBED FOR THE APPROPRIATE
36 CONTRACTOR LEVEL BEING APPLIED FOR PURSUANT TO THIS ARTICLE WITH A MINI-
37 MUM OF ONE MILLION DOLLARS FOR CONTRACTOR I, CONTRACTOR II, CONTRACTOR
38 III, AND CONTRACTOR IV. SAID PROOF SHALL SHOW APPROPRIATE COVERAGE FOR
39 COMPREHENSIVE GENERAL LIABILITY FOR BODILY INJURY AND PROPERTY DAMAGES,
40 PRODUCT LIABILITY, COMPLETED OPERATIONS, CONTRACTUAL LIABILITY, AND
41 WORKERS' COMPENSATION. THE ADVISORY COUNCIL MAY ADOPT RULES PROVIDING
42 FOR THE MINIMAL AMOUNT OF INSURANCE FOR ALL CONTRACTOR CLASSES.

43 (B) THE WATER-BASED FIRE PROTECTION CONTRACTOR CERTIFICATE OF INSUR-
44 ANCE SHALL PROVIDE THAT THE INSURANCE SHALL NOT BE MODIFIED, CONTAIN ANY
45 MATERIAL CHANGE IN COVERAGE OR PERMIT ANY TERMINATION, NON-RENEWAL, OR
46 CANCELLATION UNLESS THIRTY DAYS' PRIOR NOTICE SHALL BE GIVEN TO THE
47 OFFICE.

48 (C) THE WATER-BASED FIRE PROTECTION CONTRACTOR CERTIFICATE OF INSUR-
49 ANCE MUST INCLUDE THE POLICY NUMBER, DATE OF EXPIRATION, AND PHYSICAL
50 ADDRESS OF EACH CONTRACTOR LOCATION IN THE STATE AND THE CONTRACTOR'S
51 OPERATION OF BUSINESS MUST BE NOTED IN THE DESCRIPTION PART OF THE
52 CERTIFICATE.

53 (D) THE "STATE OF NEW YORK" SHALL BE NAMED AS THE CERTIFICATE HOLDER.

54 (E) AN INSURER WHICH FAILS TO SO NOTIFY THE OFFICE SHALL BE SUBJECT TO
55 THE PENALTIES PROVIDED WITHIN THIS ARTICLE.

1 6. UPON SATISFACTION OF THE REQUIREMENTS OF THIS SECTION, THE LICENSE
2 SHALL BE ISSUED FORTHWITH. HOWEVER, NO LICENSE SHALL REMAIN IN EFFECT
3 IF, AFTER ISSUANCE, THE LICENSE HOLDER FAILS TO MAINTAIN ALL INSURANCE
4 COVERAGE REQUIRED BY THIS SECTION.

5 7. THE OFFICE MAY, AT ANY TIME SUBSEQUENT TO THE ISSUANCE OF THE
6 LICENSE OR ITS RENEWAL, REQUIRE, UPON DEMAND AND IN NO EVENT MORE THAN
7 THIRTY DAYS AFTER NOTICE OF THE DEMAND, THE LICENSE HOLDER TO PROVIDE
8 PROOF OF INSURANCE COVERAGE ON A FORM PROVIDED BY THE OFFICE CONTAINING
9 CONFIRMATION OF INSURANCE COVERAGE AS REQUIRED BY THIS ARTICLE. FAILURE
10 TO PROVIDE PROOF OF INSURANCE COVERAGE AS REQUIRED, FOR ANY LENGTH OF
11 TIME, SHALL RESULT IN THE IMMEDIATE SUSPENSION OF THE LICENSE UNTIL
12 PROOF OF INSURANCE IS PROVIDED TO AND ACCEPTED BY THE OFFICE.

13 8. A LICENSE TO CONDUCT THE BUSINESS OF LAYOUT, INSTALLING, SERVICING,
14 REPAIRING, INSPECTING, TESTING, OR MAINTAINING OF WATER-BASED FIRE
15 PROTECTION SYSTEMS SHALL BE CONSPICUOUSLY POSTED UPON THE PREMISES WHERE
16 THE LICENSE HOLDER IS ENGAGED IN SUCH BUSINESS.

17 9. ALL DOCUMENTS OR RECEIPTS ISSUED BY OR ON BEHALF OF A BUSINESS
18 LICENSED PURSUANT TO THIS ARTICLE MUST CONTAIN THE IDENTIFICATION NUMBER
19 ISSUED TO SUCH BUSINESS AND THE PHRASE "LICENSED BY THE N.Y. STATE
20 OFFICE OF FIRE PREVENTION & CONTROL".

21 10. ALL ADVERTISING PLACED BY A BUSINESS ENTITY LICENSED UNDER THIS
22 ARTICLE MUST CONTAIN THE FOLLOWING STATEMENT: "LICENSED BY THE N.Y.
23 STATE OFFICE OF FIRE PREVENTION & CONTROL".

24 11. A DUPLICATE LICENSE MAY BE ISSUED FOR ONE LOST, DESTROYED OR MUTI-
25 LATED UPON APPLICATION THEREFOR ON A FORM PRESCRIBED BY THE OFFICE AND
26 THE PAYMENT OF THE FEE PRESCRIBED THEREFOR BY THIS ARTICLE. EACH SUCH
27 DUPLICATE LICENSE SHALL HAVE THE WORD "DUPLICATE" CLEARLY STAMPED OR
28 WATERMARKED ACROSS THE FACE THEREOF AND SHALL BEAR THE SAME NUMBER AS
29 THE ONE IT REPLACES. ALL INFORMATION FROM THE ORIGINAL MUST BE TRANS-
30 POSED IDENTICALLY.

31 12. NOTICE IN WRITING SHALL BE GIVEN TO THE OFFICE BY THE HOLDER OF A
32 LICENSE TO CONDUCT THE BUSINESS OF LAYOUT, INSTALLING, INSPECTING,
33 SERVICING, ALTERING, OR MAINTAINING OF WATER-BASED FIRE PROTECTION
34 SYSTEMS OF ANY CHANGE IN ADDRESS OF THE BUSINESS TOGETHER WITH THE
35 RETURN OF LICENSE, WHEREUPON A PROPERLY SIGNED ENDORSEMENT WILL BE MADE
36 ON THE FACE OF THE LICENSE AS TO SUCH CHANGE AND THE LICENSE THEN
37 RETURNED TO THE LICENSE HOLDER. A CHANGE OF ADDRESS BY A LICENSE HOLDER
38 WITHOUT SUCH NOTICE AND ENDORSEMENT OF LICENSE SHALL OPERATE TO CANCEL
39 THE LICENSE.

40 13. A LICENSE TO CONDUCT THE BUSINESS OF LAYOUT, INSTALLING, SERVIC-
41 ING, REPAIRING, INSPECTING, TESTING, OR MAINTAINING OF WATER-BASED FIRE
42 PROTECTION SYSTEMS ISSUED TO A BUSINESS ENTITY MAY BE USED AFTER THE
43 DEATH OF THE CERTIFIED RME FOR A PERIOD OF NOT MORE THAN SIXTY DAYS FROM
44 THE DATE OF DEATH OF SUCH INDIVIDUAL. SUCH SIXTY DAY PERIOD MAY BE
45 EXTENDED UPON APPLICATION TO THE OFFICE AND FOR GOOD CAUSE SHOWN FOR AN
46 ADDITIONAL PERIOD NOT TO EXCEED ONE HUNDRED TWENTY DAYS.

47 S 178-G. LICENSE: RENEWAL; CONTINUING EDUCATION. 1. ANY RME CERTIF-
48 ICATE WHICH HAS NOT BEEN SUSPENDED OR REVOKED, MAY, UPON THE PAYMENT OF
49 THE RENEWAL FEE PRESCRIBED BY THIS ARTICLE, BE RENEWED FOR ADDITIONAL
50 PERIODS OF TWO YEARS FROM ITS EXPIRATION, WITHOUT FURTHER EXAMINATION,
51 UPON THE FILING OF AN APPLICATION FOR SUCH RENEWAL AND COMPLETION OF THE
52 CONTINUING EDUCATION REQUIREMENTS PURSUANT TO THIS ARTICLE, ON A FORM
53 AND WITH SUCH ADDITIONAL INFORMATION AS PRESCRIBED BY THE OFFICE TO
54 INCLUDE BUT NOT BE LIMITED TO VERIFICATION OF INSURANCE AS REQUIRED
55 PURSUANT TO THIS ARTICLE.

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1 2. A RME CERTIFICATE TO QUALIFY FOR THE CONTRACTOR I AND CONTRACTOR

2 III CLASSIFICATIONS PURSUANT TO THIS ARTICLE SHALL NOT BE RENEWED UNLESS
3 THE CERTIFICATE HOLDER PRODUCES DOCUMENTATION OF AT LEAST TWENTY-FOUR
4 CONTACT HOURS OF CONTINUING EDUCATION IN THE WATER-BASED FIRE PROTECTION
5 DISCIPLINE DURING THE BIENNIAL CERTIFICATION PERIOD.

6 3. AN RME CERTIFICATE TO QUALIFY FOR THE CONTRACTOR II CLASSIFICATION
7 AS DEFINED IN THIS ARTICLE SHALL NOT BE RENEWED UNLESS THE CERTIFICATE
8 HOLDER PRODUCES DOCUMENTATION OF AT LEAST SIXTEEN CONTACT HOURS OF
9 CONTINUING EDUCATION WITH AT LEAST FOUR OF THOSE HOURS REGARDING
10 INSPECTION AND TESTING.

11 4. AN RME CERTIFICATE TO QUALIFY FOR THE CONTRACTOR IV CLASSIFICATION
12 AS DEFINED IN THIS ARTICLE SHALL NOT BE RENEWED UNLESS THE CERTIFICATE
13 HOLDER PRODUCES DOCUMENTATION OF AT LEAST SIXTEEN CONTACT HOURS OF
14 CONTINUING EDUCATION IN THE SCOPE OF NFPA 13D AND APPROPRIATE STATE
15 REQUIRED FIRE SPRINKLER DOCUMENTS PRIOR TO RENEWAL.

16 5. THE OFFICE, THROUGH THE ADVISORY COUNCIL, SHALL DEVELOP GUIDELINES
17 FOR CONTINUING EDUCATION UNITS WHICH MAY BE OBTAINED AT MEETINGS WITH A
18 TECHNICAL SPEAKER, SEMINARS, CONFERENCES, AND WORKSHOPS, INCLUDING
19 ON-LINE EDUCATIONAL OFFERINGS WHICH PROVIDE A VERIFICATION SYSTEM OF
20 ON-LINE ATTENDANCE, DELIVERED BY RECOGNIZED INDUSTRY TRADE ASSOCIATIONS.

21 6. THE CONTACT HOURS OF CONTINUING EDUCATION MUST BE OBTAINED WITHIN
22 THE BIENNIAL CERTIFICATION PERIOD. CONTINUING EDUCATION REQUIREMENTS
23 SUCCESSFULLY OBTAINED FOR NICET RENEWAL FOR THE APPROPRIATE CLASS OF
24 CONTRACTING MAY BE USED TO MEET THE CONTINUING EDUCATION REQUIREMENTS
25 PURSUANT TO THIS SECTION.

26 7. ANY PERSON FAILING TO FILE AN APPLICATION AND FEE FOR RENEWAL OF A
27 CERTIFICATE WITHIN ONE YEAR IMMEDIATELY FOLLOWING THE EXPIRATION OF THE
28 LAST CERTIFICATE SHALL PAY AN ADDITIONAL FEE OF ONE HUNDRED DOLLARS, AND
29 IF THE RME FAILS TO FILE AN APPLICATION AND FEE FOR RENEWAL WITHIN TWO
30 YEARS HE OR SHE SHALL BE INELIGIBLE FOR SUCH CERTIFICATE UNTIL HE OR SHE
31 SHALL HAVE AGAIN MET THE REQUIREMENTS SET FORTH IN THIS ARTICLE.

32 S 178-H. INSPECTION OF FIRE PROTECTION SYSTEMS. 1. THE OFFICE SHALL
33 HAVE THE RIGHT TO INSPECT ANY FIRE PROTECTION SYSTEM DURING AND AFTER
34 CONSTRUCTION TO DETERMINE THAT SUCH SYSTEM MEETS THE STANDARDS SET FORTH
35 IN ACCORDANCE WITH SPECIFIC PROJECT REQUIREMENTS AND EXISTING STATE AND
36 FEDERAL LAW.

37 2. WATER-BASED FIRE PROTECTION SYSTEMS INSTALLED IN PUBLIC AND PRIVATE
38 PROPERTIES, EXCEPT ONE- OR TWO-FAMILY DWELLINGS, SHALL BE INSPECTED
39 FOLLOWING PROCEDURES ESTABLISHED IN THE NATIONALLY RECOGNIZED
40 INSPECTION, TESTING, AND MAINTENANCE STANDARD NFPA-25 AS SET FORTH IN
41 ARTICLE NINETEEN OF THIS CHAPTER. QUARTERLY, ANNUAL, THREE-YEAR, AND
42 FIVE-YEAR INSPECTIONS CONSISTENT WITH THE CONTRACTUAL PROVISIONS WITH
43 THE OWNER SHALL BE CONDUCTED BY THE LICENSE HOLDER'S INSPECTORS EMPLOYED
44 BY THE LICENSE HOLDER PURSUANT TO PROVISIONS OF THIS ARTICLE. THIS
45 SECTION DOES NOT PROHIBIT GOVERNMENTAL ENTITIES AND CODE ENFORCEMENT
46 OFFICIALS IN THE PERFORMANCE OF THEIR DUTIES FROM INSPECTING AND ENFORC-
47 ING STATE ADOPTED AND REFERENCED STANDARDS AND CODES.

48 3. THE INTENT OF THE WATER-BASED FIRE PROTECTION SYSTEM INSPECTOR IS
49 TO PROTECT THE PUBLIC FROM PAYING FOR SERVICES PROVIDED FROM UNQUALIFIED
50 AND UNTRAINED PERSONNEL. THE FURTHER INTENT IS TO PROVIDE AN IDENTIFICA-
51 TION SYSTEM TO HELP THE CONSUMER IDENTIFY UNLICENSED ACTIVITY. IT IS
52 UNDERSTOOD THAT SOME FIRE PROTECTION SYSTEMS MAY REQUIRE MAINTENANCE AND
53 REPAIR ACTIVITY BEYOND THE SCOPE OF PRACTICE OF THE INSPECTOR AND
54 ACCORDINGLY MAINTENANCE AND REPAIR PERSONNEL WILL WORK ON THE SYSTEM
55 WHOSE WORK TYPICALLY IS APPROVED BY THE OWNER PRIOR TO REPAIRS.

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1 4. A BUILDING OWNER OR BUILDING OWNER'S AUTHORIZED REPRESENTATIVE
2 SHALL CONTRACT WITH A NEW YORK LICENSED CONTRACTOR I, CONTRACTOR II, OR

3 CONTRACTOR III FOR THE MEANS OF SCHEDULED INSPECTION AND TESTING BEFORE
4 ANY CERTIFICATE OF OCCUPANCY IS ISSUED. THE INSPECTING CONTRACTOR SHALL
5 PROVIDE TO THE BUILDING OWNER A COPY OF THE INSPECTION REPORT ESTAB-
6 LISHED DETAILING APPLICABLE STATE CODE REQUIREMENTS AND NFPA 25 STANDARD
7 INSPECTION, TESTING, AND MAINTENANCE CRITERIA. THE MAINTENANCE OF
8 WATER-BASED FIRE PROTECTION SYSTEMS AS WELL AS CORRECTIVE ACTIONS ON
9 DEFICIENT SYSTEMS IS THE RESPONSIBILITY OF THE OWNER OF THE WATER-BASED
10 FIRE PROTECTION SYSTEM OR HYDRANT CONNECTED THERETO. IT IS RECOGNIZED
11 THAT THE INSPECTING CONTRACTOR AND THE INSTALLING CONTRACTOR MAY NOT BE
12 THE SAME. THE LIMIT OF LIABILITY OF INSPECTING CONTRACTORS SHALL BE THAT
13 OF THE DOLLAR VALUE OF THE INSPECTION, TESTING, AND MAINTENANCE
14 CONTRACT. THE INSTALLING WATER-BASED FIRE PROTECTION CONTRACTOR SHALL BE
15 REPOSED AND MAY NOT BE SUED FOR LATENT CONSTRUCTION DEFECTS, THOSE NOT
16 APPARENT BY REASONABLE INSPECTION, MORE THAN TEN YEARS AFTER SUBSTANTIAL
17 COMPLETION OF A PROJECT.

18 5. IT IS THE INTENT OF THIS ARTICLE THAT THE INSPECTIONS AND TESTING
19 OF AUTOMATIC FIRE SPRINKLER SYSTEMS FOR DETACHED ONE-FAMILY DWELLINGS,
20 DETACHED TWO-FAMILY DWELLINGS, AND MANUFACTURED HOUSING WITHIN THE SCOPE
21 OF NFPA 13D ARE ACCOMPLISHED BY THE BUILDING OWNER. THE BUILDING OWNER
22 IS FURTHER RESPONSIBLE FOR REQUESTING SERVICE FROM A LICENSED STATE
23 CONTRACTOR I OR CONTRACTOR IV WHEN ANY DEFICIENCY EXISTS. IT IS FURTHER
24 INTENDED THAT THE NFPA 25 INSPECTION OF EXPOSED UNDERGROUND PIPING
25 SUPPLYING A WATER-BASED FIRE PROTECTION SYSTEM FROM POINT OF PRIVATE
26 SERVICE BE CONDUCTED UNDER CONTROL OF A CONTRACTOR I.

27 6. MAINTENANCE OF FIRE PROTECTION SYSTEMS AS WELL AS CORRECTIVE
28 ACTIONS ON DEFICIENT SYSTEMS IS THE RESPONSIBILITY OF THE OWNER OF THE
29 SYSTEM OR PRIVATE HYDRANT. NOTWITHSTANDING INSPECTION CONTRACTS WITH
30 CONFLICTING LANGUAGE, THE OWNER OF THE FIRE PROTECTION SYSTEM OR PRIVATE
31 HYDRANT SHALL INDEMNIFY AND HOLD HARMLESS THE OTHER PARTY TO THE
32 CONTRACT AND THEIR OFFICERS AND EMPLOYEES FROM LIABILITIES, DAMAGES,
33 LOSSES AND COSTS, INCLUDING, BUT NOT LIMITED TO, REASONABLE ATTORNEYS'
34 FEES TO THE EXTENT CAUSED BY THE NEGLIGENCE, RECKLESSNESS, OR INTEN-
35 TIONAL FAILURE OF THE OWNER TO MAINTAIN OR TAKE CORRECTIVE ACTION TO
36 MAINTAIN A FIRE PROTECTION SYSTEM OR PRIVATE HYDRANT.

37 7. EFFECTIVE TWO YEARS FROM THE EFFECTIVE DATE OF THIS ARTICLE, THE
38 OFFICE SHALL REQUIRE THE NICET II "INSPECTION AND TESTING OF WATER-BASED
39 FIRE PROTECTION SYSTEMS" OR EQUIVALENT TRAINING AND EDUCATION AS DETER-
40 MINED BY THE OFFICE FOR AN RME QUALIFYING A CONTRACTOR II AS PROOF THAT
41 THEY ARE KNOWLEDGEABLE IN NATIONALLY ACCEPTED STANDARDS FOR THE
42 INSPECTION OF WATER-BASED FIRE PROTECTION SYSTEMS.

43 8. THE CONTINUING EDUCATION REQUIREMENTS FOR CONTRACTOR II RME OR RMES
44 SHALL BE SIXTEEN CONTACT HOURS DURING EACH BIENNIAL RENEWAL PERIOD. IT
45 IS THE RESPONSIBILITY OF THE CONTRACTOR II RME TO MAINTAIN NICET II
46 "INSPECTION AND TESTING OF WATER-BASED FIRE PROTECTION SYSTEMS" CERTIF-
47 ICATION AS A CONDITION OF PERMIT RENEWAL AFTER TWO YEARS OF THE EFFEC-
48 TIVE DATE OF THIS ARTICLE. CONTINUING EDUCATION REQUIREMENTS NEEDED FOR
49 NICET RENEWAL OR EQUIVALENT MAY BE USED TO MEET THE CONTINUING EDUCATION
50 REQUIREMENTS.

51 S 178-I. FEES. 1. THE FEE FOR A LICENSE TO ENGAGE IN THE BUSINESS OF
52 LAYOUT, INSTALLING, SERVICING, REPAIRING, INSPECTING, TESTING, OR MAIN-
53 TAINING OF WATER-BASED FIRE PROTECTION SYSTEMS SHALL BE TWO HUNDRED
54 DOLLARS. FOR EACH RENEWAL THEREOF, THE FEE SHALL BE ONE HUNDRED DOLLARS.

55 2. THE FEE FOR RME CERTIFICATION UNDER THIS ARTICLE SHALL BE ONE
56 HUNDRED DOLLARS.

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1 3. THE FEE FOR ISSUING A DUPLICATE CERTIFICATE OR LICENSE IN SUBSTI-
2 TUTION FOR ONE LOST, DESTROYED, OR MUTILATED SHALL BE TWENTY-FIVE

3 DOLLARS.

4 4. THE FEE FOR CHANGING A NAME OR ADDRESS SHALL BE TEN DOLLARS.

5 5. THE OFFICE MAY CHARGE A FEE NOT TO EXCEED ONE HUNDRED FIFTY DOLLARS

6 FOR THE ISSUANCE OF A SPECIALIST LICENSE.

7 6. ANY JOURNEYPERSON OR APPRENTICE LICENSES ISSUED PURSUANT TO THIS

8 ARTICLE SHALL BE VALID FOR A PERIOD OF TWO YEARS. A LICENSEE MAY RENEW

9 HIS OR HER LICENSE UPON THE PAYMENT OF A FIFTY DOLLAR RENEWAL FEE. EACH

10 RENEWAL LICENSE SHALL BE VALID FOR A TWO-YEAR PERIOD.

11 7. THE FEES SET FORTH IN THIS SECTION SHALL BE FOR CERTIFICATES AND

12 LICENSES ISSUED FOR THE CERTIFICATE OR LICENSE PERIOD OF TWO YEARS OR A

13 FRACTION OF SUCH PERIOD.

14 S 178-J. SUSPENSION AND REVOCATION OF LICENSES AND CERTIFICATES. 1. A

15 LICENSE TO ENGAGE IN THE BUSINESS OF LAYOUT, INSTALLING, SERVICING,

16 REPAIRING, INSPECTING, TESTING, OR MAINTAINING OF WATER-BASED FIRE

17 PROTECTION SYSTEMS MAY BE SUSPENDED OR REVOKED, OR IN LIEU THEREOF A

18 FINE NOT EXCEEDING ONE THOUSAND DOLLARS PER VIOLATION PAYABLE TO THE

19 OFFICE MAY BE IMPOSED OR A REPRIMAND ISSUED BY THE OFFICE, FOR ANY ONE

20 OR MORE OF THE FOLLOWING CAUSES:

21 (A) FRAUD OR BRIBERY IN SECURING A LICENSE;

22 (B) THE MAKING OF ANY FALSE STATEMENT AS TO A MATERIAL MATTER IN ANY

23 APPLICATION OR OTHER STATEMENT OR CERTIFICATE REQUIRED BY OR PURSUANT TO

24 THIS ARTICLE;

25 (C) INCOMPETENCE;

26 (D) FAILURE TO DISPLAY THE LICENSE AS PROVIDED IN THIS ARTICLE;

27 (E) VIOLATION OF ANY PROVISION, RULE OR REGULATION OF THIS ARTICLE;

28 (F) CONVICTION OF A FELONY INVOLVING FRAUD, THEFT, PERJURY OR BRIBERY

29 OR OTHER CAUSE WHICH WOULD PERMIT DISQUALIFICATIONS FROM RECEIVING A

30 LICENSE UPON THE ORIGINAL APPLICATION;

31 (G) FAILURE TO SUPERVISE, AS DEFINED IN THIS ARTICLE, THE INSTALLATION

32 OF THE FIRE PROTECTION SYSTEM COVERED BY THE BUILDING PERMIT SIGNED BY

33 THE RME CERTIFICATE HOLDER;

34 (H) VIOLATION OF ANY PROVISION OF THIS ARTICLE OR ANY RULE ADOPTED AND

35 PROMULGATED PURSUANT TO THIS ARTICLE OR THE FAILURE OR REFUSAL TO COMPLY

36 WITH ANY NOTICE OR ORDER TO CORRECT A VIOLATION OR ANY CEASE AND DESIST

37 ORDER BY ANY CERTIFIED RME OR BUSINESS HOLDING A LICENSE. ANY SUCH

38 VIOLATION SHALL BE CAUSE FOR DENIAL, NON-RENEWAL, REVOCATION, OR SUSPEN-

39 SION OF SUCH CERTIFICATE OR LICENSE BY THE OFFICE AFTER SUCH OFFICER HAS

40 DETERMINED GUILT OF SUCH VIOLATION;

41 (I) IMPROPER LAYOUT, INSTALLING, SERVICING, REPAIRING, INSPECTING,

42 TESTING, OR MAINTAINING A WATER-BASED FIRE PROTECTION SYSTEM OR PRIVATE

43 UNDERGROUND WATER SUPPLY MAIN CONNECTING TO THE SYSTEM;

44 (J) RENDERING INOPERATIVE A WATER-BASED FIRE PROTECTION SYSTEM EXCEPT

45 DURING SUCH TIME AS THE SYSTEM IS BEING INSPECTED, TESTED, SERVICED,

46 REPAIRED, OR MAINTAINED, OR EXCEPT PURSUANT TO A COURT ORDER;

47 (K) WHILE HOLDING A CERTIFICATE OR LICENSE, ALLOWING ANOTHER PERSON TO

48 USE THE CERTIFICATE OR LICENSE NUMBER, OR USING A CERTIFICATE OR LICENSE

49 NUMBER OTHER THAN THE VALID CERTIFICATE OR LICENSE NUMBER; AND

50 (L) FAILURE TO PROVIDE PROOF OF INSURANCE TO THE OFFICE OR FAILURE TO

51 MAINTAIN IN FORCE THE INSURANCE COVERAGE REQUIRED BY THIS ARTICLE.

52 2. AN ORDER OF SUSPENSION SHALL STATE THE PERIOD OF TIME OF SUCH

53 SUSPENSION, WHICH PERIOD MAY NOT BE IN EXCESS OF TWO YEARS FROM THE DATE

54 OF SUCH ORDER. SUCH ORDERS SHALL AFFECT SUSPENSION OR REVOCATION OF ALL

55 CERTIFICATES OR LICENSES THEN HELD BY THE PERSON OR BUSINESS ENTITY AND

56 DURING SUCH PERIOD OF TIME NO CERTIFICATE OR LICENSE SHALL BE ISSUED TO

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1 SUCH PERSON OR BUSINESS ENTITY. DURING THE SUSPENSION OR REVOCATION OF

2 ANY CERTIFICATE OR LICENSE, THE FORMER HOLDER SHALL NOT ENGAGE IN,

3 ATTEMPT, OR PROFESS TO ENGAGE IN ANY TRANSACTION OR BUSINESS FOR WHICH A
4 CERTIFICATE OR LICENSE IS REQUIRED UNDER THIS ARTICLE OR DIRECTLY OR
5 INDIRECTLY OWN, CONTROL, OR BE EMPLOYED IN ANY MANNER BY ANY FIRM, BUSI-
6 NESS, OR CORPORATION FOR WHICH A CERTIFICATE OR LICENSE UNDER THIS ARTI-
7 CLE IS REQUIRED. IF, DURING THE PERIOD BETWEEN THE BEGINNING OF
8 PROCEEDINGS AND THE ENTRY OF AN ORDER OF SUSPENSION OR REVOCATION BY THE
9 OFFICE, A NEW CERTIFICATE OR LICENSE HAS BEEN ISSUED TO THE PERSON OR
10 BUSINESS ENTITY SO CHARGED, THE ORDER OF SUSPENSION OR REVOCATION SHALL
11 OPERATE TO SUSPEND OR REVOKE SUCH NEW CERTIFICATE OR LICENSE HELD BY
12 SUCH PERSON OR BUSINESS ENTITY.

13 3. THE OFFICE SHALL NOT, SO LONG AS THE REVOCATION OR SUSPENSION
14 REMAINS IN EFFECT, GRANT ANY NEW LICENSE FOR THE ESTABLISHMENT OF ANY
15 NEW FIRM, BUSINESS, OR CORPORATION OF ANY PERSON, BUSINESS PARTNERSHIP,
16 OR QUALIFIER THAT HAS OR WILL HAVE THE SAME OR SIMILAR MANAGEMENT,
17 OWNERSHIP, CONTROL, EMPLOYEES, OR LICENSE HOLDERS, OR WILL USE A SAME OR
18 SIMILAR NAME AS A PREVIOUSLY REVOKED OR SUSPENDED FIRM, BUSINESS, CORPO-
19 RATION, PERSON, OR QUALIFIER. IN ADDITION, THE OFFICE SHALL NOT ISSUE A
20 NEW LICENSE IF IT FINDS THAT THE CIRCUMSTANCE OR CIRCUMSTANCES FOR WHICH
21 THE CERTIFICATE OR LICENSE WAS PREVIOUSLY REVOKED OR SUSPENDED STILL
22 EXIST OR ARE LIKELY TO RECUR.

23 4. WHENEVER THE LICENSE TO ENGAGE IN THE BUSINESS OF LAYOUT, INSTALL-
24 ING, INSPECTING, SERVICING, TESTING, REPAIRING, OR MAINTAINING OF
25 WATER-BASED FIRE PROTECTION SYSTEMS IS REVOKED, SUCH LICENSE SHALL NOT
26 BE REINSTATED OR REISSUED UNTIL AFTER THE EXPIRATION OF A PERIOD OF FIVE
27 YEARS FROM THE DATE OF SUCH REVOCATION.

28 5. THE FILING OF A PETITION IN BANKRUPTCY, EITHER VOLUNTARY OR INVOL-
29 UNTARY, OR THE MAKING OF A COMPOSITION OF CREDITORS OR THE APPOINTMENT
30 OF A RECEIVER FOR THE BUSINESS ENTITY'S LICENSE MAY BE CONSIDERED BY THE
31 OFFICE AS JUST CAUSE FOR SUSPENSION OF A LICENSE.

32 6. THE LAPSE OR SUSPENSION OF A LICENSE BY OPERATION OF LAW OR BY
33 ORDER OF THE OFFICE OR A COURT OR ITS VOLUNTARY SURRENDER BY A LICENSE
34 HOLDER DOES NOT DEPRIVE THE OFFICE TO INVESTIGATE OR ACT IN DISCIPLINARY
35 PROCEEDINGS AGAINST THE LICENSE HOLDER.

36 S 178-K. HEARING ON CHARGES; DECISION. NO CERTIFICATE OR LICENSE
37 SHALL BE SUSPENDED OR REVOKED NOR SHALL ANY FINE OR REPRIMAND BE IMPOSED
38 UNTIL AFTER A HEARING IS HELD BEFORE AN OFFICER OR EMPLOYEE OF THE
39 OFFICE DESIGNATED FOR SUCH PURPOSE BY THE OFFICE, UPON NOTICE TO THE
40 CERTIFICATE OR LICENSE HOLDER OF AT LEAST TEN DAYS. THE OFFICE SHALL
41 CONSIDER THE RECOMMENDATIONS OF THE ADVISORY COUNCIL. THE NOTICE SHALL
42 BE SERVED EITHER PERSONALLY OR BY REGISTERED MAIL AND SHALL STATE THE
43 DATE AND PLACE OF HEARING AND SET FORTH THE GROUND OR GROUNDS CONSTITUT-
44 ING THE CHARGES AGAINST THE CERTIFICATE OR LICENSE HOLDER. THE CERTIF-
45 ICATE OR LICENSE HOLDER SHALL HAVE THE OPPORTUNITY TO BE HEARD IN HIS OR
46 HER DEFENSE EITHER IN PERSON OR BY COUNSEL AND MAY PRODUCE WITNESSES AND
47 TESTIFY IN HIS OR HER BEHALF. A STENOGRAPHIC RECORD OF THE HEARING SHALL
48 BE TAKEN AND PRESERVED. THE HEARING MAY BE ADJOURNED FROM TIME TO TIME.
49 THE PERSON CONDUCTING THE HEARING SHALL MAKE A WRITTEN REPORT OF HIS OR
50 HER FINDINGS AND A RECOMMENDATION TO THE OFFICE FOR DECISION. THE OFFICE
51 SHALL REVIEW SUCH FINDINGS AND THE RECOMMENDATION AND, AFTER DUE DELIB-
52 ERATION, SHALL ISSUE AN ORDER ACCEPTING, MODIFYING OR REJECTING SUCH
53 RECOMMENDATION AND DISMISSING THE CHARGES OR SUSPENDING OR REVOKING THE
54 CERTIFICATE OR LICENSE OR IN LIEU THEREOF IMPOSING A FINE OR REPRIMAND
55 UPON THE CERTIFICATE OR LICENSE HOLDER. FOR THE PURPOSE OF THIS ARTICLE,
56 THE OFFICE OR ANY DESIGNATED OFFICER OR EMPLOYEE OF THE OFFICE, MAY
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1 ADMINISTER OATHS, TAKE TESTIMONY, SUBPOENA WITNESSES AND COMPEL THE
2 PRODUCTION OF BOOKS, PAPERS, RECORDS AND DOCUMENTS DEEMED PERTINENT TO

3 THE SUBJECT OF INVESTIGATION.

4 S 178-L. JUDICIAL REVIEW. THE ACTION OF THE OFFICE IN SUSPENDING,
5 REVOKING OR REFUSING TO ISSUE OR RENEW A CERTIFICATE OR LICENSE, OR
6 IMPOSING A FINE OR REPRIMAND ON THE HOLDER THEREOF MAY BE REVIEWED BY A
7 PROCEEDING BROUGHT PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRAC-
8 TICE LAW AND RULES.

9 S 178-M. VIOLATIONS AND PENALTIES. ANY PERSON OR BUSINESS ENTITY WHO
10 SHALL DIRECTLY OR INDIRECTLY ENGAGE IN THE BUSINESS OF LAYOUT, INSTALL-
11 ING, SERVICING, REPAIRING, INSPECTING, TESTING, OR MAINTAINING
12 WATER-BASED FIRE PROTECTION SYSTEMS OR HOLD ONESELF OUT TO THE PUBLIC AS
13 BEING ABLE SO TO DO WITHOUT A LICENSE THEREFOR, OR WHO SHALL VIOLATE ANY
14 OF THE PROVISIONS OF THIS ARTICLE, OR HAVING HAD A CERTIFICATE OR
15 LICENSE SUSPENDED OR REVOKED, SHALL CONTINUE TO ENGAGE IN SUCH BUSINESS
16 OR WHO, WITHOUT A LICENSE TO ENGAGE IN SUCH BUSINESS, DIRECTLY OR INDI-
17 RECTLY EMPLOYS, PERMITS OR AUTHORIZES AN UNCERTIFIED PERSON TO ENGAGE IN
18 THE BUSINESS OF LAYOUT, INSTALLING, SERVICING, REPAIRING, INSPECTING,
19 TESTING, OR MAINTAINING WATER-BASED FIRE PROTECTION SYSTEMS, SHALL BE
20 GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, SHALL BE PUNISHABLE BY
21 IMPRISONMENT OF NOT MORE THAN SIX MONTHS, OR BY A FINE OF NOT MORE THAN
22 ONE THOUSAND DOLLARS OR BY BOTH SUCH FINE AND IMPRISONMENT UPON THE
23 FIRST CONVICTION AND BY IMPRISONMENT OF NOT MORE THAN ONE YEAR OR BY A
24 FINE OF NOT LESS THAN ONE THOUSAND DOLLARS NOR MORE THAN FIVE THOUSAND
25 DOLLARS OR BY BOTH SUCH FINE AND IMPRISONMENT UPON A SUBSEQUENT
26 CONVICTION. EACH VIOLATION OF THIS ARTICLE SHALL BE DEEMED A SEPARATE
27 OFFENSE.

28 S 178-N. OFFICIAL ACTS USED AS EVIDENCE. THE OFFICIAL ACTS OF THE
29 OFFICE SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS THEREIN AND SHALL BE
30 ENTITLED TO BE RECEIVED IN EVIDENCE IN ALL ACTIONS AT LAW AND OTHER
31 LEGAL PROCEEDINGS IN ANY COURT OR BEFORE ANY BOARD, BODY OR OFFICER.

32 S 178-O. DISPOSITION OF MONEYS DERIVED FROM OPERATION OF ARTICLE.
33 FEES COLLECTED PURSUANT TO THIS ARTICLE SHALL BE PAID INTO AN APPROPRI-
34 ATE ACCOUNT FOR THE OFFICE PURSUANT TO THE STATE FINANCE LAW FOR ADMIN-
35 ISTRATION OF THIS ARTICLE. ALL REMAINING MONEYS DERIVED FROM THE OPERA-
36 TION OF THIS ARTICLE SHALL, ON OR BEFORE THE TENTH DAY OF EACH MONTH, BE
37 PAID INTO THE GENERAL FUND OF THE STATE TREASURY TO THE CREDIT OF SUCH
38 ACCOUNT.

39 S 178-P. APPLICABILITY. 1. THIS ARTICLE DOES NOT APPLY TO ANY INDI-
40 VIDUAL PERFORMING FIRE SUPPRESSION WORK IN NEW YORK CITY, NASSAU COUNTY,
41 OR SUFFOLK COUNTY. ANY MUNICIPALITY OR LOCAL GOVERNMENTAL AGENCY LOCATED
42 IN NEW YORK CITY, OR NASSAU COUNTY OR SUFFOLK COUNTY MAY REQUIRE OTHER
43 LICENSES OR EVIDENCE OF A PERSON'S COMPETENCE TO LAYOUT, INSTALL,
44 REPAIR, INSPECT, TEST, OR MAINTAIN ALL TYPES OF WATER-BASED FIRE
45 PROTECTION SYSTEMS AND COMPONENTS. NOTHING IN THIS SECTION SHALL BE
46 CONSTRUED TO IMPLY A HOLDER OF NEW YORK CITY, NASSAU COUNTY OR SUFFOLK
47 COUNTY LICENSE OR LICENSES AS HAVING ANY STANDING OUTSIDE THE BOUNDARIES
48 OF SUCH CITY OR COUNTIES.

49 2. THIS ARTICLE SHALL NOT APPLY TO:

50 (A) A PERSON WHO PERFORMS FIRE SUPPRESSION WORK WITH RESPECT TO ANY
51 ONE- OR TWO-FAMILY DWELLING OWNED OR LEASED BY THAT PERSON;

52 (B) A PERSON WHO, WHILE EMPLOYED BY A PUBLIC UTILITY OR ITS AFFILIATE,
53 PERFORMS PLUMBING OR FIRE SUPPRESSION WORK IN CONNECTION WITH THE
54 FURNISHING OF PUBLIC UTILITY SERVICE; OR

55 (C) ANY WORK COVERED BY ANY NATIONAL, STATE OR MUNICIPAL ELECTRICAL
56 CODE INCLUDING BUT NOT LIMITED TO PULL STATIONS, STROBES, HEAT DETEC-

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1 TORS, SMOKE DETECTORS, FIRE ALARMS OR BELLS, AND ANY ELECTRICAL WIRING
2 INCLUDING CONDUIT CONNECTED TO RACEWAY CONTROL CABINETS.

3 3. THE PROVISIONS OF THIS ARTICLE SHALL GOVERN NOTWITHSTANDING ANY
4 OTHER LAW TO THE CONTRARY; PROVIDED, HOWEVER, THAT LOCAL LAW SHALL
5 GOVERN WITH RESPECT TO INSPECTION OF WATER-BASED FIRE PROTECTION SYSTEMS
6 BY A CODE ENFORCEMENT OFFICIAL UNDER SUCH LOCAL LAW AND LOCAL LAWS TO
7 THE CONTRARY SHALL NOT DIMINISH THE LEVEL OF INSPECTION BY THE
8 PROVISIONS OF THE EDITION OF NFPA 25 REFERENCED BY THE STATE CODES,
9 WHICH SHALL BE CONSIDERED A STATEWIDE MINIMUM LEVEL OF INSPECTION CRITE-
10 RIA FOR WATER-BASED FIRE PROTECTION SYSTEMS; AND PROVIDED, FURTHER, THAT
11 THIS ARTICLE SHALL NOT BE HELD TO INVALIDATE ANY PROVISION OF THE LAWS
12 OF THIS STATE OR ANY SUBDIVISION THEREOF UNLESS THERE IS A DIRECT
13 CONFLICT BETWEEN THE PROVISIONS OF THIS ARTICLE AND THE PROVISIONS OF
14 SUCH LAW OR UNLESS SUCH LAW IS DUPLICATIVE OF THIS ARTICLE, IN WHICH
15 CASE THIS ARTICLE SHALL PREVAIL. NO LOCAL LAW SHALL REQUIRE ANY FEE,
16 LICENSE OR CERTIFICATE FOR THE LAYOUT, INSTALLING, SERVICING, REPAIRING,
17 INSPECTING, TESTING, OR MAINTAINING OF WATER-BASED FIRE PROTECTION
18 SYSTEMS, EXCEPT WHEN THE FIRE SPRINKLER COMPANY IS LOCATED WITHIN A
19 POLITICAL JURISDICTION WHO THEN MAY APPLY BUSINESS LICENSURE CRITERIA
20 CONSISTENT WITH FEES IMPOSED ON OTHER BUSINESSES.

21 4. NOTHING IN THIS ARTICLE LIMITS THE POWER OF A MUNICIPALITY OR COUN-
22 TY TO REGULATE THE QUALITY AND CHARACTER OF WORK PERFORMED BY CONTRAC-
23 TORS THROUGH A SYSTEM OF PERMITS, FEES, AND INSPECTIONS WHICH ARE
24 DESIGNED TO SECURE COMPLIANCE WITH, AND AID IN THE IMPLEMENTATION OF,
25 STATE AND LOCAL BUILDING LAWS OR TO ENFORCE OTHER LOCAL LAWS FOR THE
26 PROTECTION OF THE PUBLIC HEALTH AND SAFETY. HOWEVER, BUSINESS CERTIF-
27 ICATES SHALL NOT BE REQUIRED UNLESS THE COMPANY OPERATES OFFICES OR
28 FACILITIES WITHIN THE JURISDICTION OF THE MUNICIPALITY OR COUNTY.

29 5. NOTHING IN THIS ARTICLE LIMITS THE POWER OF A MUNICIPALITY OR COUN-
30 TY TO ADOPT ANY SYSTEM OF PERMITS REQUIRING SUBMISSION TO AND APPROVAL
31 BY THE MUNICIPALITY OR COUNTY OF PLANS AND SPECIFICATIONS FOR WORK TO BE
32 PERFORMED BY CONTRACTORS BEFORE COMMENCEMENT OF THE WORK, EXCEPT THAT NO
33 MUNICIPALITY OR COUNTY SHALL REQUIRE A WATER-BASED FIRE PROTECTION
34 SYSTEM CONTRACTOR'S SHOP DRAWINGS TO BE SEALED BY A PROFESSIONAL ENGI-
35 NEER, PROVIDED THE SYSTEM DESIGN DRAWINGS PROPERLY INCLUDE SUCH A SEAL.

36 6. ANY OFFICIAL AUTHORIZED TO ISSUE BUILDING OR OTHER RELATED PERMITS
37 SHALL ASCERTAIN THAT THE APPLICANT CONTRACTOR IS DULY CERTIFIED BEFORE
38 ISSUING THE PERMIT. THE EVIDENCE SHALL CONSIST ONLY OF THE EXHIBITION TO
39 HIM OR HER OF EVIDENCE OF THE CURRENT CERTIFICATION. ANY PERMITS AT
40 STATE OR LOCAL LEVELS FOR THE LAYOUT, INSTALLING, SERVICING, REPAIRING,
41 INSPECTING, TESTING, MAINTAINING OR REPAIR OF A WATER-BASED FIRE
42 PROTECTION SYSTEM MAY ONLY BE ISSUED TO A LICENSED WATER-BASED FIRE
43 PROTECTION CONTRACTOR OF THE APPROPRIATE CLASSIFICATION TO CONDUCT THE
44 WORK.

45 S 178-Q. CONTRACTUAL AGREEMENTS. 1. ANY PORTION OF ANY AGREEMENT OR
46 CONTRACT FOR OR IN CONNECTION WITH, OR ANY GUARANTEE OF OR IN CONNECTION
47 WITH ANY LAYOUT, INSTALLING, SERVICING, REPAIRING, INSPECTING, TESTING,
48 MAINTAINING, OR DEMOLITION OF A WATER-BASED FIRE PROTECTION SYSTEM
49 BETWEEN AN OWNER OF REAL PROPERTY OR GENERAL CONTRACTOR AND THE
50 WATER-BASED FIRE PROTECTION SYSTEM CONTRACTOR WHEREIN ANY PARTY REFERRED
51 TO IN THIS ARTICLE PROMISES TO INDEMNIFY OR HOLD HARMLESS THE OTHER
52 PARTY TO THE AGREEMENT, CONTRACT, OR GUARANTEE FOR LIABILITY FOR DAMAGES
53 TO PERSONS OR PROPERTY CAUSED IN PART BY ANY ACT, OMISSION, OR DEFAULT
54 OF THE INDEMNITEE ARISING FROM THE CONTRACT OR ITS PERFORMANCE, SHALL BE
55 VOID AND UNENFORCEABLE UNLESS THE CONTRACT CONTAINS A MONETARY LIMITA-
56 TION ON THE EXTENT OF THE INDEMNIFICATION THAT BEARS A REASONABLE
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1 COMMERCIAL RELATIONSHIP TO THE CONTRACT AND IS PART OF THE PROJECT SPEC-
2 IFICATIONS OR BID DOCUMENTS, IF ANY. NOTWITHSTANDING THE FOREGOING, THE

3 MONETARY LIMITATION ON THE EXTENT OF THE INDEMNIFICATION PROVIDED TO THE
4 OWNER OF REAL PROPERTY BY ANY PARTY IN PRIVITIES OF CONTRACT WITH SUCH
5 OWNER SHALL NOT BE LESS THAN ONE MILLION DOLLARS PER OCCURRENCE, UNLESS
6 OTHERWISE AGREED BY THE PARTIES. INDEMNIFICATION PROVISIONS IN ANY SUCH
7 AGREEMENTS, CONTRACTS, OR GUARANTEES MAY NOT REQUIRE THAT THE INDEMNITOR
8 INDEMNIFY THE INDEMNITEE FOR DAMAGES TO PERSONS OR PROPERTY CAUSED BY
9 THE SOLE NEGLIGENCE OF ANOTHER PARTY, OR IN WHOLE OR IN PART BY ANY ACT,
10 OMISSION, OR DEFAULT OF A PARTY OTHER THAN:

11 (A) THE INDEMNITOR;

12 (B) ANY OF THE INDEMNITOR'S CONTRACTORS, SUBCONTRACTORS, SUB-SUBCON-
13 TRACTORS, MATERIALMEN, OR AGENTS OF ANY TIER OR THEIR RESPECTIVE EMPLOY-
14 EES; OR

15 (C) THE INDEMNITEE OR ITS OFFICERS, DIRECTORS, AGENTS, OR EMPLOYEES.
16 HOWEVER, SUCH INDEMNIFICATION SHALL NOT INCLUDE CLAIMS OF, OR DAMAGES
17 RESULTING FROM, GROSS NEGLIGENCE, OR WILLFUL, WANTON OR INTENTIONAL
18 MISCONDUCT OF THE INDEMNITEE OR ITS OFFICERS, DIRECTORS, AGENTS OR
19 EMPLOYEES, OR FOR STATUTORY VIOLATION OR PUNITIVE DAMAGES EXCEPT AND TO
20 THE EXTENT THE STATUTORY VIOLATION OR PUNITIVE DAMAGES ARE CAUSED BY OR
21 RESULT FROM THE ACTS OR OMISSIONS OF THE INDEMNITOR OR ANY OF THE
22 INDEMNITOR'S CONTRACTORS, SUBCONTRACTORS, SUB-SUBCONTRACTORS, MATERIAL-
23 MEN, OR AGENTS OF ANY TIER OR THEIR RESPECTIVE EMPLOYEES.

24 2. A CONSTRUCTION CONTRACT FOR A PUBLIC AGENCY OR IN CONNECTION WITH A
25 PUBLIC AGENCY'S PROJECT MAY NOT REQUIRE ONE PARTY TO INDEMNIFY, DEFEND,
26 OR HOLD HARMLESS THE OTHER PARTY, ITS EMPLOYEES, OFFICERS, DIRECTORS, OR
27 AGENTS FROM ANY LIABILITY, DAMAGE, LOSS, CLAIM, ACTION, OR PROCEEDING,
28 AND ANY SUCH CONTRACT PROVISION IS VOID AS AGAINST PUBLIC POLICY OF THIS
29 STATE.

30 3. THIS SECTION DOES NOT AFFECT ANY CONTRACTS, AGREEMENTS, OR GUARAN-
31 TEES ENTERED INTO BEFORE THE EFFECTIVE DATE OF THIS ARTICLE BUT AFFECTS
32 RENEWALS THEREOF WHEN SAID RENEWAL TAKES PLACE AFTER THE EFFECTIVE DATE
33 OF THIS ARTICLE.

34 4. WATER-BASED FIRE PROTECTION CONTRACTORS PURSUANT TO THIS ARTICLE
35 SHALL BE GRANTED SUFFICIENT TIME TO INSPECT ANY PERCEIVED CONSTRUCTION
36 DEFECT IN A BUILDING THAT THEY MAY DISPROVE OR ACCEPT AS IN THEIR
37 PURVIEW BEFORE ANY LEGAL ACTIONS OR SUITS ARE BROUGHT FORTH. IF SAID
38 CONTRACTOR TAKES RESPONSIBILITY FOR THE DEFECT, REASONABLE TIME SHALL BE
39 ALLOWED FOR THE CONTRACTOR OR ITS REPRESENTATIVE OR REPRESENTATIVES TO
40 CORRECT WITHOUT FEAR OF ANY LEGAL ACTIONS OR SUIT. A WATER-BASED FIRE
41 PROTECTION CONTRACTOR SHALL NOT BE HELD LIABLE FOR ECONOMIC DAMAGES
42 CAUSED BY OTHERS.

43 5. THE OWNER HAS AN OBLIGATION TO INSTALL FIRE PROTECTION SYSTEMS IN
44 COMPLIANCE WITH ADOPTED FIRE PROTECTION SYSTEM STANDARDS.

45 S 178-R. ELECTRONIC INFORMATION. THE OFFICE SHALL SET UP AND MAINTAIN
46 AN INTERNET WEB PAGE OR PAGES INCLUDING, BUT NOT LIMITED TO APPROPRIATE
47 FORMS, LISTING OF LICENSED CONTRACTORS, JOURNEYPERSON, APPRENTICES,
48 CERTIFIED RMES, RULES AND REGULATIONS, ADVISORY COUNCIL MEETING SCHED-
49 ULES, ADVISORY COUNCIL MEETING MINUTES, SUSPENSIONS, REVOCATIONS, AND
50 CONTACT INFORMATION FOR COMPLAINTS.

51 S 178-S. SEPARABILITY. IF ANY PART OR PROVISION OF THIS ARTICLE OR
52 THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE BE ADJUDGED INVAL-
53 ID BY ANY COURT OF COMPETENT JURISDICTION, SUCH JUDGMENT SHALL BE
54 CONFINED IN ITS OPERATION TO THE PART, PROVISION OR APPLICATION DIRECTLY
55 INVOLVED IN THE CONTROVERSY IN WHICH SUCH JUDGMENT SHALL HAVE BEEN
56 RENDERED AND SHALL NOT AFFECT OR IMPAIR THE VALIDITY OF THE REMAINDER OF

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1 THIS ARTICLE OR THE APPLICATION THEREOF TO OTHER PERSONS OR CIRCUM-
2 STANCES AND THE LEGISLATURE HEREBY DECLARES THAT IT WOULD HAVE ENACTED

3 THIS ARTICLE OR THE REMAINDER THEREOF HAD THE INVALIDITY OF SUCH
4 PROVISION OR APPLICATION THEREOF BEEN APPARENT.
5 S 4. This act shall take effect immediately.

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