

SENATE BILL NO. 778

March 12, 2024, Introduced by Senators WOJNO, SHINK, LAUWERS, SINGH, BAYER, HERTEL and GEISS and referred to the Committee on Regulatory Affairs.

A bill to create the community risk reduction fund in the state treasury; to require licensure or registration for automatic fire protection system installation and sponsors of continuing education; to prescribe penalties and civil sanctions; to provide for the powers and duties of certain state and local governmental officers and entities; to provide for the promulgation of rules; and to create the sprinkler fitter exam committee.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "fire sprinkler
2 installation act".

1 Sec. 2. As used in this act:

2 (a) "Acceptance testing" means work that verifies the
3 aboveground and underground piping of an automatic fire protection
4 system was installed in accordance with nationally recognized
5 standards and includes, but is not limited to, all of the following
6 work:

7 (i) Flushing.

8 (ii) A hydrostatic test of piping.

9 (iii) An operational test on a newly installed automatic fire
10 protection system, including, but not limited to, a test of 1 or
11 more of the following:

12 (A) Air pressure.

13 (B) A backflow preventer.

14 (C) A deluge trip.

15 (D) A dry pipe.

16 (E) A fire pump.

17 (F) A main drain.

18 (G) A preaction valve.

19 (H) A pressure reducing valve.

20 (I) A water flow alarm.

21 (b) "AFSA" means the American Fire Sprinkler Association.

22 (c) "Apprentice sprinkler fitter" means an individual
23 registered under section 9.

24 (d) "Automatic fire protection system" means either of the
25 following:

26 (i) A fire sprinkler system that is for a commercial building
27 and is designed and installed in accordance with nationally
28 recognized standards and consists of piping that conveys air, foam,
29 or water, regardless of whether any other agent is conveyed, to an

1 opening or a device that contains, controls, or extinguishes a
2 fire.

3 (ii) A fire sprinkler system that is for a commercial building
4 and meets all of the following requirements:

5 (A) Consists of aboveground and underground piping.

6 (B) Includes a water supply or connection to water that begins
7 on the supply side of a gate valve located at or near the property
8 line for which the system is used.

9 (C) Provides water to a fire sprinkler system described in
10 subparagraph (i) only.

11 (e) "Automatic fire protection system inspection" means a
12 visual examination of an automatic fire protection system to verify
13 that the system appears to be in operating condition and free of
14 damage.

15 (f) "Automatic fire protection system installation" means
16 acceptance testing or the adjustment, dismantlement, modification,
17 repair, replacement, or servicing of an automatic fire protection
18 system. Automatic fire protection system installation includes, but
19 is not limited to, all of the following:

20 (i) Assembling metal or nonmetal pipe fittings, including, but
21 not limited to, brass, copper, glass, lead, or plastic pipe
22 fittings, for an automatic fire protection system.

23 (ii) Joining pipes for an automatic fire protection system in
24 any way, including, but not limited to, any of the following ways:

25 (A) Brazing.

26 (B) Caulking.

27 (C) Cementing.

28 (D) Fusing.

29 (E) Grooving.

1 (F) Soldering.

2 (G) Threading.

3 (H) Wiping.

4 (iii) Securing the pipes of an automatic fire protection system
5 to a structure by any means, including, but not limited to, any of
6 the following means:

7 (A) A bracket.

8 (B) A clamp.

9 (C) A hanger.

10 (D) A weld.

11 (g) "Automatic fire protection system maintenance test" means
12 a periodic and physical test of an automatic fire protection system
13 to determine the operational status of a component in the system,
14 including, but not limited to, a test of 1 or more of the
15 following:

16 (i) An alarm.

17 (ii) A dry pipe, deluge, or preaction valve trip.

18 (iii) A fire pump.

19 (iv) Water flow.

20 (h) "Bureau" means the bureau of fire services created in
21 section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b.

22 (i) "Committee" means the sprinkler fitter exam committee
23 created in section 21.

24 (j) "Continuing education" includes any of the following that
25 relate to automatic fire protection system installation:

26 (i) A workshop, seminar, or education conference that is
27 approved or sponsored by any of the following:

28 (A) AFSA, or a successor organization.

29 (B) An automatic fire protection system manufacturer.

1 (C) The bureau.

2 (D) NFSA, or a successor organization.

3 (ii) A course in specialized programs approved or sponsored by
4 the bureau.

5 (iii) A distance learning, video, or correspondence course
6 approved or sponsored by the bureau.

7 (iv) Continuing education that has been obtained in another
8 state and is approved by the bureau.

9 (v) College or vocational school coursework that is approved
10 by the bureau.

11 (k) "Department" means the department of licensing and
12 regulatory affairs.

13 (l) "Fire inspector" means this state or a local unit of
14 government that enforces the automatic fire protection system law
15 of this state.

16 (m) "Fire sprinkler contractor" means an individual who holds
17 a mechanical contractor's license with a fire suppression
18 classification or limitation under article 8 of the skilled trades
19 regulation act, 2016 PA 407, MCL 339.5801 to 339.5819.

20 (n) "Fund" means the community risk reduction fund created in
21 section 3.

22 (o) "Nationally recognized standards" means the standards
23 adopted by this state.

24 (p) "NFSA" means the National Fire Sprinkler Association.

25 (q) "Person" means an individual, partnership, cooperative,
26 association, private or public corporation, personal
27 representative, receiver, trustee, assignee, or other legal entity.

28 (r) "Registered fire sprinkler program" means an
29 apprenticeship program that is not less than 4 years long; is

1 registered with the United States Department of Labor or this
2 state; and involves not less than 8,000 hours of documented
3 practical experience in automatic fire protection system
4 installation and not less than 280 hours of classroom, shop, or
5 other related instruction in the fire protection trade.

6 (s) "Sprinkler fitter journeyperson" means an individual
7 licensed under section 7.

8 (t) "Water supply" means any of the following:

9 (i) A fire pump.

10 (ii) A gravity tank.

11 (iii) A pressure tank.

12 (iv) A reservoir.

13 Sec. 3. (1) The community risk reduction fund is created in
14 the state treasury.

15 (2) The state treasurer shall deposit money and other assets
16 from any source in the fund. The state treasurer shall direct the
17 investment of money in the fund and credit interest and earnings
18 from the investments to the fund.

19 (3) The bureau is the administrator of the fund for audits of
20 the fund.

21 (4) The bureau shall expend money from the fund on
22 appropriation, only for 1 or more of the following purposes:

23 (a) The administration and enforcement of this act.

24 (b) Other operations of the bureau, including, but not limited
25 to, any of the following:

26 (i) Educational outreach.

27 (ii) Indirect overhead.

28 (5) Each year, before September 30, the state treasurer shall
29 notify the senate majority leader, the speaker of the house of

1 representatives, and the state fire marshal of both of the
2 following:

3 (a) The amount of interest credited to the fund during the
4 most recently completed fiscal year.

5 (b) The balance of the fund on the first day of the fiscal
6 year that immediately succeeds the fiscal year described in
7 subdivision (a).

8 (6) The state fire marshal may bring an action to collect a
9 civil fine under this act. A fine collected must be deposited in
10 the fund.

11 Sec. 5. (1) Subject to section 19, an individual shall not
12 perform automatic fire protection system installation unless the
13 individual is a sprinkler fitter journeyman or an apprentice
14 sprinkler fitter.

15 (2) An individual who violates subsection (1) is subject to a
16 civil fine of not more than \$1,000.00.

17 (3) Subject to section 19, a person that performs automatic
18 fire protection system installation shall not do either of the
19 following:

20 (a) Employ an individual for automatic fire protection system
21 installation unless the individual is a sprinkler fitter
22 journeyman or an apprentice sprinkler fitter.

23 (b) Employ a number of apprentice sprinkler fitters at a
24 worksite that is more than 2 times the number of sprinkler fitter
25 journeymen that the person employs at the same worksite.

26 (4) A person that violates subsection (3) is subject to a
27 civil fine as follows:

28 (a) For a first violation, not more than \$5,000.00.

29 (b) For a second violation, not more than \$10,000.00.

1 (c) For a third or subsequent violation, not more than
2 \$25,000.00.

3 (5) Subject to section 19, a person that employs an individual
4 for automatic fire protection system installation shall keep a copy
5 of the individual's applicable license or registration at the
6 person's primary place of business.

7 (6) A person that violates subsection (5) is subject to a
8 civil fine as follows:

9 (a) For a first or second violation in a period of 2 years,
10 not more than \$1,000.00 for each day that the person violates
11 subsection (5) and not more than \$1,000.00 for each individual that
12 the person employs in violation of subsection (5).

13 (b) For a third or subsequent violation in a period of 2
14 years, not more than \$25,000.00.

15 (7) To ensure compliance with this act, the bureau, a designee
16 of the bureau, a fire inspector, or a sprinkler fitter
17 journeyperson may inspect a worksite where an automatic fire
18 protection system is, or is intended to be, installed. At the
19 worksite, a person performing an inspection under this subsection
20 may require an individual performing automatic fire protection
21 system installation to provide proof of licensure or registration,
22 as applicable, under this act.

23 (8) If the bureau finds a violation of this act as a result of
24 an inspection under subsection (7) and the violation is not
25 corrected within 72 hours after the inspection, the bureau may
26 impose a stop work order, which requires automatic fire protection
27 system installation at the worksite to cease. A stop work order
28 ends when the violation found by the bureau has been corrected. A
29 person that violates a stop work order under this subsection is

1 guilty of a misdemeanor.

2 Sec. 7. (1) Until 1 year after the effective date of this act,
3 the bureau shall accept an application for a sprinkler fitter
4 license from an individual who provides all of the following to the
5 bureau:

6 (a) Copies of W-2s that indicate the individual has 4 or more
7 years of experience in automatic fire protection system
8 installation.

9 (b) From each employer included in a W-2 described in
10 subdivision (a), a letter that states the individual has knowledge
11 and skill in automatic fire protection system installation.

12 (c) Documentation that indicates the individual has completed
13 a registered fire sprinkler program.

14 (2) Beginning 1 year after the effective date of this act, the
15 bureau shall accept an application for a sprinkler fitter license
16 from an individual who demonstrates all of the following to the
17 bureau:

18 (a) The individual has not less than 4 years of automatic fire
19 protection system installation experience. To satisfy the
20 requirement described in this subdivision, the individual must
21 provide copies of the individual's W-2s and correspondence from the
22 applicable employer or employers that, in total, indicate the
23 individual gained the required amount of experience in automatic
24 fire protection system installation during the individual's
25 employment with the employer or employers.

26 (b) The individual completed a registered fire sprinkler
27 program. To satisfy the requirement described in this subdivision,
28 the individual must include proof that indicates the individual
29 completed the program.

1 (c) The individual passed a sprinkler fitter exam approved by
2 the committee. To satisfy the requirement described in this
3 subdivision, the individual must include proof that indicates the
4 individual passed the exam.

5 (3) Except as otherwise provided in this act, an application
6 under subsection (1) or (2) must include payment for a standard
7 application fee of \$300.00. Payment for an application fee under
8 this section must be deposited in the fund.

9 (4) Except as provided in this subsection, not later than 30
10 days after the bureau receives a complete application for a license
11 under this section, the bureau shall grant the license to the
12 applicant. The bureau shall deny a license to an applicant who does
13 not satisfy all of the requirements to be granted a license under
14 this act.

15 (5) A license granted under this section is valid for 3 years.

16 Sec. 9. (1) The bureau shall accept applications for
17 registration as an apprentice sprinkler fitter. An application must
18 be made on a form provided by the bureau.

19 (2) An applicant for registration as an apprentice sprinkler
20 fitter shall, within the application, do both of the following:

21 (a) Affirm that the applicant is all of the following:

22 (i) 17 years of age or older.

23 (ii) Not a sprinkler fitter journeyperson.

24 (iii) Enrolled in a registered fire sprinkler program.

25 (b) Include proof that indicates the applicant is employed by
26 a fire sprinkler contractor.

27 (3) Except as otherwise provided in this act, an application
28 under subsection (2) must include payment for a standard
29 application fee of \$100.00. Payment for an application fee under

1 this section must be deposited in the fund.

2 (4) Except as provided in this subsection, not later than 45
3 days after the bureau receives a complete application for
4 registration under this section, the bureau shall register the
5 applicant as an apprentice sprinkler fitter. The bureau shall deny
6 registration if the applicant does not satisfy all of the
7 requirements to be registered under this act.

8 (5) A registration under this section is valid for 6 months.

9 (6) An apprentice sprinkler fitter shall not do either of the
10 following:

11 (a) Perform automatic fire protection system installation
12 without the direct supervision of a sprinkler fitter journeyman.

13 (b) Be employed by more than 1 fire sprinkler contractor at
14 the same time.

15 (7) An individual who violates subsection (6) is subject to a
16 civil fine of not more than \$2,500.00.

17 Sec. 11. (1) Ninety days before the expiration of the term of
18 the first sprinkler fitter license granted under this act, the
19 bureau shall begin accepting applications to renew a sprinkler
20 fitter license for a term of 3 years. An application must be made
21 on a form provided by the bureau and submitted to the bureau not
22 earlier than 90 days before the expiration of the license term. The
23 application must include payment for 1 of the following application
24 fees, as applicable:

25 (a) If the application is not submitted later than 14 days
26 before the expiration of the license term, \$100.00.

27 (b) If an application is submitted later than 14 days before
28 the expiration of the license term but not later than 90 days after
29 the expiration of the license term, \$200.00.

1 (c) If an application is submitted later than 90 days after
2 the expiration of the license term but not later than 1 year after
3 the expiration of the license term, the application must include
4 payment for a late fee of \$300.00.

5 (2) If an applicant fails to submit an application under
6 subsection (1), the applicant may submit an application under
7 section 7 only, and the individual's application fee is 3 times
8 more than the standard application fee described in section 7.

9 (3) An applicant to renew a sprinkler fitter license shall,
10 within the application, affirm and demonstrate that the applicant
11 has obtained not less than 24 hours of continuing education credit
12 during the applicant's current license term. To satisfy the
13 requirement described in this subsection, the applicant must
14 include copies of continuing education records that, in total,
15 demonstrate that the applicant has obtained not less than 24 hours
16 of continuing education credit during the applicant's current
17 license term.

18 (4) An individual who has obtained continuing education to
19 comply with this act shall, for not less than 4 years after the
20 date of the continuing education, retain a record that demonstrates
21 the individual obtained the continuing education. On the bureau's
22 request, the individual shall provide the following information to
23 the bureau:

24 (a) The name and contact information of the continuing
25 education sponsor.

26 (b) The continuing education's title and field of study.

27 (c) The date that the continuing education was offered or
28 completed.

29 (d) The location of the continuing education, if applicable.

1 (e) From the continuing education sponsor, a statement that
2 includes the number of hours of instruction for the continuing
3 education. The statement must also verify both of the following:

4 (i) That the individual completed or passed the continuing
5 education.

6 (ii) That continuing education credit was granted on a 50-
7 minute hour or, if the continuing education was college or
8 vocational school coursework, that 1 semester of course credit
9 equals 8 hours of continuing education credit.

10 (5) An individual who violates subsection (4) is subject to a
11 civil fine of not more than \$1,000.00.

12 (6) An individual who has obtained continuing education to
13 comply with this act is subject to a compliance audit by the
14 bureau. If the bureau finds, as a result of an audit, that an
15 individual who applied for license renewal under this section did
16 not complete the required amount of hours of continuing education
17 to renew the individual's license, the sanction imposed by the
18 bureau must require the individual to complete both of the
19 following, as applicable:

20 (a) Continuing education that fulfills the requirements for
21 the period determined by the audit to be deficient.

22 (b) If the period determined by the audit to be deficient is
23 not less than 60 days, additional hours of continuing education as
24 follows:

25 (i) If the deficiency period is less than 120 days, 4 hours.

26 (ii) If the deficiency period is 120 days or more, 8 hours.

27 (7) The additional hours of continuing education described in
28 subsection (6) (b) do not apply toward the continuing education
29 required under subsection (3), but the bureau may waive the

1 sanction under subsection (6)(b) if the individual subject to the
2 sanction demonstrates to the bureau that the sanction would cause
3 undue hardship on the individual.

4 (8) Not later than 30 days before a sponsor of continuing
5 education, other than the bureau, conducts continuing education,
6 the sponsor shall register the continuing education with the
7 bureau. A registration must include all of the following:

8 (a) The name and contact information of the sponsor.

9 (b) The continuing education's title and field of study.

10 (c) The date that the continuing education will begin to be
11 conducted.

12 (d) A statement, signed by the sponsor or on behalf of the
13 sponsor, that states that continuing education credit will be
14 granted on a 50-minute hour or, if the continuing education is
15 college or vocational school coursework, that 1 semester of course
16 credit equals 8 hours of continuing education credit.

17 (e) Payment for a \$30.00 registration fee, which must be
18 deposited in the fund.

19 (9) A person that violates subsection (8) is subject to a
20 civil fine of not more than \$1,000.00.

21 Sec. 13. (1) If an individual is granted a license, an
22 individual's license is renewed, or an individual becomes
23 registered under this act, the bureau shall issue a license card or
24 registration card, as applicable, to the individual. A license card
25 issued under this section is valid for 3 years. A registration card
26 issued under this section is valid for the applicable period of
27 time described in section 9(5).

28 (2) An individual licensed or registered under this act shall
29 physically or electronically carry the corresponding license card

1 or registration card if the individual is performing automatic fire
 2 protection system installation and, on request of an inspector
 3 described in section 5(7), physically or electronically present the
 4 license card or registration card to the inspector.

5 (3) A person shall not alter or fraudulently use a license
 6 card or registration card issued under this act.

7 (4) An individual who violates subsection (2) or (3) is
 8 subject to both of the following:

9 (a) A civil fine of not more than \$1,000.00.

10 (b) License and registration ineligibility, as described in
 11 this subdivision. The individual is ineligible to be granted a
 12 license, or be registered, under this act for the 3-year period
 13 immediately after the date of the violation.

14 (c) For the individual's first application under this act
 15 after the date of the violation, the application fee is 3 times
 16 more than the standard application fee for that application.

17 Sec. 15. Following the denial, revocation, or suspension of a
 18 license; the denial of a registration; or the imposition of a stop
 19 work order under this act, the person subject to the bureau's
 20 action has the right to a hearing under the administrative
 21 procedures of act of 1969, 1969 PA 306, MCL 24.201 to 24.328. If
 22 the bureau is the prevailing party and the presiding officer or
 23 majority of presiding officers finds that the person's position at
 24 the hearing was frivolous, reasonable costs may be assessed against
 25 the person, which must not to exceed \$5,000.00.

26 Sec. 17. The bureau, in consultation with the department, must
 27 promulgate rules under the administrative procedures act of 1969,
 28 1969 PA 306, MCL 24.201 to 24.328, to approve any of the following
 29 that relate to automatic fire protection system installation:

- 1 (a) A workshop, seminar, or education conference.
- 2 (b) A course in specialized programs.
- 3 (c) A distance learning, video, or correspondence course.
- 4 (d) Continuing education offered in another state.
- 5 (e) College or vocational school coursework.

6 Sec. 19. The licensure and registration requirements of this
7 act do not apply to any of the following individuals:

8 (a) An individual who is performing an automatic fire
9 protection system inspection or an automatic fire protection system
10 maintenance test, in accordance with nationally recognized
11 standards, to determine the operational status of an automatic fire
12 protection system only.

13 (b) An individual who is acting on behalf of a fire inspector.

14 (c) An individual who is performing the installation,
15 alteration, or repair of an automatic fire protection system in a
16 1- or 2-family residence.

17 Sec. 21. (1) The sprinkler fitter exam committee is created in
18 the bureau.

19 (2) The committee must consist of the following members:

20 (a) The state fire marshal, who serves as a nonvoting and ex
21 officio member, except that the state fire marshal may cast the
22 deciding vote if there is a tie.

23 (b) Two fire sprinkler contractors.

24 (c) Two sprinkler fitter journeypersons.

25 (3) The governor shall appoint the members of the committee
26 described in subsection (2) (b) to (c). The governor shall appoint
27 the first members of the committee described in subsection (2) (b)
28 to (c) within 60 days after the effective date of this act. The
29 governor shall appoint 1 of the first members to a 1-year term, 1

1 of the first members to a 2-year term, and 1 of the first members
2 to a 3-year term. After the first appointments, the term of a
3 member of the committee is 3 years or until a successor is
4 appointed under this subsection, whichever is later.

5 (4) If a vacancy occurs on the committee, the governor shall
6 appoint an individual to fill the vacancy for the balance of the
7 term.

8 (5) The governor may remove an appointed member of the
9 committee for incompetence, dereliction of duty, malfeasance,
10 misfeasance, or nonfeasance in office, or any other good cause.

11 (6) The state fire marshal is the chairperson of the committee
12 and shall call the first meeting of the committee. At the first
13 meeting, the committee may elect other officers that it considers
14 necessary or appropriate. The committee shall meet at least
15 quarterly, or more frequently at the call of the chairperson or at
16 the request of 3 or more members.

17 (7) A 3/4 of the members of the committee constitute a quorum
18 for transacting business. A majority of the members of the
19 committee present and serving are required for any action of the
20 committee.

21 (8) The committee shall conduct its business in compliance
22 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

23 (9) A writing that is prepared, owned, used, possessed, or
24 retained by the committee in performing an official function is
25 subject to the freedom of information act, 1976 PA 442, MCL 15.231
26 to 15.246.

27 (10) A member of the committee is not entitled to compensation
28 for service on the committee, but the committee may reimburse a
29 member for actual and necessary expenses incurred in serving.

1 (11) To approve and implement a sprinkler fitter exam, the
2 committee, in consultation with the department, shall promulgate
3 rules under the administrative procedures act of 1969, 1969 PA 306,
4 MCL 24.201 to 24.328.