

**SUBSTITUTE FOR  
HOUSE BILL NO. 5320**

A bill to regulate certain activities involving automatic fire protection systems; to establish certain licensing and endorsement standards; to provide for certain powers and duties for certain state agencies; to create boards; to create a fund for certain purposes and to impose fees; and to provide for penalties and remedies.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act shall be known and may be cited as the  
2 "automatic fire protection regulatory act".

3           Sec. 3. As used in this act:

4           (a) "Apprentice" means a person who is working in a training  
5 capacity to service or install automatic fire protection systems  
6 and who is studying in accordance with a program approved by the  
7 bureau.

8           (b) "Apprentice fire sprinkler fitter permit" means a permit

1 issued to an apprentice fire sprinkler fitter.

2 (c) "Automatic fire protection system" means a fire sprinkler  
3 system designed in accordance with nationally recognized standards  
4 that consists of an assembly of piping or conduits that conveys  
5 water, foam, or air with or without agents to dispersal openings or  
6 devices to extinguish, control, or contain fire and that provides  
7 protection from exposure to fire or the products of combustion. For  
8 fire protection purposes, automatic fire protection system means an  
9 integrated system of overhead piping designed in accordance with  
10 fire protection engineering standards. The system includes a  
11 suitable water supply, such as a gravity tank, fire pump,  
12 reservoir, pressure tank, or connection beginning at the supply  
13 side of an approved gate valve located at or near the property line  
14 where the pipe or piping system provides water used exclusively for  
15 fire protection and related appurtenances and to stand pipes  
16 connected to other related components or devices necessary for  
17 water supplies.

18 (d) "Board" means the Michigan fire sprinkler board.

19 (e) "Bureau" means the bureau of fire services within the  
20 department.

21 (f) "Contractor" means a person holding a Michigan fire  
22 sprinkler contractor license.

23 (g) "Department" means the department of energy, labor, and  
24 economic growth.

25 (h) "Endorsement" means a document, issued by the bureau, to  
26 an individual who has met qualifications that authorizes the  
27 individual to engage in system maintenance and inspection of

1 automatic fire protection systems.

2 (i) "Fire sprinkler fitter" means an individual who works on  
3 automatic fire protection systems.

4 (j) "Fund" means the fire protection system fund created in  
5 section 9.

6 (k) "Inspection" means the periodic examination of premises,  
7 equipment, or procedures, or of a licensed or endorsed person or  
8 entity, to determine whether the person's or entity's business or  
9 profession is being conducted in a manner consistent with the  
10 public health, safety, and welfare. Inspection includes the  
11 inquiry, analysis, audit, or other pursuit of information, with  
12 respect to a written complaint or other information before the  
13 bureau, that is carried out for the purpose of assisting the bureau  
14 in determining any of the following:

15 (i) Whether a person has violated a provision of law justifying  
16 discipline against the person.

17 (ii) Whether a license should be granted or denied.

18 (iii) Whether the bureau should seek an injunction against  
19 unlicensed practice.

20 (l) "Install" means the technical work that may be performed  
21 only by an endorsed individual or an apprentice in the assembly of  
22 an automatic fire protection system but does not include the  
23 delivery of supplies or the off-site cutting or threading of pipe.  
24 Install includes the following tasks relative to the assembly of an  
25 automatic fire protection system and does not apply to the repair,  
26 replacement, or maintenance of electrical supervisory devices for  
27 automatic fire sprinkler systems:

1 (i) A determination of the course or plan of installation.

2 (ii) Jobsite assembly and installation of metal or nonmetal  
3 pipe fittings including, but not limited to, fittings made of  
4 brass, copper, lead, glass, and plastic.

5 (iii) The joining of piping by any means, including pipes joined  
6 by threaded, caulked, wiped, soldered, brazed, fused, or cemented  
7 joints.

8 (iv) The securing of a pipe to the structure by any means  
9 including, but not limited to, clamps, brackets, hangers, and  
10 welds.

11 (v) The testing of the installed system for mechanical  
12 malfunctions.

13 (m) "Journey fire sprinkler license" means a license issued to  
14 a journey sprinkler fitter.

15 (n) "License" means the document issued by the bureau that  
16 authorizes a person or entity to engage in the business of  
17 servicing or installing automatic fire protection systems.

18 (o) "Registered fire sprinkler fitter apprenticeship program"  
19 means a 5-year program of apprenticeship training with the United  
20 States department of labor or a state apprentice council involving  
21 at least 8,500 hours of documented practical experience in the  
22 installation of fire protection equipment and at least 850 hours of  
23 classroom, shop, or related instruction in the fire protection  
24 trade.

25 (p) "System maintenance and inspections", when referring to  
26 automatic fire protection systems, means the maintenance and  
27 testing required to keep the automatic fire protection system and

1 its component parts in an operative condition at all times together  
2 with replacement of the system, or its component parts, with listed  
3 or approved parts when for any reason they become undependable,  
4 defective, or inoperative.

5       Sec. 5. (1) A contractor shall not engage in installing  
6 automatic fire protection systems unless holding a license issued  
7 by the department in the appropriate endorsement.

8       (2) A fire sprinkler fitter shall obtain an endorsement for  
9 the following services:

10       (a) Installation of automatic fire protection systems.

11       (b) Fire pump installation and testing.

12       (c) Systems inspections, testing, and maintenance.

13       (3) The license must be prominently displayed at the business  
14 premises, and endorsements must be carried by the person conducting  
15 each installation or servicing and must be shown to anyone who  
16 requests to see the documents.

17       (4) The bureau shall enforce this act and may conduct  
18 inspections regarding activities regulated under this act.

19       Sec. 7. (1) An application for a license and any endorsements  
20 shall be made on a form prescribed by the bureau and accompanied by  
21 the appropriate fee. The department shall issue a license only to  
22 an individual. The department shall delineate licensure classes for  
23 contractors, journey, and apprentice levels by rule promulgated  
24 under the administrative procedures act of 1969, 1969 PA 306, MCL  
25 24.201 to 24.328.

26       (2) The department shall issue a license and endorsement for 3  
27 years and shall issue a 1-year or 2-year license for an application

1 submitted after the due date for licenses and endorsements in the  
2 particular license cycle. Licenses and endorsements shall be issued  
3 on October 1 of each 3-year license cycle.

4       Sec. 9. (1) The fire protection system fund is created as a  
5 revolving fund in the state treasury. The state treasurer shall be  
6 the custodian of the fund and may invest the money in the fund and  
7 any surplus of the fund in investments as are in the best interests  
8 of the fund. The department is considered the administrator of the  
9 fund for purposes of auditing. Money in the fund at the close of  
10 each fiscal year shall remain in the fund and shall not lapse to  
11 the general fund. The state fire marshal shall supervise and  
12 administer the fund. Fees received by the bureau and money  
13 collected under this act shall be deposited in the fund and shall  
14 be appropriated by the legislature for administration and  
15 enforcement of this act and the operation of the bureau, including  
16 indirect overhead expenses. The state treasurer shall notify the  
17 state fire marshal and the legislature of interest credited and the  
18 balance of the fund as of September 30 of each year.

19       (2) The department shall charge an application fee of \$20.00,  
20 a 3-year license fee of \$150.00, and a 3-year fee of \$40.00 for  
21 each endorsement.

22       (3) Beginning 5 years after the effective date of this act,  
23 the state fire marshal, after notifying the chairperson of the  
24 senate and house appropriations committee of his or her intent to  
25 establish the fees after approval of the board, and following a  
26 public hearing held by the board, shall establish reasonable fees  
27 to be charged by the bureau for issuance of certificates of

1 acceptability, testing, and evaluation.

2 (4) Within 30 days after the setting of fees under subsection  
3 (3), the state fire marshal shall report to the legislature  
4 regarding the following:

5 (a) The factors considered in the fee changes, including, but  
6 not limited to, the increase in the nature and cost of the services  
7 and the presence, absence, or change of any state or federal  
8 mandates related to the services.

9 (b) Specific cost increases, if any, related to specific  
10 services and the method of determining that increased cost.

11 (c) The individuals with direct knowledge of the fee changes  
12 who are available to answer questions regarding those changes.

13 Sec. 11. (1) There is created a Michigan fire sprinkler board  
14 within the department. The board shall consist of 9 members  
15 appointed by the governor with the advice and consent of the  
16 senate.

17 (2) Except as otherwise provided for in this section, the  
18 board shall have not less than 5 members who are licensed under  
19 this act. The terms of the board members is 3 years, except that  
20 the initial board shall have 3 members appointed for 1 year, 3  
21 members appointed for 2 years, and 3 members appointed for 3 years.  
22 In the case of the initial board and in order to retain their  
23 membership, the 5 licensed members shall become licensed under this  
24 act within 12 months after the appointment of the board.

25 (3) The board shall advise the department and the bureau on  
26 matters of qualifications, examinations, standards of practice, and  
27 disciplinary actions against licensees.

1           Sec. 13. (1) An individual seeking licensure shall meet the  
2 following qualifications and testing standards:

3           (a) Completion of a bona fide government-registered fire  
4 sprinkler fitter apprenticeship program that establishes specified  
5 minimum requirements for on-the-job training and classroom and shop  
6 instruction and is approved by the board and the bureau.

7           (b) Passage of a test acceptable to the board.

8           (2) Beginning the effective date of this act and until the  
9 expiration of 12 months after the effective date of this act, the  
10 department shall issue a license and appropriate endorsement,  
11 without meeting the training, education, and examination  
12 requirements imposed in this act, to an individual meeting  
13 standards determined by the bureau.

14           Sec. 15. The following individuals are exempt from the  
15 licensing requirements imposed by this act:

16           (a) Individuals who engage only in the routine visual  
17 inspection of automatic fire protection systems owned by the person  
18 or entity and installed on property under their control.

19           (b) An individual or safety official representing a publicly  
20 appointed commission or local authority having jurisdiction over  
21 automatic fire protection systems.

22           Sec. 17. (1) Beginning the license cycle after the initial  
23 license and endorsement and as a condition of renewal, an endorsee  
24 shall obtain a minimum of 24 hours of continuing education per  
25 license cycle and submit copies of continuing education  
26 certificates with the application for renewal.

27           (2) The following continuing education programs may be



1 preapproved by the bureau for continuing education credit:

2 (a) Workshops, seminars, and educational conferences sponsored  
3 by fire protection equipment manufacturers or trade associations.

4 (b) Courses in specialized programs approved or sponsored by  
5 the bureau.

6 (c) Distance learning, video, or correspondence course work  
7 approved by the bureau.

8 (e) Any continuing education which has been obtained in  
9 another state that meets the continuing education standards imposed  
10 in this state and is approved by the bureau.

11 (f) College or vocational school course work, approved by the  
12 bureau, which is germane to the profession and contributes directly  
13 to the professional competence of the endorsed individual, subject  
14 to the following limitations:

15 (i) The endorsed individual must pass the course.

16 (ii) One semester credit shall equal 15 hours of continuing  
17 education, and 1/4 credit shall equal 10 hours of continuing  
18 education.

19 Sec. 19. (1) All work performed by an apprentice must be  
20 subject to direct and task-specific instruction and direct  
21 supervision of an endorsed individual.

22 (2) The bureau shall provide for an apprenticeship program.  
23 Once an apprenticeship program has been approved, the licensee  
24 shall provide the bureau with a list of all apprentices performing  
25 work for the licensee and the name of the endorsed individual under  
26 whom each apprentice will be working. The licensee shall provide  
27 the bureau with updates of such list no later than 30 days after

1 any addition or subtraction of an apprentice from its program.

2       Sec. 21. A person engaged in activity regulated by this act  
3 without a license and appropriate endorsement and without being  
4 exempt from licensure under this act is guilty of a misdemeanor.

5       Sec. 23. The director of the department may promulgate rules  
6 under the administrative procedures act of 1969, 1969 PA 306, MCL  
7 24.201 to 24.328, for the purpose of administering and enforcing  
8 this act.