

**SUBJECT:** Licensing fire protection sprinkler system installers

**COMMITTEE:** Licensing and Administrative Procedures — committee substitute recommended

**VOTE:** 8 ayes — Flores, Chisum, Goolsby, Hamilton, Homer, D. Jones, Morrison, Quintanilla

0 nays

1 absent — Geren

**WITNESSES:** For — Joseph Arabie, Texas AFL-CIO; Danny Tilley, Texas Building Trades and Construction Council

Against — Dwight Bateman, AFSA and TxFSCA; Carol McCain, Safe Home, Inc. and TxFSCA; Steve Rians, Texas Fire Sprinkler Contractors Association; Joe Self, Automatic Fire Protection, Inc. and Texas Fire Sprinkler Contractors Association; Robert Trotter, National Fire Sprinkler Association; Jay Workman, Argyle Fire Protection, Inc.

**BACKGROUND:** The Texas Department of Insurance oversees the regulation of fire protection sprinkler system installers and contractors. A fire protection sprinkler system contractor must carry a certificate of registration, show liability coverage, and employ at least one licensed responsible managing employee on a full-time basis. To obtain that designation, an individual must pass a state exam and pay a registration fee.

**DIGEST:** CSHB 1020 would require a license for sprinkler professionals and would establish journeyman and apprentice designations for individuals installing, maintaining, repairing, or inspecting a sprinkler system. A journeyman would have to have more than 8,000 hours experience and an apprentice would have less. A license would be required after July 1, 2006.

Sprinkler professionals working in one and two-family dwellings and buildings in counties with fewer than 50,000 residents would be exempt from the required license.

To obtain a license, the professional would have to pass an exam and pay an annual fee of \$30 for journeymen. An apprentice would be required to register, pay an annual \$15 fee, and be enrolled in a certified apprenticeship program or meet other qualifications established by rule. The bill would permit applicants to re-take a license exam four times per year and require six hours of board-approved continuing education.

The bill also would prohibit a person or company from refusing to display a license or certificate of registration while installing, maintaining, repairing, or inspecting a sprinkler system and from permitting another person who had a suspended or revoked license to use an individual's license.

A person operating without a license or certificate of registration would be liable for a civil penalty of up to \$5,000 for each violation.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

**SUPPORTERS  
SAY:**

HB 1020 would improve public safety by ensuring that all individuals who work on fire sprinkler systems met basic experience requirements and were knowledgeable about the work. Fire sprinklers save lives when properly installed and maintained.

Standards are applied inconsistently across the industry. Even though a contractor is required to employ a responsible managing employee, the fitters who do the actual installation are not licensed. Many decisions are made on the jobsite that require some training, yet fitters are not uniformly receiving such training.

Relying on the State Fire Marshal to go after bad actors makes the system reactive because the state must wait until there is a problem. Licensing journeymen and apprentices could prevent inexperienced or incompetent operators from practicing in the first place.

A faulty sprinkler system is the same as no sprinkler system at all. Not only does shoddy installation and maintenance endanger the public, but also fire fighters.

OPPONENTS  
SAY:

The chain of responsibility established under current statute is sufficient to ensure that fire sprinkler systems are appropriately installed and maintained. Each company must have a responsible managing employee who oversees all work, and each company carries liability insurance. Responsibility should lie with the company because it contracts for the job and is the entity from which clients would seek recourse. Unlike plumbers or electricians whose work is overseen by engineers, fire sprinkler installers are overseen by the contractor. Requiring all fitters to be licensed would be akin to requiring all individuals on a construction site to have a license, rather than assigning responsibility to the companies.

NOTES:

The substitute would exempt from the required license sprinkler professionals working in one and two-family dwellings and buildings in counties with fewer than 50,000 residents.