

HOUSE BILL No. 2741

By Committee on Commerce, Labor and Economic Development

2-9

1 AN ACT concerning regulation of the fire sprinkler industry; enacting the
2 fire sprinkler industry act; amending K.S.A. 2017 Supp. 31-133 and
3 repealing the existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. Sections 1 through 19, and amendments thereto, shall
7 be known and may be cited as the fire sprinkler industry act.

8 New Sec. 2. As used in the fire sprinkler industry act:

9 (a) "Certificate of course completion" means a document acceptable
10 to the state fire marshal that signifies satisfactory completion of course
11 work as required by the state fire marshal.

12 (b) "Certification of a system" means testing of a fire sprinkler alarm
13 system by a licensed individual working for a fire sprinkler company to
14 verify that the system complies with all of the requirements of the
15 applicable code or standard pursuant to the applicable code or standard, as
16 provided under the rules and regulations of the state fire marshal.

17 (c) "Commercial building" means a building or structure used for
18 any purpose or occupancy that is not defined in this section as a residential
19 building.

20 (d) "Commercial fire sprinkler license" means the general category
21 of license that shall be subdivided into test, inspection and maintenance
22 licenses, installation and design licenses, with qualifications as shall be
23 further specified by the state fire marshal with respect to subcategories of
24 fire sprinkler company, manager, trainee, inspector, system designer or
25 technician, that authorizes the holder to engage in fire sprinkler alarm
26 industry activities in compliance with the specified license, the rules and
27 regulations of the state fire marshal and this act for any residential or
28 commercial application.

29 (e) "State fire marshal" means the state fire marshal of Kansas.

30 (f) "Fire sprinkler company" means a sole proprietorship, firm,
31 partnership, association, limited liability company, corporation or other
32 business entity licensed under this act that provides fire sprinkler systems
33 to others in Kansas by any means, including, but not limited to, the sale,
34 lease, rent, design, planning with the intent to install, maintenance, repair,
35 testing, modification, improvement, alteration, inspection or servicing of a
36 fire sprinkler system; holding oneself or one's company out for hire to

1 perform any such task; or otherwise offering to perform any such task for
2 compensation either directly or indirectly. A fire sprinkler company shall
3 be licensed by the state fire marshal as a residential or commercial fire
4 sprinkler company and for testing, inspection and maintenance or
5 installation or design as provided by this act and the rules and regulations
6 of the state fire marshal.

7 (g) "Fire sprinkler company manager" means an officer or manager,
8 licensed under this act, of a fire sprinkler company, with the authority to
9 bind the company by contract, who shall provide supervision over the
10 regulated functions and operations of the company within the state of
11 Kansas. The fire sprinkler company manager shall not be the manager of
12 record for more than one fire sprinkler company, unless the manager is a
13 majority owner of each company. A fire sprinkler company manager shall
14 be a specialty contractor whose principal contracting business is the
15 execution of contracts requiring, as specified by the criteria of the specific
16 license, the art, ability, experience, knowledge, science and skill to design,
17 fabricate, install, inspect, except with respect to applicable electrical codes,
18 alter or repair, fire sprinkler systems, piping or tubing and appurtenances
19 and equipment pertaining thereto, including both overhead and
20 underground non-potable water mains, fire hydrant mains, standpipes and
21 hose connections to fire sprinkler systems, air line systems used in
22 connection with fire sprinkler systems and tanks and pumps connected
23 thereto, in compliance with nationally recognized standards, including
24 state and local codes and standards for layout, installation and maintenance
25 of fire sprinkler systems.

26 (h) "Fire sprinkler industry" means the business of providing fire
27 sprinkler systems in Kansas by any means, including, but not limited to,
28 the sale, lease, rent, design, planning with the intent to install, installation,
29 maintenance, repair, testing, modification, improvement, alteration,
30 inspection or servicing of a fire sprinkler system.

31 (i) "Fire sprinkler inspector" means an individual licensed under this
32 act who is employed by a fire sprinkler company with a commercial fire
33 sprinkler company license to inspect and test fire sprinkler systems to
34 determine if the systems have been installed and are operating according to
35 the appropriate code or standard as provided by this act and the rules and
36 regulations of the state fire marshal.

37 (j) "Fire sprinkler system" or "system" means a fire protection system
38 designed to extinguish fires in residential or commercial buildings by the
39 application of water or another liquid or substance that is dispensed
40 automatically by one or more sprinklers.

41 (k) "Fire sprinkler technician" means an individual licensed under
42 this act who is employed by a fire sprinkler company to install, service and
43 sell, maintain, repair or test fire sprinkler equipment. A fire sprinkler

1 technician license shall be designated as a residential or commercial fire
2 sprinkler technician license and approved for testing, inspection and
3 maintenance work or for design or installation as provided by this act and
4 the rules and regulations of the state fire marshal.

5 (l) "Fire sprinkler technician trainee" means an individual licensed
6 under this act and the rules and regulations of the state fire marshal, who is
7 employed by a fire sprinkler company to assist fire sprinkler technicians or
8 managers and learn to properly install and service fire sprinkler systems.

9 (m) "IBC" means the international building code.

10 (n) "ICC" means the international code council, inc.

11 (o) "Inspection" means the visual observation or system test of any
12 fire sprinkler system by a licensed fire sprinkler inspector to determine if
13 the system has been installed and is operating according to the applicable
14 code or standard as provided by this act and the rules and regulations of
15 the state fire marshal. Any inspection within a residential building shall be
16 considered residential work.

17 (p) "Licensee" means any person licensed pursuant to the fire
18 sprinkler industry act and the rules and regulations of the state fire
19 marshal.

20 (q) "Multipurpose fire sprinkler system" means a single piping
21 system within a residential building or manufactured housing where the
22 same piping system simultaneously serves both domestic and fire
23 protection needs and are not independent systems in any manner as
24 described by the standard for the installation of sprinkler systems in one-
25 family and two-family dwellings as set forth in the national fire protection
26 association code 13D as adopted in the rules and regulations of the state
27 fire marshal.

28 (r) "NFPA" means the national fire protection association.

29 (s) "NICET" means the national institute of certification in
30 engineering technologies, a certification program sponsored by the
31 national society of professional engineers.

32 (t) "Ownership" means an ownership interest of 25% or more in a
33 company subject to the fire sprinkler industry act.

34 (u) "Person" means an individual, sole proprietorship, firm,
35 partnership, association, limited liability company, corporation or other
36 business entity.

37 (v) "Residential building" means buildings arranged for the use of
38 one-family or two-family dwelling units, including not more than five
39 lodgers or boarders per family and multiple single-family dwellings where
40 each unit has an independent means of egress and is separated by a two-
41 hour fire separation assembly and all detached one-family or two-family
42 dwellings not more than three stories in height, and the accessory
43 structures as indicated in the ICC one-family and two-family dwelling

1 code.

2 (w) "Residential fire sprinkler license" means the general category of
3 license that shall be subdivided into testing, inspection and maintenance
4 licenses, installation and design licenses, with qualifications as shall be
5 further specified by the state fire marshal with respect to subcategories of
6 fire sprinkler company, manager, trainee, inspector, system designer or
7 technician, that authorizes the holder to engage in fire sprinkler alarm
8 industry activities in compliance with the specified license, the rules and
9 regulations of the state fire marshal and this act for any residential building
10 and manufactured housing.

11 (x) "Rough-in cabling or wiring" means the act of installing the
12 cabling or wiring required for the activities regulated by this act. This
13 includes the preparation of the site for cabling or wiring, but shall not
14 include the installation or connection of any electronic devices or parts
15 thereof.

16 (y) "Security verification" means information submitted to the
17 appropriate authority regarding each applicant to verify any criminal
18 records.

19 (z) "Supervision" means on-site supervision by a licensed manager or
20 technician.

21 (aa) "Trainee" means an individual who is employed by a licensed
22 fire sprinkler industry company to learn to properly engage in the activities
23 regulated by this act, who can engage in any licensed category pursuant to
24 this act while under the direct supervision of an individual holding the
25 appropriate license for the category of activity being performed as required
26 by this act and the rules and regulations of the state fire marshal.

27 New Sec. 3. (a) The state fire marshal shall adopt rules and
28 regulations consistent with the following standards as the minimum
29 standards of installation for the fire sprinkler industry in Kansas and may
30 incorporate in rules and regulations by reference the following specific
31 current editions or portions thereof:

- 32 (1) International code council (ICC);
- 33 (2) international building code (IBC);
- 34 (3) national electrical code (NFPA 70);
- 35 (4) standard for the installation of sprinkler systems (NFPA 13);
- 36 (5) standard for the installation of sprinkler systems in one-family
37 and two-family dwellings (NFPA 13D);
- 38 (6) standard for the installation of sprinkler systems in residential
39 occupancies up to and including four stories in height (NFPA 13R);
- 40 (7) standard for the installation of standpipe and hose systems (NFPA
41 14);
- 42 (8) standard for water spray fixed systems for fire protection (NFPA
43 15);

1 (9) standard for the installation of foam-water sprinkler and foam-
2 water spray systems (NFPA 16);

3 (10) standard for the installation of stationary pumps for fire
4 protection (NFPA 20);

5 (11) standard for the installation of private fire service mains and
6 their appurtenances (NFPA 24);

7 (12) standard for the inspection, testing and maintenance of water-
8 based fire protection systems (NFPA 25); and

9 (13) code for safety to life from fire in buildings and structures
10 (NFPA 101).

11 (b) If a conflict exists between any of the installation standards
12 referenced in subsection (a), the more stringent standard shall apply and
13 shall be adopted. If a conflict exists between any of the codes or standards
14 referenced in subsection (a) and this act, the requirements in this act shall
15 apply.

16 (c) Where no specific standards or requirements are specified in this
17 act or within other codes or rules and regulations adopted by the state fire
18 marshal as provided by subsection (a), compliance with the applicable
19 standards of the national fire protection association, American national
20 standard institute (ANSI), or other nationally recognized fire safety
21 standards, shall be considered prima facie evidence of compliance with
22 this act or the rules and regulations of the state fire marshal.

23 New Sec. 4. (a) No person shall engage in the fire sprinkler industry
24 business in this state without first having obtained the applicable license
25 pursuant to the provisions of the fire sprinkler industry act and the rules
26 and regulations of the state fire marshal. Every person engaged in the fire
27 sprinkler industry business in this state shall conform to the provisions of
28 this act and the rules and regulations of the state fire marshal.

29 (b) Each fire sprinkler company licensed as a commercial fire
30 sprinkler company shall have an officer, partner, sole proprietor or an
31 employee licensed as a commercial fire sprinkler manager. Each fire
32 sprinkler company licensed as a residential fire sprinkler company shall
33 have an officer, partner, sole proprietor or an employee licensed as a
34 commercial or residential fire sprinkler manager. In the event of the fire
35 sprinkler manager's separation from the company for any reason, the
36 company shall notify the fire marshal within 14 days from separation and
37 name another licensed fire sprinkler manager within 30 days from
38 separation.

39 (c) A licensed fire sprinkler technician or licensed fire sprinkler
40 manager must be on the job site of any work being performed by a fire
41 sprinkler company.

42 (d) A company with a residential fire sprinkler company license shall
43 only offer to or engage in the planning, sales, installation, repair,

1 alteration, service or inspection of residential multipurpose fire sprinkler
2 systems on residential buildings and manufactured housing, as permitted
3 by the company's installation and design or testing, inspection and
4 maintenance license designation.

5 (e) A company with a commercial fire sprinkler company license may
6 offer to or engage in the planning, installation, repair, alteration,
7 maintenance, service, sale, inspection or advertisement of fire sprinkler
8 systems for any residential or commercial use as permitted by the
9 company's installation and design or testing, inspection and maintenance
10 license designation.

11 (f) No individual licensed under this act shall contract for the
12 individual's services as an independent contractor without first applying
13 for and being issued a company license and without first applying for and
14 being issued a manager's license. No company shall contract for the
15 independent services of a holder of an individual license under this act.

16 (g) The provisions of this section shall take effect on and after
17 January 1, 2019.

18 New Sec. 5. (a) The licensed residential or commercial company
19 manager of a fire sprinkler company shall be responsible for all activities
20 of the fire sprinkler company regulated by this act.

21 (b) A residential fire sprinkler manager shall only offer to engage in
22 or supervise the planning, installation, repair, alteration, maintenance,
23 service, sale, inspection or advertisement of multipurpose fire sprinkler
24 systems for use in residential buildings and manufactured housing, as
25 permitted by the licensee's installation and design or testing, inspection
26 and maintenance license designation.

27 (c) A commercial fire sprinkler manager may offer to engage in or
28 supervise the planning, installation, repair, alteration, maintenance,
29 service, sale, inspection or advertisement of fire sprinkler systems for any
30 residential or commercial use, as permitted by the licensee's installation
31 and design or test, inspection and maintenance license designation.

32 (d) The provisions of this section shall take effect on and after
33 January 1, 2019.

34 New Sec. 6. (a) A fire sprinkler technician shall engage in fire
35 sprinkler industry work only while licensed and employed by a licensed
36 Kansas fire sprinkler company. A fire sprinkler technician performing
37 work permitted by a commercial fire sprinkler technician license shall
38 work under the supervision of a commercial fire sprinkler company
39 manager. A fire sprinkler technician performing work permitted under a
40 residential fire sprinkler technician license shall work under the
41 supervision of a residential or commercial fire sprinkler company
42 manager.

43 (b) A commercial fire sprinkler technician employed by a fire

1 sprinkler company with a residential license shall only perform fire
2 sprinkler industry work permitted by a residential fire sprinkler company
3 license.

4 (c) The provisions of this section shall take effect on and after
5 January 1, 2019.

6 New Sec. 7. (a) A technician trainee shall engage in fire sprinkler
7 industry work only when employed by a licensed fire sprinkler company.

8 (b) A technician trainee shall work under the direct supervision of a
9 licensed fire sprinkler company manager or licensed fire sprinkler
10 technician. No more than three technician trainees may work at the same
11 time under the direct supervision of one fire sprinkler company manager or
12 one fire sprinkler technician.

13 (c) A technician trainee must submit a trainee application to the state
14 fire marshal within 15 business days after being hired by a fire sprinkler
15 company.

16 (d) The provisions of this section shall take effect on and after
17 January 1, 2019.

18 New Sec. 8. (a) A fire sprinkler inspector shall inspect and test each
19 fire sprinkler system to determine if the system has been installed and is
20 operating according to the appropriate codes and standards as provided by
21 this act and the rules and regulations of the state fire marshal before
22 certifying the system.

23 (b) A fire sprinkler inspector shall only perform work permitted under
24 a fire sprinkler inspector license as an employee of a fire sprinkler
25 company holding a commercial fire sprinkler company license.

26 (c) The provisions of this section shall take effect on and after
27 January 1, 2019.

28 New Sec. 9. (a) The state fire marshal shall issue licenses for
29 companies, managers, system designers, technicians, inspectors and
30 trainees under two separate categories of: (1) Commercial; and (2)
31 residential, with qualifications and criteria as specified in this act and the
32 rules and regulations of the state fire marshal, and shall further specify
33 licenses as permitting or not permitting the following subcategories of
34 work, with qualifications and criteria as specified by rules and regulations
35 of the state fire marshal: (A) Testing, inspection or maintenance; (B)
36 design; and (C) installation. The state fire marshal shall develop license
37 qualifications and requirements and license renewal qualifications and
38 requirements, respectively, for commercial and residential fire sprinkler
39 industry managers, technicians, inspectors, system designers and trainees.

40 (b) Licensing requirements shall include the successful completion of
41 examinations developed and administered by the state fire marshal and the
42 provision of proof of experience or training for each category of applicant
43 as specified under the rules and regulations of the state fire marshal. Any

1 applicant failing to pass an examination shall be required to retake the
2 same examination after payment of the appropriate retest fee established
3 by the state fire marshal. Any person who fails to appear for a scheduled
4 examination shall forfeit the examination fee.

5 (c) Licenses issued for design or installation may be approved for
6 work requiring a testing, inspection or maintenance license. Testing,
7 inspection or maintenance license designations shall not be approved for
8 work requiring a design or installation license designation.

9 (d) Any applicant for an initial individual license shall pass a security
10 background investigation before receiving a license and may be required
11 to pass a security background investigation before receiving a renewal of a
12 license under this act.

13 (e) To pass a security background investigation, the individual must
14 not have been convicted of a person felony under Kansas law or a crime
15 under another jurisdiction that would constitute a person felony under
16 Kansas law and, within the last 10 years, must not have been convicted of
17 any nonperson felony under Kansas law, or a crime under another
18 jurisdiction that would constitute a nonperson felony under Kansas law, or
19 a person misdemeanor under Kansas law, or an offense that would
20 constitute a person misdemeanor under Kansas law. The fire marshal may
21 approve an applicant for a license who has committed a nonperson felony
22 or person misdemeanor under Kansas law within the last 10 years, or a
23 crime or offense under another jurisdiction that would constitute a
24 nonperson felony or a person misdemeanor under Kansas law within the
25 last 10 years, if the applicant presents clear and substantial evidence to the
26 state fire marshal, including, but not limited to, work history, interactions
27 with law enforcement, absence of addiction to drugs or alcohol, the
28 recommendation of a probation or parole officer or law enforcement, or
29 references or letters of support that the applicant has been rehabilitated and
30 will not present a danger to the public.

31 (f) The state fire marshal shall require fees for applications for
32 licenses and for license renewals issued pursuant to this act. The state fire
33 marshal may designate fees applicable for the various license categories
34 and subcategories, except that an application or renewal fee shall not
35 exceed \$300 for a fire sprinkler company license application or renewal
36 and \$100 for an individual license application or renewal. In addition to
37 the application or renewal fee, the state fire marshal may require an
38 applicant to pay the cost or partial cost of a security background
39 investigation and an examination fee when required by this act or the rules
40 and regulations of the state fire marshal. An applicant shall pay the license
41 application or renewal fee and the cost or partial cost of a security
42 background check, if applicable, at the time the applicant makes
43 application for the license or license renewal. All fees shall be

1 nonrefundable. The state fire marshal may extend a license and allow a
2 late renewal of not more than 90 days and may require an additional fee of
3 not more than double the applicable fee if the license is not renewed within
4 30 days of the renewal date.

5 (g) A license shall be valid for a one-year term from the date of
6 issuance and shall not be altered, transferred or assigned.

7 (h) An individual license that is expired for more than two years shall
8 not be renewed. A new application shall be required.

9 (i) The state fire marshal may issue temporary licenses pursuant to
10 rules and regulations adopted by the state fire marshal and may provide for
11 simplified applications for renewal of a license, including a requirement
12 the applicant certify that no material changes have occurred with respect to
13 qualifications and requirements for licensure under this act.

14 (j) All licenses shall expire annually on the last day of the month the
15 license was initially issued. Licenses may be renewed prior to the
16 expiration date for a prorated fee. An expired license may be renewed by
17 paying the renewal fee established by the state fire marshal no later than
18 30 days after the license's expiration date. An expired license may be
19 renewed later than 30 days after the license's expiration date by paying
20 double the renewal fee.

21 (k) If a license is lost or destroyed, the state fire marshal may issue a
22 replacement license without requiring a new application. The state fire
23 marshal may charge a fee for a replacement license, not to exceed \$30 for
24 an individual and \$100 for a company.

25 (l) The provisions of this section shall take effect on and after January
26 1, 2019.

27 New Sec. 10. (a) Any person desiring a fire sprinkler industry
28 company license or license renewal pursuant to this act may make
29 application to the state fire marshal on and after January 1, 2019.

30 (b) Any person applying for a license or license renewal as a fire
31 sprinkler industry company shall provide:

32 (1) Evidence that the individual or individuals working for the fire
33 sprinkler company within this state having direct supervision over the fire
34 sprinkler industry work within this state have the following qualifications:

35 (A) Are at least 18 years of age;

36 (B) have not been declared by any court of competent jurisdiction to
37 be incompetent by reason of mental defect or disease, or have been
38 restored to competency by any court of competent jurisdiction;

39 (C) are not habitual users of intoxicating liquors or users of any
40 illegal or illicit drug or controlled substance, including, but not limited to,
41 the non-medical use of any prescription drug or other intoxicating
42 substance;

43 (D) have not been discharged from the armed services of the United

- 1 States under dishonorable conditions;
- 2 (E) are of good moral character; and
- 3 (F) meet standards, examination results or experience or training
- 4 requirements of this act or as may be established by rules and regulations
- 5 of the state fire marshal;
- 6 (2) the address of the principal office of the applicant and the address
- 7 of each business location of the applicant within this state;
- 8 (3) the name under which the applicant intends to do business as a
- 9 licensee;
- 10 (4) a statement explaining the extent and scope of the applicant's fire
- 11 sprinkler industry business;
- 12 (5) the name and address of the applicant if a sole proprietor, or if the
- 13 applicant is a business entity, the names and addresses of each officer and
- 14 of each partner or shareholder who owns an interest in the company of
- 15 25% or more;
- 16 (6) photographs of any individual required by subsection (c) to
- 17 undergo a background security check pursuant to section 9, and
- 18 amendments thereto, meeting the specifications of the state fire marshal;
- 19 (7) two classifiable sets of fingerprints of any individual required by
- 20 subsection (c) to undergo a background security check pursuant to section
- 21 9, and amendments thereto;
- 22 (8) the name and address of each employee of the company licensed
- 23 under this act and the type, date of issuance and expiration date of the
- 24 license; and
- 25 (9) any other information, business records, employee records,
- 26 qualifications, verifications, statements or documents pertaining to the
- 27 company, or to any prior business activity of the officers, managers, or
- 28 owners, or to any of its employees engaged in work regulated under this
- 29 act, as may be required by the state fire marshal.
- 30 (c) Applicants who are sole proprietors, or each officer and each
- 31 partner or shareholder, who owns an interest of 25% or more in a fire
- 32 sprinkler company, shall pass a background security check as provided by
- 33 section 9, and amendments thereto;
- 34 (d) The provisions of this section shall take effect on and after
- 35 January 1, 2019.
- 36 New Sec. 11. (a) Applications for licenses or license renewals for
- 37 managers, technicians, inspectors, system designers and trainees shall be
- 38 submitted to the state fire marshal.
- 39 (b) Each initial license applicant and, when required by the state fire
- 40 marshal, each applicant for a renewal license shall provide a photograph or
- 41 photographs meeting the specifications of the state fire marshal and two
- 42 classifiable sets of fingerprints. The state fire marshal may allow the
- 43 applicant to submit fingerprints electronically.

1 (c) In considering an applicant for a fire sprinkler manager license,
2 the state fire marshal shall consider the applicant's knowledge and
3 experience with respect to the execution of contracts requiring the art,
4 ability, experience, knowledge, science, and skill to design, fabricate,
5 install, inspect, except with respect to applicable electrical codes, alter or
6 repair, fire sprinkler systems, piping or tubing and appurtenances and
7 equipment pertaining thereto, including both overhead and underground
8 non-potable water mains, fire hydrant mains, standpipes, and hose
9 connections to fire sprinkler systems, air line systems used in connection
10 with fire sprinkler systems, and tanks and pumps connected thereto, in
11 compliance with nationally recognized standards including state and local
12 codes and standards for layout, installation and maintenance of fire
13 sprinkler systems.

14 (d) Any individual license renewal shall require that the licensee be
15 listed as an employee on a fire sprinkler companies' renewal form or in a
16 separate letter from the company that has been signed by the licensed fire
17 sprinkler manager of record. If an individual licensee cannot supply the
18 required employment information, the licensee may request the state fire
19 marshal to designate such person's license as inactive. The inactive
20 designation of the license shall remain until the employment information is
21 provided to the state fire marshal. The requirement of employment by an
22 employer specifically licensed as a fire sprinkler company shall not apply
23 for individual licensees employed by a general services provider engaged
24 by the United States department of defense for general department of
25 defense facility fire sprinkler services.

26 (e) The applicant shall provide the following information or records
27 with the application:

- 28 (1) Relevant work experience and history and training records;
- 29 (2) the results of an examination developed and administered by the
30 state fire marshal with respect to each license category;
- 31 (3) a description of the work regulated by this act in which the
32 applicant intends to engage; and
- 33 (4) any other information, records or documentation required by the
34 state fire marshal with respect to each category or subcategory of license
35 or license renewal.

36 (f) The state fire marshal may deny an application for an individual
37 license or a license renewal if the state fire marshal determines:

- 38 (1) That the applicant or licensee has violated any provision of the
39 fire sprinkler industry act or any rule or regulation promulgated
40 thereunder;
- 41 (2) the licensee fails to pass a security background check as required
42 by section 9, and amendments thereto;
- 43 (3) the applicant or licensee has knowingly made a material

1 misstatement in any information required by the state fire marshal;

2 (4) the applicant or licensee has demonstrated incompetence,
3 untrustworthiness, or a danger or potential danger to the public in the
4 applicant's or licensee's actions; or

5 (5) the applicant or licensee fails to meet examination or any other
6 requirements for licensure or renewal established in the rules and
7 regulations of the state fire marshal.

8 (g) The provisions of this section shall take effect on and after
9 January 1, 2019.

10 New Sec. 12. (a) Any person engaged in any activity regulated by the
11 fire sprinkler industry act, when installing or repairing electrical circuits
12 consisting entirely of class 2 or class 3 circuits and power source
13 requirements as established by the national electrical code shall not be
14 required to obtain any license required under other state or local codes,
15 rules and regulations, if the person is licensed pursuant to the provisions of
16 the fire sprinkler industry act and the rules and regulations of the state fire
17 marshal. Persons performing installations, repairs or other work on any
18 electrical circuits other than class 2 or class 3 circuits shall be required to
19 be properly licensed or registered pursuant to applicable state or local
20 codes or rules and regulations.

21 (b) The provisions of this section shall take effect on and after
22 January 1, 2019.

23 New Sec. 13. (a) A fire sprinkler company license shall be posted in a
24 conspicuous place in each business location of the licensee.

25 (b) An individual licensee shall have the individual's license in the
26 individual's possession when performing work requiring a license.

27 (c) A fire sprinkler company licensee shall notify the state fire
28 marshal within 14 days of any change of information furnished on the
29 licensee's application for the license including, but not limited to, change
30 of ownership, address, business activities, or any developments related to
31 the qualifications of the licensee. If the licensee for any reason ceases to
32 engage in a fire sprinkler business in this state, the licensee shall notify the
33 state fire marshal within 14 days. If the required notice is not given within
34 14 days, the license may be suspended or revoked by the state fire marshal.

35 (d) Each fire sprinkler company licensee shall maintain, update and
36 provide to the state fire marshal annually and upon request, a record
37 containing the names, addresses and the employment start and end dates of
38 the licensee's employees doing work permitted by the company's license,
39 the license expiration dates and any other information as may be required
40 by the state fire marshal.

41 (e) A fire sprinkler company licensee shall be responsible to the state
42 fire marshal in matters of conduct of business activities covered by the fire
43 sprinkler industry act. The licensee shall be responsible for the activities

1 on the part of the licensee's employees. Conduct in violation of the
2 provisions of the fire sprinkler industry act on the part of any employees
3 which occurs within the scope of employment may be considered by the
4 fire marshal as an act of the licensee.

5 (f) Each individual license holder shall notify the state fire marshal
6 within 14 days of any of the following events:

- 7 (1) Any change in the licensee's home address;
- 8 (2) any separation from an employer or change in employer; or
- 9 (3) any conviction for a felony or person misdemeanor or entry of a
10 plea of guilty or nolo contendere to a felony or person misdemeanor
11 charge.

12 (g) The provisions of this section shall take effect on and after
13 January 1, 2019.

14 New Sec. 14. (a) The state fire marshal may revoke or suspend a
15 license or reprimand a licensee if the state fire marshal determines, as
16 applicable, that:

- 17 (1) The licensee has violated any provision of the fire sprinkler
18 industry act or any rule or regulation promulgated thereunder;
- 19 (2) the licensee failed to maintain the requirements for licensure as
20 provided by this act and the rules and regulations of the state fire marshal;
- 21 (3) the licensee has made a material misstatement in any information
22 required by the state fire marshal; or
- 23 (4) the licensee has demonstrated incompetence, untrustworthiness or
24 danger to the public in the applicant's or licensee's actions.

25 (b) No revocation or suspension of a licensee by the state fire marshal
26 shall be imposed, except upon the written order of the state fire marshal to
27 the person who committed the violation. Such order shall state the
28 violation, the penalty to be imposed and the right of the person to request a
29 hearing as provided in section 16, and amendments thereto, and the Kansas
30 administrative procedure act. Notice of the suspension or revocation of any
31 license or any reprimand shall be a public record.

32 (c) If the state fire marshal determines a licensee presents a danger to
33 the public, an emergency suspension or revocation order or a cease and
34 desist order issued by the state fire marshal shall be effective as soon as
35 notice of the order has been delivered to the licensee and shall continue
36 until further order of the state fire marshal. The licensee may request a
37 hearing as provided in section 16, and amendments thereto, and the Kansas
38 administrative procedure act.

39 (d) A revoked license terminates on the date of revocation and cannot
40 be reinstated except by the state fire marshal. Any licensee whose license
41 is revoked shall apply for a new license and meet all requirements for a
42 license as stated in the fire sprinkler industry act and the rules and
43 regulations of the state fire marshal prior to engaging in any fire sprinkler

1 industry business activities. The state fire marshal may require additional
2 safeguards in any new application against such acts by the applicant as
3 may have been the cause of the revocation of the prior license.

4 (e) Any person failing to comply with a fine assessment or other
5 administrative order of the state fire marshal within 90 days of issuance of
6 such assessment or order shall be subject to license suspension.

7 (f) Any person failing to comply with an emergency order or a cease
8 and desist order of the state fire marshal shall be subject to the immediate
9 imposition of civil fines or penalties by order of the state fire marshal and
10 shall be subject to criminal prosecution, as provided in this act.

11 (g) No person shall engage or offer to engage in fire sprinkler
12 industry work during the period the person's license is suspended or
13 revoked.

14 (h) The provisions of this section shall take effect on and after
15 January 1, 2019.

16 New Sec. 15. (a) Any person violating any of the provisions of the
17 fire sprinkler industry act, upon conviction, shall be guilty of a
18 misdemeanor punishable by confinement in the county jail for a period not
19 to exceed one year or by the imposition of a fine not to exceed \$500, or by
20 both such imprisonment and fine.

21 (b) In addition to any other penalties provided by law, if, after a
22 hearing in accordance with the Kansas administrative procedure act, the
23 state fire marshal finds any individual to be in violation of any of the
24 provisions of the fire sprinkler industry act or the rules and regulations of
25 the state fire marshal, the person may be subject to a civil penalty of not
26 more than \$250 for each violation. The maximum civil penalty for a fire
27 sprinkler company manager shall be \$500. Each day a violation occurs
28 may constitute a separate violation. The maximum fine for a continuing
29 violation shall not exceed \$1,000 for an employee with a valid license and
30 \$2,000 for a manager.

31 (c) In addition to any other penalties provided by law, if, after a
32 hearing in accordance with the Kansas administrative procedure act, the
33 state fire marshal finds any business engaged in activities regulated under
34 this act to be in violation of any of the provisions of the fire sprinkler
35 industry act or the rules and regulations adopted by the secretary, the
36 business may be subject to a civil penalty of not more than \$5,000. Each
37 day a violation occurs may constitute a separate violation. The maximum
38 fine for a continuing violation shall not exceed \$20,000.

39 (d) The provisions of this section shall take effect on and after
40 January 1, 2019.

41 New Sec. 16. (a) Any person aggrieved by an order issued pursuant to
42 the provisions of this act, may request a hearing within 15 days from the
43 date of the service of the order by filing the request in writing with the

1 office of the state fire marshal. The hearing shall be conducted in
2 accordance with the provisions of the Kansas administrative procedure act.
3 The filing of a request for a hearing shall not abate or operate as a stay of
4 the effect of an emergency order or an order to cease and desist unless
5 otherwise stated in the order.

6 (b) Judicial review and civil enforcement of agency actions under this
7 act shall be in accordance with the Kansas judicial review act.

8 (c) The provisions of this section shall take effect on and after
9 January 1, 2019.

10 New Sec. 17. (a) All moneys received from civil penalties imposed
11 pursuant to this act shall be remitted to the state treasurer in accordance
12 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
13 receipt of each such remittance, the state treasurer shall deposit the entire
14 amount in the state general fund.

15 (b) There is hereby created in the state treasury the fire sprinkler
16 industry act fee fund. The state fire marshal shall remit all moneys
17 received from the fees established hereunder to the state treasurer in
18 accordance with the provisions of K.S.A. 75-4215, and amendments
19 thereto. Upon receipt of each such remittance, the state treasurer shall
20 deposit the entire amount in the state treasury to the credit of the fire
21 sprinkler industry act fee fund. All expenditures from the fire industry act
22 fee fund shall be made in accordance with appropriation acts upon
23 warrants of the director of accounts and reports issued pursuant to
24 vouchers approved by the state fire marshal, or by a person or persons
25 designated by the state fire marshal.

26 (c) The provisions of this section shall take effect on and after
27 January 1, 2019.

28 New Sec. 18. (a) The state fire marshal, an employee of the office of
29 the state fire marshal or a designee of the state fire marshal, shall have
30 access, during business hours, to any business or commercial premises in
31 this state for the purpose of enforcing the provisions of this act or
32 conducting inspections pursuant to the rules and regulations of the state
33 fire marshal. A licensee shall, when requested, provide the state fire
34 marshal, employee of the office of the state fire marshal or designee of the
35 state fire marshal with documentation and records pertaining to the
36 requirements of this act and the rules and regulations of the state fire
37 marshal. The state fire marshal, employee of the state fire marshal or
38 designee of the state fire marshal may have access to any residential
39 premises in this state for the purpose of enforcing the provisions of this act
40 or conducting inspections pursuant to the rules and regulations of the state
41 fire marshal when requested by, or when permission has been granted by,
42 the owner or lawful resident of the residential premises.

43 (b) The state fire marshal may designate local fire departments with

1 the authority to inspect fire sprinkler systems in residential buildings,
2 manufactured housing or commercial buildings for compliance with the
3 provisions of this act and the rules and regulations of the state fire marshal.
4 Local fire departments so designated by the state fire marshal shall not be
5 subject to this act, but may be subject to specified training, examination,
6 standards, procedures or other rules and regulations of the state fire
7 marshal if required by the state fire marshal when exercising the authority
8 delegated by the state fire marshal pursuant to this subsection.

9 (c) The provisions of this section shall take effect on and after
10 January 1, 2019.

11 New Sec. 19. The state fire marshal may adopt rules and regulations
12 necessary to implement the provisions of the fire sprinkler industry act.

13 Sec. 20. K.S.A. 2017 Supp. 31-133 is hereby amended to read as
14 follows: 31-133. (a) The state fire marshal shall adopt reasonable rules and
15 regulations, consistent with the provisions of this act, for the safeguarding
16 of life and property from fire, explosion and hazardous materials. Such
17 rules and regulations shall include, but not be limited to the following:

18 (1) The keeping, storage, use, sale, handling, transportation or other
19 disposition of highly flammable materials, including crude petroleum or
20 any of its products, natural gas for use in motor vehicles, and of
21 explosives, including gunpowder, dynamite, fireworks and firecrackers;
22 and any such rules and regulations may prescribe the materials and
23 construction of receptacles and buildings to be used for any of such
24 purposes;

25 (2) the transportation of liquid fuel over public highways in order to
26 provide for the public safety in connection therewith;

27 (3) the construction, maintenance and regulation of exits and fire
28 escapes from buildings and all other places in which people work, live or
29 congregate from time to time for any purpose, including apartment houses,
30 as defined by K.S.A. 31-132a, and amendments thereto. ~~Such rules and
31 regulations shall not apply to buildings used wholly as dwelling houses
32 containing no more than two families;~~

33 (4) the installation and maintenance of equipment intended for fire
34 control, detection and extinguishment in all buildings and other places in
35 which persons work, live or congregate from time to time for any purpose,
36 including apartment houses as defined by K.S.A. 31-132a, and
37 amendments thereto. ~~Such rules and regulations shall not apply to
38 buildings used wholly as dwelling houses containing no more than two
39 families;~~

40 (5) requiring administrators of public and private schools and
41 educational institutions, except community colleges, colleges and
42 universities, to conduct at least one fire drill each month at some time
43 during school hours, aside from the regular dismissal at the close of the

1 day's session, and prescribing the manner in which such fire drill is to be
2 conducted;

3 (6) procedures for the reporting of fires and explosions occurring
4 within the state and for the investigation thereof;

5 (7) procedures for reporting by health care providers of treatment of
6 second and third degree burn wounds involving 20% or more of the
7 victim's body and requiring hospitalization of the victim, which reporting
8 is hereby authorized notwithstanding any provision of K.S.A. 60-427, and
9 amendments thereto, to the contrary;

10 (8) requiring administrators of public and private schools and
11 educational institutions, except community colleges, colleges and
12 universities, to establish tornado procedures, which procedures shall
13 provide for at least three tornado drills to be conducted each year at some
14 time during school hours, aside from the regular dismissal at the close of
15 the day's session, shall describe the manner in which such tornado drills
16 are to be conducted, and shall be subject to approval by the state fire
17 marshal;

18 (9) requiring administrators of community colleges, colleges and
19 universities to establish tornado procedures, which procedures shall be
20 subject to approval by the director of the disaster agency of the county;

21 (10) the development and implementation of a statewide system of
22 hazardous materials assessment and response;

23 (11) the use of pyrotechnics, pyrotechnic devices and pyrotechnic
24 materials; and

25 (12) other safeguards, protective measures or means adapted to
26 render inherently safe from the hazards of fire or the loss of life by fire any
27 building or other place in which people work, live or congregate from time
28 to time for any purpose, ~~except buildings used wholly as dwelling houses~~
29 ~~containing no more than two families.~~

30 (b) Any rules and regulations of the state fire marshal adopted
31 pursuant to this section may incorporate by reference specific editions, or
32 portions thereof, of nationally recognized fire prevention codes.

33 (c) The rules and regulations adopted pursuant to this section shall
34 allow facilities in service prior to the effective date of such rules and
35 regulations, and not in strict conformity therewith, to continue in service,
36 so long as such facilities are not determined by the state fire marshal to
37 constitute a distinct hazard to life or property. Any such determination
38 shall be subject to the appeal provisions contained in K.S.A. 31-140, and
39 amendments thereto.

40 Sec. 21. K.S.A. 2017 Supp. 31-133 is hereby repealed.

41 Sec. 22. This act shall take effect and be in force from and after its
42 publication in the statute book.