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**IDAPA 18
TITLE 01
CHAPTER 49**

18.01.49 - FIRE PROTECTION SPRINKLER CONTRACTORS

000. LEGAL AUTHORITY.

This rule is promulgated pursuant to authority granted by Section 41-254(2), (3) and Chapter 52 of Title 67, Idaho Code, and Chapter 9 International Fire Code. (5-3-03)

001. TITLE AND SCOPE.

01. Purpose. The purpose of this rule is to assure the people of Idaho that fire sprinkler systems and their appurtenances are being installed and maintained by qualified persons and organizations that contract to sell, design, modify, install, service, or maintain such systems; to safeguard lives and property and protect the public interest; to require insurance, and bonding to register such persons and organizations; to establish regulation by the State Fire Marshal through the Department of Insurance; and to set penalties and fees for the administration of this rule. (7-1-93)

02. Persons Affected. This rule will affect any person, individual, partnership, joint venture, corporation, or any combination thereof, association, business trust or organized group of persons, who by himself or through others, offers to undertake, represents himself as being able to undertake, or does undertake contracting for the sale, design, installation, modification, alteration, repair, maintenance, or maintenance inspection of any fire protection sprinkler system or its appurtenances. (7-1-93)

002. -- 003. (RESERVED).

004. DEFINITIONS.

01. Fire Protection Sprinkler System. "Fire Protection Sprinkler System" means an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. This installation includes a water supply, such as a gravity tank, fire pump, reservoir or pressure tank and/or connection by underground piping to a water supply. The portion of the sprinkler system above ground is a network of specially sized, or hydraulically designed, piping installed in a building, structure or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system include a controlling valve and a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area. (1-1-94)

02. Fire Protection Sprinkler Contractor. "Fire Protection Sprinkler Contractor" means those persons described in Subsection 001.02 of this rule who contract to install, repair, modify, or maintain fire sprinkler systems. (1-1-94)

03. Fitters. "Fitters" means those persons who install and maintain fire sprinkler systems and who work under the supervision of a Fire Protection Sprinkler Contractor. (7-1-93)

04. Responsible Maintenance Employee. "Responsible Maintenance Employee (RME)" means any person who is employed by an owner of a premises that has a fire sprinkler system installed and who regularly inspects and maintains such system as follows: Inspects and maintains fire sprinkler system as detailed in the maintenance checklist provided by the State Fire Marshal; said checklist will follow the guidelines of National Fire Protection Association Standard 25 for the "Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems." (5-3-03)

005. -- 010. (RESERVED).

011. POWERS AND DUTIES OF THE STATE FIRE MARSHAL.

In addition to the powers and duties prescribed in this rule, the State Fire Marshal shall: (7-1-93)

01. Assistants, Inspectors and Other Employees. Appoint an adequate number of assistants,

inspectors and other employees that may be necessary to carry out the provisions of this rule, prescribe their duties, and fix their compensation within the amount appropriated. (7-1-93)

02. Licensing Procedures. Establish procedures for licensing of fire protection sprinkler contractors and fitters, set forth the form and content of applications, and investigate and examine all applicants as to their qualifications and fitness for such licensing. (7-1-93)

03. Records. Keep records of all licenses issued, suspended or revoked. (1-1-94)

04. Suspension or Revocation of License. Suspend or revoke any license for any cause prescribed by this rule, and refuse to grant any license for any cause which would be grounds for revocation or suspension. (7-1-93)

05. Examinations. Prepare, administer, and grade such applicable examinations and tests for applicants as may be required for the purposes of this rule, and determine the score that shall be deemed a passing score. (7-1-93)

06. Fees. Collect fees, including applications, testing, licensing, renewals, and duplication fees from the applicants, and license holders for the purpose of administering and funding this rule. (7-1-93)

07. Advisory Board. Appoint an advisory board consisting of seven (7) members whose duties shall be to advise and counsel the State Fire Marshal on matters contained in this rule. Representatives from each of the following professions or occupations shall be appointed to the board: (8-1-98)T

a. Architect. (1-1-94)

b. Mechanical Engineer. (1-1-94)

c. Fire Service Official. (1-1-94)

d. General Contractor. (1-1-94)

e. Licensed Fire Sprinkler Contractor - Two (2). (1-1-94)

f. The terms of the members of the board first appointed shall expire as follows: three (3) members two (2) years later, three (3) members three (3) years later. Thereafter, appointments shall be for three (3) years. At its first meeting of every calendar year the board shall elect a president from its members, and a secretary who may or may not be a member of the board. Members of the board shall serve without compensation. The staff of the office of the State Fire Marshal shall provide such assistance as the board may require. (1-1-94)

012. QUALIFICATIONS FOR CONTRACTORS LICENSE.

Applicants seeking registration to obtain licenses as fire protection sprinkler contractors shall meet the following minimum qualifications: (7-1-93)

01. Owner, Officer or Manager. The applicant shall be an owner, officer or manager of his company, corporation, partnership or proprietorship. (7-1-93)

02. Examination, Education or Experience. The applicant must: (7-1-93)

a. Satisfactorily pass an examination prescribed by the State Fire Marshal and provide proof to the effect that the applicant has supervised or installed at least four (4) fire sprinkler systems of more than two hundred (200) heads each (complete with name, description and location of each); or (1-1-94)

b. Provide proof of successful attainment of Level III Certification in fire protection, Automatic Sprinkler System Design from the National Institute for Certification in Engineering Technologies or equivalent. (1-1-94)

013. LICENSE REQUIRED.

01. Prohibition as to Unlicensed Persons. No person within the purview of this rule shall, after December 31, 1986, act, or assume to act, or advertise, as a fire protection sprinkler contractor without a license obtained under and in compliance with this rule. (7-1-93)

02. Conflict with Local Rule. Where there is a conflict between this rule and any code, ordinance, or rule adopted by local authority, the more stringent requirement providing the greatest fire and life safety to the public shall apply. Possession of a license does not excuse the licensee from compliance which is more stringent. (7-1-93)

014. LICENSE, DISPLAY, RENEWALS, DUPLICATES, APPLICATIONS.

01. Time Period. All licenses shall be valid for a period of not longer than one (1) year and shall expire on the 31st day of December of each year, regardless of the month issued. (7-1-93)

02. Posting of License. Each license issued pursuant to this rule shall be posted in a conspicuous place in the contractor's place of business. (7-1-93)

03. Renewal. Any license which has not been suspended or revoked may, upon payment of the renewal fees prescribed, be renewed for an additional period of one (1) year from its expiration upon filing an application for such renewal on such forms as are prescribed by the State Fire Marshal. (7-1-93)

04. Duplicate License. A duplicate license may be issued for one lost, destroyed, or mutilated upon application for such a form prescribed by the State Fire Marshal and the payment of the fee prescribed. Each such duplicate license shall have the word "duplicate" stamped across the face thereof and shall bear the same number as the one it replaced. (7-1-93)

05. Bids Shall Bear License Number. All written bids, proposals and offers, and all shop and field installation drawings shall bear the contractor's license number. (7-1-93)

06. Forms and Fees. Application for a license must be made on forms prescribed by the State Fire Marshal. Each application must be accompanied by the required fee. (7-1-93)

015. ACTION ON APPLICATIONS AND LICENSE FEES.

Within one hundred and twenty (120) days after the filing of a complete application for a license and the payment of the required fees, the State Fire Marshal shall: (7-1-93)

01. Investigation of Applicants. Conduct an investigation of applicants, such investigation may inquire the name and address of the applicant; whether the applicant is associated in any partnership, corporation or other entity; the names, addresses, and official capacities of all such associates; and any other pertinent information as the State Fire Marshal may deem relevant. (7-1-93)

02. Fees. License fees for fire protection sprinkler contractors are as follows: (7-1-93)

a. Examination Fee -- Twenty five dollars (\$25). (7-1-93)

b. License Fee -- Four hundred dollars (\$400). (7-1-93)

c. Annual License Renewal Fee -- One hundred dollars (\$100). (7-1-93)

d. Duplicate License Fee -- Ten dollars (\$10). (7-1-93)

e. Branch Office Fee -- One hundred dollars (\$100). (7-1-93)

f. Examination fees, when paid, are earned and are not subject to refund. (7-1-93)

03. Branch Office License. Branch offices of a licensed firm doing business in this state must obtain a

branch office license. Each license must provide a shop or a vehicle as a place of business properly equipped and subject to inspection by the authority. A separate license is required for each business location. Any advertisement that the services of installing or maintaining fire protection sprinkler systems constitutes prima facie evidence that the premises, building, room, shop, store, or establishment in or upon which it appears or to which it refers is a separate business location. (1-1-94)

04. Arson, Fire, and Fraud Prevent Account. All license fees collected shall be deposited in the Arson, Fire, and Fraud Prevention Account as per Section 41-268(d), Idaho Code. (7-1-93)

016. FINANCIAL RESPONSIBILITY.

01. Bonding. (7-1-93)

a. The State Fire Marshal shall require each applicant, individual or corporation who is a contractor to put up a license bond in an amount not less than two thousand dollars (\$2,000) in favor of the state of Idaho by a surety company authorized to do business in the state of Idaho as a surety. (7-1-93)

b. The bond shall remain in full force until released by the State Fire Marshal, or until canceled by the surety. Without prejudice to liability previously incurred thereunder, the surety may cancel the bond upon thirty (30) days advance notice to both the contractor and the State Fire Marshal. (7-1-93)

02. Insurance. Prior to issuance of a license as a fire protection sprinkler contractor, the applicant shall obtain and maintain at all times in full force and effect a full term comprehensive general liability insurance policy from an insurance company authorized to do business in the state of Idaho, which policy shall have aggregate limits of not less than two hundred fifty thousand dollars (\$250,000) and including the following: (7-1-93)

a. Comprehensive Form. (7-1-93)

b. Premises Operations. (7-1-93)

c. Products/Completed Operations Hazard. (7-1-93)

d. Contractual Insurance. (7-1-93)

e. Broad Form Property Damage. (7-1-93)

f. Independent Contractors. (7-1-93)

g. Personal Injury. (1-1-94)

h. Evidence of such insurance should be filed with the State Fire Marshall's Office. (1-1-94)

017. REVOCATION, SUSPENSION, AND NON-RENEWAL OF LICENSE.

01. Causes for Revocation, Suspension, or Refusal to Renew License. The State Fire Marshal may revoke any license issued hereunder, or suspend the right of the license holder to use such license, or refuse to renew any such license for any of the following causes: (7-1-93)

a. Fraud, bad faith, misrepresentation, or bribery, either in securing a license or in the conduct of business under a license. (7-1-93)

b. The making of any false statement as to a material matter in any application for license. (7-1-93)

c. Failure by the contractor to perform his contract with the property owner. (7-1-93)

d. The manipulation of assets or of any accounts covering the subject matter of this rule, or by fraud or bad faith. (7-1-93)

- e. Failure to display the license as provided in Subsection 013.02 of this rule. (7-1-93)
- f. Failure to secure or maintain workmen's compensation insurance when not authorized to act as a self-insurer. (7-1-93)
- g. Knowingly entering into a contract with an unregistered contractor involving the performance of work or activity which requires a license under this rule. (7-1-93)
- h. The licensee has pled guilty to, or was found guilty of, a felony. (1-1-94)
- i. Violation of any provision of this rule. (7-1-93)
- 02. Length of Suspension.** No license shall be suspended for longer than two (2) years. (7-1-93)
- 03. Eligibility to Reapply After Revocation.** No person whose license is revoked shall be eligible to apply for a new license until the expiration of two (2) years. (7-1-93)

018. HEARINGS.

In every case where it is proposed to refuse to grant a license, revoke a license, or to refuse to renew a license, the State Fire Marshal shall give adequate notice and provide a hearing if requested. Notice of hearing shall be given in writing by registered or certified mail with return receipt requested at least fifteen (15) days prior to the hearing. (7-1-93)

019. APPROVED EQUIPMENT AND MATERIALS.

No component or devices of an automatic fire sprinkler system may be sold, leased, or installed in this state unless it has been approved, labeled, or listed by Underwriters Laboratories, Inc., Underwriters Laboratories of Canada, Factory Mutual Laboratories, or other testing laboratories approved by the State Fire Marshal as qualified to test such component or device. (7-1-93)

01. Sprinklers. Only new standard commercial or other listed sprinklers may be employed in the installation of a sprinkler system. (7-1-93)

02. Minimum Requirements. Automatic fire sprinkler systems installed in the State shall meet the minimum requirements of all appropriate NFPA standards, but may exceed these minimums. Partial installations required for compliance with life safety codes must be approved by the local fire department or the State Fire Marshal. (7-1-93)

020. SERVICE EVIDENCE.

01. Submission of Plans. Where automatic fire sprinkler systems are installed, the installer shall complete the contractor's material and test certificates NFPA 12 1-10.1. All systems must be under the supervision of a contractor or a R.M.E. These persons shall cause proper tests and inspections to be made at prescribed intervals and must have general charge of all alterations and additions to the systems under their supervision. (7-1-93)

02. Conformance to Standards. A service tag conforming to the requirements of this chapter shall be attached to all systems. (7-1-93)

021. DESIGN REQUIREMENTS.

01. Submission of Plans. Detailed plans in accordance with applicable NFPA standards must be submitted by a licensed contractor for approval to the local fire department and to the State Fire Marshal. (7-1-93)

02. Conformance to Standards. The specifications must state that the installation will conform to the applicable standards listed in this rule and be approved by the local fire department and the State Fire Marshal. (7-1-93)

03. Tests. The specifications must include the specific tests required to meet the standards for approval of the local fire department and the State Fire Marshal. (7-1-93)

04. Scale. Plans must be drawn to an indicated scale or be suitably dimensioned, and must be made so that they can be easily reproduced. (7-1-93)

05. Detail. Plans must contain sufficient detail to evaluate the effectiveness of the system. (7-1-93)

06. Prior Approval of Plans. Plans must be submitted to the State Fire Marshal and the local fire department and approved, before work starts. Work may start prior to final plans submitted based on conceptual drawings if approved by the local fire department and the State Fire Marshal. A plans review fee of two dollars (\$2) per sprinkler head up to one thousand (1000) heads (maximum two thousand dollars (\$2,000)) or one hundred dollars (\$100) if less than fifty (50) sprinkler heads or one percent (1%) of the total bid price (whichever is larger) up to the maximum of two thousand dollars (\$2,000) or the minimum of one hundred dollars (\$100). The applicable fee must accompany the plans sent to the State Fire Marshal. Two (2) sprinkler heads on an arm-over will be considered as one (1) sprinkler head for fee purposes. (7-1-93)

07. Corrected Plans. Where field conditions necessitate any substantial change from the approved plan, the corrected plan showing the system as installed must be submitted to the local fire department and the State Fire Marshal for approval. (7-1-93)

08. Exemption. A City or County may request, and the State Fire Marshal may grant, an exemption from the requirements of this Section that plans be submitted to the State Fire Marshal for review and approval. A request for exemption shall be made in writing signed by the Fire Chief, his designated representative or elected local official and shall set forth the reasons for the request. If the State Fire Marshal determines the request is justified, the requesting party will be provided a written notice of exemption. The exemption will continue until terminated by the State Fire Marshal. Any such exemption shall not apply to plans or inspections relating to structures owned, leased or controlled by the state or any state agency. (4-5-00)

022. SERVICE TAG.

01. Form. Automatic fire sprinkler service tags must be in a form prescribed by the State Fire Marshal and a new tag installed each time work is performed on the system. (7-1-93)

02. Control Valve Not Electrically Supervised. In the event the control valve is not electrically supervised, the service tag must serve as a seal for the valve. (7-1-93)

03. Electrically Supervised Control Valve. In the event the control valve is electrically supervised, the service tag must be attached in such a manner that the valve may be closed for testing of the supervision without removing the tag. (7-1-93)

023. FITTERS.

All fitters, as described in Subsection 004.03 may be licensed under this rule as follows: (7-1-93)

01. Examination. Show proof by affidavit signed by a licensed fire protection sprinkler contractor that he has worked as a fitter for at least one thousand (1,000) hours per year for three (3) consecutive years and then take and pass a written examination given by the State Fire Marshal, and pay the appropriate fee. (7-1-93)

02. Fees. The State Fire Marshal shall collect in advance fees, license fees and miscellaneous charges as follows: (7-1-93)

a. Examination Fee -- Twenty five dollars (\$25). (7-1-93)

b. Original License Fee -- Fifty dollars (\$50). (7-1-93)

c. Annual License Renewal Fee -- Twenty five dollars (\$25). (7-1-93)

d. Duplicate License Fee -- Ten dollars (\$10). (7-1-93)

e. All license fees collected shall be deposited to the Arson, Fire, and Fraud Prevention Account as per Section 41-268(d), Idaho Code. No examination will be taken or license issued pursuant to this rule until the appropriate fees, as listed above, are paid. Examination fees, when paid, are earned and are not subject to refund. (7-1-93)

03. Period of Time. No fitters license shall be valid for a period of longer than one (1) year and shall expire on the 31st day of December of each year regardless of the month issued. (7-1-93)

04. Renewal. Any license which has not been suspended or revoked may, upon payment of the renewal fee prescribed, be renewed for an additional period of one (1) year from its expiration upon filing an application for such renewal on such form as is prescribed by the State Fire Marshal. (7-1-93)

05. Duplicate License. A duplicate license may be issued for one lost, destroyed, or mutilated upon application for such on a form to be prescribed by the State Fire Marshal, and the payment of the fee prescribed. Each such duplicate license shall have the word "duplicate" stamped across the face thereof and shall bear the same number as the one it replaced. (7-1-93)

024. SEVERABILITY.

If any provision of this rule or the application thereof to any person or circumstances is for any reason held to be invalid, the remainder of the rule and the application of such provision to other persons or circumstances shall not be affected thereby. (7-1-93)

025. -- 999. (RESERVED).

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