

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 14-0267.02 Thomas Morris x4218

HOUSE BILL 14-1221

HOUSE SPONSORSHIP

Exum and Rankin, Fields, Lebsock

SENATE SPONSORSHIP

Tochtrop,

House Committees

Local Government

Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CONTINUATION OF THE REGULATION OF FIRE**
102 **SUPPRESSION CONTRACTORS BY THE DIVISION OF FIRE**
103 **PREVENTION AND CONTROL, AND, IN CONNECTION THEREWITH,**
104 **IMPLEMENTING THE RECOMMENDATIONS OF THE 2013 SUNSET**
105 **REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)

Sunset Process - House Local Government Committee. The bill

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

implements the recommendations of the sunset review and report on the regulation of fire suppression contractors by the division of fire prevention and control by:

- ! Extending the repeal date of the regulatory program until September 1, 2019 (**sections 1 and 2**);
- ! Creating a new registration category for residential fire suppression system contractors (**sections 3, 6, and 7**); and
- ! Directing the administrator of the regulatory program to keep records of all fire suppression system working plans and hydraulic calculations, searchable by both the applicable fire suppression contractor and the signing professional engineer or engineering technician, for projects that the administrator or any certified local fire suppression inspector, as applicable, identifies as containing significant or repeated design or installation deficiencies (**sections 4 and 5**).

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 24-33.5-1209,
3 **amend** (2) as follows:

4 **24-33.5-1209. Repeal of sections.** (2) Sections 24-33.5-1204.5,
5 24-33.5-1206.1, 24-33.5-1206.2, 24-33.5-1206.3, 24-33.5-1206.4,
6 24-33.5-1206.5, 24-33.5-1206.6, and 24-33.5-1207.6, concerning
7 programs for fire suppression administered by the division of fire
8 prevention and control and scheduled for termination in accordance with
9 section 24-34-104, are repealed, effective ~~July 1, 2014~~ SEPTEMBER 1,
10 2019.

11 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**
12 (45) (d); and **add** (50.5) (h) as follows:

13 **24-34-104. General assembly review of regulatory agencies**
14 **and functions for termination, continuation, or reestablishment.**

15 (45) The following agencies, functions, or both, terminate on July 1,
16 2014:

1 (d) ~~The fire suppression program of the division of fire prevention~~
2 ~~and control, created pursuant to sections 24-33.5-1204.5, 24-33.5-1206.1,~~
3 ~~24-33.5-1206.2, 24-33.5-1206.3, 24-33.5-1206.4, 24-33.5-1206.5,~~
4 ~~24-33.5-1206.6, and 24-33.5-1207.6;~~

5 (50.5) The following agencies, functions, or both, terminate on
6 September 1, 2019:

7 (h) THE FIRE SUPPRESSION PROGRAM OF THE DIVISION OF FIRE
8 PREVENTION AND CONTROL, CREATED PURSUANT TO SECTIONS
9 24-33.5-1204.5, 24-33.5-1206.1, 24-33.5-1206.2, 24-33.5-1206.3,
10 24-33.5-1206.4, 24-33.5-1206.5, 24-33.5-1206.6, AND 24-33.5-1207.6.

11 **SECTION 3.** In Colorado Revised Statutes, 24-33.5-1202, **add**
12 (10.7) and (10.8) as follows:

13 **24-33.5-1202. Definitions.** As used in this part 12, unless the
14 context otherwise requires:

15 (10.7) "RESIDENTIAL FIRE SUPPRESSION CONTRACTOR" MEANS A
16 FIRE SUPPRESSION CONTRACTOR THAT, INDIVIDUALLY OR THROUGH
17 OTHERS, OFFERS TO UNDERTAKE, REPRESENTS ITSELF AS BEING ABLE TO
18 UNDERTAKE, OR DOES UNDERTAKE TO SELL, LAY OUT, FABRICATE,
19 INSTALL, MODIFY, ALTER, REPAIR, MAINTAIN, OR PERFORM MAINTENANCE
20 INSPECTIONS OF A RESIDENTIAL FIRE SUPPRESSION SYSTEM.

21 (10.8) "RESIDENTIAL FIRE SUPPRESSION SYSTEM" MEANS A FIRE
22 SUPPRESSION SYSTEM DESIGNED FOR OR INSTALLED IN A ONE- OR
23 TWO-FAMILY DWELLING OR TOWNHOUSE THAT IS NOT REGULATED BY THE
24 COLORADO BOARD OF PLUMBERS.

25 **SECTION 4.** In Colorado Revised Statutes, 24-33.5-1204.5,
26 **amend** (1) (d) as follows:

27 **24-33.5-1204.5. Powers and duties of administrator - rules.**

1 (1) In addition to any other duties and powers granted by this section or
2 sections 24-33.5-1206.2 and 24-33.5-1206.4, the administrator has the
3 following duties and powers:

4 (d) (I) To maintain records of all applications, complaints,
5 investigations, disciplinary or other actions, and registrants.

6 (II) THE ADMINISTRATOR SHALL KEEP RECORDS OF ALL FIRE
7 SUPPRESSION SYSTEM WORKING PLANS AND HYDRAULIC CALCULATIONS,
8 SEARCHABLE BY BOTH THE APPLICABLE FIRE SUPPRESSION CONTRACTOR
9 AND THE SIGNING PROFESSIONAL ENGINEER OR ENGINEERING TECHNICIAN,
10 FOR PROJECTS THAT THE ADMINISTRATOR OR ANY CERTIFIED LOCAL FIRE
11 SUPPRESSION INSPECTOR, AS APPLICABLE, IDENTIFIES AS CONTAINING
12 SIGNIFICANT OR REPEATED DESIGN OR INSTALLATION DEFICIENCIES
13 PURSUANT TO SECTION 24-33.5-1206.2 (2) (b).

14 **SECTION 5.** In Colorado Revised Statutes, 24-33.5-1206.2,
15 **amend** (1) introductory portion, (1) (c) (I), and (2) as follows:

16 **24-33.5-1206.2. Job registration and plan review.** (1) Except
17 for minor alterations, modifications, repairs, or maintenance work ~~which~~
18 THAT does not affect the integrity of the system, no installation,
19 modification, alteration, or repair of a fire suppression system shall be
20 started until:

21 (c) (I) The working plans and hydraulic calculations for the job
22 have been reviewed and approved by the administrator OR A CERTIFIED
23 LOCAL FIRE SUPPRESSION INSPECTOR IN COMPLIANCE WITH THE
24 STANDARDS ESTABLISHED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (c).

25 (2) (a) Any working plans and hydraulic calculations submitted
26 for review by the administrator ~~shall~~ OR BY A CERTIFIED LOCAL FIRE
27 SUPPRESSION INSPECTOR PURSUANT TO SUBPARAGRAPH (II) OF

1 PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION MUST bear the
2 signature and certification number of either a licensed professional
3 engineer or a level three or higher engineering technician (fire
4 suppression engineering technology - automatic sprinkler design or fire
5 suppression engineering technology - special hazards system layout),
6 whichever is relevant to the particular job or design, certified by the
7 national institute for the certification of engineering technologists. Such
8 licensed professional engineer or engineering technician shall certify that
9 he or she has reviewed the plan and design and finds that it meets the
10 applicable standards adopted by the administrator for fire safety, and that
11 it is adequately designed to meet the system requirements.

12 (b) IF A CERTIFIED LOCAL FIRE SUPPRESSION INSPECTOR IDENTIFIES
13 SIGNIFICANT OR REPEATED DESIGN OR INSTALLATION DEFICIENCIES WITH
14 REGARD TO A FIRE SUPPRESSION SYSTEM, THE CERTIFIED LOCAL FIRE
15 SUPPRESSION INSPECTOR SHALL NOTIFY THE ADMINISTRATOR OF THE
16 DEFICIENCIES AND THE IDENTIFYING INFORMATION FOR THE APPLICABLE
17 FIRE SUPPRESSION CONTRACTOR AND THE SIGNING PROFESSIONAL
18 ENGINEER OR ENGINEERING TECHNICIAN.

19 **SECTION 6.** In Colorado Revised Statutes, 24-33.5-1206.1,
20 **amend** (1), (4) introductory portion, (4) (a), and (4) (c) as follows:

21 **24-33.5-1206.1. Registration required.** (1) ~~No~~ A person shall
22 NOT act, assume to act, or advertise as a fire suppression contractor ~~who~~
23 UNLESS THE PERSON is ~~not~~ registered as a fire suppression contractor with
24 the administrator. A PERSON SHALL NOT ACT, ASSUME TO ACT, OR
25 ADVERTISE AS A RESIDENTIAL FIRE SUPPRESSION CONTRACTOR UNLESS THE
26 PERSON IS REGISTERED AS EITHER A FIRE SUPPRESSION CONTRACTOR OR A
27 RESIDENTIAL FIRE SUPPRESSION CONTRACTOR WITH THE ADMINISTRATOR.

1 (4) Every registered fire suppression contractor shall ~~be~~
2 ~~responsible to~~ assure that:

3 (a) A responsible person in the management or employment of the
4 contractor is qualified in the layout, fabrication, installation, alteration,
5 servicing, repair, and inspection of fire suppression systems; EXCEPT
6 THAT, WITH REGARD TO RESIDENTIAL FIRE SUPPRESSION SYSTEMS ONLY,
7 THE RESPONSIBLE PERSON NEED ONLY BE QUALIFIED IN THE LAYOUT,
8 FABRICATION, INSTALLATION, ALTERATION, SERVICING, REPAIR, AND
9 INSPECTION OF RESIDENTIAL FIRE SUPPRESSION SYSTEMS;

10 (c) Any layout, fabrication, installation, alteration, servicing,
11 repair, or inspection of fire suppression systems is done according to
12 applicable standards adopted by the administrator by rule ~~and regulation~~
13 ~~or~~ PROMULGATED PURSUANT TO SECTION 24-33.5-1206.3 (1) AND
14 applicable local codes and ordinances. ~~In adopting standards pursuant to~~
15 ~~this paragraph (c), the administrator may consider the standards of the~~
16 ~~national fire protection association.~~

17 **SECTION 7.** In Colorado Revised Statutes, 24-33.5-1206.3,
18 **amend** (1) as follows:

19 **24-33.5-1206.3. Requirements for installation, inspection, and**
20 **maintenance of fire suppression systems - rules.** (1) Fire suppression
21 ~~systems~~ CONTRACTORS shall ~~be designed and installed~~ DESIGN AND
22 INSTALL FIRE SUPPRESSION SYSTEMS in accordance with the applicable
23 standards adopted by the administrator by rule, manufacturer's
24 specifications, and applicable local codes and ordinances. In adopting
25 standards, the administrator may consider and adopt the standards of the
26 national fire protection association AND SHALL ADOPT, BY JANUARY 1,
27 2015, A SEPARATE SET OF DESIGN AND INSTALLATION STANDARDS AND A

1 SEPARATE REGISTRATION CATEGORY APPLICABLE ONLY TO RESIDENTIAL
2 FIRE SUPPRESSION SYSTEMS.

3 **SECTION 8. Applicability.** This act applies to conduct occurring
4 on or after the effective date of this act.

5 **SECTION 9. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.