

NOTE: The governor signed this measure on 5/15/2014.

An Act

HOUSE BILL 14-1221

BY REPRESENTATIVE(S) Exum and Rankin, Fields, Lebsock, Buckner, Ginal, Hamner, Hullinghorst, Melton, Mitsch Bush, Pabon, Schafer, Singer, Williams, Young;
also SENATOR(S) Tochtrop, Guzman, King, Newell.

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

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

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

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by the division of fire prevention and control and scheduled for termination in accordance with section 24-34-104, are repealed, effective ~~July 1, 2014~~ **SEPTEMBER 1, 2019**.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (45) The following agencies, functions, or both, terminate on July 1, 2014:

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

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

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

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

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

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

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

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

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

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

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

(II) THE ADMINISTRATOR SHALL 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 PURSUANT TO SECTION 24-33.5-1206.2 (2) (b).

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

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

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

(2) (a) Any working plans and hydraulic calculations submitted for review by the administrator ~~shall~~ OR BY A CERTIFIED LOCAL FIRE SUPPRESSION INSPECTOR PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION MUST bear the signature and certification number of either a licensed professional engineer or a level three or higher engineering technician (fire suppression engineering technology - automatic sprinkler design or fire suppression engineering technology - special hazards system layout), whichever is relevant to the particular job or design, certified by the national institute for the certification of engineering technologists. Such licensed professional

engineer or engineering technician shall certify that he or she has reviewed the plan and design and finds that it meets the applicable standards adopted by the administrator for fire safety, and that it is adequately designed to meet the system requirements.

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

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

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

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

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

(c) Any layout, fabrication, installation, alteration, servicing, repair, or inspection of fire suppression systems is done according to applicable standards adopted by the administrator by rule ~~and regulation or~~ PROMULGATED PURSUANT TO SECTION 24-33.5-1206.3 (1) AND applicable local codes and ordinances. ~~In adopting standards pursuant to this~~

~~paragraph (c), the administrator may consider the standards of the national fire protection association.~~

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

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

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

SECTION 9. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Morgan Carroll
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO