

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1299  
Committee Substitute Favorable 6/26/89

Short Title: Fire Sprinkler Contractors.

(Public)

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Sponsors:

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Referred to:

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April 12, 1989

A BILL TO BE ENTITLED

AN ACT TO INCLUDE FIRE SPRINKLER CONTRACTORS UNDER THE  
LICENSURE REQUIREMENTS OF THE STATE BOARD OF EXAMINERS OF  
PLUMBING AND HEATING CONTRACTORS; AND TO CHANGE THE  
COMPOSITION OF THE BOARD.

The General Assembly of North Carolina enacts:

Section 1. G.S. 87-16 reads as rewritten:

**"§ 87-16. Board of Examiners; appointment; term of office.**

There is created the State Board of Examiners of ~~Plumbing and Heating~~ Plumbing, Heating, and Fire Sprinkler Contractors consisting of ~~seven~~ eight members appointed by the Governor: one member from a school of engineering of the Greater University of North Carolina, one member who is a plumbing inspector from a city in North Carolina, one licensed air conditioning contractor, one licensed plumbing contractor, one licensed heating contractor, one licensed fire sprinkler contractor, and two persons who have no ties with the construction industry to represent the interests of the public at large. Members serve for terms of seven years, with the term of one member expiring each ~~year~~ year, except for the year 1990 and each seven years thereafter, in which years two terms shall expire. No member appointed after June 7, 1979, shall serve more than one complete consecutive term. Vacancies occurring during a term are filled by appointment of the Governor for the remainder of the unexpired term."

Sec. 2. G.S. 87-19 reads as rewritten:

**"§ 87-19. Regular and special meetings; quorum.**

1 The Board after holding its first meeting as hereinbefore provided, shall thereafter  
2 hold at least two regular meetings each year. Special meetings may be held at such  
3 times and places as the bylaws and/or rules of the Board provide; or as may be required  
4 in carrying out the provisions hereof. A quorum of the Board shall consist of not less  
5 than ~~three~~ four members."

6 Sec. 3. G.S. 87-21 reads as rewritten:

7 "**§ 87-21. Definitions; contractors licensed by Board; examination; posting license,**  
8 **etc.**

9 (a) Definitions. – For the purpose of this Article:

10 (1) The word 'plumbing' is hereby defined to be the system of pipes,  
11 fixtures, apparatus and appurtenances, installed upon the premises, or  
12 in a building, to supply water thereto other than for a fire sprinkler  
13 system, and to convey sewage or other waste therefrom.

14 (2) The phrase 'heating, group number one' shall be deemed and held to  
15 be the heating system of a building, which requires the use of high or  
16 low pressure steam, vapor or hot water, including all piping, ducts, and  
17 mechanical equipment appurtenant thereto, within, adjacent to or  
18 connected with a building, for comfort heating.

19 (3) The phrase 'heating, group number two' means an air conditioning  
20 system which consists of an assemblage of interacting components  
21 producing conditioned air for comfort cooling by the lowering of  
22 temperature, and having a mechanical refrigeration capacity in excess  
23 of fifteen tons, and which circulates air.

24 (4) The phrase 'heating, group number three' shall be deemed and held to  
25 be a direct heating system of a building which produces heat to raise  
26 the temperature of the space within the building for the purpose of  
27 comfort in which electric heating elements or products of combustion  
28 exchange heat either directly with the building supply air or indirectly  
29 through a heat exchanger and using an air distribution system of ducts.  
30 A heating system requiring air distribution ducts and supplied by  
31 ground water or utilizing a coil supplied by water from a domestic hot  
32 water heater not exceeding 150° Fahrenheit requires either plumbing  
33 or heating group number one license to extend piping from valved  
34 connections in the domestic hot water system to the heating coil and  
35 requires either heating group number one or heating group number  
36 three license for installation of coil, duct work, controls, drains and  
37 related appurtenances.

38 (5) Any person, firm or corporation, who for a valuable consideration, (i)  
39 installs, alters or restores, or offers to install, alter or restore, either  
40 plumbing, heating group number one, or heating group number two, or  
41 heating group number three, or (ii) lays out, fabricates, installs, alters  
42 or restores, or offers to lay out, fabricate, install, alter or restore fire  
43 sprinklers, or any combination thereof, as defined in this Article, shall  
44 be deemed and held to be engaged in the business of ~~plumbing or~~

1 ~~heating-plumbing, heating, or fire sprinkler~~ contracting. Any person  
 2 who installs a ~~plumbing or heating-plumbing, heating, or fire sprinkler~~  
 3 system on property which at the time of installation was intended for  
 4 sale or to be used primarily for rental is deemed to be engaged in the  
 5 business of ~~plumbing or heating-plumbing, heating, or fire sprinkler~~  
 6 contracting without regard to receipt of consideration, unless exempted  
 7 elsewhere in this Article.

8 (6) The word 'contractor' is hereby defined to be a person, firm or  
 9 corporation engaged in the business of ~~plumbing or heating-plumbing,~~  
 10 ~~heating, or fire sprinkler~~ contracting.

11 (7) The word 'heating' shall be deemed and held to mean heating group  
 12 number one, heating group number two, heating group number three,  
 13 or any combination thereof.

14 (8) The obtaining of a license, as required by this Article, shall not of itself  
 15 authorize the practice of another profession or trade for which a State  
 16 qualification license is required.

17 (9) The word 'Board' means the State Board of Examiners of ~~Plumbing and~~  
 18 ~~Heating-Plumbing, Heating, and Fire Sprinkler~~ Contractors.

19 (10) The phrase 'fire sprinkler' means an automatic or manual sprinkler  
 20 system designed to protect the interior or exterior of a building or  
 21 structure from fire, and where the primary extinguishing agent is  
 22 water. These systems include wet pipe and dry pipe systems, pre-  
 23 action systems, water spray systems, foam water sprinkler systems,  
 24 foam water spray systems, nonfreeze systems, and circulating closed-  
 25 loop systems. These systems also include the overhead piping,  
 26 combination standpipes, inside hose connections, thermal systems used  
 27 in connection with the sprinklers, tanks, and pumps connected to the  
 28 sprinklers, and controlling valves and devices for actuating an alarm  
 29 when the system is in operation. This subsection shall not apply to  
 30 owners of property who are building or improving farm outbuildings.  
 31 This subsection shall not include water and standpipe systems having  
 32 no connection with a fire sprinkler system.

33 (b) Classes of Licenses; Eligibility and Examination of Applicant; Necessity for  
 34 License. – In order to protect the public health, comfort and safety, the Board shall  
 35 establish two classes of licenses: Class I covering all ~~structures and systems-plumbing,~~  
 36 ~~heating, and fire sprinkler systems for all structures, to which this Article applies,~~ and  
 37 Class II covering plumbing and heating systems in single-family detached residential  
 38 dwellings. The Board shall prescribe the standard of competence and efficiency to be  
 39 required of an applicant for license of each class, and shall give an examination  
 40 designed to ascertain the technical and practical knowledge of the applicant concerning  
 41 the analysis of plans and specifications, estimating costs, fundamentals of installation  
 42 and design, fire ~~hazards-hazards, codes, and related subjects as these subjects pertain to~~  
 43 ~~either plumbing or heating; and as plumbing, heating, or fire sprinkler systems.~~ The  
 44 examination for a fire sprinkler contractor's license shall include such materials as

1 would test the competency of the applicant and which would meet the minimum  
2 requirements of certification for Level III, subfield of Automatic Sprinkler System  
3 Layout, National Institute for Certification in Engineering Technologies (NICET). As a  
4 result of the examination, the Board shall issue a certificate of license of the appropriate  
5 class in ~~plumbing or heating~~, plumbing, heating, or fire sprinkler contracting, and a  
6 license shall be obtained, in accordance with the provisions of this Article, before any  
7 person, firm or corporation shall engage in, or offer to engage in, the business of either  
8 ~~plumbing or heating~~ plumbing, heating, or fire sprinkler contracting, or any combination  
9 thereof. It is the purpose and intent of this section that the Board shall provide an  
10 examination for plumbing, heating group number one, or heating group number two, or  
11 heating group number three, and it ~~may provide an examination for fire sprinkler~~  
12 ~~contracting or adopt the examination for Fire Protection Engineering Technician, Level~~  
13 ~~III, subfield of Automatic Sprinkler System Layout, administered by the National~~  
14 ~~Institute for Certification in Engineering Technologies. The Board is authorized to~~  
15 ~~issue a certificate of license limited to either plumbing or heating group number one, or~~  
16 ~~heating group number two, or heating group number three, or fire sprinkler contracting,~~  
17 ~~or any combination thereof. Each application for examination shall be accompanied by~~  
18 ~~a check, post-office money order, or cash, in the amount of the annual license fee~~  
19 ~~required by this Article.~~ Article; provided, however, that all fees associated with  
20 applying for or taking an examination administered by NICET in connection with a fire  
21 sprinkler contractor's license shall be borne by the applicant. Regular examinations shall  
22 be given in the months of April and October of each year, and additional examinations  
23 may be given at such other times as the Board may deem wise and necessary. Any  
24 person may demand in writing a special examination, and upon payment by the  
25 applicant of the cost of holding such examination and the deposit of the amount of the  
26 annual license fee, the Board in its discretion will fix a time and place for such  
27 examination. Upon satisfactory proof of the applicant's inability to write and upon  
28 demand of an applicant for a Class II plumbing or heating license six weeks prior to an  
29 examination, the Board shall conduct the examination of that applicant orally, and shall  
30 not require that applicant to take a written examination as to examination inquiries  
31 answered other than by preparation of diagrams. Signed statements from two reliable  
32 citizens resident in the home county of the applicant shall constitute satisfactory proof  
33 of an applicant's inability to write. A person who fails to pass any examination shall not  
34 be reexamined until the next regular examination.

35 (c) To Whom Article Applies. – The provisions of this Article shall apply to all  
36 persons, firms, or corporations who engage in, or attempt to engage in, the business of  
37 ~~plumbing or heating~~ plumbing, heating, or fire sprinkler contracting, or any combination  
38 thereof as defined in this Article. The provisions of this Article shall not apply to those  
39 who make minor repairs or minor replacements to an already installed system of  
40 ~~plumbing or heating~~ heating, but shall apply to those who make minor repairs,  
41 replacements, or modifications to an already installed fire sprinkler system.

42 (d) Repealed by Session Laws 1979, c. 834, s. 7.

43 (e) Posting License; License Number on Contracts, etc. – The current license  
44 issued in accordance with the provisions of this Article shall be posted in the business

1 location of the licensee, and its number shall appear on all proposals or contracts and  
2 requests for permits issued by municipalities.

3 (f) Repealed by Session Laws 1971, c. 768, s. 4.

4 (g) The Board may, in its discretion, grant to ~~plumbing or heating~~ plumbing,  
5 heating, and fire sprinkler contractors licensed by other states license of the same or  
6 equivalent classification without written examination upon receipt of satisfactory proof  
7 that the qualifications of such applicants are substantially equivalent to the  
8 qualifications of holders of similar licenses in North Carolina and upon payment of the  
9 usual license fee.

10 (h) Notwithstanding any other provisions of this Article, any person, firm, or  
11 corporation who has been engaged in the business of fire sprinkler contracting  
12 continuously for more than one year prior to December 31, 1989, may file an  
13 application for licensure as a fire sprinkler contractor on or before the 31st day of  
14 December, 1989, on forms prepared by the Board. Upon acceptance by the Board of  
15 such application, each such applicant shall have until December 31, 1991, to take and  
16 pass the fire sprinkler contractor's examination prescribed by the Board; provided,  
17 however, that any such applicant who has successfully passed the examination for  
18 certification by the National Institute for the Certification of Engineering Technicians,  
19 Level III, of the subfield of Automatic Sprinkler System Layout, and has been engaged  
20 in the business of fire sprinkler contracting in this State for a period of one year prior to  
21 December 31, 1989, need not take an examination, provided satisfactory proof of the  
22 certification and practice is furnished to the Board."

23 Sec. 4. G.S. 87-22 reads as rewritten:

24 "**§ 87-22. License fee based on population; expiration and renewal; penalty.**

25 All persons, firms, or corporations engaged in the business of either plumbing or  
26 heating contracting, or both, in cities or towns of 10,000 inhabitants or more shall pay  
27 an annual license fee not exceeding fifty dollars (\$50.00), and in cities or towns of less  
28 than 10,000 inhabitants an annual license fee not exceeding twenty-five dollars  
29 (\$25.00). All persons, firms, or corporations engaged in the business of fire sprinkler  
30 contracting shall pay an annual license fee of one hundred dollars (\$100.00). In the  
31 event the Board refuses to license an applicant, the license fee deposited shall be  
32 returned by the Board to the applicant. All licenses shall expire on the last day of  
33 December in each year following their issuance or renewal. It shall be the duty of the  
34 secretary and treasurer to cause to be mailed to every licensee registered hereunder  
35 notice to his last known address of the amount of fee required for renewal of license,  
36 such notice to be mailed at least one month in advance of the expiration of said license.  
37 In the event of failure on the part of any person, firm or corporation to renew the license  
38 certificate annually and pay the fee therefor during the month of January in each year,  
39 the Board shall increase said license fee ten per centum (10%) for each month or  
40 fraction of a month that payment is delayed; provided that the penalty for nonpayment  
41 shall not exceed the amount of the annual fee, and provided further that the Board  
42 requires reexamination upon failure of a licensee to renew license within three years  
43 after expiration. The Board may adopt regulations requiring attendance at programs of  
44 continuing education as a condition of license renewal."

1           Sec. 5. G.S. 87-23 reads as rewritten:

2   **"§ 87-23. Revocation or suspension of license for cause.**

3       (a)    The Board shall have power to revoke or suspend the license of any ~~plumbing~~  
4 ~~or heating~~ plumbing, heating, or fire sprinkler contractor, or ~~both, any combination~~  
5 thereof, who is guilty of any fraud or deceit in obtaining a license, or who fails to  
6 comply with any provision or requirement of this Article, or for gross negligence,  
7 incompetency, or misconduct, in the practice of or in carrying on the business of ~~either a~~  
8 ~~plumbing or heating~~ a plumbing, heating, or fire sprinkler contractor, or ~~both, any~~  
9 combination thereof, as defined in this Article. Any person may prefer charges of such  
10 fraud, deceit, gross negligence, incompetency, misconduct, or failure to comply with  
11 any provision or requirement of this Article, against any ~~plumbing or heating~~ plumbing,  
12 heating, or fire sprinkler contractor, or ~~both, any combination thereof~~, who is licensed  
13 under the provisions of this Article. All of such charges shall be in writing and verified  
14 by the complainant, and such charges shall be heard and determined by the Board in  
15 accordance with the provisions of Chapter ~~150A-150B~~ of the General Statutes.

16       (b)    The Board shall adopt and publish guidelines, consistent with the provisions  
17 of this Chapter, governing the suspension and revocation of licenses.

18       (c)    The Board shall establish and maintain a system whereby detailed records are  
19 kept regarding complaints against each licensee."

20           Sec. 6. G.S. 87-24 reads as rewritten:

21   **"§ 87-24. Reissuance of revoked licenses; replacing lost or destroyed license.**

22       The Board may in its discretion reissue license to any person, firm or corporation  
23 whose license may have been revoked: Provided, ~~three~~ four or more members of the  
24 Board vote in favor of such reissuance for reasons deemed sufficient by the Board. A  
25 new certificate of registration to replace any license which may be lost or destroyed may  
26 be issued subject to the rules and regulations of the Board."

27           Sec. 7. G.S. 87-25 reads as rewritten:

28   **"§ 87-25. Violations made misdemeanor; employees of licensees excepted.**

29       Any person, firm or corporation who shall engage in or offer to engage in, or carry  
30 on the business of ~~either plumbing or heating~~ plumbing, heating, or fire sprinkler  
31 contracting, or both, any combination thereof, as defined in G.S. 87-21, without first  
32 having been licensed to engage in such business, or businesses, as required by the  
33 provisions of this Article; or any person, firm or corporation holding a limited heating  
34 license under the provisions of this Article who shall practice or offer to practice or  
35 carry on any type of heating contracting not authorized by said limited license; or any  
36 person, firm or corporation who shall give false or forged evidence of any kind to the  
37 Board, or any member thereof, in obtaining a license, or who shall falsely impersonate  
38 any other practitioner of like or different name, or who shall use an expired or revoked  
39 license, or who shall violate any of the provisions of this Article, shall be guilty of a  
40 misdemeanor and upon conviction fined not less than one hundred dollars (\$100.00) or  
41 imprisoned for not more than three months, or both, in the discretion of the court.  
42 Employees, while working under the supervision and jurisdiction of a person, firm or  
43 corporation licensed in accordance with the provisions of the Article, shall not be

- 1 construed to have engaged in the business of ~~either plumbing or heating~~ plumbing,  
2 heating, or fire sprinkler contracting, or both, as the case may be."  
3           Sec. 8. This act shall become effective October 1, 1989.