

SENATE BILL NO. 1204

October 13, 2022, Introduced by Senator HORN and referred to the Committee on Regulatory Reform.

A bill to amend 2016 PA 407, entitled
"Skilled trades regulation act,"
(MCL 339.5101 to 339.6133) by adding section 810 and article 8A.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 810. (1) A person that performs installations,
2 alterations, or servicing in the work classification of fire
3 suppression under section 807 shall not employ an individual to
4 engage in the installation of an automatic fire protection system,
5 as that term is defined under section 851, unless the individual

1 holds 1 of the following:

2 (a) A journeyperson fire sprinkler fitter license issued by
3 the department under section 859.

4 (b) An apprentice license issued by the department under
5 section 861.

6 (c) A trainee certificate of registration issued by the bureau
7 of construction codes within the department under section 863.

8 (2) A person that violates subsection (1) is subject to the
9 following civil fines:

10 (a) Not more than \$1,000.00 for each day that the person is in
11 violation of subsection (1).

12 (b) Not more than \$1,000.00 for each individual under the
13 person's employment who engages in the installation of an automatic
14 fire protection system without a journeyperson fire sprinkler
15 fitter license, apprentice license, or trainee certificate of
16 registration.

17 (3) A person that violates subsection (1) a third or
18 subsequent time not more than 2 years after the person's first
19 violation of subsection (1) is subject to a civil fine of not more
20 than \$25,000.00.

21 (4) A person that employs an individual who engages in the
22 installation of an automatic fire protection system shall keep a
23 copy of the individual's applicable license or trainee certificate
24 of registration at the person's place of business.

25 (5) All civil fines recovered under this section must be
26 deposited into the fire protection system fund created under
27 section 873.

28 (6) The department shall pay 50% of the money recovered for a
29 civil fine under this section to the local unit of government or

1 fire inspector that performed an inquiry of a work site that
2 resulted in the civil fine.

3 ARTICLE 8A

4 Sec. 851. As used in this article:

5 (a) "Acceptance testing" means work performed to verify that
6 an automatic fire protection system was installed in accordance
7 with nationally recognized standards, including, but not limited
8 to, the following work:

9 (i) Flushing and hydrostatic tests of underground piping.

10 (ii) Hydrostatic tests of aboveground piping.

11 (iii) Operational tests on a newly installed or repaired
12 automatic fire protection system, including, but not limited to,
13 the following tests:

14 (A) Water flow alarm.

15 (B) Dry pipe.

16 (C) Preaction.

17 (D) Deluge trip and air pressure leakage.

18 (E) Main drain.

19 (F) Pressure reducing valves.

20 (G) Backflow preventer.

21 (H) Fire pump.

22 (b) "Apprentice fire sprinkler fitter" or "apprentice" means
23 an individual who engages in the installation of an automatic fire
24 protection system in a training capacity under the direct
25 supervision of a journeyperson fire sprinkler fitter and holds an
26 apprentice license.

27 (c) "Apprentice license" means a license with limitations
28 issued by the department under section 861.

29 (d) "Automatic fire protection system" means a fire sprinkler

1 system designed and installed in accordance with nationally
2 recognized standards that consists of an assembly of piping and
3 fittings that conveys water, foam, or air with or without agents to
4 dispersal openings or devices to extinguish, control, or contain a
5 fire. For fire protection purposes, automatic fire protection
6 system means an integrated fire sprinkler system of underground and
7 overhead piping that includes a suitable water supply, such as a
8 gravity tank, fire pump, reservoir, pressure tank, or private or
9 public water supply connection beginning at the supply side of an
10 approved gate valve located at or near the property line where the
11 pipe or piping system provides water that is used exclusively for
12 the automatic fire protection system.

13 (e) "Board" means the fire sprinkler board created under
14 section 853.

15 (f) "Bureau" means the bureau of construction codes within the
16 department.

17 (g) "Fire sprinkler apprenticeship program" means an
18 apprenticeship program that is approved by the board under section
19 857.

20 (h) "Fire sprinkler contractor" or "contractor" means an
21 individual that holds a mechanical contractor's license with a
22 classification in fire suppression issued by the department under
23 section 807.

24 (i) "Inspection of an automatic fire protection system" means
25 a visual examination of an automatic fire protection system or
26 portion of an automatic fire protection system to verify that the
27 system appears to be in operating condition and is free of physical
28 damage.

29 (j) "Installation of an automatic fire protection system"

1 means installing, servicing, repairing, replacing, modifying,
2 dismantling, adjusting, or acceptance testing of an automatic fire
3 protection system. Installation of an automatic fire protection
4 system includes, but is not limited to, all of the following:

5 (i) Assembling metal or nonmetal pipe fittings, including, but
6 not limited to, fittings made of brass, copper, lead, glass, and
7 plastic.

8 (ii) Joining pipes by any means, including, but not limited to,
9 threading, caulking, wiping, soldering, brazing, fusing, grooving,
10 and cementing.

11 (iii) Securing the pipes of an automatic fire protection system
12 to a structure by any means, including, but not limited to, clamps,
13 brackets, hangers, and welds.

14 (k) "Journeyman fire sprinkler fitter" or "journeyman"
15 means an individual who engages in the installation of automatic
16 fire protection systems, has successfully completed a fire
17 sprinkler apprenticeship program, and holds a journeyman fire
18 sprinkler fitter license.

19 (l) "Journeyman fire sprinkler fitter license" or
20 "journeyman license" means a license issued by the department
21 under section 859.

22 (m) "Local unit of government" means a city, village,
23 township, or county.

24 (n) "Maintenance testing of an automatic fire protection
25 system" means periodic physical tests of an automatic fire
26 protection system to determine the operational status of a
27 component of the system, including, but not limited to, the
28 following tests:

29 (i) Water flow.

1 (ii) Alarm.

2 (iii) Fire pump.

3 (iv) Trip tests of dry pipe, deluge, or preaction valves.

4 (o) "Trainee" means an individual who holds a trainee
5 certificate of registration.

6 (p) "Trainee certificate of registration" means a certificate
7 of registration issued by the bureau under section 863.

8 Sec. 853. (1) The fire sprinkler board is created within the
9 bureau.

10 (2) The governor shall appoint the members of the board. The
11 board must consist of the following members:

12 (a) The state fire marshal.

13 (b) Two fire sprinkler contractors nominated by the National
14 Fire Sprinkler Association chapter of this state or its successor
15 organization.

16 (c) Two additional fire sprinkler contractors.

17 (d) Three journeyperson fire sprinkler fitters. At least 1 of
18 the journeypersons must be a member of an organized labor
19 association.

20 (e) One individual who represents fire chiefs.

21 (f) Two individuals who represent the general public.

22 (3) The governor shall appoint the first members of the board
23 not later than 60 days after the effective date of the amendatory
24 act that added this article.

25 (4) The governor shall appoint 4 of the first members to 2-
26 year terms, 4 of the first members to 3-year terms, and 3 of the
27 first members to 4-year terms. After the first appointments, the
28 term of a member of the board is 4 years or until a successor is
29 appointed under subsection (2), whichever is later.

1 Sec. 855. The bureau or its designee, a local unit of
2 government, an individual licensed under this article, or a fire
3 inspector may conduct an inquiry of a work site where an automatic
4 fire protection system is installed to ensure that the individual
5 who installs the automatic fire protection system is licensed or
6 registered under article 8 or this article.

7 Sec. 857. The board may approve an apprenticeship program as a
8 fire sprinkler apprenticeship program if the apprenticeship program
9 meets all of the following:

10 (a) Provides a minimum of 4 years of on-the-job training in
11 the installation of automatic fire protection systems.

12 (b) Is registered with the United States Department of Labor
13 or the department.

14 (c) Provides a minimum of 8,000 hours of documented on-the-job
15 training in the installation of automatic fire protection systems.

16 (d) Provides a minimum of 280 hours of classroom, shop, or
17 related instruction in the installation of an automatic fire
18 protection system.

19 Sec. 859. (1) Subject to subsection (2) and except as
20 otherwise provided in subsection (3), beginning on the effective
21 date of the amendatory act that added this article, the department
22 shall issue a journeyperson fire sprinkler fitter license to an
23 individual who does either of the following:

24 (a) Provides to the department 4 years of W-2 forms that
25 evidence the individual's experience in the installation of an
26 automatic fire protection system and a letter from each employer
27 listed on the W-2 forms that states the individual has knowledge
28 and skill in the installation of an automatic fire protection
29 system.

1 (b) Completes a fire sprinkler apprenticeship program.

2 (2) Subsection (1) does not apply beginning 1 year after the
3 effective date of the amendatory act that added this article.

4 (3) Beginning 1 year after the effective date of the
5 amendatory act that added this article, the department shall issue
6 a journeyperson fire sprinkler fitter license to an individual who
7 does all of the following:

8 (a) Provides to the department 4 years of W-2 forms that
9 evidence the individual's experience in the installation of an
10 automatic fire protection system and a letter from each employer
11 listed on the W-2 forms that states the individual has knowledge
12 and skill in the installation of an automatic fire protection
13 system.

14 (b) Completes a fire sprinkler apprenticeship program.

15 (c) Passes an examination approved and administered by the
16 board and department as described in section 209.

17 (4) A journeyperson fire sprinkler fitter shall carry the
18 journeyperson's journeyperson license in either electronic or
19 physical form while the journeyperson is engaged in the
20 installation of an automatic fire protection system.

21 Sec. 861. (1) An individual who is employed as an apprentice
22 fire sprinkler fitter shall apply for an apprentice license with
23 the department on a form provided by the department not later than
24 5 days after employment.

25 (2) The department shall issue an apprentice license to an
26 applicant who seeks licensure under this section if the department
27 receives satisfactory proof of the applicant's participation in a
28 fire sprinkler apprenticeship program.

29 (3) An apprentice shall not engage in the installation of an

1 automatic fire protection system unless the installation is subject
2 to both of the following:

3 (a) Direct and task-specific instruction.

4 (b) Direct supervision by a journeyperson fire sprinkler
5 fitter.

6 (4) An apprentice shall carry the apprentice's apprentice
7 license while the apprentice is engaged in the installation of an
8 automatic fire protection system.

9 Sec. 863. (1) Subject to the requirements of this section, and
10 notwithstanding the requirements of section 601, an individual who
11 does not have a journeyperson fire sprinkler fitter license or
12 apprentice license may perform activities required to have
13 licensure under this article as a trainee for not more than 6
14 months.

15 (2) The bureau shall issue a trainee certificate of
16 registration to an individual who meets all of the following
17 requirements:

18 (a) Is not less than 17 years of age.

19 (b) Submits to the bureau an application on a form and in a
20 manner provided by the bureau.

21 (c) Provides proof of employment with a fire sprinkler
22 contractor.

23 (3) A trainee may perform activities required to have
24 licensure under this article if either of the following conditions
25 is met:

26 (a) The trainee works under the direct supervision of a
27 journeyperson.

28 (b) The trainee installs only water-based fire protection
29 systems for a contractor.

1 (4) A trainee shall carry the trainee's trainee certificate of
2 registration while the trainee is engaged in the installation of an
3 automatic fire protection system.

4 Sec. 865. (1) Subject to subsection (4), beginning the license
5 cycle after the issuance of the initial license as described in
6 section 869(2), the department shall renew a license under this
7 article unless the licensee does not obtain a minimum of 24 hours
8 of continuing education during the license cycle and submit copies
9 of continuing education certificates to the department with the
10 licensee's application for renewal.

11 (2) All of the following programs qualify as continuing
12 education for purposes of subsection (1):

13 (a) A workshop, seminar, or educational conference sponsored
14 by a fire protection equipment manufacturer, the National Fire
15 Sprinkler Association, the American Fire Sprinkler Association, or
16 a successor organization of the National Fire Sprinkler Association
17 or American Fire Sprinkler Association.

18 (b) A course in specialized programs approved or sponsored by
19 the bureau.

20 (c) Distance learning, video, or correspondence coursework
21 approved by the board.

22 (d) A continuing education program provided in another state
23 that meets the continuing education standards approved by the
24 board.

25 (e) College or vocational school coursework approved by the
26 board that is germane to the installation of an automatic fire
27 protection system and contributes directly to the professional
28 competence of a licensed individual, if both of the following
29 conditions are met:

1 (i) The individual passes the course.

2 (ii) One semester credit equals 8 hours of continuing
3 education.

4 (3) The department may audit an applicant for license renewal
5 to determine whether the applicant is in compliance with this
6 section. Upon the request of the department, the applicant shall
7 provide the department with the following information:

8 (a) The name and contact information of the continuing
9 education program sponsor.

10 (b) The title and field of study of the continuing education
11 program.

12 (c) The date the continuing education program was offered or
13 completed.

14 (d) If applicable, the location of where the continuing
15 education program was provided.

16 (e) Verification by a representative of the continuing
17 education program sponsor that the applicant successfully completed
18 the program.

19 (f) The number of hours of instruction included in the
20 continuing education program and a statement from the continuing
21 education program sponsor that the continuing education credits for
22 the course were granted on a 50-minute hour.

23 (4) If, based on the information provided under subsection
24 (3), the department determines that an applicant for license
25 renewal did not complete the required hours of continuing
26 education, the department may deny the application for license
27 renewal.

28 Sec. 867. (1) In the manner required under article 5, the
29 department may deny the issuance of, revoke, or suspend a license

1 or trainee certificate of registration issued under this article
2 for any of the following reasons:

3 (a) A licensee or registrant refuses to produce the licensee's
4 license or the registrant's trainee certificate of registration
5 upon the request of the fire marshal of this state or the fire
6 marshal's designee, or a person authorized to request a license or
7 trainee certificate of registration under section 855.

8 (b) A licensee does not meet the continuing education
9 requirements described in section 865.

10 (c) An individual seeking an initial license, a licensee, or a
11 registrant does not possess the required qualifications or skills
12 to perform the installation of an automatic fire protection system
13 under this article.

14 (d) Any other violation of this article.

15 (2) In addition to the penalties provided for under article 6,
16 if an applicant, licensee, or registrant proceeds to a contested
17 case hearing under article 5 to challenge the denial or revocation
18 of a license or trainee certificate of registration, and an
19 administrative law hearings examiner determines that the challenge
20 is frivolous, under section 525, the board may order the applicant,
21 licensee, or registrant to pay reasonable costs related to the
22 prosecution of the action of not more than \$5,000.00.

23 Sec. 869. (1) The application fee for a license or trainee
24 certificate of registration under this article is \$100.00 for each
25 application.

26 (2) The fee for an initial issuance or renewal of a
27 journeyman fire sprinkler fitter license or apprentice license
28 is \$350.00. A license issued under this article is valid for 3
29 years and expires on October 1 of the third year of issuance.

1 (3) If an apprentice fire sprinkler fitter changes the
2 apprentice's status as an apprentice to a journeyperson fire
3 sprinkler fitter during the 3 years in which the apprentice's
4 apprentice license is valid, the department shall not charge an
5 additional license fee.

6 (4) The fee for the replacement of a license or trainee
7 certificate of registration is \$50.00.

8 (5) The fee rates established in subsections (1) and (2) are
9 effective until 5 years after the effective date of the amendatory
10 act that added this article. Before the fee rates established under
11 subsections (1) and (2) are no longer in effect, the department, in
12 consultation with the board, shall establish new fee rates that are
13 sufficient to cover the cost of implementing this article.

14 Sec. 871. (1) In addition to the penalties provided for under
15 section 601, an individual is subject to a civil fine of not more
16 than \$250.00 for each day that the individual engages in the
17 installation of an automatic fire protection system without any of
18 the following:

19 (a) A journeyperson fire sprinkler fitter license, apprentice
20 license, or trainee certificate of registration.

21 (b) An exemption under this article.

22 (c) A mechanical contractor's license with classification in
23 fire suppression issued by the department under section 807.

24 (2) All civil fines recovered under this section must be
25 deposited into the fire protection system fund created under
26 section 873.

27 (3) The department shall pay 50% of the money recovered for a
28 civil fine under this section to the local unit of government or
29 fire inspector that performed an inquiry that resulted in the civil

1 fine.

2 Sec. 873. (1) The fire protection system fund is created in
3 the state treasury.

4 (2) The state treasurer shall deposit money and other assets
5 received from the fees that are collected under this article or
6 from any other source in the fund. The state treasurer shall direct
7 the investment of money in the fund and credit interest and
8 earnings from the investments to the fund.

9 (3) The department is the administrator of the fund for audits
10 of the fund.

11 (4) The department shall expend money from the fund on
12 appropriation only for 1 or more of the following purposes:

13 (a) To administer and enforce this article.

14 (b) To operate the bureau, including, but not limited to,
15 indirect overhead.

16 (c) To pay 50% of the money recovered for a civil fine under
17 section 810 or 871 to the local unit of government or fire
18 inspector that performed an inquiry as described in section 855
19 that resulted in the civil fine.

20 (5) The state treasurer shall notify the state fire marshal,
21 the speaker of the house of representatives, and the senate
22 majority leader of the following before September 30 of each year:

23 (a) The interest credited in the fund.

24 (b) The fund's balance.

25 Sec. 875. This article does not apply to any of the following
26 individuals:

27 (a) An individual who performs the installation, alteration,
28 or repair of a 1- or 2-family residential automatic fire protection
29 system.

1 (b) An individual who performs an inspection of an automatic
2 fire protection system or maintenance testing of an automatic fire
3 protection system to determine the operational status of the system
4 in accordance with National Fire Protection Association standards.

5 (c) An individual or safety official who represents a
6 commission appointed by the public or local authority that has
7 jurisdiction over an automatic fire protection system.