

1 HB289
2 111990-4
3 By Representatives Hurst and Sanderford
4 RFD: Boards and Commissions
5 First Read: 03-FEB-09

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ENROLLED, An Act,

Relating to fire alarm systems, to create a new chapter in Title 34 of the Code of Alabama 1975, to regulate and license persons who install a fire detection, fire alarm, or fire communication system; to provide for administration by the State Fire Marshal; to provide exceptions; to provide for fees; to provide for criminal and civil penalties; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Chapter 33A is added to Title 34 of the Code of Alabama 1975, to read as follows:

§34-33A-1.

For purposes of this chapter, the following words have the following meanings:

(1) CERTIFICATE HOLDER. An individual who is listed on the State Fire Marshal's permit as the responsible managing owner, partner, officer, or employee who is actively in charge of the work of the certified fire alarm contractor meeting the requirements established in Section 34-33A-4.

1 (2) CERTIFIED FIRE ALARM CONTRACTOR. A fire alarm
2 contractor who has qualified and received a permit from the
3 State Fire Marshal, with an NICET Level III on staff.

4 (3) FIRE ALARM CONTRACTOR. An individual,
5 partnership, corporation, association, or joint venture
6 engaged in the business of installation, repair, alteration,
7 addition, maintenance, or inspection of fire alarm systems.
8 The term does not include local building officials, fire
9 inspectors, or insurance inspectors when acting in their
10 official capacity.

11 (4) FIRE ALARM SYSTEM. A system or portion of a
12 combination system that consists of components and circuits
13 arranged to monitor and annunciate the status of fire alarm or
14 supervisory signal-initiating devices and to initiate the
15 appropriate response to those signals. ~~The~~ Any system
16 installed after the passage of this chapter shall follow the
17 installation standard set forth by the latest edition of the
18 National Fire Protection Association 72 National Fire Alarm
19 Code. The system shall meet the requirements of all locally
20 adopted codes and standards of the local municipality into
21 which the system is installed and shall be acceptable to the
22 local authority having jurisdiction.

23 (5) LICENSED ELECTRICAL CONTRACTOR. An individual,
24 partnership, corporation, association, or joint venture which
25 is licensed as an electrical contractor engaged in the

1 business of installation of conduit, wire, and fire alarm
2 associated equipment, but does not design, program, certify,
3 inspect, or test fire alarm systems. A licensed electrical
4 contractor is not a fire alarm contractor for the purpose of
5 this chapter.

6 (6) NICET. National Institute for Certification in
7 Engineering Technology.

8 (7) STATE FIRE MARSHAL'S PERMIT. The form issued by
9 the State Fire Marshal to a fire alarm contractor upon
10 application being approved and fee paid. The permit shall be
11 issued in the name of the fire alarm contractor, with the name
12 of the certificate holder noted thereon.

13 §34-33A-2.

14 The administration of this chapter is vested in the
15 State Fire Marshal who shall have the power to set or make
16 changes in the amount of the fee charged as necessary for the
17 administration and enforcement of this chapter.

18 §34-33A-3.

19 (a) It shall be unlawful for any individual,
20 partnership, corporation, association, or joint venture to
21 engage in the business of installation, repair, alteration,
22 addition, maintenance, or inspection of a fire alarm system in
23 this state except in conformity with this chapter.

24 (b) This chapter shall not apply to the following:

1 (1) The owner of a fire alarm system who employs
2 ~~registered professional fire protection engineers~~ and skilled
3 trained workers who regularly and routinely ~~design,~~ install,
4 repair, alter, add to, maintain, and inspect fire alarm
5 systems on and within the premises of the owner for the use of
6 the owner only.

7 ~~(2) A smoke detector installed in one- or two-family~~
8 ~~dwellings by a licensed electrical contractor.~~

9 (2) A smoke detector installed in a residential
10 dwelling.

11 (3) A residential combination burglary and fire
12 alarm system installed by a licensed burglary alarm contractor
13 in a residential occupancy as defined in the adopted building
14 code where located.

15 §34-33A-4.

16 (a) Every fire alarm system installed in this state
17 shall have a record of completion signed by a certified fire
18 alarm contractor, in accordance with the requirements of the
19 adopted building code and fire alarm code. The record of
20 completion and all supporting documents shall be available for
21 inspection by the State Fire Marshal or his or her designated
22 representative during normal business hours.

23 (b) Every fire alarm system in this state shall have
24 the name, address, phone number, and permit number, of the
25 responsible certified fire alarm contractor attached to the

1 main fire alarm control in a manner as prescribed by and
2 acceptable to the State Fire Marshal.

3 (c) Every fire alarm system in this state installed
4 after the passage of this chapter shall be maintained and
5 inspected by a certified fire alarm contractor in accordance
6 with the requirements of the most recently adopted version of
7 the National Fire Protection Association 72 National Fire
8 Alarm Code. Testing documentation shall be maintained by the
9 owner for inspection by the State Fire Marshal or his or her
10 designated representative during normal business hours.

11 §34-33A-5.

12 (a) Any individual, partnership, corporation,
13 association, or joint venture desiring to engage in the
14 business as a fire alarm contractor shall submit to the State
15 Fire Marshal on standard forms provided by the State Fire
16 Marshal a completed application. The applicant shall include a
17 fee of one hundred dollars (\$100) when making the application.
18 The applicant shall designate in the application the name of
19 the proposed certificate holder and provide written proof that
20 the individual has met all of the requirements and passed a
21 competency test administered by NICET as a Fire Alarm System
22 Technician - Level III or above. A copy of the current NICET
23 certificate shall be accepted as sufficient written proof as
24 required above. The State Fire Marshal, upon receipt of the
25 application and fee, shall issue a State Fire Marshal's permit

1 to a fire alarm contractor who has a current State Fire
2 Marshal's Permit, or who produces evidence of having a current
3 state permit from another state, if the state has entered into
4 an agreement of reciprocity with the State of Alabama.

5 (b) (1) Any individual desiring to engage in the
6 programming, maintenance, testing, inspection, certification,
7 or modification of fire alarm systems shall provide current
8 written proof that he or she has passed a competency test
9 administered by the NICET as a Fire Alarm System Technician -
10 Level II or any other acceptable nationally recognized fire
11 alarm technician certification requiring continuing education
12 that is deemed equivalent by the State Fire Marshal.

13 (2) Each individual, partnership, corporation,
14 association, or joint venture shall have 36 months after the
15 effective date of this chapter to be in full compliance with
16 the requirement of this subsection.

17 (3) A new employee who is hired by a certified fire
18 alarm contractor shall have 12 months from the date of hiring
19 to comply with the requirements of this chapter. A new
20 employee who is not in compliance with this chapter shall work
21 under the direct supervision of the certificate holder of the
22 certified fire alarm contractor.

23 §34-33A-6.

24 If the required fee has been paid, satisfactory
25 written proof from the NICET has been provided that the

1 requirements have been met and a competency test was passed
2 when required by this chapter, and the proposed certificate
3 holder is found to be a responsible, managing owner, partner,
4 officer, or employee of the fire alarm contractor, the State
5 Fire Marshal within 30 days shall issue a State Fire Marshal's
6 permit in the name of the fire alarm contractor with the name
7 of the certificate holder noted thereon.

8 §34-33A-7.

9 A certificate holder may not obtain a State Fire
10 Marshal's permit for more than one fire alarm contractor at
11 any time. A certificate holder may only hold a certificate for
12 the fire alarm contractor where he or she is currently
13 employed. If the certificate holder leaves the employment of
14 the fire alarm contractor, the certificate holder shall notify
15 the State Fire Marshal within 30 days. The certificate holder
16 may not obtain a State Fire Marshal's permit for more than one
17 other fire alarm contractor for a period of 12 months
18 thereafter. If the certificate holder leaves the employment of
19 the fire alarm contractor, or dies, the fire alarm contractor
20 shall have nine months to submit a new application proposing
21 designation of another individual as the certificate holder
22 for the applicant. If the application is not received and a
23 new permit issued within the allotted time, the State Fire
24 Marshal shall revoke the permit of the fire alarm contractor.

25 §34-33A-8.

1 A State Fire Marshal's permit shall expire annually
2 at midnight on September 30. At least 30 days prior to
3 expiration, a renewal application with a renewal fee shall be
4 submitted. A permit which is not renewed prior to expiration
5 shall be null and void on the expiration date, and it shall be
6 unlawful under this chapter for any individual, partnership,
7 corporation, association, or joint venture to engage in the
8 business of installing, repairing, altering, adding,
9 maintaining, or inspecting a fire alarm system without a
10 validly renewed State Fire Marshal's permit. The permit may be
11 reinstated by making application as before and payment of the
12 fee; however, until the time as a new permit is issued, it
13 shall be unlawful for the fire alarm contractor to engage in
14 installing, repairing, altering, adding, maintaining, or
15 inspecting fire alarm systems.

16 §34-33A-9.

17 If a certified fire alarm contractor desires to do
18 business in any part of the state, he or she shall deliver to
19 the local building official a copy of his or her State Fire
20 Marshal's permit. The local building official shall require a
21 copy of the State Fire Marshal's permit before issuing a
22 license or building permit. The certified fire alarm
23 contractor shall pay any fees normally imposed for local
24 licenses or permits. The local official may not impose other
25 requirements on the certified fire alarm contractor to prove

1 competency other than proper evidence of a valid State Fire
2 Marshal's permit.

3 §34-33A-10.

4 Nothing in this chapter limits the power of a
5 municipality, county, or the state to regulate the quality and
6 character of work performed by contractors, through a system
7 of permits, fees, and inspections which are designed to assure
8 compliance with, and aid in the implementation of, state and
9 local building laws or to enforce other local laws for the
10 protection of the public health and safety. Nothing in this
11 chapter limits the power of a municipality, county, or the
12 state to adopt any system of permits requiring submission to
13 and approval by the municipality, county, or the state, of
14 plans and specifications for work to be performed by
15 contractors before commencement of the work. If the plans for
16 a fire alarm system are required to be submitted to and
17 approved by any municipality, county, or the state, or any
18 departments or agencies thereof, the plans shall bear the seal
19 of a professional engineer licensed in the State of Alabama or
20 be submitted by a certified fire alarm contractor. The
21 official authorized to issue building or other related permits
22 shall ascertain that the fire alarm contractor is duly
23 certified by requiring evidence of a valid State Fire
24 Marshal's permit.

25 §34-33A-11.

1 (a) This chapter applies to any fire alarm
2 contractor performing work for any municipality, county, or
3 the state. Officials of any municipality, county, or the state
4 shall determine compliance with this chapter before awarding
5 any contract for the installation, repair, alteration,
6 addition, or inspection of a fire alarm system. Any bid for a
7 contract shall be accompanied by a copy of a valid State Fire
8 Marshal's permit.

9 (b) All architects and engineers preparing plans and
10 specifications for work involving fire alarm systems to be
11 contracted in the State of Alabama shall include in their
12 invitation to bidders and their specifications a copy of this
13 chapter or portions as are deemed necessary to convey to the
14 invited bidder that it will be necessary for the bidder to
15 show evidence of licensure before a bid is considered whether
16 the bidder is a resident or nonresident of this state and
17 whether a license has been issued to the bidder or not.

18 §34-33A-12.

19 All funds collected pursuant to this chapter shall
20 be deposited in the State Treasury to the credit of the State
21 Fire Marshal's Fund authorized in Section 24-5-10. The State
22 Fire Marshal may expend moneys from the State Fire Marshal's
23 Fund for the administration and enforcement of this chapter.
24 The State Fire Marshal may receive grants and donations from
25 associations, firms, or individuals who are interested in the

1 upgrading and quality of fire alarm systems in compliance with
2 Alabama state ethics laws.

3 §34-33A-13.

4 Whenever the State Fire Marshal has reason to
5 believe that any individual, partnership, corporation,
6 association, or joint venture is or has been violating any
7 provision of this chapter, the State Fire Marshal or his or
8 her deputy or assistant may issue and deliver to the
9 individual, partnership, corporation, association, or joint
10 venture an order to cease and desist the violation. Failure to
11 comply with any order under this section shall constitute a
12 Class B misdemeanor and shall be punishable as provided by
13 state law. In addition, the State Fire Marshal may impose a
14 civil penalty not to exceed two hundred fifty dollars (\$250)
15 for each day the violation exists. Violation of any provision
16 of this chapter or failure to comply with a cease and desist
17 order shall be cause for revocation of a State Fire Marshal's
18 permit.

19 Section 2. Although this bill would have as its
20 purpose or effect the requirement of a new or increased
21 expenditure of local funds, the bill is excluded from further
22 requirements and application under Amendment 621, now
23 appearing as Section 111.05 of the Official Recompilation of
24 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an
2 existing crime.

3 Section 3. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 06-MAY-09, as amended.

Greg Pappas
Clerk

Senate	15-MAY-09	Amended and Passed
House	15-MAY-09	Concurred in Senate Amendment