

CHAPTER 33

FIRE PROTECTION SPRINKLER SYSTEMS

Sec.	Sec.
34-33-1. Definitions	34-33-7. Expiration of permit; renewal procedure.
34-33-2. Administration of chapter vested in State Fire Marshal.	34-33-8. Presentation of permit to local building official; Payment of local license fees.
34-33-3. Installation, repair, etc., of fire protection sprinkler systems – Conformity with chapter required.	34-33-9. Chapter imposes no limitations on power of Municipality, etc., to regulate work of contractors.
34-33-4. Installation, repair, etc., of fire protection sprinkler systems – Application for State Fire Marshal's permit; contents; status of applicant; application fee; competency test; reciprocity.	34-33-10 Application of chapter, compliance with chapter required before contract awarded; copies of chapter furnished is invited bidders.
34-33-5. Issuance of State Fire Marshal's permit.	34-33-11 Disposition of funds collected pursuant to chapter grants; and donations allowed.
34-33-6. Restrictions and limitations upon permit holder.	34-33-12 Penalties.

CROSS REFERENCES

As to appointment, compensation and bond of state fire marshal, see § 27-2-10.

As to powers and duties of fire marshal generally; see Title 36, Chapter 19.

§ 34-33-1. Definitions.

For purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed in this section.

- (1) **Fire Protection Sprinkler Contractor.** An individual, partner ship, corporation, association, or joint venture engaged in the business of installation, repair, alteration, addition, maintenance, or inspection of fire protection sprinkler systems. This does not include local building officials, fire inspectors, or insurance inspectors when acting in their official capacity.
- (2) **Certified Fire Protection Sprinkler Contractor.** A fire protection sprinkler contractor who has qualified and received a permit from the State Fire Marshal.
- (3) **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 protection sprinkler contractor.
- (4) **State Fire Marshal's Permit.** The form issued by the State Fire Marshal to a fire protection sprinkler contractor upon application being approved and fee paid. The permit shall be issued in the name of the fire protection sprinkler contractor, with the name of the certificate holder noted thereon.
- (5) **Fire Protection Sprinkler System.** A system of overhead piping designed in accordance with fire protection engineering standards. The system is supplied from a reliable, constant and sufficient water supply, such as a gravity tank, fire pump, reservoir or pressure tank, and/or connection by underground piping to a city main. The portion of the sprinkler systems above ground is considered the fire protection sprinkler system for purposes of this chapter, and is a network of specially sized or hydraulically designed piping installed in a building, structure, or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system includes a controlling valve and device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water

over the fire area. Fire protection sprinkler systems shall include the following types: wet-pipe systems, dry-pipe systems, pre-action systems, deluge systems, combined dry-pipe and pre-action systems, antifreeze systems, and circulating closed loop systems, all as defined in National Fire Protection Pamphlet 13, Standard for the Installation of Sprinkler Systems, latest edition, or National Fire Protection Association Pamphlet 13D, Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Mobile Homes, latest edition. (Acts 1982, 2nd Ex. Sess., No. 82-774, p. 271, § 1; Acts 1984, No. 84-250, p. 339, § 1; Acts 1988, 1st Ex. Sess., No. 88-919, p. 515 § 1.)

§34-33-2 Administration of chapter vested in State Fire Marshal.

The administration of this chapter is vested in the State Fire Marshal who shall have the power to set or make changes in the amount of the fee charged as necessary for the administration and enforcement of this chapter. (Acts 1982 2nd Ex. Sess., No. 82-774, p. 271, § 2; Acts 1984, No. 84-250, p. 399, § 1; Acts 1988, 1st Ex. Sess., No. 88-919, p. 515, § 1.)

§ 34-33-3 Installation, repair, etc., of fire protection sprinkler systems – Conformity with chapter required.

It shall be unlawful for any individual, partnership, corporation, association, or joint venture to engage in the business of installation, repair, alteration, addition, maintenance, or inspection of a fire protection sprinkler system in this state except in conformity with the provisions of this chapter. Nothing in this chapter, however, shall be construed to apply to fire protection sprinkler system owners who employ registered professional fire protection engineers, and skilled workers who regularly and routinely design, install, repair, alter, add to, maintain, and inspect sprinkler systems on and within the premises of their employer, provided such systems are for the owners' use only. (Acts 1982 2nd Ex. Sess., No. 82-774, p. 271, § 3; Acts 1984, No. 84-250, p. 399, § 1; Acts 1988, 1st Ex. Sess., No. 88-919, p. 515, § 1.)

Research References

Annotations:

Products liability; "fireman's rule" as defense.
62 ALR4th 727.

§ 34-33-4

PROFESSIONS AND BUSINESSES

§34-33-12

§ 34-33-4 Installation, repair, etc., of fire protection sprinkler systems – Application for State Fire Marshal's permit; contents; status of applicant; application fee; competency test; reciprocity.

Any individual, partnership, corporation, association, or joint venture desiring to engage in the business of fire protection sprinkler contractor shall submit to the State Fire Marshal on standard forms provided by the State Fire Marshal a completed application. The applicant shall include a fee of \$200.00 when making the application. The applicant shall designate in the application the name of the proposed certificate holder and provide written proof that such

individual has passed a competency test administered by the National Institute for Certification in Engineering Technology (NICET) as a Fire Protection Layout Technician – Level III. A copy of the NICET letter of notification that the proposed certificate holder has passed the competency test shall be sufficient written proof. The State Fire Marshal, shall issue, upon receipt of the application and fee, a State Fire Marshal’s permit to a fire protection sprinkler contractor who has a current state permit from another state, if such state shall have entered into an agreement of reciprocity with the State of Alabama. (Acts 1982 2nd Ex. Sess., No. 82-774, p. 271, § 40; Acts 1984, No. 84-250, p. 399, § 1; Acts 1988, 1st Ex. Sess., No. 88-919, p. 515, § 1.)

Research References

Municipal liability for negligent fire inspection and subsequent enforcement.

Annotations:

69 ALR4th 739.

Products liability: “fireman’s rule” as defense.

62 ALR4th 727.

§ 34-33-5 Issuance of State Fire Marshal’s permit.

If the required fee has been paid, satisfactory written proof from NICET has been provided that the competency test was passed when required by this chapter and the proposed certificate holder found to be at present a responsible, managing owner, partner, officer, or employee of the fire protection sprinkler contractor, the State Fire Marshal shall within 30 days issue a State Fire Marshal’s permit in the name of the fire protection sprinkler contractor with the name of the certificate holder noted thereon. (Acts 1982 2nd Ex. Sess., No. 82-774, p. 271, § 5; Acts 1988, 1st Ex. Sess., No. 88-919, p. 515, § 1.)

§ 34-33-6 Restrictions and limitations upon permit holder.

In no case shall a certificate holder be allowed to obtain a State Fire Marshal’s permit for more than one fire protection sprinkler contractor at a time. If the certificate holder should leave the employment of the fire protection sprinkler contractor, he must notify the State Fire Marshal within 30 days. The certificate holder shall not be eligible to obtain a State Fire Marshal’s permit for more than one other fire protection sprinkler contractor for a period of 12 months thereafter. If the certificate holder should leave the employment of the fire protection sprinkler contractor, or die, the contractor shall have nine months to submit a new application proposing designation of another individual as the certificate holder for the applicant. If such application is not received and a new permit issued within the allotted time, the State Fire Marshal shall revoke the permit of the fire protection sprinkler contractor. (Acts 1982 2nd Ex. Sess., No. 82-774, p. 271, § 6; Acts 1984, No. 84-250, p. 399, § 1; Acts 1988, 1st Ex. Sess., No. 88-919, p. 515, § 1.)

§ 34-33-7 Expiration of permit; renewal procedure.

The State Fire Marshal’s permit shall expire annually at midnight on September 30. At least 30 days prior, the fire protection sprinkler contractor must submit a renewal application. A renewal fee must be submitted with the application. Failure to renew the permit prior to the expiration shall cause the permit to be null and void as of the expiration date, and it shall be unlawful under this chapter for any individual, partnership, corporation, association, or joint venture to engage in the business of installing, repairing, altering, adding, maintaining, or inspecting a fire protection sprinkler system without a valid State Fire Marshal’s permit. The

permit may be reinstated by making application as before, and payment of the fee; however, until such time as a new permit is issued, it shall be unlawful for the fire protection sprinkler contractor to engage in installing, repairing, altering, adding, maintaining, or inspecting fire protection sprinkler systems. (Acts 1982 2nd Ex. Sess., No. 82-774, p. 271, § 7; Acts 1984, No. 84-250, p. 399, § 1.)

§ 34-33-8 Presentation of permit to local building official; payment of local license fees.

If a certified fire protection sprinkler contractor desires to do business in any part of the state, he shall be required by this chapter to deliver to the local building official a copy of his State Fire Marshal's permit. The local building official shall require a copy of his State Fire Marshal's permit before issuing a license or building permit. The certified fire protection sprinkler contractor shall be required to pay any fees normally imposed for local licenses or permits, but the local official shall impose no other requirements on the certified fire protection sprinkler contractor to prove competency other than proper evidence of a valid State Fire Marshal's permit. (Acts 1982 2nd Ex. Sess., No. 82-774, p. 271, § 8.)

§ 34-33-9 Chapter imposes no limitation on power of municipality, etc., to regulate work of contractors.

Nothing in this chapter limits the power of a municipality, county, or the state to regulate the quality and character of work performed by contractors, through a system of permits, fees, and inspections, which are designed to assure compliance with, and aid in the implementation of, state and local building laws or to enforce other local laws for the protection of the public health and safety. Nothing in this chapter limits the power of a municipality, county, or the state to adopt any system of permits requiring submission to and approval by the municipality, county, or the state, of plans and specifications for work to be performed by contractors before commencement of the work. If plans for a fire protection sprinkler system are required to be submitted to and approved by any municipality, county, or the state (or any departments or agencies thereof), the plans must bear the permit number of the certified fire protection sprinkler contractor or proof that the person, firm or corporation that designed such fire protection sprinkler system is an exempt owner under Section 34-33-3. The official authorized to issue building or other related permits shall ascertain that the fire protection sprinkler contractor is duly certified by requiring evidence of a valid State Fire Marshal's permit. (Acts 1982 2nd Ex. Sess., No. 82-774, p. 271, § 9; Acts 1984, No. 84-250, p. 399, § 1.)

§ 34-33-10 Application of chapter; compliance with chapter required before contract awarded; copies of chapter furnished to invited bidders.

- (a) This chapter also applies to any fire protection sprinkler contractor performing work for any municipality, county, or the state. Officials of any municipality, county, or the state are required to determine compliance with this chapter before awarding any contracts for the installation, repair, alteration, addition, or inspection of a fire protection sprinkler system. Bids for such shall be accompanied by a copy of a valid State Fire Marshal's permit.

- (b) All architects and engineers preparing plans and specifications for work involving fire protection sprinkler systems to be contracted in the State of Alabama shall include in their invitations to bidders and their specifications a copy of this chapter or such portions thereof as are deemed necessary to convey to the invited bidder, whether he is a resident or nonresident of this state and whether a license has been issued to him or not, the information that it will be necessary for him to show evidence of license before his bid is considered. (Acts 1982 2nd Ex. Sess., No. 82-774, p. 271, § 10; Acts 1988, 1st Ex. Sess., No. 88-919, p. 515, § 1.)

Research References

Annotations:

Products liability: "fireman's rule" as defense.

62 ALR4th 727.

§ 34-33-11 Disposition of funds collected pursuant to chapter; grants and donations allowed.

All funds collected pursuant to this chapter shall be deposited in the State Treasury to the credit of the State Fire Marshal's Fund authorized by Section 24-5-10. The State Fire Marshal shall be authorized to expend moneys from the State Fire Marshal's Fund for the administration and enforcement of this chapter. The State Fire Marshal shall be allowed to receive grants and donations from associations, firms, or individuals who are interested in the upgrading and quality of fire protection sprinkler systems. (Acts 1982 2nd Ex. Sess., No. 82-774, p. 271, § 11.)

§ 34-33-12 Penalties.

Whenever the State Fire Marshal shall have reason to believe that any individual, partnership, corporation, association, or joint venture is or has been violating any provisions of this chapter, he or his deputy or assistant may issue and deliver to such individual, partnership, corporation, associations, or joint venture an order to cease and desist such violations. Failure to comply with any order under this section shall constitute a Class B misdemeanor and shall be subject to punishment within the limits and as provided by state laws. In addition, the State Fire Marshal may impose a civil penalty not to exceed \$250.00 for each day the violation exists. Violations of any provision of this chapter or failure to comply with a cease and desist order shall be cause for revocation of the State Fire Marshal's permit. (Acts 1982 2nd Ex. Sess., No. 82-774, p. 271, § 12.)

Research References

Corpus Juris Secundum:

53 CJS, License § 56.

Amendments to Alabama Fire Protection Sprinkler Safety Act

Definitions:

Employee(s) – Fulltime permanent employee(s) of employer(s).

Employer(s) – Individuals, companies, organizations or governmental agencies having a fire protection sprinkler with a fire pump.

Responsible Fire Protection Sprinkler Contractor – The fire protection sprinkler contractor who has contracted with the employer to perform all required tests, design, installation, alteration, maintenance or repair work for the fire protection sprinkler system with a fire pump.

Employees of employers who have a fire protection sprinkler system, with a fire pump requiring a weekly pump test, may become certified and permitted to perform weekly tests provided they first attend and successfully pass a training course approved by the State Fire Marshal.

No employer may allow any employee who has not been permitted by the State Fire Marshal to perform weekly fire pump tests.

Employees who meet the training, testing and certification requirements must have an application, in a form prescribed by the State Fire Marshal, submitted by their employer for a permit to perform weekly fire pump tests. The application must show the name of the employee, employer and fire protection sprinkler contractor responsible for the fire protection sprinkler system owned by the employer, and the physical address of the fire protection sprinkler system. The application shall be for one person per pump. Applications must be accompanied by a permit fee of \$200.00. Fees are not prorated and the permit will expire September 30th of every odd year.

Permits shall be for two (2) years; however, permits may be revoked by the State Fire Marshal. Permits are not transferable from one employee to another. In the event an employee leaves one employer for another, the permit is immediately voided and the new employer must make application and pay the required fee to the State Fire Marshal to obtain a new permit. When an employee leaves one employer for another employer the employee will not be required to retrain, retest or be recertified unless the employee has been non-permitted in excess of nine (9) months. The employee shall provide a written statement to the State Fire Marshal when he changes employment.

Permitted employees may only perform weekly fire pump tests and may not perform and other design, installation, alteration, maintenance or repair work on fire protection sprinkler systems owned by their employer.

When an employee completes the training, testing, certification and permitting process, he or she must perform their first weekly fire pump test in the presence of the responsible fire protection sprinkler contractor or the contractor's representative who will verify that the employee has displayed an understanding and capability for performing the test on each fire

pump for which a permit is issued. The fire protection sprinkler contractor shall document the successful completion of the first test performed by the employee noting any additional training that may need to be done before allowing the employee to perform the weekly tests. This documentation shall be submitted to the State Fire Marshal on a letterhead from the fire protection sprinkler company witnessing the test. Re-verification of the employee's understanding and capability shall be documented to the State Fire Marshal every twelve (12) months.

Should the employer change fire protection sprinkler contractors, the employer must make application to the State Fire Marshal for the new permits for their permitted employees, however, a new application fee shall not be required unless it is time for a renewal of the permit.

Permitted employees may perform weekly fire pump tests on the fire protection sprinkler system belonging only to their employer and permitted employees may not obtain permits for more than one employer at a time. A permitted employee may not obtain permits for more than two (2) different employers within a twelve (12) month period.

Employees of the fire protection sprinkler contractors may not be permitted to perform weekly fire pump tests outside their employment with the fire protection sprinkler contractor.

State Fire Marshal Regulation, Chapter 482-2-103
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