

Tennessee Code/TITLE 62 PROFESSIONS, BUSINESSES AND TRADES/CHAPTER 32 FIRE PROTECTION/PART 1 FIRE PROTECTION SPRINKLER SYSTEMS

PART 1 FIRE PROTECTION SPRINKLER SYSTEMS

Source:

Tennessee Code/TITLE 62 PROFESSIONS, BUSINESSES AND TRADES/CHAPTER 32 FIRE PROTECTION/PART 1 FIRE PROTECTION SPRINKLER SYSTEMS/62-32-101.

Part definitions.

62-32-101. Part definitions.

As used in this part, unless the context otherwise requires:

- (1) "Department" means the department of commerce and insurance;
- (2) "Division" means the division of fire prevention;
- (3) "Fire protection sprinkler system" means an assembly of underground or overhead piping or conduit, including fire pumps, valves and fire hydrants, that conveys water or other agents to dispersal openings or devices to extinguish, control or contain fire, and to provide protection from exposure to fire or other products of combustion; provided, that "fire protection sprinkler system" shall not include public water service mains;
- (4) "Fire protection sprinkler system contractor" means a person who contracts, offers to contract, or represents that such person is able to contract with a general contractor, subcontractor, or the general public for the undertaking of the sale, installation or service of a fire protection sprinkler system or any part thereof, or who actually installs or services a fire protection sprinkler system, provided that an owner of real property on which a fire protection sprinkler system is located, or a full-time employee of the owner of real property on which a fire protection sprinkler system is located, may perform simple maintenance of the fire protection sprinkler system, such as replacing a sprinkler head;
- (5) "Installation" means the initial placement of fire protection equipment or the extension, modification or alteration of equipment after initial placement. "Installation" includes work throughout the entire fire protection sprinkler system;
- (6) "Person" means a natural person, sole proprietorship, partnership, corporation, governmental entity, or any other legal entity;
- (7) "Responsible managing employee" means an individual who is, or is designated to be, in active and responsible charge of the work of a fire protection sprinkler system contractor; and
- (8) "Work in progress" means any work for which bids are complete and a contractual agreement has been reached among the parties but the necessary labor to fulfill the contract is not yet complete.

[Acts 1984, ch. 949, § 1; 1985, ch. 209, § 1; 1986, ch. 721, § 17; 1987, ch. 268, § 1; 2002, ch. 624, §§ 1-3.]

PROTECTION/PART 1 FIRE PROTECTION SPRINKLER SYSTEMS/62-32-102.

Exemptions.

62-32-102. Exemptions.

The provisions of this part shall not apply to:

- (1) A registered professional architect or engineer acting solely in such professional capacity;
- (2) A regular employee of a fire protection sprinkler system contractor acting under its control and supervision; or
- (3) A person selling or supplying products or materials to a registered fire protection sprinkler system contractor.

[Acts 1984, ch. 949, § 2; 1985, ch. 209, § 2.]

FIRE PROTECTION/PART 1 FIRE PROTECTION SPRINKLER SYSTEMS/62-32-103.

Administration of part.

62-32-103. Administration of part.

(a) This part shall be administered by the division.

(b) The state fire marshal may promulgate such rules as are reasonably necessary to ensure the effective administration of this part. All such rules shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(c) The National Institute for Certification in Engineering Technology (NICET) testing material shall be used to determine qualification to act as a responsible managing employee. The testing materials shall be reviewed for any changes by the division on an annual basis to determine their consistency with the purposes, goals and application of this part.

[Acts 1984, ch. 949, § 3; 1985, ch. 209, § 3.]

FIRE PROTECTION/PART 1 FIRE PROTECTION SPRINKLER SYSTEMS/62-32-104.

Prohibited activities.

62-32-104. Prohibited activities.

No person shall:

(1) Act as a fire protection sprinkler system contractor without a valid certificate of registration issued by the department; provided, that a partnership or joint venture may act as a fire protection sprinkler system contractor without a certificate of registration if and only if each partner or joint venturer is duly registered;

(2) Act as a fire protection sprinkler system contractor under a certificate of registration without having on staff a responsible managing employee who holds a valid license issued by the division. A person holding a valid certificate of registration may continue work in progress for ninety (90) days after the death or disassociation of its licensed responsible managing employee, or for such longer period as may be approved, pursuant to rules adopted hereunder;

(3) Act as a responsible managing employee for a fire protection sprinkler system contractor without a valid license issued by the department; or

(4) Sell, install or service a fire protection sprinkler system in violation of this chapter or the rules adopted hereunder.

[Acts 1984, ch. 949, § 4; 1985, ch. 209, § 4; 1987, ch. 268, §§ 2, 3.]

FIRE PROTECTION/PART 1 FIRE PROTECTION SPRINKLER SYSTEMS/62-32-105.

Application for certification of registration as contractor.

62-32-105. Application for certification of registration as contractor.

(a) An application for a certificate of registration as a fire protection sprinkler system contractor shall be submitted on a form prescribed by the department.

(b) The application shall be accompanied by:

(1) A nonrefundable application fee in an amount not to exceed one hundred dollars (\$100); and

(2) A surety bond executed by the applicant and a surety company authorized to do business in this state, made payable to the state of Tennessee in the amount of ten thousand dollars (\$10,000). Such bond shall be for the use and benefit of any person who may be injured or aggrieved by a wrongful act or omission of an employee, servant, officer, or agent in the conduct of business of the fire protection sprinkler system contractor. Any person so injured or aggrieved may sue directly on the bond without assignment thereof.

(c) The bonding requirement of this section shall not apply to any person who is licensed to engage in fire protection sprinkler system work by the board for licensing contractors under chapter 6 of this title.

[Acts 1984, ch. 949, § 5.]

FIRE PROTECTION/PART 1 FIRE PROTECTION SPRINKLER SYSTEMS/62-32-106.

Application for license as responsible managing employee.

62-32-106. Application for license as responsible managing employee.

(a) An application for a license as a responsible managing employee shall be submitted on a form prescribed by the department and shall be accompanied by a nonrefundable application fee in an amount not to exceed twenty-five dollars (\$25.00).

(b) One (1) of the following documents must accompany the application to evidence technical qualifications for a license:

(1) Proof of registration in Tennessee as a professional engineer or architect; or

(2) A copy of NICET notification letter regarding the applicant's successful completion of the examination requirements for certification at "Level III" for fire protection automatic sprinkler systems layout.

[Acts 1984, ch. 949, § 6; 1985, ch. 209, § 5.]

FIRE PROTECTION/PART 1 FIRE PROTECTION SPRINKLER SYSTEMS/62-32-107.

Issuance of certificates and licenses - Copies - Transferability.

62-32-107. Issuance of certificates and licenses - Copies - Transferability.

(a) (1) The department shall issue to qualified applicants a certificate of registration as a fire protection sprinkler system contractor upon receipt of a fee in an amount not to exceed five hundred dollars (\$500).

(2) The department shall issue to qualified applicants a license as a responsible managing employee upon receipt of a fee in an amount not to exceed two hundred dollars (\$200).

(3) Upon written request, the division shall issue a revised certificate.

(b) Upon written request accompanied by a fee in an amount not to exceed seventy-five dollars (\$75.00), the department shall issue a duplicate certificate of registration or license.

(c) No certificate of registration or license shall be transferable.

(d) No certificate of registration or license will be issued to any individual under eighteen (18) years of age.

[Acts 1984, ch. 949, § 7; 1985, ch. 209, § 6.]

FIRE PROTECTION/PART 1 FIRE PROTECTION SPRINKLER SYSTEMS/62-32-108.

Posting of certificates and licenses - Number and expiration date to be conspicuous.

62-32-108. Posting of certificates and licenses - Number and expiration date to be conspicuous.

(a) Each certificate of registration and license issued under this chapter shall be conspicuously posted in the fire protection sprinkler system contractor's place of business.

(b) All bids, advertising, promotions or solicitations for the sale, installation or service of fire protection sprinkler systems shall prominently indicate the certificate of registration number and expiration date of the fire protection sprinkler system contractor.

[Acts 1984, ch. 949, § 8; 1987, ch. 268, § 4.]

FIRE PROTECTION/PART 1 FIRE PROTECTION SPRINKLER SYSTEMS/62-32-109.

Bond requirements

- Effect of invalid bond - Liability of surety.

62-32-109. Bond requirements - Effect of invalid bond - Liability of surety.

(a) The bond required by § 62-32-105 shall be in effect at all times and places in which the fire protection sprinkler system contractor engages in business in this state. If such bond ceases to be in effect, the certificate of registration of such contractor shall become invalid.

(b) In no event shall the aggregate liability of the surety exceed the amount of the bond.

[Acts 1984, ch. 949, § 9.]

FIRE PROTECTION/PART 1 FIRE PROTECTION SPRINKLER SYSTEMS/62-32-110.

Expiration of certificates and licenses - Notice - Renewal - Fees.

62-32-110. Expiration of certificates and licenses - Notice - Renewal - Fees.

(a) At least thirty (30) days before the expiration of a certificate of registration or license, the department shall send written notice of the impending expiration to the registrant or licensee at the registrant's or licensee's last known address.

(b) All certificates of registration and licenses issued under this chapter shall expire on June 30 of each year, and shall be invalid on that date unless renewed. Such certificates and licenses may be renewed on or before the expiration date by remitting to the department a renewal fee not to exceed two hundred dollars (\$200).

(c) Certificates of registration and licenses shall be subject to late renewal for a period of ninety (90) days following their expiration date by payment of the renewal fee plus a penalty of one half (1/2) of the renewal fee. Any person desiring reinstatement thereafter must reapply for registration or licensure.

[Acts 1984, ch. 949, § 10.]

FIRE PROTECTION/PART 1 FIRE PROTECTION SPRINKLER SYSTEMS/62-32-111.

Refusal to issue or renew certificate or license - Suspension or revocation.

62-32-111. Refusal to issue or renew certificate or license - Suspension or revocation.

The state fire marshal may refuse to issue or renew, or suspend or revoke a certificate of registration or license hereunder on the ground of:

(1) Obtaining or attempting to obtain a certificate of registration or license by fraudulent misrepresentation;

(2) Violating any provision of this part, or any rule lawfully promulgated hereunder; or

(3) Willful or consistent failure to comply with any applicable code or standard relating to the sale, installation or service of fire protection sprinkler systems.

[Acts 1984, ch. 949, § 11; 1985, ch. 209, § 7; 1987, ch. 268, § 5.]

FIRE PROTECTION/PART 1 FIRE PROTECTION SPRINKLER SYSTEMS/62-32-112.

Submission of installation plans for review.

62-32-112. Submission of installation plans for review.

A registered fire protection sprinkler system contractor, through its responsible managing employee, may submit shop drawings of proposed fire protection sprinkler system installations in projects whose construction plans and specifications are subject to review by the division. Upon receipt of the prescribed review fee, the division shall review and approve or disapprove such shop drawings.

[Acts 1984, ch. 949, § 12; 1985, ch. 209, § 8.]

FIRE PROTECTION/PART 1 FIRE PROTECTION SPRINKLER SYSTEMS/62-32-113.

Disposition of fees.

62-32-113. Disposition of fees.

All fees collected under this part shall constitute expendable receipts of the division for use in administering this part.

[Acts 1984, ch. 949, § 16.]

FIRE PROTECTION/PART 1 FIRE PROTECTION SPRINKLER SYSTEMS/62-32-114.

Uniformity of application and effect - Powers of political subdivisions.

62-32-114. Uniformity of application and effect - Powers of political subdivisions.

The provisions of this part and the rules promulgated hereunder shall have uniform force and effect throughout the state. No political subdivision of this state may adopt or enforce any order, ordinance, rule or regulation requiring any person to obtain any form of permission from such political subdivision to act as a fire protection sprinkler system contractor. A political subdivision may require a fire protection sprinkler system contractor to pay for and obtain a permit for the installation of a fire protection sprinkler system, and require such installation to conform with applicable building codes and requirements. However, such political subdivision may not impose on fire protection sprinkler system contractors qualification or financial responsibility requirements other than proof of a valid certificate of registration issued under this part.

[Acts 1984, ch. 949, § 15.]

FIRE PROTECTION/PART 1 FIRE PROTECTION SPRINKLER SYSTEMS/62-32-115.

Act supplemental.

62-32-115. Act supplemental.

This part is supplemental to chapter 6 of this title.

[Acts 1984, ch. 949, § 17.]

FIRE PROTECTION/PART 1 FIRE PROTECTION SPRINKLER SYSTEMS/62-32-116.

Procedure governing contested cases.

62-32-116. Procedure governing contested cases.

The provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, shall govern all matters and procedures respecting the hearing and judicial review of any contested case, as defined therein, arising under this part.

[Acts 1984, ch. 949, § 13.]

FIRE PROTECTION/PART 1 FIRE PROTECTION SPRINKLER SYSTEMS/62-32-117.

Penalties.

62-32-117. Penalties.

A violation of this part, or any rule lawfully promulgated hereunder, is a Class B misdemeanor.

[Acts 1984, ch. 949, § 14; 1989, ch. 591, § 112.]