

HOUSE BILL No. 2026

By Representative Frownfelter

1-11

1 AN ACT enacting the fire sprinkler industry act; creating the fire sprinkler
2 industry act fee fund.

3

4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. Sections 1 through 19, and amendments thereto, shall be
6 known and may be cited as the fire sprinkler industry act.

7 Sec. 2. As used in the fire sprinkler industry act:

8 (a) "Commercial building" means a building or structure used for any
9 purpose or occupancy that is not defined in this section as a residential
10 building, except that "commercial building" does not include one-family
11 or two-family dwelling structures as described in the ICC one-family and
12 two-family dwelling code.

13 (b) "Direct supervision" means the direct oversight of work
14 performed by another, including the giving of instructions, overseeing the
15 work in progress and inspecting the work upon completion.

16 (c) "Fire sprinkler license" means the general category of licenses
17 issued by the state fire marshal pursuant to this act, including the license
18 categories of testing and inspection or maintenance, installation and
19 design, and the specific licenses for fire sprinkler companies, fire sprinkler
20 managers, trainees, inspectors, or technicians that authorize the holder to
21 engage in fire sprinkler industry activities in compliance with the specific
22 license, the rules and regulations of the state fire marshal and this act.

23 (d) "Fire sprinkler company" means a sole proprietorship, firm,
24 partnership, association, limited liability company, corporation or other
25 business entity that is licensed pursuant to this act and the rules and
26 regulations of the state fire marshal and that engages in the fire sprinkler
27 industry.

28 (e) "Fire sprinkler company manager" means an individual licensed
29 as a fire sprinkler company manager under this act and the rules and
30 regulations of the state fire marshal who oversees all functions and
31 operations of a fire sprinkler company that are regulated by this act and is
32 an employee, partner, owner or the sole proprietor of the fire sprinkler
33 company.

34 (f) "Fire sprinkler industry" means the provision of fire sprinkler
35 systems in Kansas by any means, including, but not limited to, the sale,
36 lease, rent, design, planning with the intent to install, installation,

1 maintenance, repair, testing, modification, improvement, alteration,
2 inspection or servicing of a fire sprinkler system; holding oneself or one's
3 company out for hire to perform any such task; or otherwise offering to
4 perform any such task for compensation either directly or indirectly.

5 (g) "Fire sprinkler inspector" means an individual licensed under this
6 act and the rules and regulations of the state fire marshal as a fire sprinkler
7 inspector who is employed by a fire sprinkler company to perform
8 inspection and testing of fire sprinkler systems.

9 (h) "Fire sprinkler system" or "system" means a fire protection
10 system designed to extinguish fires in residential or commercial buildings
11 by the application of water or another liquid or substance that is dispensed
12 automatically by one or more sprinklers.

13 (i) "Fire sprinkler technician" means an individual licensed under this
14 act and the rules and regulations of the state fire marshal who is employed
15 by a fire sprinkler company to install, service, sell, maintain or repair fire
16 sprinkler equipment.

17 (j) "Fire sprinkler trainee" means an individual licensed under this act
18 and the rules and regulations of the state fire marshal who is employed by
19 a fire sprinkler company for the purpose of assisting fire sprinkler
20 technicians, managers or inspectors and to train for fire sprinkler industry
21 work while under the direct supervision of an individual holding the
22 appropriate license for the work being performed.

23 (k) "IBC" means the international building code.

24 (l) "ICC" means the international code council, inc.

25 (m) "Inspection" means the observation or system test of a fire
26 sprinkler system by a fire sprinkler inspector in accordance with testing
27 and inspection requirements of the state fire marshal for the purpose of
28 determining if the system has been installed and is operating safely,
29 properly and in compliance with the applicable code or standard as
30 provided by this act and the rules and regulations of the state fire marshal.

31 (n) "Licensee" means a person licensed pursuant to the fire sprinkler
32 industry act and the rules and regulations of the state fire marshal.

33 (o) "NFPA" means the national fire protection association.

34 (p) "NICET" means the national institute of certification in
35 engineering technologies, a certification program sponsored by the
36 national society of professional engineers.

37 (q) "Ownership" means an ownership interest of 25% or more in a
38 business subject to the fire sprinkler industry act.

39 (r) "Person" means an individual or a sole proprietorship, firm,
40 partnership, association, limited liability company, corporation or other
41 business entity.

42 (s) "Residential building" means a building or portion of a building
43 containing multiple single-family dwellings where each dwelling unit has

1 an independent means of egress. "Residential building" does not include a
2 one-family or two-family dwelling structure as described in the ICC one-
3 family and two-family dwelling code.

4 (t) "State fire marshal" means the state fire marshal of Kansas.

5 (u) "Supervision" means on-site supervision by a fire sprinkler
6 company manager or fire sprinkler technician.

7 Sec. 3. (a) The state fire marshal shall adopt rules and regulations to
8 implement the provisions of this act. The rules and regulations shall, at
9 minimum, be consistent with the following standards, any portion of
10 which may be incorporated by reference:

11 (1) International building code (IBC);

12 (2) national electrical code (NFPA 70);

13 (3) standard for the installation of sprinkler systems (NFPA 13);

14 (4) standard for the installation of sprinkler systems in residential
15 occupancies up to and including four stories in height (NFPA 13R);

16 (5) standard for the installation of standpipe and hose systems (NFPA
17 4114);

18 (6) standard for water spray fixed systems for fire protection (NFPA
19 4315);

20 (7) standard for the installation of foam-water sprinkler and foam-
21 water spray systems (NFPA 16);

22 (8) standard for the installation of stationary pumps for fire protection
23 (NFPA 20);

24 (9) standard for the installation of private fire service mains and their
25 appurtenances (NFPA 24);

26 (10) standard for the inspection, testing and maintenance of water-
27 based fire protection systems (NFPA 25); and

28 (11) code for safety to life from fire in buildings and structures
29 (NFPA 101).

30 (b) If a conflict exists between any of the codes or standards
31 referenced in subsection (a), the more stringent code or standard shall
32 apply and shall be adopted. If a conflict exists between any of the codes or
33 standards referenced in subsection (a) and this act, the requirements of this
34 act shall apply.

35 (c) Where no specific standards or requirements are specified in this
36 act or within the rules and regulations adopted by the state fire marshal,
37 compliance with the applicable standards of the national fire protection
38 association, American national standard institute (ANSI) or other
39 nationally recognized fire safety standards shall be considered prima facie
40 evidence of compliance with this act and the rules and regulations of the
41 state fire marshal.

42 Sec. 4. (a) A person shall not engage in the fire sprinkler industry or
43 any fire sprinkler industry work in this state unless the person holds the

1 applicable and valid license pursuant to the provisions of the fire sprinkler
2 industry act and the rules and regulations of the state fire marshal. Every
3 person engaged in the fire sprinkler industry in this state shall conform to
4 the provisions of this act and the rules and regulations of the state fire
5 marshal.

6 (b) Every fire sprinkler company shall have an officer, partner, owner
7 or employee who is responsible for the duties of and is licensed as a fire
8 sprinkler manager. In the event of the fire sprinkler manager's separation
9 from the company for any reason, the company shall notify the state fire
10 marshal within 14 days. The company must appoint another fire sprinkler
11 manager and notify the state fire marshal of the appointment within 30
12 days of the separation, or the company must cease fire sprinkler industry
13 work until the company appoints another fire sprinkler manager and makes
14 the notification.

15 (c) A fire sprinkler company may engage in the planning, design,
16 installation, repair, alteration, maintenance, service, sale, inspection or
17 advertisement of fire sprinkler systems for any residential or commercial
18 use as permitted by the company's testing and inspection or installation,
19 design and maintenance license designation.

20 (d) A fire sprinkler technician, fire sprinkler manager or fire sprinkler
21 inspector must be on the job site of any fire sprinkler industry work being
22 performed by a fire sprinkler company.

23 (e) An individual licensed under this act shall not contract for the
24 individual's fire sprinkler industry work as an independent contractor
25 unless the individual holds both a fire sprinkler company license and a fire
26 sprinkler manager's license. A fire sprinkler company or any business shall
27 not contract for the fire sprinkler industry work of an individual as an
28 independent contractor who does not hold both a fire sprinkler company
29 license and a fire sprinkler manager's license.

30 (f) The provisions of this section shall take effect on and after July 1,
31 2020.

32 Sec. 5. (a) The fire sprinkler company manager of record with the
33 state fire marshal for a fire sprinkler company shall be responsible for all
34 activities of the company regulated by this act and shall have the authority
35 to bind the company by contract.

36 (b) The fire sprinkler company manager may engage in or supervise
37 the planning, design, installation, repair, alteration, maintenance, service,
38 sale, testing, inspection or advertisement of fire sprinkler systems for any
39 use as permitted by the license held by the fire sprinkler company manager
40 and the respective fire sprinkler company.

41 (c) A fire sprinkler company manager, while the manager of record of
42 a fire sprinkler company, shall not serve as the fire sprinkler company
43 manager of another fire sprinkler company, unless the manager is a

1 majority owner of each of the companies.

2 (d) A fire sprinkler company manager shall have appropriate
3 qualifications and experience, as provided by rules and regulations of the
4 state fire marshal, to perform as a specialty contractor whose principal
5 contracting business is the execution of contracts requiring, as specified by
6 the criteria of the specific license, the art, ability, experience, knowledge,
7 science and skill to design, fabricate, install, test, inspect other than with
8 respect to nonapplicable electrical codes, alter, maintain or repair fire
9 sprinkler systems, piping or tubing and appurtenances or equipment
10 pertaining thereto, including both overhead and non-potable water mains,
11 fire hydrant mains, standpipes and hose connections to fire sprinkler
12 systems, air line systems used in connection with fire sprinkler systems
13 and tanks and pumps connected thereto, in compliance with nationally
14 recognized standards and state and local codes and standards as adopted by
15 the state fire marshal. In considering an applicant for a fire sprinkler
16 company manager license, the state fire marshal shall ensure these
17 requirements are met.

18 (e) The provisions of this section shall take effect on and after July 1,
19 2020.

20 Sec. 6. (a) A fire sprinkler technician shall engage in fire sprinkler
21 industry work only as permitted by the technician's license, while
22 employed by a fire sprinkler company and while under the supervision of a
23 fire sprinkler company manager.

24 (b) The provisions of this section shall take effect on and after July 1,
25 2020.

26 Sec. 7. (a) A fire sprinkler trainee shall engage in fire sprinkler
27 industry work only as permitted by the trainee's license, while employed
28 by a licensed fire sprinkler company and while under the direct
29 supervision of a fire sprinkler company manager, fire sprinkler technician
30 or fire sprinkler inspector holding a license for the work being performed.
31 The supervising fire sprinkler company manager, fire sprinkler technician
32 or fire sprinkler inspector shall not directly supervise more than one
33 trainee performing work regulated by the fire sprinkler industry act at the
34 same time.

35 (b) A fire sprinkler trainee shall submit a trainee application to the
36 state fire marshal within 15 business days of employment by a fire
37 sprinkler company.

38 (c) The provisions of this section shall take effect on and after July 1,
39 2020.

40 Sec. 8. (a) A fire sprinkler inspector shall be responsible for certifying
41 a fire sprinkler system if, after inspecting and testing the system, the fire
42 sprinkler inspector determines it has been installed and is operating
43 according to the appropriate codes and standards as provided by this act

1 and the rules and regulations of the state fire marshal.

2 (b) A fire sprinkler inspector shall only perform the work permitted
3 under a fire sprinkler inspector license as an employee of a fire sprinkler
4 company that holds a license designated by the state fire marshal as
5 permitting the testing and inspection of fire sprinkler systems.

6 (c) The provisions of this section shall take effect on and after July 1,
7 2020.

8 Sec. 9. (a) The state fire marshal shall issue licenses and renew
9 licenses for fire sprinkler companies, fire sprinkler managers, fire sprinkler
10 technicians, fire sprinkler inspectors and fire sprinkler trainees with
11 qualifications and criteria as specified in this act and the rules and
12 regulations of the state fire marshal, and shall further specify licenses as
13 permitting or not permitting the following subcategories of work, with
14 qualifications and criteria as specified by rules and regulations of the state
15 fire marshal:

- 16 (1) Company testing and inspection;
- 17 (2) company installation, maintenance and design;
- 18 (3) inspector testing and inspection;
- 19 (4) trainee testing and inspection;
- 20 (5) technician installation and maintenance;
- 21 (6) trainee installation and maintenance;
- 22 (7) manager testing and inspection; and
- 23 (8) manager installation, maintenance and design.

24 (b) Licensing requirements shall include successfully completing
25 examinations administered by the state fire marshal and providing proof of
26 experience or training for each category of applicant.

27 (c) (1) Applicants for initial licenses for individuals, or with respect
28 to initial fire sprinkler company licenses the individuals specified in
29 section 10, and amendments thereto, shall be required to pass a security
30 background investigation and may, in the discretion of the state fire
31 marshal, be required to pass a security background investigation before a
32 license is renewed.

33 (2) To receive an initial license as an individual or a company, the
34 applicant or the individuals specified in section 10, and amendments
35 thereto, respectively, shall not have been convicted of a person felony
36 under Kansas law or a crime under another jurisdiction that would
37 constitute a person felony under Kansas law and, within the last 10 years,
38 must not have been convicted of any nonperson felony under Kansas law,
39 a crime under any law of another jurisdiction that would constitute a
40 nonperson felony under Kansas law, a person misdemeanor under Kansas
41 law, or an offense under any law of another jurisdiction that would
42 constitute a person misdemeanor under Kansas law. The fire marshal may
43 approve an applicant for a license who has committed a nonperson felony

1 or person misdemeanor under Kansas law within the last 10 years, or a
2 crime or offense under any law of another jurisdiction that would
3 constitute a nonperson felony or person misdemeanor under Kansas law
4 within the last 10 years, if the applicant presents clear and substantial
5 evidence to the state fire marshal that the applicant has been rehabilitated
6 and will not present a danger to the public. Evidence presented may
7 include, but not be limited to, work history, interactions with law
8 enforcement, proof of successful treatment for addiction to drugs or
9 alcohol, the recommendations of probation or parole officers or of law
10 enforcement, or other references or letters of support.

11 (d) (1) The state fire marshal shall designate fees for license
12 applications and license renewals for the various license categories and
13 subcategories, except that an application or renewal fee shall not exceed
14 \$500 for a fire sprinkler company license, \$150 for a fire sprinkler
15 company manager license, \$100 for a fire sprinkler inspector license, \$50
16 for a fire sprinkler technician license and \$25 for a fire sprinkler trainee
17 license. An additional fee may be charged for any required retesting, not to
18 exceed \$25 for each repeated examination. In addition to the application or
19 renewal fee and any retesting fee, the state fire marshal may require an
20 applicant to pay all or a portion of the costs for a security background
21 investigation. An applicant shall pay the state fire marshal the license
22 application or renewal fee and the cost or partial cost of a security
23 background check, if applicable, at the time the applicant submits the
24 application for the license or license renewal. All fees shall be
25 nonrefundable.

26 (2) The state fire marshal may extend a license or permit renewal of
27 an expired license for a period of not more than 90 days after the
28 expiration of the license. The state fire marshal shall charge a renewal fee
29 of not more than double the regular applicable renewal fee if the license is
30 not renewed within 30 days of the original expiration date. The state fire
31 marshal shall require a new application and payment of all applicable fees
32 if the license is not renewed within 90 days of the original expiration date.

33 (e) A license shall be valid for a one-year term from the date of
34 issuance to the last day of the month of the date of issuance in the
35 following year. Licenses shall not be altered, transferred or assigned.
36 Licenses may be renewed prior to the expiration date for a prorated fee.

37 (f) The state fire marshal may issue temporary licenses pursuant to
38 rules and regulations adopted by the state fire marshal.

39 (g) If a license is lost or destroyed, the state fire marshal may issue a
40 replacement license without requiring a new application or examination,
41 which shall be valid until the expiration date of the license replaced. The
42 state fire marshal may charge a fee for a replacement license, not to exceed
43 \$30 for an individual and \$100 for a company.

1 (h) The state fire marshal may require that any portion of a license or
2 license renewal application be submitted electronically in a format
3 designated by the state fire marshal.

4 (i) The provisions of this section shall take effect on and after January
5 1, 2020.

6 Sec. 10. (a) Any person desiring a fire sprinkler industry company
7 license or license renewal may submit an application to the state fire
8 marshal on and after July 1, 2020.

9 (b) Any person applying for a license or license renewal as a fire
10 sprinkler industry company shall provide:

11 (1) Evidence that an officer, partner, owner, sole proprietor or an
12 employee of the company is a fire sprinkler company manager and that all
13 individuals who will engage in fire sprinkler industry work for the
14 company shall have the following qualifications:

15 (A) Are at least 18 years of age;

16 (B) have not been declared by any court of competent jurisdiction to
17 be incompetent by reason of mental defect or disease, or have been
18 restored to competency by any court of competent jurisdiction;

19 (C) are not habitual users of intoxicating liquors or of any illegal or
20 illicit drug or controlled substance, including, but not limited to, the non-
21 medical habitual use of any prescription drug or other intoxicating
22 substance;

23 (D) have not been discharged from the armed services of the United
24 States under dishonorable conditions;

25 (E) are of good moral character; and

26 (F) meet the applicable standards, examination requirements or
27 experience and training requirements of this act and the rules and
28 regulations of the state fire marshal;

29 (2) the address of the principal office of the fire sprinkler company
30 and the address of each business location of the company;

31 (3) the name under which the fire sprinkler company intends to do
32 business;

33 (4) a statement explaining the extent and scope of the company's fire
34 sprinkler industry business;

35 (5) the name and address of the applicant if a sole proprietor, or if the
36 applicant is a business entity, the names and addresses of each officer and
37 of each partner, owner or shareholder who has an interest in the company
38 of 25% or more;

39 (6) a photograph that meets the specifications of the state fire marshal
40 of every individual required under subsection (c) to undergo a background
41 security check as provided by section 9, and amendments thereto;

42 (7) two classifiable sets of fingerprints of every individual required
43 under subsection (c) to undergo a background security check as provided

1 by section 9, and amendments thereto;

2 (8) the name and address of each employee of the company licensed
3 under this act and the type, date of issuance and expiration date of each
4 employee's license; and

5 (9) any other information, business records, employee records,
6 qualifications, verifications, statements or documents pertaining to the
7 company, or pertaining to any prior business activity of the officers,
8 managers, or owners, or pertaining to any of its employees engaged in
9 work regulated under this act, as may be required by the rules and
10 regulations of the state fire marshal.

11 (c) Applicants who are sole proprietors, or each officer and each
12 owner, partner or shareholder who owns an interest of 25% or more in a
13 fire sprinkler company, shall pass a background security check as provided
14 by section 9, and amendments thereto;

15 (d) A fire sprinkler company license or license renewal applicant shall
16 notify the state fire marshal within 14 days of any change to any
17 information furnished on the application or any information including, but
18 not limited to, change of ownership, address, business activities, or any
19 developments related to required qualifications for the licensee.

20 (e) The provisions of this section shall take effect on and after July 1,
21 2020.

22 Sec. 11. (a) Applications for licenses or license renewals for fire
23 sprinkler company managers, fire sprinkler technicians, fire sprinkler
24 inspectors, and fire sprinkler trainees shall be submitted to the state fire
25 marshal.

26 (b) Each initial license applicant and, if required by the state fire
27 marshal, each applicant for a license renewal shall provide a photograph
28 meeting the specifications of the state fire marshal and two classifiable sets
29 of fingerprints.

30 (c) An applicant shall provide the following information or records:

31 (1) Current and prior employment, work experience, education and
32 training records;

33 (2) the results of an examination developed and administered by the
34 state fire marshal;

35 (3) a description of the work in which the applicant intends to engage;
36 and

37 (4) any other information, records or documentation required by rules
38 and regulations of the state fire marshal.

39 (d) An application for any individual license renewal shall require
40 that the licensee be listed as an employee on a fire sprinkler company's
41 records with the state fire marshal or is confirmed as an employee in
42 writing signed by the licensed fire sprinkler manager of record of the
43 employing company, except that an application for renewal of a fire

1 sprinkler manager license need not meet this requirement if the applicant is
2 a sole proprietor or an owner or partner of a fire sprinkler company. If an
3 individual licensee cannot supply the required employment information,
4 the licensee may request the state fire marshal to designate such person's
5 license as inactive. The inactive designation shall remain until employment
6 information is provided to the state fire marshal. The requirement of
7 employment by an employer specifically licensed as a fire sprinkler
8 company shall not apply for individual licensees employed by a general
9 services provider engaged by the United States department of defense for
10 general department of defense facility fire sprinkler services.

11 (e) The provisions of this section shall take effect on and after July 1,
12 2020.

13 Sec. 12. (a) The state fire marshal may deny an application for an
14 individual license or a license renewal if the state fire marshal determines:

15 (1) That the applicant has violated any provision of the fire sprinkler
16 industry act or any rule or regulation promulgated thereunder;

17 (2) the applicant fails to pass a security background check, if
18 required, as provided by section 9, and amendments thereto;

19 (3) the applicant has knowingly made a material misstatement in any
20 information provided to the state fire marshal;

21 (4) the applicant has demonstrated incompetence, untrustworthiness,
22 or a danger or potential danger to the public with respect to activities
23 regulated by the fire sprinkler industry act; or

24 (5) the applicant fails to meet examination or any other requirements
25 for initial licensure or license renewal established in the rules and
26 regulations of the state fire marshal.

27 (b) The state fire marshal may deny an application for a fire sprinkler
28 company license or license renewal if the state fire marshal determines:

29 (1) The applicant or any officer, shareholder, owner or partner of the
30 company or the sole proprietor has violated any provision of the fire
31 sprinkler industry act or any rule or regulation promulgated thereunder;

32 (2) an officer, owner, shareholder or partner of the company or the
33 sole proprietor fails to pass a security background check, if required, as
34 provided by section 9, and amendments thereto;

35 (3) an officer, owner, shareholder or partner of the company or the
36 sole proprietor has knowingly made a material misstatement in any
37 information provided to the state fire marshal;

38 (4) an officer, owner, shareholder or partner of the company, the sole
39 proprietor or the actions of the company demonstrated incompetence,
40 untrustworthiness, or a danger or potential danger to the public with
41 respect to activities regulated by the fire sprinkler industry act;

42 (5) the applicant is not, if a sole proprietor, or does not have a fire
43 sprinkler company manager employee, partner or owner; or

1 (6) the applicant fails to meet any other requirements for licensure or
2 renewal established in the rules and regulations of the state fire marshal.

3 (c) The provisions of this section shall take effect on and after July 1,
4 2020.

5 Sec. 13. (a) A licensee engaged in an activity regulated by the fire
6 sprinkler industry act, when installing or repairing class 2 or class 3
7 electrical devices or components and power source requirements as
8 established by the national electrical code, shall not be required to obtain
9 an additional license for the electrical work that may otherwise be required
10 under other state or local codes or rules and regulations. Persons
11 performing installation, repair or other work on any electrical devices or
12 components other than class 2 or class 3 devices shall be required to be
13 properly licensed or registered pursuant to applicable state or local codes
14 or rules and regulations.

15 (b) The provisions of this section shall take effect on and after July 1,
16 2020.

17 Sec. 14. (a) A fire sprinkler company license shall be posted in a
18 conspicuous place in each business location of the licensee.

19 (b) An individual licensee shall have the individual's license in the
20 individual's possession when performing work requiring the license.

21 (c) If a fire sprinkler company for any reason ceases to engage in the
22 fire sprinkler industry in this state, the company shall notify the state fire
23 marshal within 14 days.

24 (d) Each fire sprinkler company shall maintain and provide to the
25 state fire marshal semi-annually and upon request, a record containing the
26 names, addresses, employment start and end dates, license type and license
27 issuance and expiration dates of the licensee's employees doing work
28 permitted by the company's license. In addition, the record shall contain
29 the name, contact information, employment, ownership or other status
30 with the company and license issuance and expiration dates of the
31 company's fire sprinkler company manager or managers.

32 (e) A fire sprinkler company shall be responsible to the state fire
33 marshal in matters of conduct of business activities covered by the fire
34 sprinkler industry act. The company shall be responsible for the activities
35 on the part of the company's employees. Conduct in violation of the
36 provisions of the fire sprinkler industry act on the part of any employee
37 which occurs within the scope of employment may be considered by the
38 state fire marshal as an act of the company.

39 (f) Each individual license holder shall notify the state fire marshal
40 within 14 days of any of the following events:

- 41 (1) Any change in the licensee's home address;
- 42 (2) any separation from an employer or change in employment; or
- 43 (3) any conviction for a felony or person misdemeanor or entry of a

1 plea of guilty or nolo contendere to a felony or person misdemeanor
2 charge.

3 (g) The provisions of this section shall take effect on and after July 1,
4 2020.

5 Sec. 15. (a) The state fire marshal may revoke or suspend a license if
6 the state fire marshal determines, as applicable, that:

7 (1) The licensee has violated any provision of the fire sprinkler
8 industry act, any rule or regulation promulgated thereunder or any order of
9 the state fire marshal;

10 (2) the licensee has failed to maintain the requirements for licensure
11 as provided by the fire sprinkler industry act and the rules and regulations
12 of the state fire marshal;

13 (3) the licensee has knowingly made a material misstatement in any
14 information provided to the state fire marshal; or

15 (4) the licensee has demonstrated incompetence, untrustworthiness or
16 danger to the public in the licensee's actions with respect to activities
17 regulated by the fire sprinkler industry act.

18 (b) No revocation or suspension of a licensee by the state fire marshal
19 shall be imposed except upon the written order of the state fire marshal to
20 the person who committed the violation. Such order shall state the
21 violation and the right of the person to request a hearing as provided in
22 section 16, and amendments thereto, and the Kansas administrative
23 procedure act. Notice of the suspension or revocation of any license or any
24 reprimand shall be a public record.

25 (c) If the state fire marshal determines a licensee presents a danger to
26 the public, an emergency suspension or revocation order or a cease and
27 desist order issued by the state fire marshal shall be effective as soon as
28 notice of the order has been delivered to the licensee at the address of
29 record with the state fire marshal and shall continue until further order of
30 the state fire marshal. The licensee may request a hearing as provided in
31 section 16, and amendments thereto, and the Kansas administrative
32 procedure act. Any person failing to comply with an emergency order or a
33 cease and desist order of the state fire marshal shall be subject to the
34 immediate imposition of civil fines or penalties by order of the state fire
35 marshal.

36 (d) A revoked license terminates on the date of revocation and cannot
37 be reinstated except by order of the state fire marshal. Any person whose
38 license is revoked shall apply for a new license and meet all requirements
39 for a license as stated in the fire sprinkler industry act and the rules and
40 regulations of the state fire marshal prior to engaging in any fire sprinkler
41 industry work. The state fire marshal may require additional safeguards or
42 requirements in any new application in response to acts by the applicant
43 that may have been the cause of the revocation of the prior license.

1 (e) A person shall not engage or offer to engage in fire sprinkler
2 industry work during any period that the person's license is suspended or
3 revoked.

4 (f) The provisions of this section shall take effect on and after July 1,
5 2020.

6 Sec. 16. (a) In addition to any civil penalties imposed pursuant to the
7 fire sprinkler industry act:

8 (1) Any person failing to comply with an emergency order or a cease
9 and desist order of the state fire marshal shall upon conviction be guilty of
10 a class A nonperson misdemeanor.

11 (2) Any person violating any other provisions of the fire sprinkler
12 industry act, upon conviction, shall be guilty of a class C nonperson
13 misdemeanor and upon conviction for a second or subsequent violation,
14 shall be guilty of a class B nonperson misdemeanor.

15 (b) In addition to any other penalties provided by law, if, after a
16 hearing in accordance with the Kansas administrative procedure act, the
17 state fire marshal finds any individual to be in violation of any of the
18 provisions of the fire sprinkler industry act or the rules and regulations of
19 the state fire marshal, the individual shall be subject to a civil penalty of
20 not more than \$250 for each violation, except that the maximum civil
21 penalty for a fire sprinkler company manager shall be \$500. A separate
22 civil penalty may be assessed for each separate violation. Each day a
23 violation continues may constitute a separate occurrence of the violation.
24 The maximum civil penalty for a continuing, uninterrupted series of the
25 same violation shall not exceed \$1,000, except that the maximum civil
26 penalty for a fire sprinkler company manger shall not exceed \$2,000.

27 (c) In addition to any other penalties provided by law, if, after a
28 hearing in accordance with the Kansas administrative procedure act, the
29 state fire marshal finds any company to be in violation of any of the
30 provisions of the fire sprinkler industry act or the rules and regulations
31 adopted by the secretary, the company shall be subject to a civil penalty of
32 not more than \$5,000. A separate civil penalty may be assessed for each
33 separate violation. Each day a violation continues may constitute a
34 separate occurrence of the violation. The maximum civil penalty for a
35 continuing, uninterrupted series of the same violation shall not exceed
36 \$25,000.

37 (d) The provisions of this section shall take effect on and after July 1,
38 2020.

39 Sec. 17. (a) Any person aggrieved by an order of the state fire
40 marshal issued pursuant to the provisions of the fire sprinkler industry act
41 who has not been afforded a hearing with respect to the order may request
42 a hearing within 15 days from the date of service of the order by filing the
43 request in writing with the state fire marshal. The hearing shall be

1 conducted in accordance with the provisions of the Kansas administrative
2 procedure act. The filing of a request for a hearing shall not abate or stay
3 the effect of an emergency order or of an order to cease and desist, unless
4 specifically and affirmatively permitted by the order.

5 (b) Judicial review and civil enforcement of agency actions under this
6 act shall be in accordance with the Kansas judicial review act.

7 (c) The provisions of this section shall take effect on and after July 1,
8 2020.

9 Sec. 18. (a) All moneys received from civil penalties imposed
10 pursuant to the fire sprinkler industry act shall be remitted to the state
11 treasurer by the state fire marshal in accordance with the provisions of
12 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
13 remittance, the state treasurer shall deposit the entire amount in the state
14 general fund.

15 (b) There is hereby created in the state treasury the fire sprinkler
16 industry act fee fund. The state fire marshal shall remit all moneys
17 received from fees received pursuant to the fire sprinkler industry act to
18 the state treasurer in accordance with the provisions of K.S.A. 75-4215,
19 and amendments thereto. Upon receipt of each such remittance, the state
20 treasurer shall deposit the entire amount in the state treasury to the credit
21 of the fire sprinkler industry act fee fund. All expenditures from the fire
22 industry act fee fund shall be made in accordance with appropriation acts
23 upon warrants of the director of accounts and reports issued pursuant to
24 vouchers approved by the state fire marshal, or by a person or persons
25 designated by the state fire marshal.

26 (c) The provisions of this section shall take effect on and after July 1,
27 2020.

28 Sec. 19. (a) The state fire marshal, any employee of the office of the
29 state fire marshal or any designee of the state fire marshal shall have
30 access during business hours to any business or commercial premises in
31 this state for the purpose of enforcing the provisions of or conducting
32 inspections pursuant to the fire sprinkler industry act or the rules and
33 regulations of the state fire marshal. When requested by the owner or any
34 lawful resident of a residential building, the state fire marshal, employee of
35 the state fire marshal or designee of the state fire marshal shall have access
36 to any residential building, including any residential dwellings therein,
37 with reasonable prior notice and at reasonable times, for the purpose of
38 enforcing the provisions of or conducting inspections pursuant to the fire
39 sprinkler industry act and the rules and regulations of the state fire
40 marshal.

41 (b) The state fire marshal may designate local fire departments with
42 the authority to inspect fire sprinkler systems in residential buildings or
43 commercial buildings for compliance with the provisions of the fire

1 sprinkler industry act and the rules and regulations of the state fire
2 marshal. Local fire departments so designated shall not be subject to the
3 fire sprinkler industry act, but may be subject to specified training,
4 examination, standards, procedures or other rules and regulations of the
5 state fire marshal with respect to the delegated authority.

6 (c) The provisions of this section shall take effect on and after July 1,
7 2020

8 Sec. 20. This act shall take effect and be in force from and after its
9 publication in the statute book.