

1 PUBLIC PROTECTION CABINET

2 Department of Housing, Buildings and Construction

3 (Amendment)

4 815 KAR 7:080. Licensing of fire protection sprinkler contractors.

5 RELATES TO: KRS 198B.550-198B.630

6 STATUTORY AUTHORITY: KRS 198B.555

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.555 requires the
8 commissioner~~[Commissioner]~~ of the Department of Housing, Buildings and Construction to
9 promulgate~~[adopt]~~ reasonable administrative regulations necessary for the administration of KRS
10 198B.550 to 198B.630~~[a Fire Protection Sprinkler Contractor's Law]~~. This administrative
11 regulation establishes the qualifications, responsibilities, procedures, and fees for licensing fire
12 protection sprinkler contractors and for certifying certificate of competency holders~~[these~~
13 ~~contractors. This amendment is necessary to increase contractor licensing and certificate of~~
14 ~~competency fees to support the program. These fees have not been increased since the program~~
15 ~~was established in 1984].~~

16 Section 1. Definitions. (1) "Department"~~["Office"]~~ is defined in KRS 198B.550(1).

17 (2) "Certificate of competency" means the certificate of registration issued by the
18 department~~[office]~~ to an individual who demonstrates competency to design fire suppression
19 systems by successfully completing the minimum requirements of the administrative regulation.

20 (3) "Certificate holder" is defined in KRS 198B.550(5).

1 (4) Commissioner~~["Executive Director"]~~ is defined in KRS 198B.550(2).

2 (5) "Fire protection sprinkler contractor" is defined in KRS 198B.550(3).

3 (6) "Fire protection sprinkler system" is defined in KRS 198B.550(6).

4 (7) "Inspection" means a physical and visual examination of a sprinkler system installation.

5 (8) "Installation" means the initial placement of a system or its extension or alteration after
6 initial placement.

7 ~~[(9) "NICET" is defined in KRS 198B.570.]~~

8 Section 2. Responsibilities of the Commissioner~~["Executive Director"]~~. The commissioner
9 ~~[executive director]~~ shall review applications, accept fees and issue certificates and licenses to
10 qualified persons and firms pursuant to this administrative regulation. He or she shall conduct
11 investigations upon receipt of written complaints which allege that a certificate holder or licensed
12 fire protection sprinkler contractor has acted in violation of KRS Chapter 198B or of this
13 administrative regulation.

14 Section 3. Applicability. Except as exempted by KRS 198B.560, this administrative regulation
15 shall apply to all firms and persons who engage in the business of design and preparation of
16 technical drawings, installation, repair, alteration, extension, maintenance or inspection of a fire
17 protection sprinkler system.

18 Section 4. Application for Certificate of Competency. (1) An applicant for certificate of
19 competency shall comply with the examination requirements in KRS 198B.570 for the type of
20 system for which the applicant seeks certification.

21 (2) An applicant~~[Application]~~ for a fire protection sprinkler system certificate of competency
22 shall submit to the department:~~[be submitted on Forms FPS-SC-2 and 2a.]~~

23 (a) Completed forms FPS-SC-2 and 2a;

1 (b) Proof of current National Institute for Certificate in Engineering Technologies (NICET)
2 certification in fire protection engineering technology automatic sprinkler system design, level III,
3 or higher; and

4 (c) A nonrefundable, prorated certificate fee of \$125.

5 (3) An applicant~~[Application]~~ for a range hood suppression system certificate of competency
6 shall submit to the department:

7 (a) Completed~~[Be submitted on]~~ Forms FPS-RC-2 and 2a;

8 (b) Proof of~~[Included]~~ current manufacturer's training certification; and~~[.]~~

9 (c) A nonrefundable, prorated certificate fee of \$125.

10 (4) Application for a chemical system certificate of competency shall be as follows:

11 (a) An applicant for a pre-engineered~~[For preengineered]~~ chemical systems (limited) certificate
12 of competency shall submit to the department:

13 1. Completed~~[Submit application on]~~ Forms FPS-CC-2 and 2a;

14 2. Proof of~~[Include]~~ current manufacturer's training certification; and

15 3. A nonrefundable, prorated certificate fee of \$125.

16 (b) An applicant for~~[For]~~ an engineer chemical systems (unlimited) certificate of competency
17 shall submit to the department:

18 1. Completed~~[Submit application on]~~ Forms FPS-CC-2 and 2a;

19 2. Proof of~~[Include]~~ current NICET certification in special hazard systems layout technician,
20 level III; and

21 3. A nonrefundable, prorated certificate fee of \$125.

22 Section 5. Application for ~~[Licensed Fire Protection Sprinkler]~~ Contractor's
23 License~~[Contractors]~~. (1) An applicant for a contractor's license~~[for licensure]~~ shall submit to the

1 department:

2 (a) Proof of having~~[Have]~~ a certificate holder in his or her employ; and

3 (b) Proof~~[Show proof]~~ of financial responsibility as required by KRS 198B.595.

4 ~~[(2) Application shall be made as follows:]~~

5 (c)~~[(a)]~~ For fire protection sprinkler contractors, a completed~~[contractor on]~~ Form FPS-SL-1;

6 (d)~~[(b)]~~ For rangehood suppression system contractors, a completed~~[contractor on]~~ Form FPS-
7 RL-1;

8 (e)~~[(c)]~~ For chemical suppression system contractors a completed~~[on]~~ Form FPS-CL-1.

9 (3)(a) Each application shall be accompanied by a fee of \$250;

10 (b) The initial license fee shall be prorated ~~[on a quarterly basis upon the first renewal]~~.

11 Section 6. Certificate Holder Seal. Each certificate holder shall obtain and use a seal for all
12 work prepared by him or her or under his or her direct supervision. The design shall be as follows:



13 Section 7. Certification and Licensure. (1) Upon completion of the requirements of KRS
14 198B.595, the certificate of competency shall be issued by the commissioner ~~[executive director]~~
15 in the name of the ~~[certificate holder]~~ applicant.

16 (2) All fire protection sprinkler contractor licenses shall be issued in the name of the firm listed
17 on the application and shall state the name of the certificate holder on the face of the license.

18 (3) Each license and certificate shall expire on the last day of the licensee or certificate holder's
19 birth month~~[June 30 of each year]~~.

20 (4) To renew~~[Renewal of]~~ a certificate of competency, a certificate holder shall submit to the
21 department~~[be submitted]~~:

1 (a) The completed applicable form~~[Using the appropriate application forms]~~ listed in Section
2 4(1)(a)-(c) of this administrative regulation; and

3 (b) A renewal fee of \$250 for each certificate~~[license]~~.

4 (5) To renew~~[Renewal of]~~ a contractor's license, a licensee shall submit to the department~~[be~~
5 ~~submitted]~~:

6 (a) The completed applicable form~~[Using the appropriate application forms]~~ listed in Section
7 5(2)(a)-(c) of this administrative regulation; and

8 (b) A renewal fee of \$250 for each license.

9 Section 8. Duties and Responsibilities of a Licensed Contractor and Certificate Holder. (1) A
10 person shall not represent himself as a fire protection sprinkler contractor without first being
11 licensed by the department~~[office]~~ in accordance with this administrative regulation.

12 (2) The design of a system shall be prepared by either a licensed professional engineer or a
13 licensed fire protection sprinkler contractor as required by KRS 198B.565.

14 (3) A person other than a certificate holder shall not engage in any activity listed in Section 3(1)
15 of this administrative regulation unless he is supervised by or has in his employ a lawfully
16 authorized certificate holder.

17 Section 9. Procedures for Administrative Disciplinary Hearings. Disciplinary action authorized
18 by KRS 198B.620 shall conform to the following procedures:

19 (1) Upon receipt of a written complaint that a licensee or certificate holder has engaged in any
20 prohibited behavior or failed to satisfy his responsibilities as set forth in this administrative
21 regulation, the commissioner~~[executive director]~~ shall cause an investigation to be made of the
22 matter.

23 (2) If the commissioner~~[executive director]~~ determines that there is reason~~[probable cause]~~ to

1 believe the violations~~[charges]~~ alleged, the commissioner~~[executive director]~~ shall conduct a
2 hearing in accordance with KRS Chapter 13B.

3 Section 10. Incorporation by Reference. (1) The following material is incorporated by
4 reference:

5 (a) Form FPS-SC-2 and 2a, Application for Certificate of Competency; Fire Protection
6 Sprinkler Systems, May 2021~~[2001]~~;

7 (b) Form FPS-SL-1, Application for Contractor License; Fire Protection Sprinkler Systems,
8 May, 2001;

9 (c) Form FPS-RC-2 and 2a, Application for Certificate of Competency; Fire Protection
10 Rangehood, May 2021~~[2001]~~;


11 (d) Form FPS-RL-1, Application for Contractor License; Fire Protection Rangehood, May
12 2001;

13 (e) Form FPS-CC-2 and 2a, Application for Certificate of Competency; Fire Protection
14 Chemical, May, 2021~~[2001]~~; and

15 (f) Form FPS-CL-1, Application for Contractor License; Fire Protection Chemical, May, 2001.

16 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at
17 the Department~~[Office]~~ of Housing, Buildings and Construction, 500 Mero Street~~[101 Sea Hero~~
18 ~~Road, Suite 100]~~, Frankfort, Kentucky 40601~~[-5405]~~, between 8 a.m. and 4:30 p.m., Monday
19 through Friday.

815 KAR 7:080:



KERRY B. HARVEY, SECRETARY
PUBLIC PROTECTION CABINET

7/6/2021
Date



RICK W. RAND, COMMISSIONER
DEPARTMENT OF HOUSING, BUILDINGS
AND CONSTRUCTION

7/1/2021
Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on September 27, 2021 at 10:00 a.m., eastern time, in the Department of Housing, Buildings and Construction, 500 Mero Street, First Floor, Frankfort, Kentucky 40601. Individuals interest in being heard at this hearing shall notify this agency in writing by five working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2021 at 11:59 p.m., eastern time. Send written notification of the intent to be head at the public hearing or written comments on the proposed administrative regulation by the above date to the contact person below:

Contact Person: Benjamin Siegel
General Counsel
Department of Housing, Buildings and Construction
500 Mero Street, 1st Floor
Frankfort, Kentucky 40601
Phone: (502) 782-0604
Fax: (502) 573-1057
Email: benjamin.siegel@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative

Regulation: 815 KAR 7:080
Contact Person: Benjamin Siegel
Phone Number: (502) 782-0604
Email: Benjamin.Siegel@ky.gov

(1) Provide a brief summary of:

- (a) What this administrative regulation does:** This administrative regulation establishes the qualifications, responsibilities, procedures, and fees for licensing fire protection sprinkler contractors and for certifying certificate of competency holders.
- (b) The necessity of this administrative regulation:** This administrative regulation is necessary to establish the qualifications, responsibilities, procedures, and fees for licensing fire protection sprinkler contractors and for certifying certificate of competency holders.
- (c) How this administrative regulation conforms to the content of the authorizing statutes:** KRS 198B.555 requires the commissioner of the Department of Housing, Buildings and Construction to promulgate reasonable administrative regulations necessary for the administration of KRS 198B.550 to 198B.630. This administrative regulation establishes the qualifications, responsibilities, procedures, and fees for licensing fire protection sprinkler contractors and for certifying certificate of competency holders.
- (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:** This administrative regulation establishes the qualifications, responsibilities, procedures, and fees for licensing fire protection sprinkler contractors and for certifying certificate of competency holders.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

- (a) How the amendment will change this existing administrative regulation:** This amendment updates definitions and references to the agency and agency head, makes grammatical and technical changes, and clarifies the requirements for certification and licensure.
- (b) The necessity of the amendment to this administrative regulation:** This amendment is necessary in order to keep the administrative regulation up to date, easier to read, and more user friendly.
- (c) How the amendment conforms to the content of the authorizing statutes:** KRS 198B.555 requires the commissioner of the Department of Housing, Buildings and Construction to promulgate reasonable administrative regulations necessary for the administration of KRS 198B.550 to 198B.630. This administrative regulation establishes the qualifications, responsibilities, procedures, and fees for licensing fire protection sprinkler contractors and for certifying certificate of competency holders.
- (d) How the amendment will assist in the effective administration of the statutes:** This amendment updates definitions and references to the agency and agency head, makes grammatical and technical changes, and clarifies the requirements for

certification and licensure. This amendment will make the administrative regulation easier to read and more user friendly for the department and the public.

- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:** Fire protection sprinkler contractors, licensees and certificate holders, applicants, and Department of Housing, Buildings and Construction personnel.
- (4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:**

 - (a) List the actions that each of the regulated entities identified in Question (3) will have to take to comply with this administrative regulation or amendment:** This amendment will not impose any additional requirements on any of the regulated entities identified in question (3).
 - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):** This amendment will not impose any additional costs on any of the regulated entities identified in question (3).
 - (c) As a result of compliance, what benefits will accrue to the entities identified in question (3):** 815 KAR 7:080 will be more clear, up to date, and user friendly.
- (5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:**

 - (a) Initially:** There are no anticipated initial additional costs to administer this amendment.
 - (b) On a continuing basis:** There are no anticipated additional costs to administer this amendment on a continuing basis.
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:** Implementation of this amendment is anticipated to result in no additional costs to the department. Any cost resulting from this amendment will be met with existing agency funds.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:** This amendment will not necessitate an increase in fees or require funding to the department for implementation.
- (8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:** There are no fees directly or indirectly increased by this amendment.
- (9) TIERING: Is tiering applied? Explain why or why not:** Tiering is not applied as all licensees, certificate holders, and applicants will be subject to the same amended requirements.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

815 KAR 7:080

Contact Person: Benjamin Siegel, General Counsel, phone: (502) 782-0604, email: Benjamin.siegel@ky.gov

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?
The Department of Housing, Buildings and Construction will be affected by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 198B.555 requires the commissioner of the Department of Housing, Buildings and Construction to promulgate reasonable administrative regulations necessary for the administration of KRS 198B.550 to 198B.630.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This amendment is not anticipated to generate additional revenue for the state or local government for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This amendment is not anticipated to generate additional revenue for the state or local government for subsequent years.

(c) How much will it cost to administer this program for the first year? There are no anticipated additional costs to administer this amendment for the first year.

(d) How much will it cost to administer this program for subsequent years? There are no anticipated additional costs to administer this amendment for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Neutral

Expenditures (+/-): Neutral

Other Explanation: None

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

FPS-CC-2 & 2a, FPS RC-2 & 2a, FPS-SC-2 & 2a, are two page forms required for application and renewal of certificates of competency for fire protection sprinkler systems, range hoods, and chemical systems. These forms capture information required for certificates of competency to be issued or renewed. An initial applicant or current certificate holder renewing their certificate are required to submit the completed applicable form to the department prior to issuance or renewal. KRS 198B.555 requires the commissioner of the Department of Housing, Buildings and Construction to promulgate reasonable administrative regulations necessary for the administration of KRS 198B.550 to 198B.630.

Summary of changes to material incorporated by reference.

1. Form FPS-CC-2 & 2a: remove social security field, add birth month field, update date, grammatical edits.
2. Form FPS-RC-2 & 2a: remove social security field, add birth month field, update date, grammatical edits.
3. Form FPS-SC-2 & 2a: remove social security field, add birth month field, update date.