

HOUSE BILL NO. 895

2/19 Fiscal Note Requested
2/19 Introduced
2/19 Referred to Business & Labor
2/22 Hearing
2/23 Committee Report-Bill Pass As Amended
2/23 Statement of Intent Attached
2/25 Fiscal Note Received
2/26 2nd Reading Pass
2/27 3rd Reading Pass

Transmitted to Senate

3/05 Referred to Business & industry
3/25 Hearing
3/27 Tabled in Committee

BILL NO. 895

INTRODUCED BY

[Handwritten Signature]

BY REQUEST OF THE HOUSE

COMMITTEE ON BUSINESS AND LABOR

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6 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A BOARD OF
7 FIRE ALARM, SECURITY ALARM, AND FIRE SUPPRESSION EQUIPMENT
8 INSTALLERS AND MAINTENANCE EXAMINERS; DEFINING THE POWERS
9 AND DUTIES OF THE BOARD; TRANSFERRING TO THE BOARD THE
10 RESPONSIBILITY OF THE STATE FIRE MARSHAL TO LICENSE PERSONS
11 ENGAGED IN INSTALLING OR MAINTAINING FIRE ALARM, SECURITY
12 ALARM, OR FIRE SUPPRESSION EQUIPMENT; AND REPEALING SECTIONS
13 50-39-101 THROUGH 50-39-105, MCA."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Purpose. It is hereby declared that the
17 public welfare and safety requires the control and
18 regulation of all persons engaged in the installation or
19 maintenance of fire alarm, security alarm, or fire
20 suppression equipment in order to protect the public from
21 unsafe practices.

22 Section 2. Definitions. For purposes of [this act],
23 the following definitions apply:

24 (1) "Board" means the board of fire alarm, security
25 alarm, and fire suppression equipment installers and

1 maintenance examiners provided for in [section 3].

2 (2) "Department" means the department of commerce
3 provided for in Title 2, chapter 15, part 18.

4 (3) "Fire alarm" means:

5 (a) (i) a system that detects heat, products of
6 combustion, visible smoke; or

7 (ii) other fire-related initiating devices; and

8 (b) a system that gives warning through bells, alarms,
9 or voice or transmits a signal to a central control station.

10 (4) "Fire suppression equipment" means any portable
11 fire extinguisher or any fire extinguishing system.

12 (5) "Security alarm" means a system that detects an
13 intrusion into any building or premises and gives warning
14 through bells, alarms, or voice or transmits a signal to a
15 central control station.

16 Section 3. Board of fire alarm, security alarm, and
17 fire suppression equipment installers and maintenance
18 examiners -- composition -- allocation. (1) There is a board
19 of fire alarm, security alarm, and fire suppression
20 equipment installers and maintenance examiners.

21 (2) The board consists of five members appointed by
22 the governor as follows:

23 (a) one member from the state fire marshal bureau;

24 (b) one member who holds or is eligible to hold a
25 license to install and maintain fire alarms and security

1 alarms;

2 (c) one member who holds or is eligible to hold a
3 license to install and maintain fire suppression equipment;

4 (d) one member representing a paid fire department;
5 and

6 (e) one member of the public who is not engaged in the
7 installation or maintenance of fire alarms, security alarms,
8 or fire suppression equipment as defined in [section 2] and
9 is not a member of a fire department or of a fire agency.

10 (3) Each member shall serve for a term of 3 years. No
11 member may serve more than two full consecutive terms.

12 (4) The board is allocated to the department for
13 administrative purposes only as provided in 2-15-121.

14 Section 4. Board meetings -- quorum -- officers. (1)
15 The board shall meet at least once a year at a place and
16 time determined by the chairman and at other times and
17 places specified by the chairman to carry out the provisions
18 of [this act]. Three members constitute a quorum.

19 (2) Members of the board shall annually designate one
20 member to serve as chairman and another member to serve as
21 secretary-treasurer.

22 Section 5. Compensation -- expenses. Unless the member
23 is a full-time salaried officer or employee of this state or
24 of a political subdivision of this state, each member is
25 entitled to receive compensation and expenses as provided

1 for in 37-1-133.

2 Section 6. Powers and duties. The board shall:

3 (1) grant licenses to applicants qualified to install
4 and maintain fire alarms, security alarms, and fire
5 suppression equipment;

6 (2) devise and administer examinations to determine an
7 applicant's knowledge and ability to install and maintain
8 fire alarms, security alarms, or fire suppression equipment;

9 (3) periodically review license examination results,
10 analyze the effectiveness of the examination in testing an
11 applicant's knowledge, and if necessary revise the
12 examination to reflect changes in fire codes and standards;

13 (4) prescribe an application form and a process for
14 receiving applications for any license;

15 (5) establish a procedure to receive, investigate, and
16 hear complaints concerning the activities or practices of
17 persons holding a license issued by the board;

18 (6) hold hearings relating to the granting,
19 suspension, or revocation of licenses; and

20 (7) adopt rules necessary to carry out its duties
21 under [this act].

22 Section 7. Remedies to enforce compliance -- appeals.
23 The board may:

24 (1) initiate an action to enjoin any violation of
25 [this act] or any rules adopted by the board;

1 (2) suspend, revoke, or refuse to grant a license to
2 any person in order to enforce compliance with a rule,
3 order, or law pursuant to [section 14]; and

4 (3) exercise its authority to carry out disciplinary
5 action as provided in 37-1-136.

6 Section 8. Licenses -- classes -- master required on
7 job. (1) The board shall by rule establish classes of
8 licenses for:

9 (a) apprentice fire alarm and security alarm
10 installation and maintenance;

11 (b) apprentice fire suppression equipment installation
12 and maintenance;

13 (c) journeyman fire alarm and security alarm
14 installation and maintenance;

15 (d) journeyman fire suppression equipment installation
16 and maintenance;

17 (e) master fire alarm and security alarm installation
18 and maintenance; and

19 (f) master fire suppression equipment installation and
20 maintenance.

21 (2) A person must obtain from the board a license
22 prior to installing or maintaining fire alarms, security
23 alarms, or fire suppression equipment, and such work may
24 proceed only under the supervision of a holder of a master's
25 license.

1 Section 9. Examination for license. (1) The board
2 shall issue a license endorsed with the appropriate class of
3 license to an applicant who scores a passing grade on an
4 examination for that class devised by the board and who pays
5 the required fee.

6 (2) The board may waive the examination if the
7 applicant provides satisfactory evidence that he is
8 qualified through training required by the manufacturer of
9 the fire alarm, security alarm, or fire suppression
10 equipment he plans to install and maintain.

11 (3) An applicant who fails to score a passing grade on
12 the examination may apply after 30 days to take another
13 examination.

14 Section 10. Board endorsement of license. (1) The
15 board shall by rule endorse the license with the class of
16 license and the type of work authorized to be performed.

17 (2) A license holder may perform only the type of work
18 endorsed on his license.

19 Section 11. Duty to report address change. A license
20 holder shall report a change of address to the board within
21 15 days of the change. He shall also record the new address
22 on the reverse side of the license.

23 Section 12. Expiration and renewal of license. All
24 licenses expire and are renewed as established by rule of
25 the board.

1 Section 13. Deposit of money collected. The department
2 shall collect all money under [this act] and shall deposit
3 it in the state special revenue fund for the use of the
4 board, subject to 37-1-101(6) and to appropriation by the
5 legislature. This fund may be used to pay the expenses of
6 members of the board and other expenses necessary to
7 administer [this act].

8 Section 14. Suspension or revocation of license. The
9 board shall suspend or revoke a license, following notice
10 and opportunity for hearing, if the holder has:

11 (1) obtained or attempted to obtain a license by
12 fraudulent misrepresentation;

13 (2) committed acts or exhibited incompetency
14 endangering the public health and safety in the installation
15 or maintenance of fire alarms, security alarms, or fire
16 suppression equipment;

17 (3) performed maintenance on any approved fire alarm,
18 security alarm, or fire suppression equipment improperly
19 installed and has failed to notify the owner or the owner's
20 representative of the improper installation or any defect in
21 the equipment; or

22 (4) violated any provision of [this act].

23 Section 15. Investigation of complaints. Upon the
24 receipt of a signed complaint of improper installation or
25 maintenance of a fire alarm, security alarm, or fire

1 suppression equipment, the board shall investigate the
2 complaint.

3 Section 16. Fees. (1) The board shall set a license
4 issuance fee for each license required by [this act].

5 (2) The board may also establish fees, including but
6 not limited to fees for application, renewal, late renewal,
7 and inspection.

8 (3) Each fee must be commensurate with applicable
9 costs.

10 Section 17. Penalty. Any person who violates the
11 provisions of [this act] is guilty of a misdemeanor.

12 Section 18. Duties of fire marshal in other areas
13 preserved. Nothing contained in [this act] may be construed
14 to limit the power or duty of the state fire marshal to
15 otherwise safeguard life and property from the hazards of
16 fire and to carry into effect the fire prevention laws of
17 this state.

18 Section 19. Repealer. Sections 50-39-101 through
19 50-39-105, MCA, are repealed.

20 Section 20. Codification instruction. (1) Section 3 is
21 intended to be codified as an integral part of Title 2,
22 chapter 15, part 18, and the provisions of Title 2, chapter
23 15, part 18, apply to section 3.

24 (2) Sections 1, 2, and 4 through 18 are intended to be
25 codified as an integral part of Title 37, and the provisions

1 of Title 37, chapter 1, apply to sections 1, 2, and 4
2 through 18.

3 Section 21. Appointment of initial board -- terms. (1)
4 Within 30 days after the effective date of this act, the
5 governor shall appoint members to the board in compliance
6 with section 3.

7 (2) The provisions of section 3 notwithstanding, one
8 person initially appointed to the board shall serve a 1-year
9 term, two shall serve 2-year terms, and the remaining
10 appointees shall serve 3-year terms.

-End-

STATE OF MONTANA

FISCAL NOTE

REQUEST NO. FNN 483-85Form BD-15

In compliance with a written request received February 20, 19 85, there is hereby submitted a Fiscal Note for H.B. 895 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

To create a Board of Fire Alarm, Security Alarm, and Fire Suppression Equipment Installers and Maintenance Examiners; defining powers of board, transferring to the Board the responsibility of the State Fire Marshal to license persons engaged in installing or maintaining fire alarm, security alarm or fire suppression equipment.

ASSUMPTIONS:

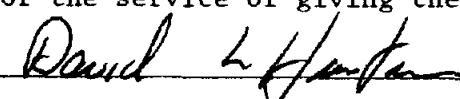
1. Assume .50 FTE, Grade 11, step 2 and benefits of 18½% per year
2. Assume that 5 board members will meet 4 times a year (20 meeting days)
3. Assume 2 examinations per year
4. Assume that the number of licensees, registrations and permits will remain same as Fire Marshal figures of 14 licenses, 34 permits and 15 certificates of registration
5. Assume office equipment and space will be required in Department of Commerce
6. Assume 20 pages APA rules and notices at \$14 a page
7. Assume 50 hours of legal services the first year, and 20 hours thereafter at \$40 an hour
8. Assume \$900 a year for travel per board member
9. Assume fees commensurate with costs

FISCAL IMPACT ON STATE SPECIAL REVENUES:

Expenditures	FY 86 - \$20,962	FY 87 - \$18,762
Fees commensurate with costs		

TECHNICAL NOTE:

No provisions for charging examination or re-examination fees, but provides for the service of giving the exam.


 BUDGET DIRECTOR
 Office of Budget and Program Planning

Date: Feb 25, 1985HB 895

APPROVED BY COMM. ON
BUSINESS AND LABOR

1 STATEMENT OF INTENT

2 HOUSE BILL 895

3 House Business and Labor Committee

4

5 A statement of intent is required with this bill
6 because it authorizes the board of fire alarm, security
7 alarm, and fire suppression equipment installers and
8 maintenance persons, which is established under this bill,
9 to make rules to implement the bill and to license persons
10 who install or maintain fire alarm, security alarm, and fire
11 suppression equipment.

12 It is the intent of the legislature that the board, by
13 rule, establish qualifications for eligibility for each
14 class of license, devise and administer examinations for
15 licenses, grant licenses to persons who satisfy the
16 requirements, revoke, suspend, or refuse licenses for cause,
17 and generally supervise the professional conduct of the
18 licensees.

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 2 INTRODUCED BY PAVLOVICH
 3 BY REQUEST OF THE HOUSE
 4 COMMITTEE ON BUSINESS AND LABOR

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 7 FIRE ALARM, SECURITY ALARM, AND FIRE SUPPRESSION EQUIPMENT
 8 INSTALLERS AND MAINTENANCE ~~EXAMINERS~~ PERSONS; DEFINING THE
 9 POWERS AND DUTIES OF THE BOARD; TRANSFERRING TO THE BOARD
 10 THE RESPONSIBILITY OF THE STATE FIRE MARSHAL TO LICENSE
 11 PERSONS ENGAGED IN INSTALLING OR MAINTAINING FIRE ALARM,
 12 SECURITY ALARM, OR FIRE SUPPRESSION EQUIPMENT; AND REPEALING
 13 SECTIONS 50-39-101 THROUGH 50-39-105, MCA."

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 20 suppression equipment in order to protect the public from
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 23 the following definitions apply:

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 25 alarm, and fire suppression equipment installers and

1 maintenance ~~examiners~~ PERSONS provided for in [section 3].

2 (2) "Department" means the department of commerce
 3 provided for in Title 2, chapter 15, part 18.

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 6 combustion, visible smoke; or

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 9 or voice or transmits a signal to a central control station
 10 BUT DOES NOT INCLUDE A SINGLE-DEVICE SYSTEM AS USED IN A
 11 RESIDENCE.

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 13 fire extinguisher or any fire extinguishing system.

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 24 the governor as follows:

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 10 or fire suppression equipment as defined in [section 2] and
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 13 member may serve more than two full consecutive terms.

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 15 administrative purposes only as provided in 2-15-121.

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 17 The board shall meet at least once a year at a place and
 18 time determined by the chairman and at other times and
 19 places specified by the chairman to carry out the provisions
 20 of [this act]. Three members constitute a quorum.

21 (2) Members of the board shall annually designate one
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 23 secretary-treasurer.

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1 of a political subdivision of this state, each member is
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8 (2) devise and administer examinations to determine an
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 10 fire alarms, security alarms, or fire suppression equipment;

11 (3) periodically review license examination results,
 12 analyze the effectiveness of the examination in testing an
 13 applicant's knowledge, and if necessary revise the
 14 examination to reflect changes in fire codes and standards;

15 (4) prescribe an application form and a process for
 16 receiving applications for any license;

17 (5) establish a procedure to receive, investigate, and
 18 hear complaints concerning the activities or practices of
 19 persons holding a license issued by the board;

20 (6) hold hearings relating to the granting,
 21 suspension, or revocation of licenses; and

22 (7) adopt rules necessary to carry out its duties
 23 under [this act].

24 Section 7. Remedies to enforce compliance -- appeals.
 25 The board may:

1 (1) initiate an action to enjoin any violation of
2 [this act] or any rules adopted by the board;

3 (2) suspend, revoke, or refuse to grant a license to
4 any person in order to enforce compliance with a rule,
5 order, or law pursuant to [section 14]; and

6 (3) exercise its authority to carry out disciplinary
7 action as provided in 37-1-136.

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9 job. (1) The board shall by rule establish classes of
10 licenses for:

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12 installation and maintenance;

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14 and maintenance;

15 (c) journeyman fire alarm and security alarm
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18 and maintenance;

19 (e) master fire alarm and security alarm installation
20 and maintenance; and

21 (f) master fire suppression equipment installation and
22 maintenance.

23 (2) A person must obtain from the board a license
24 prior to installing or maintaining fire alarms, security
25 alarms, or fire suppression equipment, and such work may

1 proceed only under the supervision of a holder of a master's
2 license.

3 (3) AN ELECTRICIAN WHO HAS RECEIVED A LICENSE FROM THE
4 DEPARTMENT PURSUANT TO 37-68-301 MAY INSTALL NEW FIRE ALARM
5 AND SECURITY ALARM SYSTEMS UNDER THE DIRECTION OF A
6 JOURNEYMAN FIRE ALARM AND SECURITY ALARM INSTALLER, BUT SUCH
7 WORK PERFORMED BY AN ELECTRICIAN IS SUBJECT TO INSPECTION
8 AND APPROVAL BY A LICENSED FIRE ALARM AND SECURITY ALARM
9 INSTALLER.

10 Section 9. Examination for license. (1) The board
11 shall issue a license endorsed with the appropriate class of
12 license to an applicant who scores a passing grade on an
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14 the required fee.

15 (2) The board may waive the examination if the
16 applicant provides satisfactory evidence that he is
17 qualified through training required by the manufacturer of
18 the fire alarm, security alarm, or fire suppression
19 equipment he plans to install and maintain.

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15 members of the board and other expenses necessary to
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19 and opportunity for hearing, if the holder has:

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21 fraudulent misrepresentation;

22 (2) committed WANTON acts or exhibited WANTON
23 incompetency endangering the public health and safety in the
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25 or fire suppression equipment;

1 (3) performed maintenance on any approved fire alarm,
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3 installed and has failed to notify the owner or the owner's
4 representative of the improper installation or any defect in
5 the equipment; or

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18 costs.

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 25 The board may:

1 (1) initiate an action to enjoin any violation of
2 [this act] or any rules adopted by the board;

3 (2) suspend, revoke, or refuse to grant a license to
4 any person in order to enforce compliance with a rule,
5 order, or law pursuant to [section 14]; and

6 (3) exercise its authority to carry out disciplinary
7 action as provided in 37-1-136.

8 Section 8. Licenses -- classes -- master required on
9 job. (1) The board shall by rule establish classes of
10 licenses for:

11 (a) apprentice fire alarm and security alarm
12 installation and maintenance;

13 (b) apprentice fire suppression equipment installation
14 and maintenance;

15 (c) journeyman fire alarm and security alarm
16 installation and maintenance;

17 (d) journeyman fire suppression equipment installation
18 and maintenance;

19 (e) master fire alarm and security alarm installation
20 and maintenance; and

21 (f) master fire suppression equipment installation and
22 maintenance.

23 (2) A person must obtain from the board a license
24 prior to installing or maintaining fire alarms, security
25 alarms, or fire suppression equipment, and such work may

1 proceed only under the supervision of a holder of a master's
2 license.

3 (3) AN ELECTRICIAN WHO HAS RECEIVED A LICENSE FROM THE
4 DEPARTMENT PURSUANT TO 37-68-301 MAY INSTALL NEW FIRE ALARM
5 AND SECURITY ALARM SYSTEMS UNDER THE DIRECTION OF A
6 JOURNEYMAN FIRE ALARM AND SECURITY ALARM INSTALLER, BUT SUCH
7 WORK PERFORMED BY AN ELECTRICIAN IS SUBJECT TO INSPECTION
8 AND APPROVAL BY A LICENSED FIRE ALARM AND SECURITY ALARM
9 INSTALLER.

10 Section 9. Examination for license. (1) The board
11 shall issue a license endorsed with the appropriate class of
12 license to an applicant who scores a passing grade on an
13 examination for that class devised by the board and who pays
14 the required fee.

15 (2) The board may waive the examination if the
16 applicant provides satisfactory evidence that he is
17 qualified through training required by the manufacturer of
18 the fire alarm, security alarm, or fire suppression
19 equipment he plans to install and maintain.

20 (3) An applicant who fails to score a passing grade on
21 the examination may apply after 30 days to take another
22 examination.

23 Section 10. Board endorsement of license. (1) The
24 board shall by rule endorse the license with the class of
25 license and the type of work authorized to be performed.

1 (2) A license holder may perform only the type of work
2 endorsed on his license.

3 Section 11. Duty to report address change. A license
4 holder shall report a change of address to the board within
5 15 days of the change. He shall also record the new address
6 on the reverse side of the license.

7 Section 12. Expiration and renewal of license. All
8 licenses expire and are renewed as established by rule of
9 the board.

10 Section 13. Deposit of money collected. The department
11 shall collect all money under [this act] and shall deposit
12 it in the state special revenue fund for the use of the
13 board, subject to 37-1-101(6) and to appropriation by the
14 legislature. This fund may be used to pay the expenses of
15 members of the board and other expenses necessary to
16 administer [this act].

17 Section 14. Suspension or revocation of license. The
18 board shall suspend or revoke a license, following notice
19 and opportunity for hearing, if the holder has:

20 (1) obtained or attempted to obtain a license by
21 fraudulent misrepresentation;

22 (2) committed WANTON acts or exhibited WANTON
23 incompetency endangering the public health and safety in the
24 installation or maintenance of fire alarms, security alarms,
25 or fire suppression equipment;

1 (3) performed maintenance on any approved fire alarm,
2 security alarm, or fire suppression equipment improperly
3 installed and has failed to notify the owner or the owner's
4 representative of the improper installation or any defect in
5 the equipment; or

6 (4) violated any provision of [this act].

7 Section 15. Investigation of complaints. Upon the
8 receipt of a signed complaint of improper installation or
9 maintenance of a fire alarm, security alarm, or fire
10 suppression equipment, the board shall investigate the
11 complaint.

12 Section 16. Fees. (1) The board shall set a license
13 issuance fee for each license required by [this act].

14 (2) The board may also establish fees, including but
15 not limited to fees for application, renewal, late renewal,
16 and inspection.

17 (3) Each fee must be commensurate with applicable
18 costs.

19 Section 17. Penalty. Any person who violates the
20 provisions of [this act] is guilty of a misdemeanor.

21 Section 18. Duties of fire marshal in other areas
22 preserved. Nothing contained in [this act] may be construed
23 to limit the power or duty of the state fire marshal to
24 otherwise safeguard life and property from the hazards of
25 fire and to carry into effect the fire prevention laws of

1 this state.

2 Section 19. Repealer. Sections 50-39-101 through
3 50-39-105, MCA, are repealed.

4 Section 20. Codification instruction. (1) Section 3 is
5 intended to be codified as an integral part of Title 2,
6 chapter 15, part 18, and the provisions of Title 2, chapter
7 15, part 18, apply to section 3.

8 (2) Sections 1, 2, and 4 through 18 are intended to be
9 codified as an integral part of Title 37, and the provisions
10 of Title 37, chapter 1, apply to sections 1, 2, and 4
11 through 18.

12 Section 21. Appointment of initial board -- terms. (1)
13 Within 30 days after the effective date of this act, the
14 governor shall appoint members to the board in compliance
15 with section 3.

16 (2) The provisions of section 3 notwithstanding, one
17 person initially appointed to the board shall serve a 1-year
18 term, two shall serve 2-year terms, and the remaining
19 appointees shall serve 3-year terms.

-End-