

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1189

Short Title: Fire Alarm System Contractors.

(Public)

Sponsors: Representative Morris.

Referred to: Finance.

April 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO LICENSE FIRE ALARM SYSTEM CONTRACTORS.

3 The General Assembly of North Carolina enacts:

4 Section 1. Chapter 87 of the General Statutes is amended by adding a new
5 Article to read:

6 **"ARTICLE 2A.**
7 **"FIRE ALARM SYSTEM CONTRACTORS.**

8 **"§ 87-27.10. Purpose.**

9 The proper installation, monitoring, and servicing of fire alarm devices and fire alarm
10 detection systems affects the public health, safety, and welfare. Licensure of contractors
11 who lay out, commission, and service fire alarm devices and fire alarm detection systems
12 is necessary to ensure minimum standards of competency and to provide the public with
13 information and equipment that will protect them from fires and related injuries.

14 **"§ 87-27.11. Definitions.**

15 The following definitions apply in this Article:

16 (1) Board. – The State Board of Fire Alarm System Contractors.

17 (2) Fire alarm detection system. – A system or a portion of a combination
18 system consisting of components and circuits arranged to monitor and
19 annunciate the status of fire alarm or supervisory signal-initiating
20 devices and to initiate appropriate response to those signals.

- 1 (3) Fire alarm device. – A device capable of sounding through audible or
2 visible means a warning that fire or combustion has taken place.
- 3 (4) Fire alarm technician. – A person who is licensed under this Article and
4 designated by a registered business to:
- 5 a. Inspect and certify that each fire alarm device or fire alarm
6 detection system as installed meets the standards prescribed by
7 the Board.
- 8 b. Perform or directly supervise the servicing or maintaining of an
9 installed fire alarm device or fire alarm detection system and to
10 certify the service or maintenance.
- 11 (5) License. – A certificate issued by the Board recognizing the person
12 named therein as having met the requirements to install, service, and
13 maintain fire alarm devices and fire alarm detection systems as defined
14 in this Article.
- 15 (6) Licensee. – A person, partnership, firm, or corporation who has been
16 issued a license under this Article.
- 17 (7) Monitor. – The receipt of fire alarm and supervisory signals and the re-
18 transmission or communication of those signals to a fire service
19 communications center that is located in this State or serves property
20 located in this State.
- 21 (8) Qualifying agent. – A person who is licensed under this Article and
22 responsible for overseeing and supervising fire alarm contractor
23 operations.
- 24 (9) Superintendent. – A person who is licensed under this Article and
25 capable of answering questions related the purchase, layout, installation,
26 service, and maintenance of fire alarm devices and fire detection
27 systems.

28 **"§ 87-27.12. Board created.**

29 (a) Composition and Terms. – The State Board of Fire Alarm System Contractors
30 is created. The Board shall consist of six members who shall serve staggered terms. The
31 initial Board members shall be selected on or before October 1, 1999, as follows:

- 32 (1) The General Assembly, upon the recommendation of the President Pro
33 Tempore of the Senate, shall appoint one licensed fire alarm technician
34 who shall serve a one-year term and two qualifying agents who shall
35 serve two-year terms.
- 36 (2) The General Assembly, upon the recommendation of the Speaker of the
37 House of Representatives, shall appoint one licensed superintendent
38 who shall serve a one-year term and one fire marshall who shall serve a
39 two-year term.
- 40 (3) The Governor shall appoint one public member who shall serve a one-
41 year term.

1 Upon the expiration of the terms of the initial Board members, each member shall be
2 appointed for a term of three years and shall serve until a successor is appointed. No
3 member may serve more than two consecutive full terms.

4 (b) Qualifications. – The fire alarm technician, qualifying agent, and
5 superintendent members shall hold current licenses and shall reside or be employed in
6 this State. They shall have at least ten years' experience in the profession, including three
7 years immediately preceding appointment to the Board, and shall remain in active
8 practice and good standing with the Board as a licensee during their terms.

9 (c) Vacancies. – A vacancy shall be filled in the same manner as the original
10 appointment, except that any vacancy in appointments made by the General Assembly
11 shall be filled in accordance with G.S. 120-122. Appointees to fill vacancies shall serve
12 the remainder of the unexpired term and until their successors have been duly appointed
13 and qualified.

14 (d) Removal. – The Board may remove any of its members for neglect of duty,
15 incompetence, or unprofessional conduct. A member subject to disciplinary proceedings
16 as a licensee shall be disqualified from participating in the official business of the Board
17 until the charges have been resolved.

18 (e) Compensation. – Each member of the Board shall receive per diem and
19 reimbursement for travel and subsistence as provided in G.S. 93B-5.

20 (f) Officers. – The officers of the Board shall be a chair, a vice-chair, and other
21 officers deemed necessary by the Board to carry out the purposes of this Article. All
22 officers shall be elected annually by the Board for one-year terms and shall serve until
23 their successors are elected and qualified.

24 (g) Meetings. – The Board shall hold at least two meetings each year to conduct
25 business and to review the standards and rules previously adopted by the Board. The
26 Board shall establish the procedures for calling, holding, and conducting regular and
27 special meetings. A majority of Board members constitutes a quorum.

28 **"§ 87-27.13. Powers of the Board.**

29 The Board shall have the power and duty to:

30 (1) Administer this Article.

31 (2) Issue interpretations of this Article.

32 (3) Adopt, amend, or repeal rules as may be necessary to carry out the
33 provisions of this Article.

34 (4) Employ and fix the compensation of personnel that the Board
35 determines is necessary to carry into effect the provisions of this Article
36 and incur other expenses necessary to effectuate this Article.

37 (5) Examine and determine the qualifications and fitness of applicants for
38 licensure, renewal of licensure, and reciprocal licensure.

39 (6) Issue, renew, deny, suspend, or revoke licenses and carry out any
40 disciplinary actions authorized by this Article.

41 (7) Set fees for licensure, license renewal, and other services deemed
42 necessary to carry out the purposes of this Article.

- 1 (8) Require that licensees obtain general liability insurance that includes
2 products and completed operations coverage.
- 3 (9) Adopt national standards and recommendations concerning fire alarm
4 devices and fire alarm detection systems, except to the extent that these
5 standards differ from rules and laws in this State.
- 6 (10) Conduct investigations for the purpose of determining whether
7 violations of this Article or grounds for disciplining licensees exist.
- 8 (11) Maintain a record of all proceedings and make available to licensees and
9 other concerned parties an annual report of all Board action.
- 10 (12) Adopt a seal containing the name of the Board for use on all licenses
11 and official reports issued by it.

12 **"§ 87-27.14. Requirements of license; exemption from license.**

13 (a) On or after January 1, 2001, no person, partnership, firm, or corporation shall
14 lease, sell, service, maintain, test, install, certify, or monitor fire alarm devices or fire
15 alarm detection systems or offer to perform any of these services unless that person,
16 partnership, firm, or corporation is currently licensed as provided by this Article.

17 (b) The provisions of this Article do not apply to:

- 18 (1) A person, partnership, firm, or corporation who is licensed as a building
19 contractor in this State and installs electrical raceway, wiring, and
20 devices that may include the installation of a fire alarm detection
21 system.
- 22 (2) Engineers licensed under Article 4 of Chapter 87 of the General Statutes
23 when acting in their professional capacity.
- 24 (3) A person or organization that provides and installs at no charge battery
25 powered smoke detectors in residential dwellings.
- 26 (4) The installation of utilized or self-contained fire alarm devices with a
27 single function that does not require wiring to install, is not
28 interconnected or linked to other fire alarm devices, and does not send a
29 signal outside of the protected premises by means of a buzzer, bell,
30 siren, or remote communication.
- 31 (5) The installation of a fire alarm device or fire alarm detection system in
32 residential dwellings.

33 **"§ 87-27.15. Classes of licenses; qualifications for licensure.**

34 (a) The Board shall establish three classes of licenses: (i) fire alarm technician, (ii)
35 qualifying agent, and (iii) superintendent.

36 (b) An applicant shall be licensed under this Article if the applicant meets all of
37 the following qualifications:

- 38 (1) Is of good moral and ethical character.
- 39 (2) Is at least 18 years old.
- 40 (3) Holds the appropriate certificate from the National Institute of Certified
41 Engineering Technologies (NICET).
- 42 (4) Pays the required fee under G.S. 87-27.17(c).

1 (c) A license may be issued in the name of a partnership, firm, or corporation if (i)
2 one or more officers or full-time employees, or both, empowered to act for the
3 partnership, firm, or corporation, are licensed in accordance with the provisions of this
4 Article and (ii) the officers or employees execute contracts to the extent of their license
5 qualifications in the name of the corporation and exercise general supervision over the
6 work done thereunder. Each partnership, firm, or corporation shall regularly employ a
7 fire alarm technician, a qualifying agent, and a superintendent. If a partnership, firm, or
8 corporation has branch offices in the State, the partnership, firm, or corporation shall
9 regularly employ in each branch office a person who is licensed under this Article.

10 **"§ 87-27.16. License based on experience; licensure of nonresident; reciprocity.**

11 (a) The Board may grant, upon application and payment of proper fees, a license
12 to a person who resides in this State and has at least three years' experience as a licensed
13 fire alarm device or fire alarm detection system contractor in another state whose
14 standards of competency are substantially equivalent to those provided in this Article.

15 (b) The Board may grant, upon application and payment of proper fees, a license
16 to a nonresident if the person meets the requirements of this Article or the person resides
17 in a state that recognizes licenses issued by the Board.

18 **"§ 87-27.17. Expenses; fees.**

19 (a) All fees payable to the Board shall be deposited in the name of the Board in
20 financial institutions designated by the Board as official depositories and shall be used to
21 pay all expenses incurred in carrying out the purposes of this Article.

22 (b) All salaries, compensation, and expenses incurred or allowed to carry out the
23 purposes of this Article shall be paid by the Board exclusively out of the fees received by
24 the Board as authorized by this Article or funds received from other sources. In no case
25 shall any salary, expense, or other obligation of the Board be charged against the State
26 treasury.

27 (c) The Board shall establish fees not exceeding the following amounts:

28 (1) Fire alarm technician (NICET II) \$ 95.00

29 (2) Qualifying agent (NICET III) 115.00

30 (3) Superintendent (NICET III) 110.00

31 (4) Renewal of any license 50.00

32 (5) Reinstatement of any license 115.00

33 (6) Late fee 25.00

34 **"§ 87-27.18. Issuance, renewal, replacement, and transfer of licenses.**

35 (a) The Board shall issue a license, upon payment of the license fee, to any
36 applicant who has satisfactorily met the requirements of this Article as administered by
37 the Board. Licenses shall show the full name of the person and an identification number,
38 and shall be signed by the chair and one of the officers of the Board.

39 (b) All licenses issued shall expire one year after the date they were issued unless
40 renewed. All applications for renewal shall be filed with the Board and shall be
41 accompanied by the renewal fee as required by G.S. 87-27.17(c). A license that has
42 expired for failure to renew may be reinstated after the applicant pays the late and
43 reinstatement fees as required by G.S. 87-27.17(c).

1 (c) The Board shall replace any license that is lost, destroyed, or mutilated subject
2 to rules established by the Board. A license may not be transferred or assigned.

3 **"§ 87-27.19. Suspension, revocation, and refusal to renew a license.**

4 (a) The Board may deny or refuse to renew a license or suspend or revoke a
5 license, if the licensee or applicant:

6 (1) Gives false information or withholds material information from the
7 Board in procuring or attempting to procure a license.

8 (2) Has been convicted of or pled guilty or no contest to a crime that
9 indicates the person is unfit or incompetent to perform the services
10 authorized under this Article or that indicates the person has deceived or
11 defrauded the public.

12 (3) Has demonstrated gross negligence, incompetency, or misconduct in
13 performing services authorized under this Article.

14 (4) Has willfully violated any provision of this Article or rules adopted by
15 the Board.

16 (b) Denial, refusal to renew, suspension, or revocation may be ordered by the
17 Board after a hearing is held in accordance with Article 3A of Chapter 150B of the
18 General Statutes. The Board may reinstate a revoked license when it finds that the
19 reasons for revocation no longer exist and that the person can reasonably be expected to
20 perform the services authorized under this Article in a safe manner.

21 **"§ 87-27.20. Enjoining illegal practices.**

22 The Board may apply to the superior court for an order enjoining violations of this
23 Article. Upon a showing by the Board that any person has violated this Article, the court
24 may grant injunctive relief.

25 **"§ 87-27.21. Penalties.**

26 A person who does not have a license issued under this Article who either claims to
27 be a fire alarm device or fire alarm detection system contractor or engages in practice as a
28 fire alarm device or fire alarm detection system contractor in violation of this Article is
29 guilty of a Class 1 misdemeanor. Each act of unlawful practice constitutes a distinct and
30 separate offense."

31 Section 2. This act is effective when it becomes law.