

**Statutes Relevant to the Education and Licensure of  
Fire Sprinkler Inspectors**

**KRS 198B (6401) – (6417)**

**Enacted 2010**

**198B.6401 Fire sprinkler inspection certification -- Eligibility requirements -- Certification cards. (Effective July 1, 2011)**

- (1) The department shall issue a fire sprinkler inspector certification to an applicant who meets the following requirements:
    - (a) Is at least eighteen (18) years of age;
    - (b) Submits a completed fire sprinkler inspector's written or electronic application form as provided by the department;
    - (c) Provides a certificate of insurance that:
      1. a. Is issued by an insurance company or other legal entity permitted to transact insurance business in Kentucky;
      - b. Insures for general liability coverage of at least five hundred thousand dollars (\$500,000); and
      - c. Includes liability insurance that shall cover the legal liability of the certified fire sprinkler inspector as the result of erroneous acts or failure to act in his or her capacity as a fire sprinkler inspector and shall be in the form of a certificate of insurance executed by an insurer permitted to do business in this state or exported by a licensed surplus lines broker to an eligible carrier pursuant to KRS 304.10-020 to 304.10-210; or
    2. Submits an affidavit completed by a sprinkler contractor that the applicant is and will be an employee of a currently licensed sprinkler contractor in good standing with the department;
  - (d)
    1. Provides proof of passing scores on all portions of a standardized examination approved by the commissioner; or
    2. Is a current holder of certification from the National Institute for Certification in Engineering Technologies (NICET) for "Inspection and Testing of Water-Based Systems" Level 2 or higher; and
  - (e) Upon request by the department, supplemental documentation of information as required under this subsection.
- (2) All certification cards issued by the department shall remain the property of the department.

**Effective:** July 1, 2011

**History:** Created 2010 Ky. Acts ch. 116, sec. 30, effective July 1, 2011.

**Legislative Research Commission Note (7/1/2011).** References to the "office" of housing, buildings and construction and the "executive director" of housing, buildings and construction in this section, as created by 2010 Ky. Acts ch. 116, sec. 30, have been changed in codification to the "department" of housing, buildings and construction and the "commissioner" of housing, buildings and construction, respectively, to reflect the reorganization of certain parts of the Executive Branch, as set forth in executive Order 2009-535 and confirmed by the General Assembly in 2010 Ky. Acts ch. 24. These changes were made by the Reviser of Statutes pursuant to 2010 Ky. Acts ch. 24, sec. 1938.

**198B.6403 Qualifications for certification prior to July 1, 2012 -- Pending certification. (Effective July 1, 2011)**

- (1) An applicant for certification as a fire sprinkler inspector under this chapter making application to the department prior to July 1, 2012, shall be certified by the department without completing the certification requirements as established in this chapter if:
  - (a) The applicant is currently certified by the state of Kentucky, or
  - (b) The applicant is currently licensed, certified, or registered as a fire sprinkler inspector in another state whose standards are substantially equal to those in this chapter.
- (2) Prior to July 1, 2012, the department may issue a pending certification to an applicant. A pending certification shall allow the applicant to act in the capacity applied for until the applicant's permanent certification is issued or the application is denied.
- (3) After July 1, 2012, certification under this section shall cease.

**Effective:** July 1, 2011

**History:** Created 2010 Ky. Acts ch. 116, sec. 31, effective July 1, 2011.

**Legislative Research Commission Note (7/1/2011).** References to the "office" of housing, buildings and construction in this section, as created by 2010 Ky. Acts. ch. 116, sec. 31, have been changed in codification to the "department" of housing, buildings and construction to reflect the reorganization of certain parts of the Executive Branch, as set forth in Executive Order 2009-535 and confirmed by the General Assembly in 2010 Ky. Acts ch. 24. These changes were made by the Reviser of Statutes pursuant to 2010 Acts. ch. 24, sec. 1938.

**198B.6405 Initial annual certification -- Renewal, expiration, termination, and reinstatement of certification. (Effective July 1, 2011)**

- (1) The initial annual certification for a fire sprinkler inspector shall be for not less than seven (7) months nor more than eighteen (18) months.
- (2) Any certification for a fire sprinkler inspector issued in accordance with this chapter shall expire on the last day of the inspector's birth month in the year following certification.
- (3) Renewal notices shall be sent to each certified inspector at least sixty (60) days prior to the expiration of his or her certification. The notice shall:
  - (a) Inform the certified inspector of the need to renew the certification; and
  - (b) Describe the materials to be submitted with a request for renewal.
- (4) An individual who applies to renew a certification as a certified fire sprinkler inspector shall:
  - (a) Complete and submit the fire sprinkler inspector's written or electronic renewal form as provided by the department;
  - (b) Show proof of general liability insurance in the amount required by this chapter; and
  - (c)
    1. Provide proof of completion of six (6) hours of continuing education prior to certification renewal. The required continuing education shall be received within the twelve (12) months prior to renewal; or
    2. Submit proof that the inspector is a current and valid holder of NICET certification in the testing of water-based systems.
- (5) A thirty (30) day grace period shall be allowed after the renewal deadline of the certification during which time a fire sprinkler inspector may continue to practice and may renew his or her certification upon meeting the requirements promulgated through administrative regulation by the department.
- (6) Any certification not renewed on or before the last day of the thirty (30) day grace period shall terminate based upon failure to timely renew certification. Upon termination, the individual shall no longer be eligible to inspect within the Commonwealth.
- (7) After expiration of the thirty (30) day grace period, a formerly certified fire sprinkler inspector with a terminated certification shall have the certification reinstated upon meeting the requirements promulgated through administrative regulation by the department. An applicant for reinstatement after termination of his or her certification shall not be required to submit to any examination as condition for reinstatement, if the reinstatement application is made within two (2) years from the date of certification termination.
- (8) After termination and two (2) years, the applicant shall retest and comply with application requirements set forth in KRS 198B.6401.

**Effective:** July 1, 2011

**History:** Created 2010 Ky. Acts ch. 116, sec. 32, effective July 1, 2011.

**Legislative Research Commission Note (7/1/2011).** References to the "office" of housing, buildings and construction in this section, as created by 2010 Ky. Acts ch. 116, sec. 32, have been changed in codification to the "department" of housing, buildings and construction to reflect the reorganization of certain parts of the Executive Branch, as set forth in Executive Order 2009-535 and confirmed by the General Assembly in 2010 Ky. Acts ch. 24. These changes were made by the Reviser of Statutes pursuant to 2010 Ky. ch. 24, sec. 1938.

**198B.6407 Reciprocity -- Terms and conditions. (Effective July 1, 2011)**

- (1) The certification requirements established within this chapter may be waived for a person moving into the Commonwealth from another jurisdiction, and a fire sprinkler inspector's certification granted, if the person meets the following requirements:
  - (a) The other jurisdiction grants the same privileges to certified fire sprinkler inspectors of Kentucky as Kentucky grants to certified or licensed fire sprinkler inspectors of that other jurisdiction;
  - (b) The individual is certified or licensed in the other jurisdiction;
  - (c) The certification or licensing requirements of the other jurisdiction are substantially similar to the requirements in this chapter; and
  - (d) The individual submits a notarized letter stating that he or she has read, is familiar with, and will abide by this chapter and the administrative regulations promulgated by the department.
- (2) An individual seeking a fire sprinkler inspector's certification under this section shall:
  - (a) Submit a completed fire sprinkler inspector's written or electronic application form as provided by the department; and
  - (b)
    1. Provide a certificate of insurance that is issued by an insurance company or other legal entity permitted to transact business in Kentucky with a general liability coverage of at least five hundred thousand dollars (\$500,000). Liability insurance shall cover the legal liability of the certified fire sprinkler inspector as the result of erroneous acts or failure to act in his or her capacity as a fire sprinkler inspector and shall be in the form of a certificate of insurance executed by an insurer permitted to do business in this state or exported by a licensed surplus lines broker to an eligible carrier pursuant to KRS 304.10-020 to 304.10-210; or
    2. Submit an affidavit from a sprinkler contractor that he or she is covered as an employee of a sprinkler contractor that is in good standing and currently licensed by the department.

**Effective:** July 1, 2011

**History:** Created 2010 Ky. Acts ch. 116, sec. 33, effective July 1, 2011.

**Legislative Research Commission Note (7/1/2011).** References to the "office" of housing, buildings and construction in this section, as created by 2010 Ky. Acts ch. 116, sec. 33, have been changed in codification to the "department" of housing, buildings and construction to reflect the reorganization of certain parts of the Executive Branch, as set forth in Executive order 2009-535 and confirmed by the General Assembly in 2010 Ky. Acts ch. 24. These changes were made by the Reviser of Statutes pursuant to 2010 Ky. Acts ch. 24, sec. 1938.

**198B.6409 Administrative regulations -- Inactive status -- Approval of continuing education providers and courses. (Effective July 1, 2011)**

The commissioner shall, through the promulgation of administrative regulations:

- (1) Establish the procedures necessary to implement KRS 198B. 6401 to 198B.6417;
- (2) Establish an inactive status of certification for fire sprinkler inspectors who are not actively conducting inspections but wish to maintain their certification;
- (3) Establish a waiver of insurance requirements for inactive certifications;
- (4) Establish the reactivation procedure for a certification successfully placed into inactive status; and
- (5) Establish criteria for approval of continuing education providers and continuing education courses.

**Effective:** July 1, 2011

**History:** Created 2010 Ky. Acts ch. 116, sec. 34, effective July 1, 2011.

**Legislative Research Commission Note (7/1/2011).** A reference to the "executive director" of housing, buildings and construction in this section, as created by 2010 Ky. Acts. ch. 116, sec. 34, has been changed in codification to the "department" of housing, buildings and construction to the "commissioner" of housing, buildings and construction to reflect the reorganization of certain parts of the Executive Branch, as set forth in Executive Order 2010-535 and confirmed by the General Assembly in 2010 Ky. Acts ch. 24. This change was made by the Reviser of Statutes pursuant to 2010 Ky. Acts ch. 24, sec. 1938.

**198B.6411 Standards for inspection of sprinkler systems. (July 1, 2011)**

The standards to be utilized in the inspection of sprinkler systems shall be the standards set forth in the National Fire Protection Association's Article 25: Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems and is the edition prescribed by the commissioner or other national standard as approved by the commissioner.

**Effective:** July 1, 2011

**History:** Created 2010 Ky. Acts ch. 116, sec. 35, effective July 1, 2011.

**Legislative Research Commission Note (7/1/2011).** References to the "executive director" of housing, buildings and construction in this section, as created by 2010 Ky. Acts ch. 116, sec. 35, have been changed in codification to the "commissioner" of housing, buildings and construction to reflect the reorganization of certain parts of the Executive Branch, as set forth in Executive Order 2009-535 and confirmed by the General Assembly in 2010 Ky. Acts ch. 24. these changes were made by the Reviser of Statutes pursuant to 2010 Ky. Acts ch. 24, sec. 1938.

**198B.6413 Disciplinary hearings -- Summary suspension -- Fire sprinkler inspection by uncertified individual -- Cease-and-desist order. (Effective July 1, 2011)**

- (1) The procedures set forth in KRS Chapter 13B shall govern the department's conduct of disciplinary hearings.
- (2) The commissioner may summarily suspend a certification for up to ninety (90) days before a final adjudication or during an appeal of the commissioner's determination if he or she believes that the certification would represent a clear and immediate danger to the public's health, safety, or property if the inspector is allowed to perform sprinkler system inspections.
- (3) The commissioner shall issue a letter to cease and desist with notice of opportunity to be heard in accordance with KRS Chapter 13B, to any individual if the commissioner:
  - (a) Determines that an individual is not certified under the provisions of this chapter; and
  - (b) Determines that the individual is engaged in, or believed to be engaged in, activities for which a fire sprinkler inspector's certification is required under this chapter.
- (4) After completion of the hearing, if it is determined that the activities in which the individual is engaged are subject to certification under this chapter, the commissioner shall issue a cease-and-desist order that identifies the individual and specifically states the activities which are subject to the order.
- (5) A cease-and-desist order issued under this section shall be enforceable in the Circuit Court of the county of the certified inspector's place of business in accordance with KRS Chapter 13B.

**Effective:** July 1, 2011

**History:** Created 2010 Ky. Acts ch. 116, sec. 36, effective July 1, 2011.

**Legislative Research Commission Note (7/1/2011).** References to the "office" of housing, buildings and construction and the "executive director" of housing, buildings and construction in this section, as created by 2010 Ky. Acts ch. 116, sec. 36, have been changed in codification to the "department" of housing, buildings and construction and the "commissioner" of housing, buildings and construction, respectively, to reflect the reorganization of certain parts of the Executive Branch, as set forth in Executive Order 2009-535 and confirmed by the General Assembly in 2010 Ky. Acts ch. 24. These changes were made by the Reviser of Statutes pursuant to 2010 Ky Acts ch. 24, sec. 1938.

**198B.6415 Suspension, revocation, or nonrenewal of certification -- Grounds -- Hearing -- Appeal. (Effective July 1, 2011)**

- (1) Subject to a hearing conducted in accordance with KRS Chapter 13B, the commissioner may suspend, revoke, or refuse to renew the certification of a certified fire sprinkler inspector for any of the following actions:
  - (a) Use of false evidence or misrepresentation in an application for a fire sprinkler inspector's certification;
  - (b) Attempting to transfer authority granted to the certified inspector to another individual;
  - (c) Incompetence or negligence in the inspection of fire protection sprinkler systems as determined by the commissioner;
  - (d) Conviction of a felony or of any crime an element of which is dishonesty or fraud, under the laws of any state or of the United States;
  - (e) Fraudulent or dishonest practices while engaging in the business of sprinkler system inspections;
  - (f) Aiding or abetting any person attempting to evade the provisions of this chapter; or
  - (g) Violating any provision of this chapter or the administrative regulations promulgated thereunder.
- (2) The commissioner shall revoke, subject to a hearing in accordance with KRS Chapter 13B, the certification of a fire sprinkler inspector who engages in inspection activities during a suspension of his or her certification.
- (3) Any certification holder who is aggrieved by a final order of the commissioner, resulting in the suspension or revocation of certification, may appeal to the Circuit Court of the county of the certified inspector's place of business in accordance with KRS Chapter 13B.

**Effective:** July 1, 2011

**History:** Created 2010 Ky. Acts ch. 116, sec. 37, effective July 1, 2011.

**Legislative Research Commission Note (7/1/2011).** References to the "executive director" of housing, buildings and construction in this section, as created by 2010 Ky. Acts. ch. 116, sec. 37, have been changed in codification to the "commissioner" of housing, buildings and construction to reflect the reorganization of certain parts of the Executive Branch, as set forth in Executive Order 2009-535 and confirmed by the General Assembly in 2010 Ky. Acts ch. 24. These changes were made by the Reviser of Statutes pursuant to 2010 Ky. Acts. ch. 24, sec. 1938.

**198B.6417 Reapplication after revocation of certification. (Effective July 1, 2011)**

If the certification of a fire sprinkler inspector is revoked for any reason, the inspector may, at the conclusion of the revocation period, reapply for a sprinkler system inspector's certification.

**Effective:** July 1, 2011

**History:** Created 2010 Ky. Acts ch. 116, sec. 38, effective July 1, 2011.