

NEW YORK CITY FIRE DEPARTMENT

Notice of Adoption of
New Fire Department Rule
3 RCNY §104-04, entitled
“Certification of Corrected Defects in Fire Alarm System Installations”

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE Fire Commissioner of the City of New York pursuant to Sections FC102.6.2 and FC102.6.3 of the New York City Fire Code (Title 29 of Administrative Code of the City of New York), and in accordance with the requirements of Section 1043 of the New York City Charter, that the New York City Fire Department has adopted the above final rule.

The public hearing was held on August 25, 2020. The rule shall take effect on December 1, 2020.

The Notice of Adoption, final rule and the Statement of Basis and Purpose of Final Rule, will be available on the Fire Department’s website (www.nyc.gov/fdny) and NYCRULES (www.nyc.gov/NYCRULES).

STATEMENT OF BASIS AND PURPOSE OF FINAL RULE

The New York City Fire Department is responsible for approving the installation of fire alarm systems, including inspecting and witnessing an acceptance test of such systems. If, upon such inspection and testing, Fire Department personnel finds that the fire alarm installation is not in compliance with the New York City Building Code, New York City Fire Code, NFPA Standard 72 or other applicable laws, rules, regulations or approvals, a notice of defect (currently referred to as a “letter of defect”) is issued to the owner and applicant setting forth such defects.

In many cases, the defects are relatively minor and can be corrected by the applicable licensed or certified professional – a fire alarm system installer or an electrician – without undue delay. Currently, however, there is no procedure for accepting certification of the correction of such defects by a licensed or certified professional, as is done for Fire Code violations cited by FDNY Summonses (formerly known as Notices of Violation) returnable before the NYC Office of Administrative Trials and Hearings. Acceptance of the corrected defects – and issuance of a Letter of Approval for the fire alarm system – must await a re-inspection by the Fire Department.

Until the Coronavirus emergency, New York City had been experiencing a construction boom, during which the number of requests for Fire Department inspections of fire alarm system installations constantly increased. The Fire Department had not been able to keep up with the demand for re-inspections and there were substantial delays in scheduling them. This resulted in significant delay costs for owners, as well as delayed payment to the companies that performed the work. The Coronavirus emergency temporarily disrupted construction activity, but compounded the problem for the Fire Department and, as work resumed, increased the backlog.

To address these issues, the Fire Department adopts this rule to establish a certification program by which licensed or certified professionals may certify correction of certain fire alarm system defects. The certifications will be filed with and reviewed by the Fire Department, and if

accepted, will eliminate the need for a re-inspection and expedite issuance of a Letter of Approval.

To ensure the integrity of this process, the rule includes the following limitations and protections:

- Not all fire alarm system defects may be certified as corrected by licensed or certified professionals. Defects considered to be more serious, and minor defects if too numerous, would remain subject to Fire Department re-inspection. The rule lists the prerequisites for certification, including a list of defects excluded from the certification program.
- All certifications would have to be submitted by licensed or certified professionals, namely, fire alarm installers, professional engineers and registered architects, who are licensed by New York State, and electricians, who are licensed by the NYC Department of Buildings.
- All of these licensed or certified professionals would additionally have to hold a Fire Department Certificate of Fitness pursuant to Fire Code Section 113 and be a principal or employee of a company holding a Company Certificate pursuant to Fire Code Section 115. This would serve to ensure that if any licensed or certified professional abuses their ability to certify correction of fire alarm system defects they are subject to Fire Department disciplinary action.
- At least two licensed or certified professionals would be required to certify correction of the fire alarm system defects: the licensed or certified professional(s) who corrected the defect (a fire alarm installer and/or an electrician, depending on the type of work that is required to correct the defects); and a licensed or certified professional (professional engineer, registered architect, fire alarm installer or electrician) who verifies that the system is functioning properly based on an in-person functionality test. The rule elaborates upon what the certification of correction of defects represents in terms of the work done and verification thereof. (There is one exception to the two-signature rule: when there are no defects in the design or installation of the fire alarm system, but as-built plans and/or other forms or documentation required to correct and complete the application have not been filed. A single signature is required in this circumstance because the required documentation itself must be signed and sealed by licensed or certified professionals.)
- All certifications are subject to audit. The Fire Department maintains an audit program that would professionally audit the certification program and determine whether any false or fraudulent certifications had been submitted. Any licensed or certified professional who engages in such misconduct is subject to a wide range of penalties, including those applicable to Company Certificate holders and Certificate of Fitness holders, as set forth in Fire Department rules 3 RCNY 115-01(i) and 113-01(g).

The Fire Department adopts a \$210 administrative fee for processing certifications of corrected defects. This represents the time spent in reviewing the certification and administratively processing correction of the defects or, if the certification is not accepted, processing the

response setting forth the grounds for denial. Where the certification is limited to submission of an amended A-433 form, as-built design and installation documents or other required documentation, an administrative fee of \$105 will apply.

The Fire Department additionally amends Section 115-01 of its rules to incorporate the company certificate for fire alarm installation, inspection, testing and servicing company certificate into the list of company certificates set forth in that section, including the special qualifications required for that company certificate.

Public Comment and Fire Department Response

Approximately 15 individuals and organizations submitted written comments and/or made statements at the public hearing on this rule. Generally, support was expressed for the certification process, with objections to specific provisions. The Fire Department responds to their public comments as follows:

Acceptance of Certification

1. **The Fire Department should hire more professional inspectors to address its inspection backlog instead of allowing self-certification.**

The Fire Department acknowledges the importance of government agency inspections in the enforcement of fire safety regulations. The Fire Department has one of the most extensive inspection programs of any agency responsible for fire safety.

However, reliance on trained and knowledgeable professionals, with appropriate licenses and certifications, is and has long been part of an effective regulatory program. These professionals certify that the design of the systems proposed to be installed is in compliance with today's complex design requirements and, through ongoing inspection, testing and maintenance conducted in accordance with NFPA and other standards, certify that they remain in compliance with applicable code standards.

As previously noted in the Statement of Basis and Purpose, the Fire Department regularly accepts certification from professionals as proof of correction of FDNY Summonses, Violation Orders and other violations issued by the Fire Department, as do many other agencies for their violations.

An agency's inability to provide timely inspections – the commenter indicates that they are “acutely aware of the volume of inspection requests” before the Fire Department – potentially imposes severe financial burdens on building and business owners. While it is and always has been the Fire Department's goal to maintain an adequate inspectional workforce, there are many challenges to doing so during a period of high construction activity and in the face of other unanticipated circumstances, including the Coronavirus pandemic.

Accordingly, the goal is to achieve a balance in the regulatory program between agency inspections and reliance on professional certifications, and to put appropriate safeguards in place to prevent false or fraudulent conduct. In the case of the present rule, those

safeguards include limitations on the types of defects that be certified, multiple certifying parties, requiring certifying parties to hold a special certificate of fitness that can be revoked for misconduct, and auditing certifications.

Based on the foregoing, the Fire Department has determined to proceed with this certification program, which, it must be emphasized, is voluntary.

2. **While the initial fire alarm installation inspection will still be conducted by Fire Department inspectors, the subsequent certification of correction of defects, could have serious financial and legal implications for the electrical contractor on the job, as their insurance does not cover claims arising from such certifications.**

Participation in the certification program is voluntary. For those who choose to participate, the Fire Department is not requiring any party to certify any work other than their own (that is, their work to correct the defect or their verification of the sequence of operation).

Accordingly, the certification should not add to, or subtract from, their financial and legal responsibility for the work they performed.

The certifications required by the rule are substantively no different from the certifications regularly required to be made by professionals on their filings with the Department of Buildings and Fire Department – that the installation is designed and/or will operate in accordance with the applicable laws, rules and regulations and the approved plans.

3. **To provide necessary checks and balances, only registered design professionals (registered architects and professional engineers) should be allowed to certify correction of fire alarm system defects, as required by Fire Code Section FC104.2.1.**

The Fire Department considered requiring third-party certification of corrected defects (by someone other than the licensed or certified professional who performed the work, similar to a “special inspection” under the New York City Building Code), but concluded that such a requirement was not warranted given the other safeguards integrated into the program (as outlined in the last paragraph of the response to Comment #1 above). Additionally, third-party inspection would impose costs and delays that would undermine the purpose and benefits of the certification program.

FC104.2.1 does not apply to this rule or certification program. That Fire Code provision has been implemented by Fire Department rule 3 RCNY 104-02, which allows registered design professionals (only) to certify code compliance and obtain a letter of approval for non-core building fire alarm system installations without a Fire Department inspection. Here, the required Fire Department inspection has been conducted and the certification relates to correction of fire alarm system defects cited by the Fire Department inspector who conducted the inspection.

4. **The rule should not allow correction of the defect and verification of the sequence of operation to be certified by persons employed by the same company.**

The Fire Department recognizes that it may be easier to falsely certify compliance if both certifications are made by persons employed by one company. The offsetting consideration is that these companies and their licensed or certified professional staff will be aware that such dual certifications invite heightened scrutiny. The Fire Department will take this concern into consideration in designing its audit program.

Eligibility to Certify Correction/Eligibility for Certification

5. **The rule should extend eligibility to certify correction of defects to licensed elevator contractors, master fire suppression piping contractors and plumbers, whose services are required to correct defects in fire alarm system connections with elevators and sprinkler systems.**

As set forth in Section 104-04(c)(4) of the rule, defects involving elevator recall, sprinkler water flow or non-sprinkler fire extinguisher activation, are not eligible for certification of correction.

6. **Limiting certification of corrected defects to 10 or 15 defects is too few. A high-rise building may have hundreds or thousands of devices and dozens of minor defects. Certification should be allowed to up to fifteen percent (15%) of the number of fire alarm system devices.**

The Fire Department declines to adopt this approach. A building with a large number of defects generally warrants re-inspection. The Department has discretion in the way it characterizes defects so as to avoid making this rule foolishly rigid. For example, if 20 components are installed with the same non-code compliant color, the inspector may choose to characterize all 20 as a single defect.

7. **Failure to have a working central station connection should be added to the list of fire alarm system defects not eligible for certification.**

The Fire Department agrees with this comment and has revised the rule accordingly.

Special Electricians

8. **Special electricians should not be allowed to certify correction of defects. A special electrician is a lesser level of licensure than that of a master electrician, and is restricted to performing electrical work in particular buildings. The rule allows special electricians to certify correction of a defect on a job filed by a master electrician.**

The commenter is correct in stating that the special electrician license restricts holders to performing electrical work in designated buildings, not general contracting work. Section 104-04(e) and (f) of the rule address this when they state that the certifications are “made under the authority granted to the licensed or certified professional by his or

her professional license.” Any corrections certified by a special electrician would have to be in a building in which the special electrician is authorized to perform electrical work.

However, it was not the Fire Department’s intent to allow fire alarm system defects to be corrected or certified by parties other than the licensed or certified professionals responsible for the work. The rule was not intended to authorize a special electrician to certify correction of work on a project filed under a master electrician’s license. The Fire Department has revised the rule to clarify that special electricians can only certify correction of work on projects filed by the special electrician.

Professional Licenses and Certifications

9. **The rule uses the term “licensed professional.” The rule should be revised because persons and companies holding Fire Department certificates or New York State certifications are not “licensed.”**

The proposed rule used the term “licensed professional” in a generic sense: persons or companies required to demonstrate certain technical knowledge, training or other qualifications in order to obtain governmental approval to engage in a regulated activity or business. Legally, such approval is generally referred to as a “license.”

However, as the comment indicates, “license” may be used as a term of art, to refer to specific types of approvals issued by certain New York State and New York City agencies. To avoid any misunderstanding, the rule has been revised to refer to “licensed or certified professionals.”

10. **What will be required to obtain the required Certificates of Fitness for certification of corrected defects and for verification of corrected fire alarm system defects?**

The requirements for these new Certificates of Fitness will be set forth in the application instructions and study materials for the certificates. Applicants will be required to demonstrate that they possess the required professional licenses or certificates, and to certify their knowledge and understanding of this rule and other applicable Fire Code requirements, including the consequences of false or fraudulent certification. No examination is anticipated at this time.

11. **Registered design professionals are licensed by the NYS Education Department and subject to disciplinary action for misconduct by both the State and the NYC Department of Buildings. There is no need for a Certificate of Fitness and it would only create barriers.**

As stated in response to Comment #1, establishing a Certificate of Fitness creates a prompt, efficient remedy to address false or fraudulent certifications. As stated in response to Comment #10, the application process for these Certificates of Fitness will be straightforward and will not create barriers to participation in the program.

12. **Staff working under the direct supervision of a registered design professional should be eligible for a Certificate of Fitness for verification of corrected fire alarm system defects.**

A key element of the rule and the certification program it establishes is that the certifying parties are professionally licensed or certified. Accordingly, unless they themselves are professionally licensed or certified, staff working under the direct supervision of a registered design professional are not eligible for the Certificate of Fitness established by the rule, and the registered design professional directly supervising them must be the party certifying verification of system functionality pursuant to Section 104-04(f) of the rule.

Administrative Fees for Filing of Certifications

13. **The Fire Department does not currently charge for filing of amended A-433 forms, as-built design and installation documents and other required submissions to complete the application, in the absence of a defect cited on the notice of defect. Why is the Fire Department now proposing to charge \$210? The proposed fee is excessive.**

As-built plans and other required documentation are required to be presented to the Fire Department inspector at time of inspection. If they are not presented and changes in the fire alarm system have been made requiring submission of these documents, a notice of defect will be issued, whether or not defects are found in the installation.

The commenter is correct in stating that Fire Department has in the past accepted these filings without charge and absorbed the costs associated with reviewing these plans and other documentation and related processing.

The Fire Department has determined that it should now charge for these costs. However, in light of the concerns expressed, the Fire Department has reduced the administrative fee for such submissions (when filed without correction of defects) to \$105.

Operational Issues

The operational issues that are the subject of the following comments are beyond the scope of the rule. However, the Fire Department takes note of these concerns and will endeavor to address them, as explained below.

14. **In view of the present health concerns arising from the Coronavirus pandemic, the Fire Department should allow electronic filing of these certifications and required documentation.**

The Fire Department is in the process of modernizing its computer system to accommodate the electronic submission of all applications.

15. **A database needs to be established to track the submission, processing and status of certification applications. Otherwise the Fire Department will have to constantly field calls to determine status.**

The Fire Department agrees that a means by which the public can monitor the status of applications would be most useful. The Fire Department is in the process of modernizing its computer system to accommodate the electronic submission of all applications, which would accomplish this objective.

16. **Upon submission of a satisfactory certification, what is the timeframe for issuance of the letter of approval for the fire alarm system?**

The Fire Department appreciates that, from the perspective of building and business owners and their contractors, the goal of facilitating correction of defects through this certification program is expediting issuance of a letter of approval for the fire alarm system. The Fire Department will endeavor to complete final administrative processing and issuance of the letter of approval in a timely fashion.

17. **The rule should specify how the certifications will be audited, including the percentage that will be audited and the system used to select certifications to be audited. If too many certifications are audited, owners and contractors will elect to await re-inspection by the Fire Department.**

The design of the Fire Department's audits and the percentage of certifications audited will be based on, among other things, the volume of certifications and any vulnerabilities identified in the course of administering the certification program.

18. **The rule should require the submission of proof of correction with the filed certification.**

The Fire Department declines to require submission of documented proof of correction with the filing of the certification of corrected defects. Review of such documentation would impose administrative burdens that would slow the process and defeat the purpose for allowing certification. Owners and/or the licensed and certified professionals certifying correction of defects should maintain appropriate records documenting the work done. Use of photographic and videographic documentation is encouraged, especially for inaccessible components and to document system operation after correction. Audit inspections will be conducted and if there are questions as to whether a condition was corrected, proof of correction may be required.

Guidance with respect to the interpretation of the Fire Code and Fire Department rules may be obtained using the Public Inquiry Form on the Fire Department's website, <http://www1.nyc.gov/site/fdny/about/resources/code-and-rules/nyc-fire-code.page>.

Section 1. Section 104 of Chapter 1 of Title 3 of the Rules of the City of New York, is amended by adding a new section, §104-04, to read as follows:

§ 104-04 Certification of Corrected Defects in Fire Alarm System Installations

- (a) Scope. This section sets forth the standards, requirements and procedures for certification of correction of defects in the design and installation of newly-installed and altered *fire alarm systems*, when such defective conditions are cited by the *Department* upon inspection or acceptance testing of such a system.
- (b) Definitions. The following terms, for purposes of this section and as used elsewhere in the *rules*, have the meanings shown herein:

Certification of corrected defects. Certification by licensed or certified professionals, in accordance with R104-04, that a defect cited by the *Department* in the design and/or installation of a *fire alarm system* has been corrected, as follows:

- (1) certification by the *fire alarm system* installer who personally corrected the defect. Such person shall either be:
- (A) a principal of a company to which the *Department* has issued a company certificate for *fire alarm system* installation, inspection, testing and servicing who holds a *certificate of fitness* for *fire alarm system* installation, inspection, testing and servicing and for *certification of corrected defects*; or
- (B) a technician employed by such a company who holds a *certificate of fitness* for *fire alarm system* installation, inspection, testing and servicing, and for *certification of corrected defects*; and
- (2) if correction of the defect necessitated the installation of electrical wiring or other work requiring the services of a licensed electrician, certification by the licensed master electrician or licensed special electrician who holds a *certificate of fitness* for *certification of corrected defects* who personally corrected the defect or supervised the work of a qualified electrical technician under such licensed electrician's direction and control; and
- (3) the licensed or certified professional who personally verified the functionality of the *fire alarm system* following correction of the defect. Such person shall hold a *certificate of fitness* for verification of corrected *fire alarm system* defects. Such person shall not be one of the licensed or certified professionals who certified correction of the *fire alarm system* defects.
- (4) A licensed special electrician may certify correction of work or verify system functionality only for *fire alarm system* installations for which the special electrician made the required filings.
- (c) Applicability. In lieu of *Department* re-inspection, *owners* may elect to certify correction of defects in newly-installed or altered *fire alarm system* installations that have not yet been *approved* by the *Department*, when all of the following conditions have been met:

- (1) **Approved design documents.** The *owner* submitted *design and installation documents* with the *Department* and obtained *Department* approval of the design of the system;
- (2) **Acceptance test.** The owner's representatives conducted the required acceptance test of the system before *Department* representatives;
- (3) **System defects.** The *Department* identified defects in the design and installation of the system, including whether it operates as designed, as set forth in a notice of defect or other *Department* documentation issued after the effective date of this section, and such defects cited prior to the effective date of this section as the *Department* may determine to allow to be certified pursuant to this section, consistent with the standards, requirements and procedures of this section;
- (4) **Ineligible defects.** The notice of defect does not identify more than 10 fire alarm system defects in a low-rise building or more than 20 fire alarm system defects in a high-rise building, and/or does not identify any defects in the design and installation of any of the following system components (when required), including whether they operate as designed:
 - (A) Emergency alarm systems;
 - (B) Emergency power switchover;
 - (C) Firefighter service (Phase 1 and Phase 2), including elevator recall operation;
 - (D) Fan shut down affecting the operation of more than 20% of fan systems;
 - (E) Fire shutter operation;
 - (G) Power riser (including fire rating requirements);
 - (H) Primary power supply connection (including connection after building disconnect);
 - (I) Smoke control operation;
 - (J) Sprinkler water flow switches and other non-sprinkler fire extinguishing system activation devices;
 - (K) Stair pressurization; and
 - (L) Central station connection.
- (5) **Timely submission.** Certification of corrected defects is submitted to the *Department* within 90 days of the date the notice of defect was issued.

(d) Eligibility for Certificate of Fitness for Certification of Corrected Defects. The following licensed or certified professionals may obtain a *certificate of fitness* for verification of corrected *fire alarm system* defects:

(1) a registered design professional;

(2) a principal of a company for which a company certificate for *fire alarm system* installation, inspection, testing and servicing has been issued, who is a fire alarm system installer registered with or licensed by the State of New York; and

(3) a master electrician or special electrician licensed by the *Department of Buildings*.

(e) Scope of Certification of Professional Correcting Defects. *Certification of corrected defects* constitutes a representation by the licensed or certified professional correcting the defects, made under the authority granted to the licensed or certified professional by his or her professional license or certification and the applicable *Department* certificate, that the defect in the design or installation of the *fire alarm system*, identified in the applicable notice of defect, has been corrected, in accordance with the applicable requirements of the *Building Code*, *Fire Code*, *Electrical Code*, *NFPA 72* and/or other law, rule, regulation, standard or component listing, as follows:

(1) **Types of defects.** *Certification of corrected defects* constitutes a representation that each defect has been corrected as follows:

(A) **Missing component.** If the defect was a system component that was not installed, the component has been installed and connected to the requisite power source, and operates as designed.

(B) **Non-approved component.** If the defect was a system component that was not *listed* or otherwise not *approved* for use in New York City, the component has been replaced with a *listed* or *approved* component, and operates as designed.

(C) **Non-working component.** If the defect was a system component that was not working or not working properly, the condition has been corrected, and the component is in good working order and operates as designed.

(2) **Operates as designed.** For purposes of *certification of corrected defects*, “operates as designed” means that the system component performs the function for which it has been designed and installed, in accordance with the manufacturer’s specifications and the *approved design and installation documents* for the system, as amended by any as-built *design and installation documents* and (with respect to electrical work) any A-433 form, including activating or shutting down all devices the system component is designed to activate or shut down.

(3) **Minimum duration of testing.** *Certification of corrected defects* of a system component shall be based on operation of the device for the period of time necessary to assure its proper operation.

- (4) **Inspection of other system components.** Certification of corrected defects includes a representation that other system components, within the scope of work performed, have been inspected and tested, including inspection and testing of devices that activate such component and devices activated or shut down by the component. The certification does not include a representation that wiring and/or other inaccessible components have been inspected and tested, except for certifications by the licensed or certified professional who, to correct the defect, installed such wiring and/or performed work on such other inaccessible components.
- (f) **Scope of Certification of Professional Verifying System Functionality.** Certification of corrected defects constitutes a representation by the licensed or certified professional verifying the functionality of the fire alarm system following correction of defects, made under the authority granted to the licensed or certified professional by his or her professional license or certification and the applicable Department certificate, that a defect involving a missing or non-working component has been corrected and the fire alarm system is operating as designed in accordance with the approved plans for the fire alarm system, as amended by any as-built design and installation documents, including the Input/Output programming matrix that defines the sequence of operation (as set forth in Annex A to Section A.14.6.2.4 of NFPA Standard 72).
- (g) **Submission and Acceptance of Certification of Corrected Defects.** Certification of corrected defects shall be submitted to the Department, and, if satisfactory, accepted by the Department, in the following manner:
- (1) **Submission.** Certification of corrected defects shall be submitted on the form approved by the Department for this purpose.
 - (2) **Required signatures.** The approved form for certification of corrected defects shall be personally signed by all parties required for the certification. As such, except as otherwise provided in R104-04(g)(3), it shall bear the signatures of up to three separate licensed or certified professionals: the signature of the one or two licensed or certified professional(s) who corrected the defect(s) and the signature of the licensed or certified professional who verified the functionality of the fire alarm system following correction of defects.
 - (3) **As-built plans and A-433 forms.** To complete a fire alarm system application, any changes to a fire alarm system from the original approved design must be reflected on the applicable Department A-433 form, as-built design and installation documents and/or other required documentation and submitted to the Department prior to, or at the time of, the Department inspection. When a notice of defect directs the filing of an A-433 form, as-built design and installation documents and/or other documentation, such documentation shall be submitted together with a certification of corrected defects. If there are no defects in the design or installation of the fire alarm system and the notice of defect requires submission of the applicable A-433 form, as-built design and installation documents or other documentation solely to complete the application, the

certification of corrected defects requires only a single signature, that of the licensed or certified professional verifying the functionality of the fire alarm system.

(4) **Acceptance and letter of approval.** Upon acceptance of certification of corrected defects, including, where required, acceptance of the as-built design and installation documents, A-433 forms and/or other documentation, the Department will deem the defective condition corrected. If there are no other outstanding defects or other considerations preventing its issuance, a letter of approval will be issued for the fire alarm system.

(h) **False Certification.** All certifications of corrected defects are subject to audit. Any licensed or certified professional and certificate holder found to have submitted false or fraudulent certification shall be subject to the penalties provided therefor in the Fire Code and rules, and any other applicable law, rule or regulation, including the penalties for misconduct set forth in R113-01(g) and R115-01(i), as applicable. False certification of corrected defects may also be considered in connection with the false certifier's fitness to hold other certificates of fitness or company certificates.

§2. Subdivision (a) of Section 115-01 of Title 3 of the Rules of the City of New York is amended to read as follows:

§ 115-01 Company Certificates

(a) **Scope.** This section sets forth standards, requirements and procedures for issuance of company certificates, including blasting contractor, central station, commercial cooking exhaust system servicing, fireworks contractor, fumigation and insecticidal fogging operation, portable fire extinguisher sales, portable fire extinguisher servicing, pyrotechnic supplier, smoke detector maintenance company certificates, [and] ARC system testing, and fire alarm system installation, inspection, testing and servicing.

§ 3. Subdivision (d) of Section 115-01 of Title 3 of the Rules of the City of New York is amended by adding a new paragraph 10, to read as follows:

§ 115-01 Company Certificates

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(d) **Special Qualifications.** In addition to general qualifications set forth in R115-01(c), applicants for the following company certificates shall possess and satisfactorily demonstrate to the *Department* that the company, its principals and officers, possess the following qualifications:

* * *

(10) fire alarm system installation, inspection, testing and servicing.

- (A) One (1) or more principals of the company shall be a *fire alarm system* installer registered with or licensed by the State of New York, who is certified by the National Institute for Certification in Engineering Technologies (NICET) to at least Level II in *fire alarm systems*; or
- (B) One (1) or more principals of the company shall be a *fire alarm system* installer registered with or licensed by the State of New York, who holds a *certificate of fitness* as a *fire alarm system* installation, inspection, testing and servicing principal; or
- (C) One (1) or more principals of the company shall be a master electrician or special electrician licensed by the *Department of Buildings*.

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§ 3. Subdivision (f) of §4601-01 of Title 3 of the Rules of the City of New York, is amended to add a new paragraph (10) to read as follows:

(f) Administrative Services Fees (FC A04). FC A04 is amended to read as follows:

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<u>10. Certification of corrected defects in fire alarm system installations</u>	
<u>(per certification)</u>	
<u>Certification of defects with or without documentation</u>	<u>\$210.00</u>
<u>Certification of required documentation only</u>	<u>\$105.00</u>

104-04 (10/5/20)