



2010-042

STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

February 5, 2010

TROY KING
ATTORNEY GENERAL

500 DEXTER AVENUE
MONTGOMERY, AL 36130
(334) 242-7300
WWW.AGO.STATE.AL.US

Honorable Steve Hurst
Member, House of Representatives
155 Quail Run Road
Munford, Alabama 36268

Contractors - Licenses and Permits -
Electrical Contractors - Talladega
County

Licensed electrical contractors who install conduit, wire, and fire alarm associated equipment, but do not design, program, certify, inspect, or test fire alarm systems in this state, are not subject to the licensing requirements for certified fire alarm contractors.

Dear Representative Hurst:

This opinion of the Attorney General is issued in response to your request.

QUESTION

Are licensed electrical contractors, acting within the scope of their license and as defined in section 34-33A-1 of the Code of Alabama, subject to the licensing requirements for certified fire alarm contractors as set forth in section 34-33A-1, *et seq.*, if the electrical contractor does not design, program, certify, inspect, or test fire alarm systems?

FACTS AND ANALYSIS

In your letter of request, you present the following facts:

Licensed electrical contractors, when working within the scope of their license, are engaged in the business of installation of conduit, wire, and fire alarm associated equipment, but do not design, program, certify, inspect, or test fire alarm systems.

Under Alabama law (except for when local building officials, fire inspectors, or insurance inspectors are acting in their official capacity), any person who installs, repairs, or maintains fire alarm systems in this state must be licensed according to section 34-33A-1, *et seq.*, of the Code. Section 34-33A-3 of the Code provides, in pertinent part, that “[i]t shall be unlawful for any individual, partnership, corporation, association, or joint venture to engage in the business of installation, repair, alteration, addition, maintenance, or inspection of a fire alarm system in this state except in conformity with [section 34-33A-1, *et seq.*].” ALA. CODE § 34-33A-3(a) (Supp. 2009).

Section 34-33A-4 provides that “[e]very fire alarm system in this state installed after August 1, 2009, shall be maintained and inspected by a certified fire alarm contractor in accordance with the requirements of the most recently adopted version of the National Fire Protection Association 72 National Fire Alarm Code.” ALA. CODE § 34-33A-4(c) (Supp. 2009).

A “certified fire alarm contractor”¹ is defined as “[a] fire alarm contractor who has qualified and received a permit from the State Fire

¹ Under chapter 33A, a “fire alarm system” is defined as follows:

A system or portion of a combination system that consists of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals. Any system installed after August 1, 2009, shall follow the installation standard set forth by the latest edition of the National Fire Protection Association 72 National Fire Alarm

Marshal, with an NICET Level III on staff.” ALA. CODE § 34-33A-1(2) (Supp. 2009). And a “fire alarm contractor” is defined as “[a]n individual, partnership, corporation, association, or joint venture engaged in the business of installation, repair, alteration, addition, maintenance, or inspection of fire alarm systems. The term does not include local building officials, fire inspectors, or insurance inspectors when acting in their official capacity.” ALA. CODE § 34-33A-1(3) (Supp. 2009).

Contained in the definition of “licensed electrical contractor,” found in chapter 33A of title 34, is an exemption for licensed electrical contractors from the licensing requirements of “certified fire alarm contractors.” It states as follows:

An individual, partnership, corporation, association, or joint venture which is licensed as an electrical contractor engaged in the business of installation of conduit, wire, and fire alarm associated equipment, but does not design, program, certify, inspect, or test fire alarm systems. ***A licensed electrical contractor is not a fire alarm contractor for the purpose of this chapter.***

ALA. CODE § 34-33A-1(5) (Supp. 2009) (emphasis added).

Under the established rules of statutory construction, words used in a statute must be given their natural, plain, ordinary, and commonly understood meaning, and where plain language is used, a court is bound to interpret that language to mean exactly what it says. *Ex parte Cove Properties, Inc.*, 796 So. 2d 331, 333-34 (Ala. 2000); *Ex parte T.B.*, 698 So. 2d 127, 130 (Ala. 1997). Section 34-33A-1 makes clear that licensed electrical contractors who install conduit, wire, and fire alarm associated equipment, but do not design, program, certify, inspect, or test fire alarm systems in this state, are not subject to the licensing requirements for

Code. The system shall meet the requirements of all locally adopted codes and standards of the local municipality into which the system is installed and shall be acceptable to the local authority having jurisdiction.

ALA. CODE § 34-33A-1(4) (Supp. 2009).

Honorable Steve Hurst
Page 4

certified fire alarm contractors as set forth in section 34-33A-1, *et seq.*, of the Code of Alabama.

CONCLUSION

Licensed electrical contractors who install conduit, wire, and fire alarm associated equipment, but do not design, program, certify, inspect, or test fire alarm systems in this state, are not subject to the licensing requirements for certified fire alarm contractors.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Pete Smyczek of my staff.

Sincerely,

TROY KING
Attorney General

By:


BRENDA F. SMITH
Chief, Opinions Division

TK/PJS
922902/140029