

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**

# **A Bill**

**HOUSE BILL 1598**

4 **By: Representatives Baker, Wyrick, Teague, Hawkins, Fairchild,**  
5 **Mitchell, and Arnold**

## **For An Act To Be Entitled**

8 "THE MUNICIPAL FIREFIGHTERS HEALTH AND SAFETY ACT; TO  
9 ASSURE MUNICIPAL FIREFIGHTERS SAFETY IN CITIES ABOVE SIX  
10 THOUSAND POPULATION AND/OR ANY CITY THAT OPERATES ANY  
11 AERIAL DEVICE; TO REQUIRE CITIES TO USE THE STANDARDS OF  
12 THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) AS MINIMUM  
13 STANDARDS FOR FIREFIGHTER PROTECTIVE CLOTHING AND SAFETY  
14 EQUIPMENT; TO REQUIRE CITIES TO PROVIDE A PERSONAL ALERT  
15 SAFETY SYSTEM (PASS) DEVICE TO EACH FIREFIGHTER DURING  
16 HIS/HER TOUR OF DUTY; TO REQUIRE CERTAIN PROCEDURES TO BE  
17 USED WHEN TESTING AERIAL DEVICES; AND FOR OTHER PURPOSES."

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. For purposes of this act:

22 (a) "Firefighter" means any full-paid firefighter who actively and  
23 regularly engages in firefighting, rescue calls, hazardous material responses,  
24 emergency medical duties and airport crash/fire/rescue operations regardless  
25 if these actions are actual emergencies or a part of any training operations.

26 (b) "Municipality" means any city having a population of six thousand  
27 (6,000) or more according to the 1990 U.S. Census and/or any city that  
28 operates an aerial device for firefighting and rescue operations. If the  
29 population of any city hereafter falls below six thousand (6,000), that city  
30 shall be required to continue compliance with this act.

31 (c) "NFPA" means the National Fire Protection Association and its  
32 standards periodically revised.

33 (d) "Director" means the Director of the Department of Labor.

34 (e) "Minimum Standards" means a mandatory requirement to meet basic,  
35 accepted specifications, guidelines and revisions while encouraging all cities

1 to exceed these minimum standards at any time.

2 (f) "Protective clothing" means helmets, coats, pants, boots, gloves  
3 and protective hoods.

4 (g) "Aerial device" means any device extensible, articulating, or both,  
5 that is designed to position personnel, handle materials, and/or discharge  
6 water.

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8 SECTION 2. Beginning January 1, 1992, any municipality covered by this  
9 act must use the NFPA Standards when purchasing any items in Section 1 (f).

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11 SECTION 3. On or before January 1, 1993, all municipalities covered by  
12 this act must provide a Personal Alert Safety System (PASS) device for each  
13 firefighter assigned to firefighting and rescue operations. When purchased,  
14 all PASS devices must meet the latest NFPA Standard. Additionally, all  
15 municipalities must provide each firefighter an NFPA approved protective hood.

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17 SECTION 4. Sizing of protective clothing must be done with regard to  
18 the individual firefighter's needs in order to afford maximum comfort,  
19 protection and use. Boots must be offered in half sizes. Gloves must be  
20 waterproof.

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22 SECTION 5. On or before January 1, 1993, and annually thereafter, all  
23 municipalities covered by this act shall have all aerial devices tested in the  
24 following areas:

25 (a) visual inspection

26 (b) operational test

27 (c) load test

28 The above tests must be done in accordance with Section 1-4.1 of NFPA  
29 1914 revised in 1988.

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31 SECTION 6. On or before January 1, 1993, all municipalities covered by  
32 this act shall have all aerial devices completely tested and inspected  
33 including nondestructive testing. This complete testing and inspection  
34 requirement must be repeated at least every five (5) years. If any aerial  
35 device has been through a complete test and inspection since January 1, 1988,  
36 the municipality will receive credit for the complete test and inspect

1 interval established in this act. In addition, nondestructive tests shall be  
2 conducted whenever visual or load testing indicates a potential problem as  
3 provided for in Section 1-4.3 of NFPA 1914, 1988 edition. Nondestructive  
4 testing shall also be conducted whenever there is a need or cause to further  
5 confirm continued operational safety.

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7 SECTION 7. All aerial device testing shall be done by a technician with  
8 an American Society for Nondestructive Testing (ASNT) Level II rating.

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10 SECTION 8. All records relating to aerial inspections and testing shall  
11 be maintained as long as the city owns and operates any aerial device. These  
12 records shall be public records and may be reviewed during normal business  
13 hours with reasonable advance notice.

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15 SECTION 9. This act does not apply to volunteer or part-paid  
16 firefighters but any city with volunteer or part-paid firefighters may use  
17 these guidelines as a part of its safety program.

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19 SECTION 10. (a) The Director of the Department of Labor shall adopt  
20 the NFPA Standards, 1988 edition, for aerial device testing and inspection,  
21 and shall adopt the NFPA Standards for protective clothing, latest edition.

22 (b) In the event there are updates and new editions to the NFPA  
23 Standards, the Director shall, after notice and public hearing, adopt such  
24 changes and editions which he/she determines are necessary to insure the  
25 public health and safety.

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27 SECTION 11. All provisions of this act of a general and permanent  
28 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
29 Code Revision Commission shall incorporate the same in the Code.

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31 SECTION 12. If any provision of this act or the application thereof to  
32 any person or circumstance is held invalid, such invalidity shall not affect  
33 other provisions or applications of the act which can be given effect without  
34 the invalid provision or application, and to this end the provisions of this  
35 act are declared to be severable.

