

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Calhoun**

A Bill

HOUSE BILL 1914

For An Act To Be Entitled

8 "AN ACT TO AMEND VARIOUS SECTIONS OF SUBCHAPTER 6 OF
9 CHAPTER 22 OF TITLE 20 OF THE ARKANSAS CODE PERTAINING TO
10 FIRE EXTINGUISHER SERVICING; AND FOR OTHER PURPOSES."

Subtitle

13 "AMEND VARIOUS SECTIONS OF SUBCHAPTER 6 OF CHAPTER 22 OF
14 TITLE 20 OF THE ARK. CODE PERTAINING TO FIRE EXTINGUISHER
15 SERVICING."

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

19 SECTION 1. Arkansas Code 20-22-602 is amended to read as follows:

20 "§ 20-22-602. Definitions.

21 As used in this subchapter, unless the context otherwise requires:

22 (1) Board means the Arkansas Fire Protection Licensing Board created
23 in this subchapter;

24 (2) Fire Marshal means the Office of State Fire Marshal;

25 (3) Firm means any person, partnership, corporation, or association;

26 (4) Fixed fire extinguisher systems means those fire extinguisher
27 systems such as, but not limited to, those installed in exhaust systems
28 designed for removal of smoke and grease-laden vapors from commercial cooking
29 equipment and which protect the hoods and ducts and those listed or approved
30 fire extinguisher systems installed and maintained according to the standards
31 adopted in the Rules and Regulations of the board.

32 (5) Hydrostatic testing means pressure testing by hydrostatic
33 methods;

34 (6) Portable fire extinguisher means any device that contains within
35 it chemicals, fluids, powder, liquids, or gases for extinguishing fires;

1 (7) Service and servicing means servicing or physically installing
2 portable fire extinguishers or fixed fire extinguisher systems by charging,
3 filling, maintaining, recharging, refilling, repairing, hanging, locating, or
4 retesting;

5 (8) N.F.P.A. means the National Fire Protection Association;

6 (9) Fire protection sprinkler system means an assembly of underground
7 or overhead piping or conduits that convey water with or without other agents
8 to dispersal openings or devices to extinguish, control, or contain fire and
9 so provide protection from exposure to fire or the products of combustion;

10 (10) Responsible managing employee means an individual who is a
11 full-time employee of a firm holding a certificate of registration for
12 installing or servicing fire protection sprinkler systems and who is
13 designated by the firm to be responsible for making sure all installations and
14 servicing of fire protection sprinkler systems is done in accordance with the
15 provisions of this subchapter;

16 (11) NICET means National Institute for the Certification in
17 Engineering Technologies."
18

19 SECTION 2. Arkansas Code 20-22-603 is amended to read as follows:

20 "§ 20-22-603. Exceptions.

21 (a) The provisions of this subchapter do not apply to the following:

22 (1) The filling or charging of a portable fire extinguisher by
23 the manufacturer prior to its initial sale;

24 (2) The servicing by a firm of its own portable fire
25 extinguishers, fixed systems, or fire protection sprinkler systems by its own
26 personnel specially trained for such servicing;

27 (3) The hydrostatic testing by a firm of its own United States
28 Department of Transportation specification compressed gas cylinders used for
29 or with fire extinguishers, or its own pressure vessels, other than Department
30 of Transportation specification cylinders, used as fire extinguishers, when
31 the testing is performed by personnel of the firm who have been specially
32 trained to perform the testing;

33 (4) Firms engaged in the retailing or wholesaling of portable
34 fire extinguishers as defined in § 20-22-602, but not engaged in the
35 installing, servicing, or recharging of them, shall only be exempt from the

1 registration and licensing provisions as outlined in § 20-22-610, but all
2 other provisions of this subchapter shall apply;

3 (5) Fire departments recharging portable fire extinguishers as a
4 public service where a nominal charge or no charge is made, provided that the
5 members of the fire department performing the services are trained in the
6 proper filling and recharging of the fire extinguishers, and such servicing is
7 performed according to the standards adopted and the rules and regulations of
8 the board and specifically to NFPA Pamphlet 10 Portable Fire Extinguishers.
9 At least one (1) member of each fire department servicing portable
10 extinguishers holds a license issued by the board.

11 (6) The installation of a standpipe and hose system as defined
12 under the provisions of N.F.P.A. pamphlet number fourteen (No. 14) may be done
13 according to the following provisions. This exception does not apply to the
14 servicing, or maintaining of a standpipe and hose system, nor to the
15 installation, servicing or maintaining of combined systems as defined in
16 N.F.P.A. pamphlet number fourteen (No. 14).

17 (A) Persons or firms installing these standpipe and hose
18 systems shall be exempt from the registration and licensing provisions as
19 outlined in § 20-22-610 and from that part of the rules and regulations that
20 apply to service tags and, specifically, paragraph numbers sixteen (16) and
21 seventeen (17) of the Rules and Regulations Applicable to Fire Protection
22 Sprinkler Systems.

23 (B) These standpipe and hose systems shall:

24 (i) Be designed, installed, and tested according to
25 the standards adopted in the Rules and Regulations Applicable to Fire
26 Protection Sprinkler Systems of the Board and specifically the provisions of
27 the appropriate N.F.P.A. pamphlets.

28 (ii) These standpipe and hose systems shall be
29 designed by an Arkansas licensed responsible managing employee or a registered
30 professional engineer licensed by the State of Arkansas.

31 (iii) These standpipe and hose systems shall be
32 installed by a firm licensed by the Board of Arkansas or a mechanical or
33 plumbing contractor licensed by the State of Arkansas.

34 (C) The Board may conduct hearings or proceedings
35 concerning any person or firm violating the provisions of this section and

1 fine them not less than twenty-five dollars (\$25.00) nor more than three
2 hundred dollars (\$300) for a first offense, and for a second offense committed
3 within five (5) years, not less than three hundred dollars (\$300) nor more
4 than one thousand dollars (\$1,000). Additionally, the board may require them
5 to pay all necessary and proper costs incurred in correcting any action or
6 work performed by them in violation of the provisions of this section. Third
7 and subsequent violations within a five-year period shall be considered a
8 misdemeanor and punishable by a fine of not less than one thousand dollars
9 (\$1,000) or imprisonment in the county jail for not less than one (1) month
10 nor more than six (6) months, or both.

11 (b) However, all persons and firms must comply with all the provisions
12 of § 20-22-613(a), (b), and (e)."

13

14 SECTION 3. Arkansas Code 20-22-604 is amended to read as follows:

15 "§ 20-22-604. Penalties.

16 The Board may conduct hearings or proceedings concerning any person or
17 firm violating the provisions of this subchapter and fine them not less than
18 twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300) for a
19 first offense and, for a second offense committed within five (5) years, not
20 less than three hundred dollars (\$300) nor more than one thousand dollars
21 (\$1,000). Additionally, the board may require them to pay all necessary and
22 proper costs incurred in correcting any action or work performed by them in
23 violation of the provisions of this subchapter. Third and subsequent
24 violations within a five-year period shall be considered a misdemeanor and
25 punishable by a fine of not less than one thousand dollars (\$1,000) or
26 imprisonment in the county jail for not less than one (1) month nor more than
27 six (6) months, or both."

28

29 SECTION 4. Arkansas Code 20-22-606 is amended to read as follows:

30 "§ 20-22-606. Arkansas Fire Protection Licensing Board - Creation -
31 Members.

32 (a) There is created the Board which shall be composed of eleven (11)
33 members, who are residents of the state, appointed by the Governor for terms
34 of five (5) years.

35 (1) One (1) member shall be appointed from each of the four (4)

1 congressional districts, and of these members, one (1) member of the board
2 shall be an industrial safety engineer, and each of the other members shall be
3 experienced and knowledgeable in one (1) or more of the following areas:

4 (A) The servicing of portable fire extinguishers;

5 (B) The installation or servicing of fixed fire
6 extinguisher systems;

7 (C) Fire extinguisher manufacturing;

8 (D) Fire insurance inspection or underwriting; or

9 (E) Fire services.

10 (2) One (1) member shall be the State Fire Marshal.

11 (3) One (1) member shall be a representative of an association of
12 fire chiefs.

13 (4) One (1) member shall be a representative of the fire
14 insurance industry.

15 (5) Two (2) members shall be representatives of large industrial
16 users of fire extinguisher equipment or restaurant associations.

17 (6) Two (2) members shall be experienced, knowledgeable, and
18 active in the installation or servicing of fire protection sprinkler systems.

19 (b) Each member of the board shall receive an amount set by the board
20 for each day in actual services on the board with a maximum of sixty dollars
21 (\$60.00) per day plus mileage in accordance with state travel regulations for
22 travel going to and returning from the place of meeting.

23 (c) In addition, the board may expend such moneys as is necessary for
24 stationery, office supplies, application forms, and other materials necessary
25 for the board to carry out its duties. The mileage, per diem, and
26 miscellaneous office supplies shall be paid from the fees collected by the
27 board.

28 (d) The secretary of the board shall receive such additional salary as
29 may be fixed by the board."

30

31 SECTION 5. Arkansas Code 20-22-607 is amended to read as follows:

32 "§ 20-22-607. Arkansas Fire Protection Licensing Board - Powers and
33 duties.

34 The board shall:

35 (1) Formulate and administer such policies as may be determined

1 necessary for the protection and preservation of life and property, in regard
2 to:

3 (A) The registration of firms engaging in the business of
4 servicing portable fire extinguishers or installing and maintaining fixed fire
5 extinguisher systems;

6 (B) The registration of firms engaged in the business of
7 hydrostatic testing of portable fire extinguishers. However, no person or firm
8 shall be granted a Class A hydrostatic testing certificate until the applicant
9 submits proof satisfactory to the board that the test equipment of the
10 applicant has been tested and certified by the United States Department of
11 Transportation;

12 (C) The examination and licensure of persons applying for a
13 license to service portable fire extinguishers and to install fixed fire
14 extinguisher systems;

15 (D) The registration of firms engaged in the business of
16 installing or servicing fire protection sprinkler systems;

17 (E) The examination and licensing of persons desiring to be
18 licensed as a responsible managing employee for the purpose of installing or
19 servicing fire protection sprinkler systems;

20 (2) Establish reasonable qualifications for firms or individuals for a
21 certificate of registration or license to engage in the business of servicing
22 portable fire extinguishers, installing fixed fire extinguisher systems, or
23 installing or servicing fire protection systems;

24 (3) Conduct examinations to ascertain the qualifications and fitness of
25 applicants for a license to service portable fire extinguishers, install fixed
26 fire extinguisher systems, or install or service fire protection sprinkler
27 systems;

28 (4) Issue certificates of registration for those firms that qualify to
29 engage in the business of servicing portable fire extinguishers, installing
30 and servicing fixed fire extinguisher systems, or installing or servicing fire
31 sprinkler protection systems and issue licenses, apprentice permits, and
32 authorizations to perform hydrostatic testing to the firms or individuals who
33 qualify; and

34 (5) Evaluate the qualifications of firms seeking approval as testing
35 laboratories for portable fire extinguishers."

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SECTION 6. Arkansas Code 20-22-609(a) is amended to read as follows:

"(a) Except as provided in § 20-22-613, no person may do any of the following:

- (1) Engage in the business of servicing portable fire extinguishers without a current certificate of registration and unless covered by liability insurance with policy limits no less than three hundred thousand dollars (\$300,000);
- (2) Engage in the business of installing or servicing fixed fire extinguisher systems without a current certificate of registration;
- (3) Service portable fire extinguishers or fixed fire extinguisher systems without a current license;
- (4) Perform hydrostatic testing of portable fire extinguishers manufactured in accordance with the specifications of the United States Department of Transportation without a current hydrostatic testing certificate;
- (5) Obtain or attempt to obtain a certificate of registration or license by fraudulent representation;
- (6) Sell, service, or install portable fire extinguishers or fixed fire extinguisher systems or fire protection sprinkler systems contrary to the provisions of this subchapter or the policies formulated and administered under the authority of this subchapter;
- (7) Engage in the business of installing or servicing fire protection sprinkler systems without a current certificate of registration and without employing a full-time licensed responsible managing employee."

SECTION 7. Arkansas Code 20-22-610(b) is amended to read as follows:

"(b) Each firm or person desiring to engage in or to continue to engage in the business of servicing portable fire extinguishers, installing or servicing fixed fire extinguisher systems, performing hydrostatic testing of fire extinguishers or installing or servicing fire protection sprinkler systems in the State of Arkansas shall as a condition of engaging in such business or occupation obtain from the board a certificate of registration or a license as prescribed in this section:

- (1) Each firm engaged in the business of servicing portable fire

1 extinguishers or installing or servicing fixed fire extinguisher systems in
2 this state shall obtain a certificate of registration and shall pay the
3 following fees:

4 (A) For engaging in the business of servicing portable fire
5 extinguishers, the fee for the initial certificate of registration shall be *no*
6 *more than* three hundred dollars (\$300), and the annual renewal fee shall be *no*
7 *more than* three hundred dollars (\$300);

8 (B) For engaging in the business of installing or servicing
9 fixed fire extinguisher systems, the fee for the initial certificate of
10 registration shall be *no more than* three hundred dollars (\$300), and the
11 annual renewal fee shall be *no more than* three hundred dollars (\$300);

12 (2) Each employee of a firm engaging in the business of servicing
13 portable fire extinguishers or installing or servicing fixed fire
14 extinguishers, who services or installs such fire extinguishers, other than an
15 apprentice, must obtain a license therefor and pay the following fees:

16 (A) For a license to service portable fire extinguishers,
17 an initial fee of *no more than* thirty dollars (\$30.00) and for each annual
18 renewal thereof, a fee of *no more than* thirty dollars (\$30.00);

19 (B) For a license to install or service fixed fire
20 extinguisher systems, an initial fee of *no more than* thirty dollars (\$30.00)
21 and an annual renewal fee of *no more than* thirty dollars (\$30.00);

22 (3) Each firm performing hydrostatic testing of Department of
23 Transportation specification compressed gas cylinders used for or with fire
24 extinguishers shall, as a condition of engaging in such business, obtain a
25 Class A hydrostatic testing certificate and shall pay therefor an initial fee
26 of one hundred dollars (\$100) and an annual renewal fee of seventy-five
27 dollars (\$75.00);

28 (4) Each firm performing hydrostatic testing of pressure vessels
29 used as fire extinguishers, other than the United States Department of
30 Transportation specification cylinders, shall, as a condition of engaging in
31 such business, obtain a Class B hydrostatic testing certificate and shall pay
32 therefor an initial fee of fifty dollars (\$50.00) and an annual renewal fee of
33 twenty-five dollars (\$25.00);

34 (5) Each person servicing portable fire extinguishers or fixed
35 fire extinguisher systems as an apprentice shall, before servicing any

1 portable fire extinguisher or any fixed fire extinguisher system, apply to the
2 board for an apprentice permit.

3 (A) Each application for an apprentice permit shall be
4 accompanied by a fee of fifteen dollars (\$15.00).

5 (B) A copy of the application may be used by the applicant
6 as proof of his being temporarily licensed as an apprentice until the official
7 apprentice permit is issued or denied by the board.

8 (C) An apprentice permit shall be valid for one (1) year
9 from date of issue and shall not be renewable;

10 (6) (A) Each person desiring to take an examination in order to
11 obtain a license as required in this subchapter, except a license for fire
12 protection sprinkler systems, shall make application to the board's secretary
13 and pay a fee not to exceed fifteen dollars (\$15.00) per individual
14 examination section with a maximum not to exceed fifty dollars (\$50.00) for
15 all sections taken at the same time.

16 (B) It is further provided that the fees are to be paid
17 each separate time an examination or series of examinations are taken;

18 (7) Each firm engaged in the business of installing or servicing
19 fire protection sprinkler systems in this state shall obtain a certificate of
20 registration and pay the following fees:

21 (A) An initial application fee for the certificate of
22 registration must be in an amount not to exceed one hundred dollars (\$100);

23 (B) A fee for issuance of either the initial or renewal
24 certificate of registration must be in an amount not to exceed seven hundred
25 dollars (\$700);

26 (8) Each firm holding a certificate of registration for
27 installing or servicing fire protection sprinkler systems shall employ at all
28 times at least one responsible managing employee who must obtain a license
29 issued by the board and conditioned on the successful completion of the
30 requirements prescribed by this subchapter and the rules and regulations
31 adopted by the board and by payment of the following fees:

32 (A) An examination fee not to exceed one hundred dollars
33 (\$100) per examination shall be paid each and every time an applicant takes an
34 examination;

35 (B) A license fee not to exceed three hundred dollars

1 (\$300) shall be paid for issuance of the initial license and each renewal
2 thereof."

3

4 SECTION 8. Arkansas Code 20-22-611(a) is amended to read as follows:

5 "(a) For a license to service portable fire extinguishers, a person
6 must:

7 (1) achieve a passing score on an examination based on the rules
8 and regulations of the board, and

9 (2) maintain in force at all times while licensed a public
10 liability insurance policy covering their operations and completed operations,
11 with a minimum limit of liability of three hundred thousand dollars (\$300,000)
12 per occurrence for bodily injury and fifty thousand dollars (\$50,000) per
13 occurrence for property damage, or a single limit of liability for bodily
14 injury and property damage of three hundred thousand (\$300,000) per occurrence
15 and file and maintain a certificate of insurance with the board. This
16 provision does not apply to fire departments licensed under 20-22-603(a)(5)."

17

18 SECTION 9. All provisions of this act of a general and permanent nature
19 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
20 Revision Commission shall incorporate the same in the Code.

21

22 SECTION 10. If any provision of this act or the application thereof to
23 any person or circumstance is held invalid, such invalidity shall not affect
24 other provisions or applications of the act which can be given effect without
25 the invalid provision or application, and to this end the provisions of this
26 act are declared to be severable.

27

28 SECTION 11. All laws and parts of laws in conflict with this act are
29 hereby repealed.

30

31

32

33

34

35

1
2
3
4
5
6
7
8
9

/s/V. O. Calhoun