

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

# A Bill

**ACT 1215 OF 1993**  
**HOUSE BILL 1914**

## For An Act To Be Entitled

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

### Subtitle

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

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

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

"§ 20-22-602. Definitions.

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

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

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

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

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

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

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

(7) Service and servicing means servicing or physically installing

1 portable fire extinguishers or fixed fire extinguisher systems by charging,  
2 filling, maintaining, recharging, refilling, repairing, hanging, locating, or  
3 retesting;

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

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

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

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

17

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

19 "§ 20-22-603. Exceptions.

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

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

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

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

32 (4) Firms engaged in the retailing or wholesaling of portable  
33 fire extinguishers as defined in § 20-22-602, but not engaged in the  
34 installing, servicing, or recharging of them, shall only be exempt from the  
35 registration and licensing provisions as outlined in § 20-22-610, but all

1 other provisions of this subchapter shall apply;

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

8 At least one (1) member of each fire department servicing portable  
9 extinguishers holds a license issued by the board.

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

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

22           (B) These standpipe and hose systems shall:

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

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

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

33           (C) The Board may conduct hearings or proceedings  
34 concerning any person or firm violating the provisions of this section and  
35 fine them not less than twenty-five dollars (\$25.00) nor more than three

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

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

12

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

14 "§ 20-22-604. Penalties.

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

27

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

29 "§ 20-22-606. Arkansas Fire Protection Licensing Board - Creation -  
30 Members.

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

34 (1) One (1) member shall be appointed from each of the four (4)  
35 congressional districts, and of these members, one (1) member of the board

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

3 (A) The servicing of portable fire extinguishers;

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

6 (C) Fire extinguisher manufacturing;

7 (D) Fire insurance inspection or underwriting; or

8 (E) Fire services.

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

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

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

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

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

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

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

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

29

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

31 "§ 20-22-607. Arkansas Fire Protection Licensing Board - Powers and  
32 duties.

33 The board shall:

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

35 necessary for the protection and preservation of life and property, in regard

1 to:

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

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

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

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

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

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

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

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

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

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

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

4 (1) Engage in the business of servicing portable fire  
5 extinguishers without a current certificate of registration and unless covered  
6 by liability insurance with policy limits no less than three hundred thousand  
7 dollars (\$300,000);

8 (2) Engage in the business of installing or servicing fixed fire  
9 extinguisher systems without a current certificate of registration;

10 (3) Service portable fire extinguishers or fixed fire  
11 extinguisher systems without a current license;

12 (4) Perform hydrostatic testing of portable fire extinguishers  
13 manufactured in accordance with the specifications of the United States  
14 Department of Transportation without a current hydrostatic testing  
15 certificate;

16 (5) Obtain or attempt to obtain a certificate of registration or  
17 license by fraudulent representation;

18 (6) Sell, service, or install portable fire extinguishers or  
19 fixed fire extinguisher systems or fire protection sprinkler systems contrary  
20 to the provisions of this subchapter or the policies formulated and  
21 administered under the authority of this subchapter;

22 (7) Engage in the business of installing or servicing fire  
23 protection sprinkler systems without a current certificate of registration and  
24 without employing a full-time licensed responsible managing employee."  
25

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

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

34 (1) Each firm engaged in the business of servicing portable fire  
35 extinguishers or installing or servicing fixed fire extinguisher systems in

1 this state shall obtain a certificate of registration and shall pay the  
2 following fees:

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

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

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

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

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

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

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

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



1 board for an apprentice permit.

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

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

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

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

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

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

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

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

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

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

34 (B) A license fee not to exceed three hundred dollars  
35 (\$300) shall be paid for issuance of the initial license and each renewal

1 thereof."

2

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

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

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

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

16

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

20

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

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

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*/s/V. O. Calhoun*

***As Engrossed: 3/15/93 3/22/93***

**HB 1914**

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APPROVED: 4/19/93