

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.  
Act 422 of the Regular Session

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009

# A Bill

SENATE BILL 113

4  
5 By: Senator T. Smith  
6 By: Representative Saunders

## For An Act To Be Entitled

7  
8  
9  
10 AN ACT TO AMEND TITLE 20, CHAPTER 22, SUBCHAPTER  
11 6 OF THE ARKANSAS CODE; CONCERNING FIRE  
12 EXTINGUISHERS, FIXED FIRE PROTECTION SYSTEMS, AND  
13 FIRE PROTECTION SPRINKLER SYSTEMS; AND FOR OTHER  
14 PURPOSES.

## Subtitle

15  
16  
17 AMENDING PROVISIONS OF ARKANSAS LAW  
18 CONCERNING FIRE EXTINGUISHERS, FIXED  
19 FIRE PROTECTION SYSTEMS, AND FIRE  
20 PROTECTION SPRINKLER SYSTEMS.

21  
22  
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24  
25 SECTION 1. Arkansas Code § 20-22-601 is amended to read as follows:  
26 20-22-601. Legislative intent.

27 It is the purpose and intent of this subchapter to provide for  
28 monitoring the sale, installation, and servicing of portable fire  
29 extinguishers and the sale, installation, and servicing of fixed fire  
30 ~~extinguisher~~ protection systems and the planning, sale, installation, ~~or~~ and  
31 servicing of fire protection sprinkler systems and to provide for the  
32 registration, ~~and~~ licensure, and monitoring of businesses and persons  
33 providing the services, in order to protect and promote public safety by  
34 minimizing personal injury and property damages which might result from  
35 inadequate, unreliable, unsafe, or improperly installed or maintained



1 portable fire extinguishers, fixed fire ~~extinguisher~~ protection systems, or  
 2 fire protection sprinkler systems.

3  
 4 SECTION 2. Arkansas Code § 20-22-602 is amended to read as follows:

5 20-22-602. Definitions.

6 As used in this subchapter:

7 (1) "Board" means the Arkansas Fire Protection Licensing Board;

8 (2) "Fire marshal" means the State Fire Marshal;

9 (3) "Fire protection sprinkler system" means:

10 (A) An assembly of underground ~~or~~, overhead, or other  
 11 piping or conduits that convey water with or without other agents to  
 12 ~~dispersal openings~~ fire sprinkler heads, fire sprinkler nozzles, interior  
 13 fire hoses, or other devices in order to extinguish, control, or contain fire  
 14 and so provide protection from exposure to fire or the products of  
 15 combustion; and

16 (B) A standpipe and hose system as defined under the  
 17 provisions of National Fire Protection Association pamphlet number fourteen  
 18 (No. 14);

19 (4) "Fire protection sprinkler systems inspector" means a person  
 20 who is employed full time by a licensed fire protection sprinkler contractor  
 21 in the State of Arkansas and who has met the requirements to perform  
 22 inspections of fire protection sprinkler systems in accordance with this  
 23 subchapter;

24 (5) "Fire protection sprinkler system business" means those  
 25 firms engaged in the planning, selling, installing, maintaining, inspecting,  
 26 and servicing of fire protection sprinkler systems;

27 ~~(5)(6)~~ (6) "Firm" means any person, partnership, corporation, or  
 28 association;

29 ~~(6)(7)~~ (7) "Fixed fire ~~extinguisher~~ protection systems" means those  
 30 fire extinguisher or fire suppression systems ~~such as, but not limited to~~  
 31 including without limitation:

32 ~~(A) Those installed in exhaust systems designed for~~  
 33 ~~removal of smoke and grease laden vapors from commercial cooking equipment~~  
 34 ~~which protect the hoods and ducts~~ Those fire extinguishing or fire  
 35 suppression systems installed to protect the hoods and ductwork of exhaust  
 36 systems designed for the removal of smoke and grease-laden vapors from

1 commercial cooking equipment; and

2 (B) Those listed or approved fire ~~extinguisher protection~~  
3 systems or suppression systems installed and maintained according to the  
4 standards adopted in the rules ~~and regulations~~ of the ~~board~~ Arkansas Fire  
5 Protection Licensing Board;

6 ~~(7)~~(8) "Hydrostatic testing" means pressure testing by  
7 hydrostatic methods;

8 ~~(8)~~(9) "NICET" means the National Institute for the  
9 Certification in Engineering Technologies;

10 ~~(9)~~(10) "Portable fire extinguisher" means any device that  
11 contains within it chemicals, fluids, powder, liquids, or gases for  
12 extinguishing fires;

13 ~~(10)~~(11) "Responsible managing employee" means an individual who  
14 is a full-time licensed employee of a registered fire sprinkler system  
15 business firm ~~holding a certificate of registration for installing or~~  
16 ~~servicing fire protection sprinkler systems~~ and who is designated by the firm  
17 to be responsible for ~~making sure that~~ assuring that all installations and  
18 servicing of fire protection sprinkler systems is ~~done~~ performed in  
19 accordance with ~~this subchapter~~ all applicable provisions, rules, and  
20 guidelines; and

21 ~~(11)~~(12) "Service and servicing" means ~~servicing or~~ physically  
22 installing portable fire extinguishers, ~~or~~ fixed fire ~~extinguisher protection~~  
23 systems, or fire protection sprinkler systems by charging, filling,  
24 maintaining, recharging, refilling, repairing, hanging, locating, or  
25 retesting the portable fire extinguisher, fixed fire protection system, or  
26 fire protection sprinkler system.

27  
28 SECTION 3. Arkansas Code § 20-22-603 is amended to read as follows:  
29 20-22-603. Exceptions.

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

31 (1) The filling or charging of a portable fire extinguisher by  
32 the manufacturer ~~prior to~~ before its initial sale;

33 (2) The ~~servicing~~ visual inspections by a firm of its own  
34 portable fire extinguishers, fixed fire protection systems, or fire  
35 protection sprinkler systems by its own personnel ~~specifically trained for that~~  
36 ~~servicing~~ who are specifically trained to conduct visual inspections;

1           (3) The hydrostatic testing by a firm of its own United States  
2 Department of Transportation-specification compressed gas cylinders used for  
3 or with fire extinguishers or its own pressure vessels, other than  
4 department-specification cylinders used as fire extinguishers, when the  
5 testing is performed by personnel of the firm who have been specially trained  
6 to perform the testing;

7           (4) Firms engaged in the retailing or wholesaling of portable  
8 fire extinguishers as defined in § 20-22-602(11) but not engaged in the  
9 installing, servicing, or recharging of portable fire extinguishers shall  
10 only be exempt from the registration and licensing provisions as outlined in  
11 § 20-22-610, but all other provisions of this subchapter shall apply; and

12           (5) Fire departments recharging portable fire extinguishers ~~as a~~  
13 ~~public service when a nominal charge or no charge is made~~ for fire department  
14 use only, provided that if:

15           (A) ~~The members of the~~ fire department personnel  
16 performing the services are trained in the proper filling and recharging of  
17 the portable fire extinguishers;

18           (B) ~~The servicing~~ All work is performed according to the  
19 standards adopted and the rules ~~and regulations~~ of the Arkansas Fire  
20 Protection Licensing Board, ~~specifically to~~ and the National Fire Protection  
21 Association pamphlet number ten (No. 10), ~~"Portable Fire Extinguishers"; and~~

22           (C) ~~(i) At least one (1) member of each fire department~~  
23 ~~servicing portable fire extinguishers~~ Each of the fire department personnel  
24 performing the filling and recharging of the portable fire extinguishers  
25 holds a current applicable individual license issued by the board.

26           (ii) Only portable fire extinguishers owned by the  
27 particular fire department are subject to this exception; and

28           (D) All registration and licensure fees for licenses  
29 issued for these individual licenses are waived.

30           (6) The hydrostatic testing (Class A Hydro list) by a firm of  
31 United States Department of Transportation specification compressed gas  
32 cylinder used for or with a portable fire extinguishers or a fixed fire  
33 protection system owned by other firms or individuals:

34           (A) When the testing is performed by personnel who have  
35 been specifically trained to perform the testing;

36           (B) When the firm is currently licensed or permitted by

1 the United States Department of Transportation to perform Class A Hydro  
 2 tests; and

3 (C) Where the hydrostatic testing of the cylinders is the  
 4 only service performed on behalf of the individual or firm or their agent  
 5 which owns the cylinder.

6 ~~(b) However, all persons and firms shall comply with all the~~  
 7 ~~provisions of § 20-22-613(a), (b), and (c).~~

8 ~~(c) The board may conduct hearings or proceedings concerning any~~  
 9 ~~person or firm violating this section and fine the firm not less than twenty-~~  
 10 ~~five dollars (\$25.00) nor more than three hundred dollars (\$300) for a first~~  
 11 ~~offense and for a second offense committed within five (5) years not less~~  
 12 ~~than three hundred dollars (\$300) nor more than one thousand dollars~~  
 13 ~~(\$1,000). Additionally, the board may require the firm to pay all necessary~~  
 14 ~~and proper costs incurred in correcting any action or work performed by them~~  
 15 ~~in violation of this section. Third and subsequent violations within a five-~~  
 16 ~~year period shall be considered a misdemeanor and punishable by a fine of not~~  
 17 ~~less than one thousand dollars (\$1,000) or imprisonment in the county jail~~  
 18 ~~for not less than one (1) month nor more than six (6) months, or both.~~

19  
 20 SECTION 4. Arkansas Code § 20-22-604 is amended to read as follows:

21 20-22-604. Penalties.

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

34 (a) The Arkansas Fire Protection Licensing Board may, in a lawful  
 35 proceeding respecting licensing as defined in the Arkansas Administrative  
 36 Procedures Act, § 25-15-201 et seq. in addition to or in lieu of any other

1 lawful disciplinary action, assess a civil penalty of not more than one  
 2 thousand dollars (\$1,000) for each violation of any statute, rule, or order  
 3 enforceable by the Fire Protection Licensing Board.

4 (b) In addition to the penalties under subsection (a) of this section,  
 5 the board also may take action against any firm or individual by suspending  
 6 or revoking the firm's or individual's license; placing the firm or  
 7 individual on probation; or refusing to issue new or renewal licenses or  
 8 certificates.

9 (b) The board may require a firm to pay all necessary and proper costs  
 10 incurred in correcting action or work performed by it in violation of a  
 11 statute, rule, or order enforceable by the board.

12  
 13 SECTION 5. Arkansas Code § 20-22-606 is amended to read as follows:  
 14 20-22-606. Arkansas Fire Protection Licensing Board - Creation -  
 15 Members.

16 (a)(1) There is created the Arkansas Fire Protection Licensing Board,  
 17 which shall be composed of eleven (11) members who are residents of the  
 18 state, ~~to~~ and who shall be appointed by the Governor for terms of five (5)  
 19 years, ~~as follows+.~~

20 ~~(1) One (1) member shall be appointed from each of the four (4)~~  
 21 ~~congressional districts, and of these members, one (1) member shall be an~~  
 22 ~~industrial safety engineer; and~~

23 ~~(2)(A) Each of the other members shall be experienced and~~  
 24 ~~knowledgeable in one (1) or more of the following areas+:~~

25 ~~(i) The servicing of portable fire extinguishers;~~

26 ~~(ii) The installation or servicing of fixed fire~~  
 27 ~~extinguisher systems;~~

28 ~~(iii) Fire extinguisher manufacturing;~~

29 ~~(iv) Fire insurance inspection or underwriting; or~~

30 ~~(v) Fire services.~~

31 ~~(B)(i) One (1) member shall be the State Fire Marshal.~~

32 ~~(ii) One (1) member shall be a representative of an~~  
 33 ~~association of fire chiefs.~~

34 ~~(iii) One (1) member shall be a representative of~~  
 35 ~~the fire insurance industry.~~

36 ~~(iv) Two (2) members shall be representatives of~~

1 ~~large industrial users of fire extinguisher equipment or restaurant~~  
 2 ~~associations.~~

3 ~~(v) Two (2) members shall be experienced,~~  
 4 ~~knowledgeable, and active in the installation or servicing of fire protection~~  
 5 ~~sprinkler systems. The eleven (11) members shall be constituted as follows:~~

6 (A) One (1) member shall be an industrial safety  
 7 representative;

8 (B) One (1) member shall be the State Fire Marshal;

9 (C) One (1) member shall be a representative of a state  
 10 association of fire chiefs;

11 (D) One (1) member shall be a representative of the fire  
 12 insurance industry;

13 (E) Two (2) members shall be representatives of large  
 14 industrial users of fire suppression equipment;

15 (F) One (1) member shall be a representative of a  
 16 restaurant association;

17 (G) Two (2) members shall be active in the installation  
 18 and servicing of portable fire extinguishers or fixed fire protection  
 19 systems; and

20 (H) Two (2) members shall be active in the installation  
 21 and servicing of fire protection sprinkler systems.

22 (2) Each of the four (4) congressional districts in the state  
 23 shall be represented by at least one (1) member.

24 (3) Each of the members shall be experienced and knowledgeable  
 25 in one (1) or more of the following areas:

26 (A) The installation or servicing of:

27 (i) Portable fire extinguishers;

28 (ii) Fixed fire protection systems; and

29 (iii) Fire protection sprinkler systems;

30 (B) The manufacturing of fire suppression equipment;

31 (C) The fire insurance industry;

32 (D) The use of fire suppression equipment by the food  
 33 service industry; or

34 (E) The provision of fire suppression services by a fire  
 35 department.

36 (b) Each member may receive expense reimbursement and stipends in

1 accordance with § 25-16-901 et seq.

2 (c)(1) ~~In addition, the~~ The board may expend moneys as necessary for  
3 stationery, office supplies, application forms, equipment, and other  
4 materials necessary for the board to carry out its duties.

5 (2) The expense reimbursement and stipends authorized by § 25-  
6 16-901 et seq. and the expense for necessary miscellaneous office supplies,  
7 forms, equipment, and other necessary materials shall be paid from the fees  
8 and fines collected by the board.

9 (d)(1) ~~The secretary of the board shall receive additional salary as~~  
10 ~~may be fixed by the board~~ The board shall employ an executive director, chief  
11 board investigator, and other staff as necessary whose compensation shall be  
12 set by the board.

13 (2) The staff shall be paid from fees and fines collected by the  
14 board.

15

16 SECTION 7. Arkansas Code § 20-22-607 is amended to read as follows:

17 20-22-607. Arkansas Fire Protection Licensing Board - Powers and  
18 duties.

19 The Arkansas Fire Protection Licensing Board shall:

20 (1) Formulate and administer ~~such~~ policies as may be determined  
21 necessary for the protection and preservation of life and property in regard  
22 to:

23 (A) The registration of firms engaging in the business of  
24 installing or servicing, or both, portable fire extinguishers ~~or~~ and of firms  
25 engaging or in the business of installing and ~~maintaining~~ servicing fixed  
26 fire ~~extinguisher~~ protection systems;

27 (B) The registration of firms ~~engaged~~ engaging in the  
28 business of hydrostatic testing of portable fire extinguishers. However, no  
29 person or firm shall be granted a Class A hydrostatic testing certificate  
30 until the applicant submits proof satisfactory to the board that the test  
31 equipment of the applicant has been tested and certified by the United States  
32 Department of Transportation;

33 (C) The examination and licensure of persons applying for  
34 a license to install or service, or both, portable fire extinguishers and of  
35 a person applying for a license to install or service, or both, fixed fire  
36 ~~extinguisher~~ protection systems;



1 (D) The registration of firms ~~engaged~~ engaging in the  
 2 business of installing, ~~or~~ servicing, or any aspect of fire protection  
 3 sprinkler systems, including standpipe and hose systems;

4 (E) The examination and ~~licensing~~ licensure of ~~any person~~  
 5 a person desiring to be licensed applying for a license as a responsible  
 6 managing employee for the purpose of designing, inspecting, installing, or  
 7 servicing fire protection sprinkler systems, including standpipe and hose  
 8 systems; and

9 (F) The examination and ~~licensing~~ licensure of ~~persons a~~  
 10 person desiring to be licensed applying for a license as a fire protection  
 11 sprinkler systems inspectors for the purpose of ~~inspection~~ installing,  
 12 servicing, or inspecting ~~of~~ fire protection sprinkler systems, including  
 13 standpipe and hose systems;

14 (2) Establish reasonable qualifications for firms ~~or~~ and  
 15 individuals for the issuance of a certificate of registration or individual  
 16 license to engage in any aspect of the business of ~~servicing~~ portable fire  
 17 extinguishers, ~~installing~~ fixed fire ~~extinguisher~~ protection systems, or  
 18 ~~installing or servicing~~ fire protection sprinkler systems;

19 (3) Conduct examinations to ascertain the qualifications and  
 20 fitness of individual applicants ~~for a license to~~ install or service portable  
 21 fire extinguishers, install or service fixed fire ~~extinguisher~~ protection  
 22 systems, or install, or service, inspect, or design fire protection sprinkler  
 23 systems;

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

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

35 (6)(A) Regulate and license as a part of a fire protection  
 36 sprinkler system the installation, ~~servicing~~ service, and maintenance of a

1 standpipe and hose system as defined under the ~~provisions of~~ National Fire  
2 Protection Association pamphlet number fourteen (No. 14).

3 (B)(i) The installation, ~~servicing~~ service, and  
4 maintenance of a standpipe and hose system shall be performed by a licensed  
5 fire protection sprinkler contractor. A licensed fire protection sprinkler  
6 contractor is not required to perform hydrostatic testing of the standpipe  
7 hose, repair of the standpipe hose or maintenance of the standpipe hose.

8 (ii) ~~However, the design of the standpipe~~ The  
9 standpipe and hose system shall be:

10 (a) Designed, installed, and tested ~~according~~  
11 in accordance with ~~to~~ the standards adopted in the "Rules and Regulations  
12 Applicable to Fire Protection Sprinkler Systems" of the board and,  
13 ~~specifically, the provisions~~ in accordance with the applicable of the  
14 ~~appropriate~~ National Fire Protection Association pamphlets; and

15 (b) Designed by an Arkansas-licensed  
16 responsible managing employee or a registered professional engineer licensed  
17 by the State of Arkansas; ~~and.~~

18 ~~(c) Installed by a fire sprinkler contractor~~  
19 ~~licensed by the board.~~

20  
21 SECTION 8. Arkansas Code § 20-22-608 is amended to read as follows:

22 20-22-608. State Fire Marshal - Powers and duties.

23 The State Fire Marshal shall advise ~~with~~ and assist the Arkansas Fire  
24 Protection Licensing Board in the adoption of policies and procedures for the  
25 effective monitoring of the sale, installation, and servicing of portable  
26 fire extinguishers, the sale, installation, and servicing of fixed fire  
27 extinguisher protection systems, and the design, installation, inspection,  
28 servicing, and maintenance of fire protection sprinkler systems, including  
29 standpipe and hose systems, and for the registration and licensing of  
30 ~~businesses and persons~~ firms and individuals providing these goods and  
31 services.

32  
33 SECTION 9. Arkansas Code § 20-22-609 is amended to read as follows:

34 20-22-609. License, permit, or certificate required - Compliance with  
35 subchapter - Penalties.

36 ~~(a)~~ Except as provided in §§ 20-22-603 and § 20-22-613, no person may

1 do any of the following:

- 2 (1) Engage in the business of installing or servicing portable  
 3 fire extinguishers without a current certificate of registration ~~and unless~~  
 4 ~~covered by liability insurance with policy limits no less than three hundred~~  
 5 ~~thousand dollars (\$300,000);~~
- 6 (2) Engage in the business of installing or servicing fixed fire  
 7 ~~extinguisher~~ protection systems without a current certificate of  
 8 registration;
- 9 (3) ~~Service~~ Install or service portable fire extinguishers or  
 10 fixed fire ~~extinguisher~~ protection systems without a current individual  
 11 license;
- 12 (4) Perform hydrostatic testing of any portable fire  
 13 ~~extinguishers~~ extinguisher or any fire extinguisher system cylinder  
 14 ~~manufactured in accordance with the specifications of the United States~~  
 15 ~~Department of Transportation~~ without a current hydrostatic testing  
 16 certificate;
- 17 (5) Obtain or attempt to obtain a certificate of registration or  
 18 individual license by fraudulent representation, fraudulent examination or  
 19 testing, misconduct, or irregularity;
- 20 (6) Sell, service, or install portable fire extinguishers ~~or,~~  
 21 fixed fire ~~extinguisher~~ protection systems, or fire protection sprinkler  
 22 systems contrary to this subchapter or the policies formulated and  
 23 administered under the authority of this subchapter;
- 24 (7) Engage in ~~the business of installing or servicing fire~~  
 25 ~~protection sprinkler systems~~ any fire sprinkler system business without a  
 26 current certificate of registration and without employing a full-time  
 27 licensed responsible managing employee; ~~and~~
- 28 (8) Engage in the inspection of fire protection sprinkler  
 29 systems without employing a full-time licensed fire sprinkler systems  
 30 inspector; and
- 31 (9) Engage in any business or activity licensed or permitted by  
 32 the Arkansas Fire Protection Licensing Board without maintaining in force at  
 33 all times a public liability insurance policy, with minimum coverage limits  
 34 as set by the board, covering the person's operations and completed  
 35 operations.
- 36 ~~(b)(1) The Arkansas Fire Protection Licensing Board may conduct~~

1 ~~hearings or proceedings concerning complaints filed, as provided for in this~~  
 2 ~~subchapter, against any licensed person or firm and suspend or revoke their~~  
 3 ~~license, place the firm on probation, fine the firm not less than twenty-five~~  
 4 ~~dollars (\$25.00) nor more than three hundred dollars (\$300) for a first~~  
 5 ~~offense and for a second offense committed within five (5) years not less~~  
 6 ~~than three hundred dollars (\$300) nor more than one thousand dollars~~  
 7 ~~(\$1,000).~~

8 ~~(2) Additionally, the board may require the firm to pay all~~  
 9 ~~necessary and proper costs incurred in correcting any action or work~~  
 10 ~~performed by the firm in violation of this subchapter. The board may refuse~~  
 11 ~~to issue new or renewal licenses, apprentice permits, hydrostatic testing~~  
 12 ~~certificates, or certificates of registration issued under this subchapter.~~

14 SECTION 10. Arkansas Code § 20-22-610 is amended to read as follows:

15 20-22-610. License, permit, or certificate - Application - Fees.

16 (a) Applications for licenses, permits, and certificates provided for  
 17 in this section shall be made ~~pursuant to and in accordance with~~ under  
 18 policies adopted by the Arkansas Fire Protection Licensing Board and shall be  
 19 submitted as on forms prescribed by the board.

20 (b)(1) Each firm or person desiring to engage in or to continue to  
 21 engage in the business of installing or servicing portable fire  
 22 extinguishers, selling, installing, or servicing fixed fire ~~extinguisher~~  
 23 protection systems, performing hydrostatic testing of fire extinguishers or  
 24 fire extinguisher cylinders, or ~~installing or servicing~~ planning, selling,  
 25 installing, maintaining, inspecting, or servicing fire protection sprinkler  
 26 systems in the State of Arkansas ~~shall~~ as a condition of engaging or  
 27 continuing to engage in such a business ~~or occupation~~ shall obtain from the  
 28 board a certificate of registration ~~or a license~~ and appropriate individual  
 29 licenses as prescribed in this ~~section~~ subchapter.

30 (2) Each firm engaged in the business of installing or servicing  
 31 portable fire extinguishers or selling, installing, or servicing fixed fire  
 32 ~~extinguisher~~ protection systems ~~in this state~~ shall obtain a certificate of  
 33 registration and shall pay the following fees:

34 (A) For engaging in the business of installing or  
 35 servicing portable fire extinguishers, the fee for the initial certificate of  
 36 registration shall be no more than ~~three hundred dollars (\$300)~~ five hundred

1 dollars (\$500), and the annual renewal fee shall be no more than ~~three~~  
 2 ~~hundred dollars (\$300)~~ five hundred dollars (\$500); and

3 (B) For engaging in the business of selling, installing,  
 4 or servicing fixed fire extinguisher protection systems, the fee for the  
 5 initial certificate of registration shall be no more than ~~three hundred~~  
 6 ~~dollars (\$300)~~ five hundred dollars (\$500), and the annual renewal fee shall  
 7 be no more than ~~three hundred dollars (\$300)~~ five hundred dollars (\$500).

8 (3) Each employee of a registered firm engaging in the business  
 9 ~~of who engages in installing or servicing portable fire extinguishers or~~  
 10 selling, installing, or servicing fixed fire extinguishers protection systems  
 11 ~~who services or installs such fire extinguishers~~, other than an apprentice,  
 12 shall obtain a an individual license ~~therefore~~ and pay the following fees:

13 (A) For a license to install or service portable fire  
 14 extinguishers, an initial fee of no more than ~~thirty dollars (\$30.00)~~ one  
 15 hundred dollars (\$100), and for each annual renewal thereof a fee of no more  
 16 than ~~thirty dollars (\$30.00)~~ fifty dollars (\$50.00); and

17 (B) For a license to sell, install, or service fixed fire  
 18 ~~extinguisher protection~~ systems, an initial fee of no more than ~~thirty~~  
 19 ~~dollars (\$30.00)~~ one hundred dollars (\$100), and an annual renewal fee of no  
 20 more than ~~thirty dollars (\$30.00)~~ fifty dollars (\$50.00).

21 (4) Each firm performing hydrostatic testing of United States  
 22 Department of Transportation specification compressed gas cylinders used for  
 23 or with portable fire extinguishers or for or with fixed fire protection  
 24 systems, as a condition of engaging in such a business, shall obtain a Class  
 25 A hydrostatic testing certificate ~~and shall pay therefore an~~ for which the  
 26 initial fee shall be no more than ~~of one hundred dollars (\$100)~~ two hundred  
 27 dollars (\$200) and an annual renewal fee ~~of seventy five dollars (\$75.00)~~  
 28 shall be no more than one hundred dollars (\$100).

29 (5) Each firm performing hydrostatic testing of pressure vessels  
 30 used ~~as~~ for or with portable fire extinguishers or for or with fixed fire  
 31 protection systems, other than the United States Department of Transportation  
 32 specification compressed gas cylinders, shall obtain a Class B hydrostatic  
 33 testing certificate as a condition of engaging in such a business, ~~shall~~  
 34 ~~obtain a Class B hydrostatic testing certificate and shall pay therefore an~~  
 35 for which the initial fee ~~of fifty dollars (\$50.00)~~ shall be no more than one  
 36 hundred dollars (\$100) and an annual renewal fee shall be ~~of twenty five~~

1 ~~dollars (\$25.00)~~ no more than fifty dollars (\$50.00).

2 ~~(6)(A) Each person servicing portable fire extinguishers or~~  
 3 ~~fixed fire extinguisher systems as an apprentice shall, before servicing any~~  
 4 ~~portable fire extinguisher or any fixed fire extinguisher system, shall apply~~  
 5 ~~to the board for an apprentice permit.~~

6 (6)(A) An employee of a registered firm who has been issued an  
 7 apprentice permit may sell, service, and install portable fire extinguishers  
 8 and fixed fire protection systems under the direct supervision of a licensed  
 9 employee.

10 (B) Each application for an apprentice permit shall be:

11 (i) Made by a registered firm; and

12 ~~(ii) accompanied~~ Accompanied by a fee of no more  
 13 than fifteen dollars (\$15.00) ~~thirty dollars (\$30.00).~~

14 (C) A copy of the application may be used by the applicant  
 15 as proof of ~~his or her being temporarily licensed as an apprentice a~~  
 16 temporary permit until the official apprentice permit is issued or denied by  
 17 the board.

18 (D) A copy of the application or the ~~An~~ apprentice permit  
 19 ~~shall be~~ is valid for one (1) year from the date of issue and ~~shall not be~~ is  
 20 not renewable.

21 (7)(A)(i) ~~Each person~~ employee of a registered firm desiring to  
 22 take an examination in order to obtain a license as required in this  
 23 subchapter, except a license for fire protection sprinkler systems, shall  
 24 ~~make application~~ apply to the ~~board's secretary~~ board and pay a fee ~~not to~~  
 25 ~~exceed fifteen dollars (\$15.00) per individual examination section with a~~  
 26 ~~maximum not to exceed fifty dollars (\$50.00) for all sections taken at the~~  
 27 ~~same time~~ an initial testing fee of no less than thirty dollars (\$30.00) per  
 28 examination nor more than one hundred dollars (\$100) per examination.

29 (B) ~~It is further provided that the~~ Testing fees are to be  
 30 paid each separate time an examination or series of examinations ~~is~~ are  
 31 taken.

32 (8) Each firm engaged in ~~the business of installing or servicing~~  
 33 ~~fire protection sprinkler systems in this state~~ a fire protection sprinkler  
 34 business in the state shall obtain a certificate of registration and shall  
 35 pay the following fees:

36 (A) An initial application fee ~~for the certificate of~~

1 ~~registration shall be in an amount~~ not to exceed one hundred dollars (\$100)  
2 for the certificate of registration; and

3 (B) ~~A fee for issuance of either the initial or renewal~~  
4 ~~certificate of registration shall be in an amount~~ not to exceed ~~seven hundred~~  
5 ~~dollars (\$700)~~ one thousand dollars (\$1,000) for the issuance of either the  
6 initial certificate of registration or any annual renewal of the certificate  
7 of registration.

8 (9) Each firm holding a certificate of registration for  
9 ~~installing or servicing fire protection sprinkler systems~~ a fire protection  
10 sprinkler system business shall ~~have~~ at all times employ at least one  
11 responsible managing employee who ~~a licensed fire sprinkler systems inspector~~  
12 ~~before engaging in the inspection of fire sprinkler systems and shall obtain~~  
13 must obtain a license issued by the board ~~a license issued by the board and~~  
14 ~~conditioned on the~~ after successful completion of the requirements ~~prescribed~~  
15 in by this subchapter and under the rules ~~and regulations adopted by~~ of the  
16 board and ~~on~~ by payment of the following fees:

17 (A) An examination fee not to exceed ~~one hundred dollars~~  
18 ~~(\$100)~~ two hundred dollars (\$200) per examination ~~shall~~ to be paid each time  
19 an ~~applicant~~ examination is taken ~~an examination taken;~~ and

20 (B) A license fee not to exceed ~~three hundred dollars~~  
21 ~~(\$300)~~ five hundred dollars (\$500) shall be paid for issuance of the initial  
22 license and each annual renewal thereof.

23  
24 SECTION 11. Arkansas Code § 20-22-611 is amended to read as follows:  
25 20-22-611. License, permit, or certificate - Qualifications.

26 (a) For a license to install or service portable fire extinguishers,  
27 for a license to sell, install, or service fixed fire protection systems, or  
28 for a license as a responsible managing employee or as a fire protection  
29 sprinkler system inspector, a person shall:

30 (1) Achieve a passing score on an examination based on the rules  
31 adopted and regulations of by the Arkansas Fire Protection Licensing Board;

32 (2) Be employed by a registered firm; and

33 (3) Pay all required testing and licensing fees.

34 ~~(2)(b)~~ Maintain A firm shall:

35 (1) Maintain in force at all times while licensed a public  
36 liability insurance policy covering its operations and completed operations

1 with a minimum limit of liability of ~~three hundred thousand dollars~~  
 2 ~~(\$300,000)~~ one million dollars (\$1,000,000) per occurrence for bodily injury  
 3 and ~~fifty thousand dollars (\$50,000)~~ one hundred thousand dollars (\$100,000)  
 4 per occurrence for property damage or a single limit of liability for bodily  
 5 injury and property damage of ~~three hundred thousand dollars (\$300,000)~~ one  
 6 million dollars (\$1,000,000) per occurrence; and

7 ~~(3)~~(2) A current certificate of insurance shall be Filed filed  
 8 and ~~maintain a certificate of insurance~~ maintained with the board.

9 ~~(b) To obtain a license for a fire sprinkler systems inspector, an~~  
 10 ~~individual shall:~~

11 ~~(1) Be employed by a registered fire sprinkler contractor; and~~

12 ~~(2) Pass an examination based on the rules and regulations~~  
 13 ~~adopted by the board.~~

14 ~~(c) This section does not apply to fire departments licensed under §~~  
 15 ~~20-22-603(a)(5).~~

16  
 17 SECTION 12. Arkansas Code § 20-22-612 is amended to read as follows:  
 18 20-22-612. License, permit, or certificate - Previously engaged  
 19 persons.

20 Notwithstanding the provisions of this subchapter, if any person or  
 21 firm engaged in the business on January 1, 1977, of servicing portable fire  
 22 extinguishers, installing or servicing fixed fire ~~extinguishers~~ protection  
 23 systems, or performing hydrostatic testing of fire extinguishers derived  
 24 twenty-five percent (25%) or more of the personal or firm income from  
 25 servicing portable fire extinguishers or installing or servicing fixed fire  
 26 ~~extinguishers~~ protection systems or hydrostatic testing of fire extinguishers  
 27 during the 1976 calendar year, the person or firm shall be registered or  
 28 issued a license to continue in the business upon payment of the annual  
 29 registration or license fee prescribed in this subchapter for the particular  
 30 type of business, ~~provided that~~ if the applicant's qualifications meet those  
 31 requirements established by the Arkansas Fire Protection Licensing Board.

32  
 33 SECTION 13. Arkansas Code § 20-22-613 is amended to read as follows:  
 34 20-22-613. ~~Prohibited acts~~ Actions.

35 (a) No portable fire extinguisher or fixed fire ~~extinguisher~~  
 36 protection system may be sold or installed in this state unless it carries a



1 label of approval of a nationally recognized testing laboratory approved by  
 2 the Arkansas Fire Protection Licensing Board, ~~provided that the board may~~  
 3 ~~allow the installation of a fixed fire extinguisher system other than one (1)~~  
 4 ~~of those enumerated in § 20-22-602(4).~~

5 (b) No soda acid or foam acid type fire extinguisher shall be sold or  
 6 offered for sale in this state.

7 (c) Every person or firm servicing any portable fire extinguisher in  
 8 this state shall service the portable fire extinguisher ~~in accordance with~~  
 9 under the standards and procedures prescribed in the rules ~~and regulations~~ of  
 10 the board.

11 (d) Every person installing or servicing a portable fire extinguisher,  
 12 ~~or a fixed fire extinguisher~~ protection system, or a fire protection  
 13 sprinkler system in this state shall affix a tag thereto showing the name of  
 14 the person ~~or~~ and firm selling, installing, or servicing the portable fire  
 15 extinguisher, fixed fire protection system, or fire protection sprinkler  
 16 system and the date of the installation or service.

17 (e) The sale, servicing, or recharging of carbon tetrachloride fire  
 18 extinguishers in this state is prohibited.

19 (f) Except as provided in § ~~20-22-611~~ 20-22-603, only the holder of a  
 20 current and valid license or an apprentice permit issued ~~pursuant to~~ under  
 21 this subchapter may service portable fire extinguishers, ~~or~~ install and  
 22 maintain fixed fire ~~extinguisher~~ protection systems, or install or maintain  
 23 fire protection sprinkler systems.

24 (g) A person who has been issued a license ~~pursuant to~~ or permit under  
 25 this subchapter to service portable fire extinguishers, ~~or to install~~ and or  
 26 service fixed fire ~~extinguisher~~ protection systems, or to install and service  
 27 fire protection sprinkler systems ~~shall~~ must be an employee, agent, or  
 28 servant of a firm that holds a current and valid certificate of registration  
 29 issued ~~pursuant to~~ under this subchapter.

30 (h) Installation and ~~service~~ servicing of fixed fire ~~extinguisher~~  
 31 protection systems shall be accomplished ~~in accordance with~~ under the rules  
 32 ~~and regulations~~ of the board.

33 (i) Installation ~~or~~ and servicing of fire protection sprinkler systems  
 34 shall be accomplished in accordance with the rules ~~and regulations~~ of the  
 35 board.

36 (j)(1) Any fire protection sprinkler system that was installed prior

1 to September 1, 1985, ~~and which does not meet the standards set forth in the~~  
2 ~~rules and regulations adopted by the board may be serviced and repaired by a~~  
3 ~~firm registered pursuant to this subchapter. However, an installer of such a~~  
4 ~~system shall service, when requested by an owner of the system and for a~~  
5 ~~reasonable fee, that system which it has installed, so long as the installer~~  
6 ~~has a current certificate of registration and a licensed responsible managing~~  
7 ~~employee pursuant to this subchapter must be serviced, maintained, inspected,~~  
8 ~~and repaired under current rules of the board.~~

9 (2) Any fixed fire protection system that was installed before  
10 January 1, 1979, shall be serviced, maintained, inspected, and repaired under  
11 current rules of the board.

12  
13 SECTION 13. Arkansas Code § 20-22-614 is repealed.

14 ~~20-22-614. Service and repair of fixed fire extinguisher systems.~~

15 ~~(a) Any fixed fire extinguisher system which was installed prior to~~  
16 ~~January 1, 1979, and which does not meet the standards set forth in § 20-22-~~  
17 ~~602(4), may be serviced and repaired by a person or firm licensed and~~  
18 ~~registered pursuant to this subchapter.~~

19 ~~(b) However, an installer of such a system shall service, when~~  
20 ~~requested by an owner of the system and for a reasonable fee, that system~~  
21 ~~which it has installed, so long as the installer has a current license and~~  
22 ~~registration for servicing and repairing fixed fire extinguisher systems~~  
23 ~~pursuant to this subchapter.~~

24  
25 **APPROVED: 3/13/2009**