

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Mills**

A Bill ACT 392 OF 1991

HOUSE BILL 1464

For An Act To Be Entitled

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

11

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

13

14 SECTION 1. Arkansas Code 20-22-603 is hereby amended to read as
15 follows:

16 "20-22-603. Exceptions.

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

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

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

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

29 (4) Firms engaged in the retailing or wholesaling of portable fire
30 extinguishers as defined in 20-22-602, but not engaged in the installing,
31 servicing, or recharging of them, shall only be exempt from the registration
32 and licensing provisions as outlined in 20-22-610, but all other provisions of
33 this subchapter shall apply;

34 (5) Fire departments recharging portable fire extinguishers as a public
35 service where a nominal charge or no charge is made, provided that the members

1 of the fire department performing the services are trained in the proper
2 filling and recharging of the fire extinguishers, that the service is
3 performed in accordance with the 1981 edition of the N.F.P.A. standards for
4 the installation, maintenance, and use of portable fire extinguisher number
5 ten (No. 10), and that at least one (1) member of each fire department
6 providing the service holds a license issued by the board certifying that the
7 certificate holder is qualified by training to service fire extinguishers.

8 (6) The installation of a standpipe and hose system as defined under
9 the provisions of NFPA pamphlet #14 may be done according to the following
10 provisions. This exception does not apply to the servicing or maintaining of
11 a standpipe and hose system, nor to the installation, servicing or maintaining
12 of combined systems as defined in NFPA 14.

13 (A) Persons or firms installing these standpipe and hose systems shall
14 be exempt from the registration and licensing provisions as outlined in §20-
15 22-610 and from that part of the rules and regulations that apply to service
16 tags and specifically paragraphs 16 and 17 of the Rules and Regulations
17 applicable to Fire Protection Sprinkler Systems.

18 (B) These standpipe and hose systems shall:

19 (i) Be designed, installed, and tested according to the standards
20 adopted in the Rules and Regulations applicable to Fire Protection Sprinkler
21 Systems of the Fire Extinguisher Board and specifically the provisions of the
22 appropriate NFPA pamphlets.

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

26 (iii) These standpipe and hose systems shall be installed by a firm
27 licensed by the Fire Extinguisher Board of Arkansas or a mechanical or
28 plumbing contractor licensed by the State of Arkansas.

29 (C) The Fire Extinguisher Board may conduct hearings or proceedings
30 concerning any person or firm violating the provisions of this section and
31 fine them not less than twenty-five dollars (\$25.00) nor more than three
32 hundred dollars (\$300) for a first offense, and for a second offense committed
33 within five (5) years, not less than three hundred dollars (\$300) nor more
34 than one thousand dollars (\$1000). Additionally, the Board may require them
35 to pay all necessary and proper costs incurred in correcting any action or

1 work performed by them in violation of the provisions of this section. Third
2 and subsequent violations within a five (5) year period shall be considered a
3 misdemeanor and punishable by a fine not less than one thousand dollars
4 (\$1,000) or imprisonment in the county jail for not less than one (1) month
5 nor more than six (6) months or both.

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

8

9 SECTION 2. Arkansas Code 20-22-604 is hereby amended to read as
10 follows:

11 "20-22-604. Penalties.

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

24

25 SECTION 3. Arkansas Code 20-22-606(a) is hereby amended to read as
26 follows:

27 "(a) There is created the Fire Extinguisher Board which shall be
28 composed of eleven (11) members, who are residents of the state, appointed by
29 the Governor for terms of five (5) years. ~~No member of the board, except the~~
30 ~~State Fire Marshal, shall serve more than two (2) successive five year terms.~~

31 (1) One (1) member shall be appointed from each of the four (4)
32 congressional districts and of these members, one (1) member of the board
33 shall be an industrial safety engineer and each of the other members shall be
34 experienced and knowledgeable in one (1) or more of the following areas:

35 (A) The servicing of portable fire extinguishers;

- 1 (B) The installation or servicing of fixed fire extinguisher systems;
- 2 (C) Fire extinguisher manufacturing;
- 3 (D) Fire insurance inspection or underwriting; or
- 4 (E) Fire services.

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

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

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

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

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

14

15 SECTION 4. All provisions of this Act of a general and permanent nature
16 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
17 Revision Commission shall incorporate the same in the Code.

18

19 SECTION 5. If any provision of this Act or the application thereof to
20 any person or circumstance is held invalid, such invalidity shall not affect
21 other provisions or applications of the Act which can be given effect without
22 the invalid provision or application, and to this end the provisions of this
23 Act are declared to be severable.

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25 SECTION 6. All laws and parts of laws in conflict with this Act are
26 hereby repealed.

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APPROVED: 3-7-91