

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

HOUSE BILL 2139

5 By: Representative Hyde  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND ARKANSAS LAW CONCERNING FIRE  
9 EXTINGUISHERS, FIXED FIRE PROTECTION SYSTEMS, AND  
10 FIRE PROTECTION SPRINKLER SYSTEMS; AND FOR OTHER  
11 PURPOSES.  
12  
13

## Subtitle

14 TO AMEND ARKANSAS LAW CONCERNING FIRE  
15 EXTINGUISHERS, FIXED FIRE PROTECTION  
16 SYSTEMS, AND FIRE PROTECTION SPRINKLER  
17 SYSTEMS.  
18  
19  
20

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

23 SECTION 1. Arkansas Code 20-22-602 is amended to read as follows:  
24 20-22-602. Definitions.

25 As used in this subchapter:

26 (1) "Apprentice" means a qualified person:

27 (A) Enrolled as required in an apprenticeship program  
28 recognized by the Arkansas Fire Protection Licensing Board; and

29 (B) Who may perform work entitled by the licensee under  
30 the direct supervision of a licensed employee;

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

32 ~~(2) "Fire marshal" means the State Fire Marshal;~~

33 ~~(3)~~(2) "Fire protection sprinkler system" means:

34 (A) An assembly of underground, overhead, or other piping  
35 or conduits that convey water with or without other agents to fire sprinkler  
36 heads, fire sprinkler nozzles, interior fire hoses, or other devices in order



1 to extinguish, control, or contain fire and so provide protection from  
2 exposure to fire or the products of combustion; and

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

6 ~~(4)~~(3) "Fire protection sprinkler system business" means ~~those~~  
7 firms engaged in the planning, fire protection layout, selling, installing,  
8 maintaining, inspecting, ~~and or~~ servicing of fire protection sprinkler  
9 systems, including without limitation standpipes, hose stations, and fire  
10 pumps;

11 ~~(5)~~(4) "Fire protection sprinkler systems inspector" means a  
12 qualified person who:

13 (A) ~~who is~~ Is employed full time by a licensed fire  
14 protection sprinkler contractor in the State of Arkansas and who has met the  
15 requirements to perform inspections of fire protection sprinkler systems in  
16 accordance with this subchapter; and

17 (B) May perform corrections of deficiencies from an  
18 inspection;

19 ~~(6)~~(5) "Firm" means any person, partnership, corporation, or  
20 association;

21 ~~(7)~~(6) "Fixed fire protection systems" means ~~those~~ fire  
22 extinguisher or fire suppression systems, including without limitation:

23 (A) ~~Those fire~~ Fire extinguishing or fire suppression  
24 systems installed to protect the hoods and ductwork of exhaust systems  
25 designed for the removal of smoke and grease-laden vapors from commercial  
26 cooking equipment; and

27 (B) ~~Those listed~~ Listed or approved fire protection  
28 systems or suppression systems installed and maintained according to the  
29 standards adopted in the rules of the Arkansas Fire Protection Licensing  
30 Board;

31 ~~(8)~~(7) "Hydrostatic testing" means pressure testing by  
32 hydrostatic methods;

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

35 ~~(10)~~(8) "Portable fire extinguisher" means any device that  
36 contains within it chemicals, fluids, powder, liquids, or gases for

1 extinguishing fires;

2 (9) "Qualified person" means a person meeting the qualifications  
 3 under § 20-22-611;

4 ~~(11)~~(10) "Responsible managing employee" means an individual who  
 5 is a full-time licensed employee of a registered fire protection sprinkler  
 6 system business ~~firm~~ and who is designated by the ~~firm~~ fire protection  
 7 sprinkler system business to be responsible for assuring that all  
 8 installations and servicing of fire protection sprinkler systems are  
 9 performed in accordance with all applicable provisions, rules, and  
 10 guidelines; ~~and~~

11 ~~(12)~~(11) "Service and servicing" means physically installing  
 12 portable fire extinguishers, fixed fire protection systems, or fire  
 13 protection sprinkler systems by charging, filling, maintaining, recharging,  
 14 refilling, repairing, hanging, locating, or retesting the portable fire  
 15 extinguisher, fixed fire protection system, or fire protection sprinkler  
 16 system; and

17 (12)(A) "Sprinkler fitter" means a qualified person to oversee:

18 (i) An apprentice; or

19 (ii) The initial installation or servicing of fire  
 20 protection sprinkler systems.

21 (B) A sprinkler fitter may perform corrections of  
 22 deficiencies from an inspection.

23  
 24 SECTION 2. Arkansas Code 20-22-604(c), concerning penalties issued by  
 25 the Arkansas Fire Protection Licensing Board, is amended to read as follows:

26 (c) The board may require a firm to pay all necessary and proper costs  
 27 incurred by the board in the preparation, conduct, and findings of a hearing  
 28 involving correcting the action or work performed ~~by the board~~ in violation  
 29 of a statute, rule, or order enforceable by the board.

30  
 31 SECTION 3. 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 Arkansas Fire Protection Licensing Board shall:

35 (1) Formulate and administer policies as may be determined  
 36 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 installing, inspecting, or servicing, ~~or both~~, portable fire extinguishers  
4 and of firms engaging or in the business of installing, inspecting, and  
5 servicing fixed fire protection systems;

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

12 (C) The examination and licensure of persons applying for  
13 a license to install, inspect, or service, ~~or both~~, portable fire  
14 extinguishers and of a person applying for a license to install, inspect, or  
15 service, ~~or both~~, fixed fire protection systems;

16 (D) The registration of firms engaging in the business of  
17 selling, system layout, installing, servicing, inspecting, or any aspect of  
18 fire protection sprinkler systems, including standpipe, fire pumps, and hose  
19 systems;

20 (E) The examination and licensure of a person applying for  
21 a license as a responsible managing employee for the purpose of fire  
22 protection sprinkler system business, including designing, inspecting,  
23 installing, system layout, or servicing fire protection sprinkler systems,  
24 including standpipe, fire pumps, and hose systems; ~~and~~

25 (F) The examination and licensure of a person applying for  
26 a license as a fire protection sprinkler systems inspector for the purpose of  
27 ~~installing~~, servicing, or inspecting fire protection sprinkler systems,  
28 including standpipe, fire pumps, and hose systems; and

29 (G) The examination and licensure of a person applying for  
30 a license as a fire protection sprinkler system sprinkler fitter or  
31 apprentice for the purpose of installing, servicing, or placing fire  
32 protection sprinkler systems in service, including without limitation  
33 standpipe, fire pumps, and hose systems;

34 (2) Establish reasonable qualifications for firms and  
35 individuals for the issuance of a certificate of registration or individual  
36 license to engage in any aspect of the business of portable fire

1 extinguishers, fixed fire protection systems, or fire protection sprinkler  
2 systems;

3 (3) Conduct examinations to ascertain the qualifications and  
4 fitness of individual applicants to install or service portable fire  
5 extinguishers, install or service fixed fire protection systems, or install,  
6 service, inspect, or design fire protection sprinkler systems;

7 (4) Issue certificates of registration for those firms that  
8 qualify and individual licenses and permits to individuals that qualify to  
9 engage in the business and activity of installing and servicing portable fire  
10 extinguishers, installing and servicing fixed fire protection systems, and  
11 designing, installing, inspecting, or servicing fire protection sprinkler  
12 systems and issue licenses or permits to those firms and individuals  
13 qualifying to perform hydrostatic testing of fire extinguisher cylinders;

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

16 (6)(A) Regulate and license as a part of a fire protection  
17 sprinkler system the installation, service, and maintenance of a standpipe  
18 and hose system as defined under the National Fire Protection Association  
19 pamphlet number fourteen (No. 14).

20 (B)(i) The installation, service, and maintenance of a  
21 standpipe and hose system shall be performed by a licensed fire protection  
22 sprinkler contractor. A licensed fire protection sprinkler contractor is not  
23 required to perform hydrostatic testing of the standpipe hose, repair of the  
24 standpipe hose, or maintenance of the standpipe hose.

25 (ii) The standpipe and hose system shall be:

26 (a) Designed, installed, and tested in  
27 accordance with the standards adopted in the "Rules and Regulations  
28 Applicable to Fire Protection Sprinkler Systems" of the board and, in  
29 accordance with the applicable National Fire Protection Association  
30 pamphlets; and

31 (b) Designed by an Arkansas-licensed  
32 responsible managing employee or a registered professional engineer licensed  
33 by the State of Arkansas.

34

35 SECTION 4. Arkansas Code 20-22-609 is amended to read as follows:

36 20-22-609. License, permit, or certificate required – Compliance with

1 subchapter – Penalties.

2 Except as provided in §§ 20-22-603 and 20-22-613, no person may do any  
3 of the following:

4 (1) Engage in the business of installing, inspecting, or  
5 servicing portable fire extinguishers without a current certificate of  
6 registration;

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

10 (3) Install, inspect, or service portable fire extinguishers or  
11 fixed fire protection systems without a current individual license;

12 (4) Perform hydrostatic testing of any portable fire  
13 extinguisher or any fire extinguisher system cylinder without a current  
14 hydrostatic testing certificate;

15 (5) Obtain or attempt to obtain a certificate of registration or  
16 individual license by fraudulent representation, fraudulent examination or  
17 testing, misconduct, or irregularity;

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

22 (7) Engage in any fire protection sprinkler system business  
23 without a current certificate of registration and without employing a full-  
24 time licensed responsible managing employee; and

25 ~~(8) Engage in the inspection of fire protection sprinkler~~  
26 ~~systems without employing a full-time licensed fire sprinkler systems~~  
27 ~~inspector; and~~

28 ~~(9)~~(8) Engage in any business or activity licensed or permitted  
29 by the Arkansas Fire Protection Licensing Board without maintaining in force  
30 at all times a public liability insurance policy, with minimum coverage  
31 limits as set by the board, covering the person’s operations and completed  
32 operations.

33

34 SECTION 5. Arkansas Code 20-22-610 is amended to read as follows:

35 20-22-610. License, permit, or certificate – Application – Fees.

36 (a) Applications for licenses, permits, and certificates provided for

1 in this section shall be made under policies adopted by the Arkansas Fire  
2 Protection Licensing Board and shall be submitted on forms prescribed by the  
3 board.

4 (b)(1) Each firm or person desiring to engage in or to continue to  
5 engage in the business of installing, inspecting, or servicing portable fire  
6 extinguishers, selling, inspecting, installing, or servicing fixed fire  
7 protection systems, performing hydrostatic testing of fire extinguishers or  
8 fire extinguisher cylinders, or planning, selling, installing, maintaining,  
9 inspecting, or servicing fire protection sprinkler systems in the State of  
10 Arkansas as a condition of engaging or continuing to engage in such a  
11 business shall obtain from the board a certificate of registration and  
12 appropriate individual licenses as prescribed in this subchapter.

13 (2) Each firm engaged in the business of installing or servicing  
14 portable fire extinguishers or selling, installing, inspecting, or servicing  
15 fixed fire protection systems shall obtain a certificate of registration and  
16 shall pay the following fees:

17 (A) For engaging in the business of inspecting,  
18 installing, or servicing portable fire extinguishers, the fee for the initial  
19 certificate of registration shall be no more than five hundred dollars  
20 (\$500), and the annual renewal fee shall be no more than five hundred dollars  
21 (\$500); and

22 (B) For engaging in the business of selling, installing,  
23 inspecting, or servicing fixed fire protection systems, the fee for the  
24 initial certificate of registration shall be no more than five hundred  
25 dollars (\$500), and the annual renewal fee shall be no more than five hundred  
26 dollars (\$500).

27 (3) Each employee of a registered firm who engages in  
28 installing, inspecting, or servicing portable fire extinguishers or selling,  
29 installing, inspecting, or servicing fixed fire protection systems, other  
30 than an apprentice, shall obtain an individual license and pay the following  
31 fees:

32 (A) For a license to install, inspect, or service portable  
33 fire extinguishers, an initial fee of no more than one hundred dollars  
34 (\$100), and for each annual renewal thereof a fee of no more than fifty  
35 dollars (\$50.00); and

36 (B) For a license to sell, install, inspect, or service

1 fixed fire protection systems, an initial fee of no more than one hundred  
2 dollars (\$100), and an annual renewal fee of no more than fifty dollars  
3 (\$50.00).

4 (4) Each firm performing hydrostatic testing of United States  
5 Department of Transportation specification compressed gas cylinders used for  
6 or with portable fire extinguishers or for or with fixed fire protection  
7 systems, as a condition of engaging in such a business, shall obtain a Class  
8 A hydrostatic testing certificate for which the initial fee shall be no more  
9 than two hundred dollars (\$200), and an annual renewal fee shall be no more  
10 than one hundred dollars (\$100).

11 (5) Each firm performing hydrostatic testing of pressure vessels  
12 used for or with portable fire extinguishers or for or with fixed fire  
13 protection systems, other than United States Department of Transportation  
14 specification compressed gas cylinders, shall obtain a Class B hydrostatic  
15 testing certificate as a condition of engaging in such a business, for which  
16 the initial fee shall be no more than one hundred dollars (\$100), and an  
17 annual renewal fee shall be no more than fifty dollars (\$50.00).

18 (6)(A) An employee of a registered firm who has been issued an  
19 apprentice permit may ~~sell,~~ service, inspect, and install fire protection  
20 sprinkler systems, portable fire extinguishers, and fixed fire protection  
21 systems under the direct supervision of a licensed employee subject to rules  
22 promulgated by the board.

23 (B) Each application for an apprentice permit shall be:  
24 (i) Made by a registered firm; and  
25 (ii) Accompanied by a fee of no more than thirty  
26 dollars (\$30.00).

27 (C) A copy of the application may be used by the applicant  
28 as proof of a temporary permit until the official apprentice permit is issued  
29 or denied by the board.

30 (D) A copy of the application or the apprentice permit is  
31 valid for one (1) year from the date of issue and is not renewable.

32 (7)(A) Each employee of a registered firm desiring to take an  
33 examination in order to obtain a license as required in this subchapter,  
34 ~~except a license for fire protection sprinkler systems,~~ shall apply to the  
35 board and pay an initial testing fee of no less than thirty dollars (\$30.00)  
36 per examination nor more than one hundred dollars (\$100) per examination.



1 (B) Testing fees are to be paid each separate time an  
 2 examination or series of examinations ~~are~~ is taken.

3 (8) Each firm engaged in a fire protection sprinkler business in  
 4 the state shall obtain a certificate of registration and shall pay the  
 5 following fees:

6 (A) An initial application fee not to exceed one hundred  
 7 dollars (\$100) for the certificate of registration; and

8 (B) A fee not to exceed one thousand dollars (\$1,000) for  
 9 the issuance of either the initial certificate of registration or any annual  
 10 renewal of the certificate of registration.

11 (9) Each firm holding a certificate of registration for a fire  
 12 protection sprinkler system business shall at all times employ at least one  
 13 (1) responsible managing employee who must obtain a license issued by the  
 14 board after successful completion of the requirements in this subchapter and  
 15 under the rules of the board, including without limitation the passage of  
 16 examinations, and by payment of ~~the following~~ fees established by rule of the  
 17 board subject to the following limitations:

18 (A) An examination fee not to exceed two hundred dollars  
 19 (\$200) per examination to be paid each time an examination is taken for any  
 20 individual license issued by the board; and

21 (B) A license fee not to exceed five hundred dollars  
 22 (\$500) shall be paid for issuance of the initial license and each annual  
 23 renewal thereof for any individual license issued by the board.

24  
 25 SECTION 6. Arkansas Code 20-22-611(a), concerning qualifications for a  
 26 license to sell, install, or service certain items related to fire  
 27 protection, is amended to read as follows:

28 (a) For a license to install or service portable fire extinguishers,  
 29 for a license to sell, install, or service fixed fire protection systems, or  
 30 for a license ~~as a responsible managing employee or as a fire protection~~  
 31 ~~sprinkler system inspector~~ to conduct any fire protection sprinkler system  
 32 business, a person employed by a certified firm shall+ obtain a license  
 33 issued by the Arkansas Fire Protection Licensing Board after:

34 (1) Successful completion of the requirements for licensure  
 35 under rules of the board; and

36 (2) Payment of fees established under rules of the board.

1                   ~~(1) Achieve a passing score on an examination based on the rules~~  
2 ~~adopted by the Arkansas Fire Protection Licensing Board;~~  
3                   ~~(2) Be employed by a registered firm; and~~  
4                   ~~(3) Pay all required testing and licensing fees.~~

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