

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.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

A Bill

SENATE BILL 870

4
5 By: Senator Glover
6
7

For An Act To Be Entitled

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

Subtitle

15
16 AN ACT AMENDING PROVISIONS OF ARKANSAS
17 LAW CONCERNING FIRE EXTINGUISHERS, FIXED
18 FIRE PROTECTION SYSTEMS, AND FIRE
19 PROTECTION SPRINKLER SYSTEMS.
20
21

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

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

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



1
2 SECTION 2. Arkansas Code § 20-22-602 is amended to read as follows:
3 20-22-602. Definitions.

4 As used in this subchapter:

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

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

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

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

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

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

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

25 ~~(5)(6)~~ "Firm" means any person, partnership, corporation, or
26 association;

27 ~~(6)(7)~~ "Fixed fire ~~extinguisher~~ protection systems" means those
28 fire extinguisher or fire suppression systems such as, but not limited to:

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

35 (B) Those listed or approved fire ~~extinguisher~~ protection
36 systems or suppression systems installed and maintained according to the

1 standards adopted in the rules ~~and regulations~~ of the board Arkansas Fire
 2 Protection Licensing Board;

3 ~~(7)~~(8) "Hydrostatic testing" means pressure testing by
 4 hydrostatic methods;

5 ~~(8)~~(9) "NICET" means the National Institute for the
 6 Certification in Engineering Technologies;

7 ~~(9)~~(10) "Portable fire extinguisher" means any device that
 8 contains within it chemicals, fluids, powder, liquids, or gases for
 9 extinguishing fires;

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

18 ~~(11)~~(12) "Service and servicing" means ~~servicing or~~ physically
 19 installing portable fire extinguishers, ~~or~~ fixed fire ~~extinguisher~~ protection
 20 systems, or fire protection sprinkler systems by charging, filling,
 21 maintaining, recharging, refilling, repairing, hanging, locating, or
 22 retesting the portable fire extinguisher, fixed fire protection system, or
 23 fire protection sprinkler system.

24
 25 SECTION 3. Arkansas Code § 20-22-603 is amended to read as follows:
 26 20-22-603. Exceptions.

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

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

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

34 (3) The hydrostatic testing by a firm of its own United States
 35 Department of Transportation-specification compressed gas cylinders used for
 36 or with fire extinguishers or its own pressure vessels, other than

1 department-specification cylinders used as fire extinguishers, when the
 2 testing is performed by personnel of the firm who have been specially trained
 3 to perform the testing;

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

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

12 (A) ~~The members of the~~ fire department personnel
 13 performing the services are trained in the proper filling and recharging of
 14 the portable fire extinguishers;

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

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

23 (D) Only portable fire extinguishers owned by the
 24 particular fire department are subject to this exception.

25 (E) All registration and licensure fees for licenses
 26 issued for these individual licenses are waived.

27 (6) The hydrostatic testing (Class A Hydro list) by a firm of
 28 United States Department of Transportation specification compressed gas
 29 cylinder used for or with portable fire extinguishers or fixed fire
 30 protection system owned by other firms or individuals when the testing is
 31 performed by personnel who have been specifically trained to perform the
 32 testing and when the firm is currently licensed or permitted by the United
 33 States Department of Transportation to perform such lists and where the
 34 hydrostatic testing of the cylinders is the only service performed on behalf
 35 of the individual or firm or their agent which owns the cylinder.

36

1
 2 ~~(b) However, all persons and firms shall comply with all the~~
 3 ~~provisions of § 20-22-613(a), (b), and (c).~~

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

15
 16 SECTION 4. Arkansas Code § 20-22-604 is amended to read as follows:
 17 20-22-604. Penalties.

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

30 (a) The Arkansas Fire Protection Licensing Board may, in a lawful
 31 proceeding respecting licensing as defined in Arkansas Administrative
 32 Procedures Act, § 25-15-201 et seq. in addition to or in lieu of any other
 33 lawful disciplinary action, assess a civil penalty of not more than one
 34 thousand dollars (\$1,000) for each violation of any statute, rule or order
 35 enforceable by the Fire Protection Licensing Board.

36 (b) In addition to the penalties under subsection (a) of this section,

1 the board may also take action against any firm or individual by suspending
 2 or revoking their license; placing them on probation; or refusing to issue
 3 new or renewal licenses or certificates.

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

7
 8 SECTION 5. Arkansas Code § 20-22-606 is amended to read as follows:

9 20-22-606. Arkansas Fire Protection Licensing Board - Creation -
 10 Members.

11 (a)(1) There is created the Arkansas Fire Protection Licensing Board,
 12 which shall be composed of eleven (11) members who are residents of the
 13 state, ~~to~~ and who shall be appointed by the Governor for terms of five (5)
 14 years, as follows:

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

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

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

21 ~~(ii) The installation or servicing of fixed fire~~
 22 ~~extinguisher systems;~~

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

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

25 ~~(v) Fire services.~~

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

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

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

31 ~~(iv) Two (2) members shall be representatives of~~
 32 ~~large industrial users of fire extinguisher equipment or restaurant~~
 33 ~~associations.~~

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

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

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

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

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

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

10 (F) One (1) member shall be a representative of a
11 restaurant association;

12 (G) Two (2) members shall be active in the installation
13 and servicing of portable fire extinguishers or fixed fire protection
14 systems; and

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

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

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

21 (A) The installation or servicing of:

22 (i) Portable fire extinguishers;

23 (ii) Fixed fire protection systems; and

24 (iii) Fire protection sprinkler systems;

25 (B) The manufacturing of fire suppression equipment;

26 (C) The fire insurance industry;

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

29 (E) The provision of fire suppression services by a fire
30 department.

31 (b) Each member may receive expense reimbursement and stipends in
32 accordance with § 25-16-901 et seq.

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

36 (2) The expense reimbursement and stipends authorized by § 25-

1 16-901 et seq. and the expense for necessary miscellaneous office supplies
 2 forms, equipment and other necessary materials shall be paid from the fees
 3 and fines collected by the board.

4 ~~(d)(1) The secretary of the board shall receive additional salary as~~
 5 ~~may be fixed by the board~~ The board shall employ a executive director, chief
 6 board investigator, and other staff as necessary whose compensation shall be
 7 set by the board.

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

10
 11 SECTION 7. Arkansas Code § 20-22-607 is amended to read as follows:

12 20-22-607. Arkansas Fire Protection Licensing Board - Powers and
 13 duties.

14 The Arkansas Fire Protection Licensing Board shall:

15 (1) Formulate and administer such policies as may be determined
 16 necessary for the protection and preservation of life and property in regard
 17 to:

18 (A) The registration of firms engaging in the business of
 19 installing and or servicing portable fire extinguishers or protection and of
 20 firms engaging or in the business of installing and maintaining servicing
 21 fixed fire extinguisher protection systems;

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

28 (C) The examination and licensure of persons applying for
 29 a license to install and or service portable fire extinguishers protection
 30 and of persons applying for a license to install and or service fixed fire
 31 extinguisher protection systems;

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

35 (E) The examination and ~~licensing~~ licensure of ~~any person~~
 36 persons desiring to be licensed applying for licensure as a responsible

1 managing employee for the purpose of designing, inspecting, installing, or
 2 servicing fire protection sprinkler systems, including standpipe and hose
 3 systems; and

4 (F) The examination and ~~licensing~~ licensure of persons
 5 ~~desiring to be licensed~~ applying for licensure as fire protection sprinkler
 6 systems inspectors for the purpose of ~~inspection~~ installing, servicing, or
 7 inspecting of fire protection sprinkler systems, including standpipe and hose
 8 systems;

9 (2) Establish reasonable qualifications for firms ~~or~~ and
 10 individuals for the issuance of a certificate of registration or individual
 11 license to engage in any aspect of the business of ~~servicing~~ portable fire
 12 extinguishers, ~~installing~~ fixed fire ~~extinguisher~~ protection systems, or
 13 ~~installing or servicing~~ fire protection sprinkler systems;

14 (3) Conduct examinations to ascertain the qualifications and
 15 fitness of individual applicants ~~for a license~~ to install or service portable
 16 fire extinguishers, install or service fixed fire ~~extinguisher~~ protection
 17 systems, or install, or service, inspect, or design fire protection sprinkler
 18 systems;

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

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

30 (6)(A) Regulate and license as a part of a fire protection
 31 sprinkler system the installation, ~~servicing~~ service, and maintenance of a
 32 standpipe and hose system as defined under the provisions of National Fire
 33 Protection Association pamphlet number fourteen (No. 14).

34 (B)(i) The installation, ~~servicing~~ service, and
 35 maintenance of a standpipe and hose system shall be performed by a licensed
 36 fire protection sprinkler contractor. This provision shall not apply to the

1 hydrostatic listing, repair or maintenance of the standpipe hose.

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

4 (a) Designed, installed, and tested ~~according~~
5 in accordance with to the standards adopted in the "Rules and Regulations
6 Applicable to Fire Protection Sprinkler Systems" of the board and,
7 ~~specifically, the provisions~~ in accordance with the applicable ~~of the~~
8 ~~appropriate~~ National Fire Protection Association pamphlets;

9 (b) Designed by an Arkansas-licensed
10 responsible managing employee or a registered professional engineer licensed
11 by the State of Arkansas; and

12 (c) ~~Installed by a fire sprinkler contractor~~
13 ~~licensed by the board.~~

14
15 SECTION 8. Arkansas Code § 20-22-608 is amended to read as follows:
16 20-22-608. State Fire Marshal - Powers and duties.

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

26
27 SECTION 9. Arkansas Code § 20-22-609 is amended to read as follows:
28 20-22-609. License, permit, or certificate required - Compliance with
29 subchapter - Penalties.

30 ~~(a)~~ Except as provided in § 20-22-603 and 20-22-613, no person may do
31 any of the following:

32 (1) Engage in the business of installing or servicing portable
33 fire extinguishers without a current certificate of registration ~~and unless~~
34 ~~covered by liability insurance with policy limits no less than three hundred~~
35 ~~thousand dollars (\$300,000);~~

36 (2) Engage in the business of installing or servicing fixed fire

1 ~~extinguisher protection~~ systems without a current certificate of
2 registration;

3 (3) ~~Service~~ Install or service portable fire extinguishers or
4 fixed fire ~~extinguisher protection~~ systems without a current individual
5 license;

6 (4) Perform hydrostatic testing of any portable fire
7 ~~extinguishers~~ extinguisher or any fire extinguisher system cylinder
8 ~~manufactured in accordance with the specifications of the United States~~
9 ~~Department of Transportation~~ without a current hydrostatic testing
10 certificate;

11 (5) Obtain or attempt to obtain a certificate of registration or
12 individual license by fraudulent representation, fraudulent examination or
13 testing, any misconduct, or any irregularity;

14 (6) Sell, service, or install portable fire extinguishers ~~or,~~
15 fixed fire ~~extinguisher protection~~ systems or fire protection sprinkler
16 systems contrary to ~~this~~ the provisions of this subchapter or the policies
17 formulated and administered under the authority of this subchapter;

18 (7) Engage in ~~the business of installing or servicing fire~~
19 ~~protection sprinkler systems~~ any fire sprinkler system business without a
20 current certificate of registration and without employing a full-time
21 licensed responsible managing employee; ~~and~~

22 (8) Engage in the inspection of fire protection sprinkler
23 systems without employing a full-time licensed fire sprinkler systems
24 inspector; and

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

30 ~~(b)(1) The Arkansas Fire Protection Licensing Board may conduct~~
31 ~~hearings or proceedings concerning complaints filed, as provided for in this~~
32 ~~subchapter, against any licensed person or firm and suspend or revoke their~~
33 ~~license, place the firm on probation, fine the firm not less than twenty-five~~
34 ~~dollars (\$25.00) nor more than three hundred dollars (\$300) for a first~~
35 ~~offense and for a second offense committed within five (5) years not less~~
36 ~~than three hundred dollars (\$300) nor more than one thousand dollars~~

1 ~~(\$1,000).~~

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

8 SECTION 10. Arkansas Code § 20-22-610 is amended to read as follows:
 9 20-22-610. License, permit, or certificate - Application - Fees.

10 (a) Applications for licenses, permits, and certificates provided for
 11 in this section shall be made pursuant to and in accordance with policies
 12 adopted by the Arkansas Fire Protection Licensing Board and shall be
 13 submitted as on forms prescribed by the board.

14 (b)(1) Each firm or person desiring to engage in or to continue to
 15 engage in the business of installing or servicing portable fire
 16 extinguishers, selling, installing, or servicing fixed fire ~~extinguisher~~
 17 protection systems, performing hydrostatic testing of fire extinguishers or
 18 fire extinguisher cylinders, or ~~installing or servicing~~ planning, selling,
 19 installing, maintaining, inspecting, or servicing fire protection sprinkler
 20 systems in the State of Arkansas ~~shall~~ as a condition of engaging or
 21 continuing to engage in such a business ~~or occupation~~ shall obtain from the
 22 board a certificate of registration or ~~a license~~ licenses, permits, and
 23 certificates as prescribed in this ~~section~~ subchapter.

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

28 (A) For engaging in the business of installing or
 29 servicing portable fire extinguishers, the fee for the initial certificate of
 30 registration shall be no more than ~~three hundred dollars (\$300)~~ five hundred
 31 dollars (\$500), and the annual renewal fee shall be no more than ~~three~~
 32 ~~hundred dollars (\$300)~~ five hundred dollars (\$500); and

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

1 be no more than ~~three hundred dollars (\$300)~~ five hundred dollars (\$500).

2 (3) Each employee of a registered firm engaging in the business
 3 ~~of who engages in installing or~~ servicing portable fire extinguishers or
 4 selling, installing, or servicing fixed fire extinguishers protection systems
 5 ~~who services or installs such fire extinguishers~~, other than an apprentice,
 6 shall obtain a an individual license therefor and pay the following fees:

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

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

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

23 (5) Each firm performing hydrostatic testing of pressure vessels
 24 used ~~as~~ for or with portable fire extinguishers or for or with fixed fire
 25 protection systems, other than the United States Department of Transportation
 26 specification compressed gas cylinders, shall as a condition of engaging in
 27 such a business, shall obtain a Class B hydrostatic testing certificate ~~and~~
 28 ~~shall pay therefor an~~ for which the initial fee ~~of fifty dollars (\$50.00)~~
 29 shall be no more than one hundred dollars (\$100) and an annual renewal fee
 30 shall be of twenty five dollars (\$25.00) no more than fifty dollars (\$50.00).

31 ~~(6)(A) Each person servicing portable fire extinguishers or~~
 32 ~~fixed fire extinguisher protection systems as an apprentice shall, before~~
 33 ~~servicing any portable fire extinguisher or any fixed fire extinguisher~~
 34 ~~system, shall apply to the board for an apprentice permit.~~

35 (6)(A) Each employee of a registered firm who desires to be
 36 permitted as an apprentice shall be permitted before installing or servicing

1 any portable fire extinguisher or any fixed fire protection system; apply to
 2 the Board for an apprentice permit.

3 (B) Each application for an apprentice permit shall be
 4 accompanied by a fee of no more than fifteen dollars (\$15.00) thirty dollars
 5 (\$30.00).

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

10 (D) A copy of the application or the ~~An~~ apprentice or
 11 temporary permit shall be valid for one (1) year from the date of issue and
 12 shall not be renewable.

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

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

24 (8) Each firm engaged in ~~the business of installing or servicing~~
 25 ~~fire protection sprinkler systems in this state~~ a fire protection sprinkler
 26 business in the state shall obtain a certificate of registration and shall
 27 pay the following fees:

28 (A) An initial application fee ~~for the certificate of~~
 29 ~~registration shall be in an amount~~ not to exceed one hundred dollars (\$100)
 30 for the certificate of registration; and

31 (B) A fee ~~for issuance of either the initial or renewal~~
 32 ~~certificate of registration shall be in an amount~~ not to exceed ~~seven hundred~~
 33 ~~dollars (\$700)~~ one thousand dollars (\$1,000) for the issuance of either the
 34 initial certificate of registration or any annual renewal of the certificate
 35 of registration.

36 (9) Each firm holding a certificate of registration for

1 ~~installing or servicing fire protection sprinkler systems~~ a fire protection
 2 sprinkler system business shall have at all times employ at least one
 3 responsible managing employee who ~~a licensed fire sprinkler systems inspector~~
 4 ~~before engaging in the inspection of fire sprinkler systems and shall obtain~~
 5 must obtain a license issued by the board ~~a license issued by the board and~~
 6 ~~conditioned on the successful completion of the requirements prescribed in~~ by
 7 this subchapter and the rules and regulations adopted by ~~of~~ the board and ~~on~~
 8 by payment of the following fees:

9 (A) An examination fee not to exceed ~~one hundred dollars~~
 10 ~~(\$100)~~ two hundred dollars (\$200) per examination ~~shall~~ to be paid each time
 11 ~~an applicant examination is takes an examination;~~ and

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

15
 16 SECTION 11. Arkansas Code § 20-22-611 is amended to read as follows:

17 20-22-611. License, permit, or certificate - Qualifications.

18 (a) For a license to install or service portable fire extinguishers,
 19 for a license to sell, install, or service fixed fire protection systems or
 20 for a license as a responsible managing employee or as a fire protection
 21 sprinkler system inspector, a person shall:

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

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

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

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

27 (1) Maintain in force at all times while licensed a public
 28 liability insurance policy covering their operations and completed operations
 29 with a minimum limit of liability of ~~three hundred thousand dollars~~
 30 ~~(\$300,000)~~ one million dollars (\$1,000,000) per occurrence for bodily injury
 31 and ~~fifty thousand dollars (\$50,000)~~ one hundred thousand dollars (\$100,000)
 32 per occurrence for property damage or a single limit of liability for bodily
 33 injury and property damage of ~~three hundred thousand dollars (\$300,000)~~ one
 34 million dollars (\$1,000,000) per occurrence; and

35 ~~(3)(2)~~ A current certificate of insurance shall be ~~Filed~~ filed
 36 ~~and maintain a certificate of insurance~~ maintained with the board.

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

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

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

6 ~~(c) This section does not apply to fire departments licensed under §~~
7 ~~20-22-603(a)(5).~~

8
9 SECTION 12. Arkansas Code § 20-22-612 is amended to read as follows:

10 20-22-612. License, permit, or certificate - Previously engaged
11 persons.

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

24
25 SECTION 13. Arkansas Code § 20-22-613 is amended to read as follows:

26 20-22-613. Prohibited acts.

27 (a) No portable fire extinguisher or fixed fire ~~extinguisher~~
28 protection system may be sold or installed in this state unless it carries a
29 label of approval of a nationally recognized testing laboratory approved by
30 the Arkansas Fire Protection Licensing Board, ~~provided that the board may~~
31 ~~allow the installation of a fixed fire extinguisher system other than one (1)~~
32 ~~of those enumerated in § 20-22-602(4).~~

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

35 (c) Every person or firm servicing any portable fire extinguisher in
36 this state shall service the portable fire extinguisher in accordance with

1 the standards and procedures prescribed in the rules and regulations of the
2 board.

3 (d) Every person installing or servicing a portable fire extinguisher,
4 ~~or a fixed fire extinguisher protection system or a fire protection sprinkler~~
5 system in this state shall affix a tag thereto showing the name of the person
6 or firm selling, installing, or servicing the portable fire extinguisher,
7 fixed fire protection system, or fire protection sprinkler system and the
8 date of the installation or service.

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

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

16 (g) A person who has been issued a license pursuant to this subchapter
17 to service portable fire extinguishers, ~~or~~ to install ~~and or~~ or service fixed
18 fire ~~extinguisher protection~~ systems or install and service fire protection
19 sprinkler systems ~~shall~~ must be an employee, agent, or servant of a firm that
20 holds a current and valid certificate of registration issued pursuant to this
21 subchapter.

22 (h) Installation and ~~service~~ servicing of fixed fire ~~extinguisher~~
23 protection systems shall be accomplished in accordance with the rules ~~and~~
24 ~~regulations~~ of the board.

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

28 (j)(1) Any fire protection sprinkler system that was installed prior
29 to September 1, 1985, ~~and which does not meet the standards set forth in the~~
30 ~~rules and regulations adopted by the board may be serviced and repaired by a~~
31 ~~firm registered pursuant to this subchapter. However, an installer of such a~~
32 ~~system shall service, when requested by an owner of the system and for a~~
33 ~~reasonable fee, that system which it has installed, so long as the installer~~
34 ~~has a current certificate of registration and a licensed responsible managing~~
35 ~~employee pursuant to this subchapter~~ must be serviced, maintained, inspected,
36 and repaired in accordance with current rules of the board.

1 (2) Any fixed fire protection system that was installed prior to
2 January 1, 1979, shall be serviced, maintained, inspected, and repaired in
3 accordance with current rules of the board.

4
5 SECTION 13. Arkansas Code § 20-22-614 is repealed.

6 ~~20-22-614. Service and repair of fixed fire extinguisher systems.~~

7 ~~(a) Any fixed fire extinguisher system which was installed prior to~~
8 ~~January 1, 1979, and which does not meet the standards set forth in § 20-22-~~
9 ~~602(4), may be serviced and repaired by a person or firm licensed and~~
10 ~~registered pursuant to this subchapter.~~

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

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