

20-22-601. Legislative intent.

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

20-22-602. Definitions.

As used in this subchapter:

- (1) "Board" means the Arkansas Fire Protection Licensing Board;
- (2) "Fire marshal" means the State Fire Marshal;
- (3) "Fire protection sprinkler system" means:
 - (A) An assembly of underground, overhead, or other piping or conduits that convey water with or without other agents to fire sprinkler heads, fire sprinkler nozzles, interior fire hoses, or other devices in order to extinguish, control, or contain fire and so provide protection from exposure to fire or the products of combustion; and
 - (B) A standpipe and hose system as defined under the provisions of National Fire Protection Association pamphlet number fourteen (No. 14);
- (4) "Fire protection sprinkler system business" means those firms engaged in the planning, selling, installing, maintaining, inspecting, and servicing of fire protection sprinkler systems;
- (5) "Fire protection sprinkler systems inspector" means a person who is employed full time by a licensed fire protection sprinkler contractor in the State of Arkansas and who has met the requirements to perform inspections of fire protection sprinkler systems in accordance with this subchapter;
- (6) "Firm" means any person, partnership, corporation, or association;
- (7) "Fixed fire protection systems" means those fire extinguisher or fire suppression systems, including without limitation:
 - (A) Those fire extinguishing or fire suppression systems installed to protect the hoods and ductwork of exhaust systems designed for the removal of smoke and grease-laden vapors from commercial cooking equipment; and
 - (B) Those listed or approved fire protection systems or suppression systems installed and maintained according to the standards adopted in the rules of the Arkansas Fire Protection Licensing Board;
- (8) "Hydrostatic testing" means pressure testing by hydrostatic methods;
- (9) "NICET" means the National Institute for the Certification in Engineering Technologies;
- (10) "Portable fire extinguisher" means any device that contains within it chemicals, fluids, powder, liquids, or gases for extinguishing fires;
- (11) "Responsible managing employee" means an individual who is a full-time licensed employee of a registered fire sprinkler system business firm and who is designated by the firm to be responsible for assuring that all installations and servicing of

fire protection sprinkler systems are performed in accordance with all applicable provisions, rules, and guidelines; and

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

20-22-603. Exceptions.

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

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

(2) The visual inspections by a firm of its own portable fire extinguishers, fixed fire protection systems, or fire protection sprinkler systems by its own personnel who are specifically trained to conduct visual inspections;

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

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

(5) Fire departments recharging portable fire extinguishers for fire department use only if:

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

(B) All work is performed according to the standards adopted and the rules of the Arkansas Fire Protection Licensing Board and the National Fire Protection Association pamphlet number ten (No. 10);

(C)(i) Each of the fire department personnel performing the filling and recharging of the portable fire extinguishers holds a current applicable individual license issued by the board.

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

(D) All registration and licensure fees for licenses issued for these individual licenses are waived; and

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

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

(B) When the firm is currently licensed or permitted by the United States Department of Transportation to perform Class A Hydro tests; and

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

20-22-604. Penalties.

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

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

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

20-22-605. Report and investigation of violations.

(a) The Department of Labor and other state and local agencies and officers may cooperate with and assist the Arkansas Fire Protection Licensing Board in administering and enforcing this subchapter by reporting to the board any violations of this subchapter or any failure to comply with this subchapter or the policies adopted by the board pursuant to the authority granted in this subchapter.

(b) When any violation of this subchapter or of any policy of the board adopted pursuant to this subchapter is discovered by or reported to the board, the board shall investigate the violation and take appropriate action.

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

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

- (A) One (1) member shall be an industrial safety representative;
- (B) One (1) member shall be the State Fire Marshal;
- (C) One (1) member shall be a representative of a state association of fire chiefs;
- (D) One (1) member shall be a representative of the fire insurance industry;
- (E) Two (2) members shall be representatives of large industrial users of fire suppression equipment;
- (F) One (1) member shall be a representative of a restaurant association;

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

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

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

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

(A) The installation or servicing of:

(i) Portable fire extinguishers;

(ii) Fixed fire protection systems; and

(iii) Fire protection sprinkler systems;

(B) The manufacturing of fire suppression equipment;

(C) The fire insurance industry;

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

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

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

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

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

(d)(1) The board shall employ an executive director, chief board investigator, and other staff as necessary whose compensation shall be set by the board.

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

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

The Arkansas Fire Protection Licensing Board shall:

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

(A) The registration of firms engaging in the business of installing or servicing, or both, portable fire extinguishers and of firms engaging or in the business of installing and servicing fixed fire protection systems;

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

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

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

(E) The examination and licensure of a person applying for a license as a responsible managing employee for the purpose of designing, inspecting, installing, or servicing fire protection sprinkler systems, including standpipe and hose systems; and

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

(2) Establish reasonable qualifications for firms and individuals for the issuance of a certificate of registration or individual license to engage in any aspect of the business of portable fire extinguishers, fixed fire protection systems, or fire protection sprinkler systems;

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

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

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

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

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

(ii) The standpipe and hose system shall be:

(a) Designed, installed, and tested in accordance with the standards adopted in the “Rules and Regulations Applicable to Fire Protection Sprinkler Systems” of the board and, in accordance with the applicable National Fire Protection Association pamphlets; and

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

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

The State Fire Marshal shall advise and assist the Arkansas Fire Protection Licensing Board in the adoption of policies and procedures for the effective monitoring

of the sale, installation, and servicing of portable fire extinguishers, the sale, installation, and servicing of fixed fire protection systems, and the design, installation, inspection, servicing, and maintenance of fire protection sprinkler systems, including standpipe and hose systems, and for the registration and licensing of firms and individuals providing these goods and services.

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

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

- (1) Engage in the business of installing or servicing portable fire extinguishers without a current certificate of registration;
- (2) Engage in the business of installing or servicing fixed fire protection systems without a current certificate of registration;
- (3) Install or service portable fire extinguishers or fixed fire protection systems without a current individual license;
- (4) Perform hydrostatic testing of any portable fire extinguisher or any fire extinguisher system cylinder without a current hydrostatic testing certificate;
- (5) Obtain or attempt to obtain a certificate of registration or individual license by fraudulent representation, fraudulent examination or testing, misconduct, or irregularity;
- (6) Sell, service, or install portable fire extinguishers, fixed fire protection systems, or fire protection sprinkler systems contrary to this subchapter or the policies formulated and administered under the authority of this subchapter;
- (7) Engage in any fire sprinkler system business without a current certificate of registration and without employing a full-time licensed responsible managing employee;
- (8) Engage in the inspection of fire protection sprinkler systems without employing a full-time licensed fire sprinkler systems inspector; and
- (9) Engage in any business or activity licensed or permitted by the Arkansas Fire Protection Licensing Board without maintaining in force at all times a public liability insurance policy, with minimum coverage limits as set by the board, covering the person's operations and completed operations.

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

(a) Applications for licenses, permits, and certificates provided for in this section shall be made under policies adopted by the Arkansas Fire Protection Licensing Board and shall be submitted on forms prescribed by the board.

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

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

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

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

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

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

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

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

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

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

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

(i) Made by a registered firm; and

(ii) Accompanied by a fee of no more than thirty dollars (\$30.00).

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

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

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

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

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

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

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

(9) Each firm holding a certificate of registration for a fire protection sprinkler system business shall at all times employ at least one (1) responsible managing employee who must obtain a license issued by the board after successful completion of the requirements in this subchapter and under the rules of the board and by payment of the following fees:

(A) An examination fee not to exceed two hundred dollars (\$200) per examination to be paid each time an examination is taken; and

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

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

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

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

(2) Be employed by a registered firm; and

(3) Pay all required testing and licensing fees.

(b) A firm shall:

(1) Maintain in force at all times while licensed a public liability insurance policy covering its operations and completed operations with a minimum limit of liability of one million dollars (\$1,000,000) per occurrence for bodily injury and one hundred thousand dollars (\$100,000) per occurrence for property damage or a single limit of liability for bodily injury and property damage of one million dollars (\$1,000,000) per occurrence; and

(2) A current certificate of insurance shall be filed and maintained with the board.

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

Notwithstanding the provisions of this subchapter, if any person or firm engaged in the business on January 1, 1977, of servicing portable fire extinguishers, installing or servicing fixed fire protection systems, or performing hydrostatic testing of fire

extinguishers derived twenty-five percent (25%) or more of the personal or firm income from servicing portable fire extinguishers or installing or servicing fixed fire protection systems or hydrostatic testing of fire extinguishers during the 1976 calendar year, the person or firm shall be registered or issued a license to continue in the business upon payment of the annual registration or license fee prescribed in this subchapter for the particular type of business, if the applicant's qualifications meet those requirements established by the Arkansas Fire Protection Licensing Board.

20-22-613. Actions.

(a) No portable fire extinguisher or fixed fire protection system may be sold or installed in this state unless it carries a label of approval of a nationally recognized testing laboratory approved by the Arkansas Fire Protection Licensing Board.

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

(c) Every person or firm servicing any portable fire extinguisher in this state shall service the portable fire extinguisher under the standards and procedures prescribed in the rules of the board.

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

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

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

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

(h) Installation and servicing of fixed fire protection systems shall be accomplished under the rules of the board.

(i) Installation and servicing of fire protection sprinkler systems shall be accomplished in accordance with the rules of the board.

(j)(1) Any fire protection sprinkler system that was installed prior to September 1, 1985 must be serviced, maintained, inspected, and repaired under current rules of the board.

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