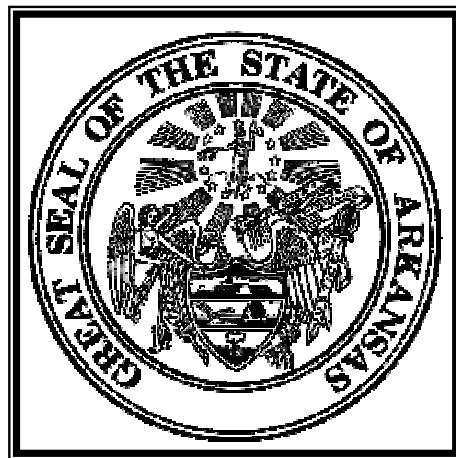


*ARKANSAS  
FIRE PROTECTION LICENSING  
BOARD*

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**ACT 743 OF 1977**

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As Amended July 1, 1999

## **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, or servicing of fixed fire extinguisher systems, and to provide for the registration and licensure 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 extinguisher systems, or fire protection sprinkler systems.

## **20-22-602. DEFINITIONS**

As used in this subchapter, unless the context otherwise requires:

- 1) **Board** means the Arkansas Fire Protection Licensing Board created in this subchapter.
- 2) **Fire Marshal** means the Office of State Fire Marshal.
- 3) **Fire Protection Sprinkler System** means an assembly of underground or overhead piping or conduits that convey water with or without agents to dispersal openings or devices in order to extinguish, control, or contain fire and so provide protection from exposure to fire or the products of combustion.
- 4) **Fire Sprinkler Systems Inspector** means a person who is employed full time by a licensed fire sprinkler contractor in the State of Arkansas and who has met the requirements to perform inspections of fire sprinkler systems in accordance with the provisions of the subchapter.
- 5) **Firm** means any person, partnership, corporation, or association.
- 6) **Fixed fire extinguisher system** means those fire extinguisher systems such as, but not limited to:
  - (A) Those installed in exhaust systems designed for removal of smoke and grease-laden vapors from commercial cooking equipment which protect the hoods and ducts.
  - (B) Those listed or approved fire extinguisher systems installed and maintained according to the standards adopted in the Rules & Regulations of the Board.
- 7) **Hydrostatic testing** means pressure testing by hydrostatic methods.
- 8) **NICET** means the National Institute for the Certification in Engineering Technologies.
- 9) **Portable fire extinguisher** means any device that contains within it chemicals, fluids, powder, liquids or gases for extinguishing fires.

**10. RESPONSIBLE MANAGING EMPLOYEE** means an individual who is a full-time employee of a firm holding a certificate of registration for installing or servicing fire protection sprinkler systems and who is designated by the firm to be responsible for making sure that all installations and servicing of fire protection sprinkler systems is done in accordance with the provisions of the subchapter; and

**11. Service and servicing** means servicing or physically installing portable fire extinguishers or fixed firm extinguisher systems by charging, filling, maintaining, recharging, refilling, repairing, hanging, locating, or retesting.

### **20-22-603. EXCEPTIONS**

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

(1) The filling of charging of a portable fire extinguisher by the manufacturer prior to its initial sale.

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

(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 of Transportation 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, but not engaged in the installing, servicing, or recharging of them, shall only be exempt from the registration and licensing provisions as outlined in 20-22-610, but all other provision of this subchapter shall apply.

(5) Fire departments recharging portable fire extinguishers as a public service where a nominal charge or no charge is made, provided that the members of the fire department performing the services are trained in the proper filling and recharging of the fire extinguishers, and such servicing is performed according to the standards adopted and the rules & regulations of the Arkansas Fire Protection Licensing Board and specifically to National Fire Protection Association pamphlet number ten (10) "Portable Fire Extinguishers" and at least one (1) member of each fire department servicing portable extinguishers holds a license issued by the Board; and

(6)(A) The installation of a standpipe and hose system as defined under the provisions of National Fire Protection Association pamphlet number fourteen (14) may be done according to the following provisions:

(i) Persons or firms installing the standpipe and hose systems shall be exempt from the registration and licensing provisions as outlined in Section 20-22-610 and from that part of the rules & regulations that apply to Service Tags and, specifically, paragraphs numbers sixteen (16) and seventeen (17) of the “Rules and Regulations Applicable to Fire Protection Sprinkler Systems”;

(ii) The standpipe and hose systems shall:

(a) Be designed, installed, and tested according to the standards adopted in the “Rules and Regulations Applicable to Fire Protection Sprinkler Systems” of the board and, specifically, the provisions of the appropriate National Fire Protection Association pamphlets;

(b) Be designed by an Arkansas- licensed responsible managing employee or a registered professional engineer licensed by the State of Arkansas; and

(c) Be installed by a firm licensed by the Board or a mechanical or plumbing contractor licensed by the State of Arkansas.

(B) This exception does not apply to the servicing or maintaining of a standpipe and hose system, nor to the installation, servicing, or maintaining of combined systems as defined in National Fire Protection Association pamphlet number fourteen (No.14).

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

(c) The Board may conduct hearings or proceedings concerning any person or firm violating the provisions of this section and fine them not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00) for a first offense, and for a second offense committed within five (5) years not less than three hundred dollars (\$300.00) nor more than one thousand dollars (\$1000.00). Additionally, the Board may require them to pay all necessary and proper costs incurred in correcting any action or work performed by them in violation of the provisions of this section. Third and subsequent violations within a five-year period shall be considered a misdemeanor and punishable by a fine of not less than one thousand dollars (\$1,000) or imprisonment in the county jail for not less than one (1) month nor more than six (6) months, or both.

#### **20-22-604. PENALTIES**

The Arkansas Fire Protection Licensing Board may conduct hearings or proceedings concerning any person or firm violating the provisions of this subchapter and fine them not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00) for a first offense and for a second offense committed within five (5) years not less than three hundred dollars (\$300.00) nor more than one thousand dollars (\$1000.00). Additionally, the board may require firm to pay all necessary and proper costs incurred in correcting any action or work performed by it in violation of the provisions of this subchapter. Third and subsequent violations within a five-year period shall be considered a misdemeanor and punishable by a fine of not less than one thousand dollars (\$1000.00)

or imprisonment in the county jail for not less than one (1) month nor more than six (6) months, or both.

**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 the provisions of this subchapter by reporting to the board any violations of this subchapter or any failure to comply with the provisions of 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) There is created the Arkansas Fire Protection Licensing Board, which shall be composed of eleven (11) members who are residents of the state, to be appointed by the Governor for terms of five (5) years.

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

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

- (i) The servicing of portable fire extinguishers;
- (ii) The installation or servicing of fixed fire extinguisher systems;
- (iii) Fire extinguisher manufacturing;
- (iv) Fire insurance inspection or underwriting; or
- (v) Fire services.

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

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

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

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

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

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

(c)(1) In addition, the Board may expend moneys as is necessary for stationery, office supplies, application forms, 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 miscellaneous office supplies shall be paid from the fees collected by the board.

(d) The secretary of the board shall receive such additional salary as may be fixed 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 such 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 servicing portable fire extinguishers or installing and maintaining fixed fire extinguisher systems.

(B) The registration of firms engaged 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 service portable fire extinguishers and to install fixed fire extinguisher systems.

(D) The registration of firms engaged in the business of installing or servicing fire protection sprinkler systems.

(E) The examination and licensing of persons desiring to be licensed as a responsible managing employee for the purpose of installing or servicing fire protection sprinkler systems and

(F) The examination and licensing of persons desiring to be licensed as fire sprinkler inspectors for the purpose of inspection of fire sprinkler systems;

2) Establish reasonable qualifications for firms or individuals for a certificate of registration or license to engage in the business of servicing portable fire extinguishers, installing fixed fire extinguisher systems, or installing or servicing fire protection systems.

3) Conduct examinations to ascertain the qualifications and fitness of applicants for a license to service portable fire extinguishers, install fixed fire extinguisher systems, or install or service fire protection sprinkler systems.

- 4) Issue certificates of registration for those firms that qualify to engage in the business of servicing portable fire extinguishers, installing and servicing fixed fire extinguisher systems, or installing or servicing fire protection sprinkler systems, and issue licenses, apprentice permits, and authorizations to perform hydrostatic testing to the firms or individuals who qualify; and
- 5) Evaluate the qualifications of firms seeking approval as testing laboratories for portable fire extinguishers.

**20-22-608. STATE FIRE MARSHAL - POWERS AND DUTIES**

The State Fire Marshal shall advise with 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, fixed fire extinguisher systems, and fire protection sprinkler systems, and for the registration and licensing of business and persons providing these services.

**20-22-609. LICENSE, PERMIT, OR CERTIFICATE REQUIRED – COMPLIANCE WITH SUBCHAPTER – PENALTIES**

- (a) Except as provided in 20-22-613, no person may do any of the following:
  - (1) Engage in the business of servicing portable fire extinguishers without a current certificate of registration and unless covered by liability insurance with policy limits no less than three hundred thousand dollars (\$300,000).
  - (2) Engage in the business of installing or servicing fixed fire extinguisher systems without a current certificate of registration.
  - (3) Service portable fire extinguishers or fixed fire extinguisher systems without a current license.
  - (4) Perform hydrostatic testing of portable fire extinguishers manufactured in accordance with the specifications of the United States Department of Transportation without a current hydrostatic testing certificate.
  - (5) Obtain or attempt to obtain a certificate of registration or license by fraudulent representation.
  - (6) Sell, service or install portable fire extinguishers or fixed fire extinguisher systems or fire protection sprinkler systems contrary to the provisions of this subchapter or the policies formulated and administered under the authority of this subchapter.
  - (7) Engage in the business of installing or servicing fire protection sprinkler systems without a current certificate of registration and without employing a full-time licensed Responsible Managing Employee; and

(8) Engage in the inspection of fire sprinkler systems without employing a full-time licensed fire sprinkler systems inspector.

(b)(1) The Arkansas Fire Protection Licensing Board may conduct hearings or proceedings concerning complaints filed, as provided for in this subchapter, against any licensed persons or firm and suspend or revoke their license, place them on probation, fine them not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00) for a first offense and, for a second offense committed within five (5) years, not less than three hundred dollars (\$300.00) nor more than one thousand dollars (\$1000.00).

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

**20-22-610. LICENSE, PERMIT, OR CERTIFICATE – APPLICATION – FEES**

(a) Applications for licenses, permits, and certificates provided for herein shall be made pursuant to and in accordance with policies adopted by the Arkansas Fire Protection Licensing Board and 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 servicing portable fire extinguishers, installing or servicing fixed fire extinguisher systems, performing hydrostatic testing of fire extinguishers or installing or servicing fire protection sprinkler systems in the State of Arkansas shall as a condition of engaging in such business or occupation obtain from the Board a certificate of registration or a license as prescribed in this section.

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

(A) For engaging in the business of servicing portable fire extinguishers, the fee for the initial certificate of registration shall be no more than three hundred dollars (\$300), and the annual renewal fee shall be no more than three hundred dollars (\$300).

(B) For engaging in the business of installing or servicing fixed fire extinguisher systems, the fee for the initial certificate of registration shall be no more than three hundred dollars (\$300), and the annual renewal fee shall be no more than three hundred dollars (\$300).

(3) Each employee of a firm engaging in the business of servicing portable fire extinguishers or installing or servicing fixed fire extinguisher systems, who services or installs such fire extinguishers, other than apprentice, must obtain a license therefor and pay the following fees:

(A) For a license to service portable fire extinguishers, an initial fee of no more than thirty dollars (\$30.00), and for each annual renewal thereof, a fee of no more than thirty dollars (\$30.00).

(B) For a license to install or service fixed fire extinguisher systems, an initial fee of no more than thirty dollars (\$30.00), and for each annual renewal thereof, a fee of no more than thirty dollars (\$30.00).

(4) Each firm performing hydrostatic testing of Department of Transportation specification compressed gas cylinders used for or with fire extinguishers shall, as a condition of engaging in such business, obtain a Class "A" hydrostatic testing certificate and shall pay therefor an initial fee of one hundred dollars (\$100), and an annual renewal fee of seventy-five dollars (\$75.00).

(5) Each firm performing hydrostatic testing of pressure vessels used as fire extinguishers, other than the United States Department of Transportation specification cylinders, shall, as a condition of engaging in such business, obtain a Class "B" hydrostatic testing certificate and shall pay therefor an initial fee of fifty dollars (\$50.00), and an annual renewal fee of twenty-five dollars (\$25.00).

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

(B) Each application for an apprentice permit shall be accompanied by a fee of fifteen dollars (\$15.00).

(C) A copy of the application may be used by the applicant as proof of his being temporarily licensed as an apprentice until the official apprentice permit is issued or denied by the Board.

(D) An apprentice permit shall be valid for one (1) year from date of issue and shall not be renewable.

(7)(A) Each person 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 make application to the Board's Secretary and pay a fee not to exceed fifteen dollars (\$15.00) per individual examination section with a maximum not to exceed fifty dollars (\$50.00) for all sections taken at the same time.

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

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

(A) An initial application fee for the certificate of registration must be in an amount not to exceed one hundred dollars (\$100).

(B) A fee for issuance of either the initial or renewal certificate of registration must be in an amount not to exceed seven hundred dollars (\$700).

(9) Each firm holding a certificate of registration for installing or servicing fire protection sprinkler systems shall employ at all times at least one responsible managing employee who must obtain a license issued by the Board and conditioned on the successful completion of the requirements prescribed by this subchapter and the Rules & Regulations adopted by the Board and by payment of the following fees:

(A) An examination fee not to exceed one hundred dollars (\$100) per examination shall be paid each and every time an applicant takes an examination.

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

#### **20-22-611. LICENSE, PERMIT OR CERTIFICATE – QUALIFICATIONS**

(a) For a license to service portable fire extinguishers, a person must:

(1) Achieve a passing score on an examination based on the Rules and Regulations of the Arkansas Fire Protection Licensing Board; and

(2)(A) Maintain in force at all times while licensed a public liability insurance policy covering their operations and completed operations, with a minimum limit of liability of three hundred thousand dollars (\$300,000) per occurrence for bodily injury, and fifty thousand dollars (\$50,000) per occurrence for property damage, or a single limit of liability for bodily injury and property damage of three hundred thousand (\$300,000) per occurrence; and

(B) File and maintain a certificate of insurance with the board.

(b) To obtain a license for a fire sprinkler systems inspector, an individual must:

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

(2) Pass an examination on the rules and regulations adopted by the board.

(c) This provision does not apply to fire departments licensed under 20-22-603 (a)(5).

#### **20-22-612. LICENSE, PERMIT, OR CERTIFICATE – PREVIOUSLY ENGAGED PERSONS**

(a) 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 extinguishers, or performing hydrostatic testing of fire extinguishers

derived twenty-five percent (25%) or more of the personal or firm income from servicing fire extinguishers or installing or servicing fixed fire extinguisher 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, provided that the applicant's qualifications meet those requirements established by the Arkansas Fire Protection Licensing Board.

### **20-22-613. PROHIBITED ACTS**

(a) No portable fire extinguisher or fixed fire extinguisher 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, provided that the board may allow the installation of a fixed fire extinguisher system other than one of those enumerated in 20-22-602 (4).

(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 extinguishers in this state shall service the extinguishers in accordance with the standards and procedures prescribed in the Rules & Regulations of the Board.

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

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

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

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

(h) Installation or servicing of fire extinguisher systems shall be accomplished in accordance with the rules & Regulations of the Board.

(i) Installation or servicing of fire protection sprinkler systems shall be accomplished in accordance with the rules & Regulations of the Board.

(j) Any fire protection sprinkler system that was installed prior to September 1, 1985, and which does not meet the standards set forth in the rules and regulations adopted by

the board may be serviced and repaired by a firm registered pursuant to this subchapter. However, an installer of such a system shall service, when requested by an owner of the system and for a reasonable fee, that system which it has installed, so long as the installer has a current certificate of registration and a licensed responsible managing employee pursuant to this subchapter.

**20-22-614. SERVICE AND REPAIR OF FIXED EXTINGUISHER SYSTEMS**

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

(b) However, an installer of such a system shall service, when requested by an owner of the system and for a reasonable fee, that system which it has installed, so long as the installer has a current certificate of registration and a licensed Responsible Managing Employee pursuant to this subchapter.

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