

Arkansas Fire Protection Licensing Board – Rule 2 (Portable/Fixed) - SUMMARY

Arkansas Fire Protection Licensing Board intends to amend its Portable/Fixed rules. The substantive proposed changes include:

- The rule is completely re-organized into a more coherent and logical structure. Provisions regarding the same topic are grouped together and unnecessarily duplicative language is repealed. The new structure of this rule mirrors the structure of the Board's Sprinkler Rules for easy reference.
- Definitions are amended to match the definitions in the Board's statutes or the definitions in the Board's Sprinkler Rules.
- Amends the Board's current license reinstatement provision to comply with Ark. Code Ann. § 17-1-107.
- Clarifies the provisions of the Arkansas Fire Protection Code adopted by the Board.
- In compliance with Act 1011, amends reciprocity requirements for applicants who hold in good standing a substantially similar license in other states and are sufficiently competent. Such applicant is considered "sufficiently competent" if the applicant has passed the Arkansas examination. Also adds a temporary licensure provision. The Board based these provisions on the model rule by the Attorney General's Office.
- In compliance with Act 1011, adds a provision to license applicants from states that do not license those in the portable/fixed fire extinguisher field. Top show sufficient competency, an applicant must pass applicable National Fire Protection Association exams and the Arkansas exam. The individual must hold any applicable NICET certification. The Board based this provision on the model rule by the Attorney General's Office.
- Repeals the requirement that a firm submit affidavits and certificates of distributorship with the firm's application for a certificate of registration.
- Repeals the requirement that an individual applicant submit training certificates or affidavits from product manufacturers.
- Changes tag size from "no more and no less than 5 ¼ inches in height and 2 5/8 inches in width" to no more than 5 ½" in height and no less than 5 1/4" in width.
- Lowers the passing score for the Arkansas exam from 90% to 80%.
- Imposes mandatory notifications if a fixed fire protection system is red-tagged.
- Fee changes: clarifies that an individual's exam (first attempt) is covered in the Individual Licensing Fee; lowers the exam re-take fee and the fee for a license change/transfer/duplicate

from \$30 to \$25; lowers the branch office fee from \$28 to \$25; renames the “licensing update fee” as “change” fee and groups it with transfer and duplicate fees; repeals “licensing packet” fee, which the Board does not assess; lowers renewal fees for some expired licenses.

- Clarifies and streamlines the regulatory process for a firm that changes its ownership.
- Limits a firm’s branch office(s) to locations that share the same name and same tax identification number as the original firm. Therefore, if a firm has a separate business location(s) or office(s) that does not meet the new definition of “branch office,” that separate location will be considered a different business that requires its own separate certificate of registration. A firm must pay a \$25 fee for a certificate of registration for each separate location that meets the definition of “branch office.” The rule “grandfathers in” firms that obtained a certificate of registration for a separate business location(s) or office(s) on or before the rule’s effective date.
- Repeals the age restriction for individual licensure
- Repeals hearing procedures that are already contained in the Administrative Procedures Act.
- Adds a requirement that an application for a firm certificate of registration be accompanied by evidence of registration with the Secretary of State and by individual license applications for its employees.
- Adds a provision from the Board’s Sprinkler Rules by which a firm is held responsible for the acts of the firm’s agents and employees.
- Adds definitions from the Board’s Sprinkler Rules
- Clarifies the types of systems for which the Board issues a firm certificate of registration and individual license.
- The proposed changes also include “housekeeping” matters, such as replacing “regulation” with rule, pursuant to act 315; deleting unused and obsolete provision; updating and clarifying terminology.