

ARKANSAS FIRE PROTECTION LICENSING BOARD
RULES AND REGULATIONS FOR SPRINKLER SYSTEMS
Effective ~~August 1, 2012~~ July 1, 2013

1. SCOPE, PURPOSE AND FAIRNESS

1.1. **PURPOSE.** The purpose of these rules is to regulate persons engaged in planning, selling, installing, maintaining, inspecting or servicing fire protection sprinkler systems in the interest of safe guarding lives and property pursuant to Act 743 of 1977 as amended (ACA 20-22-601 through 614).

1.2. **TITLE.** These rules shall be known and may be cited as the fire sprinkler rules and regulations and shall be administered by and through the Board.

1.3. **APPLICABILITY OF RULES.** These rules shall apply to all firms and persons engaged in the business and not to the general public.

1.4. **FAIRNESS NOTICE.** Notice by the Board as required by any provisions of statute or of these rules must be given by personal service of mail, postage prepaid, addressed to the person to be notified at his last known address of residence or business as it appears on the records in the office of the Board.

2. **DEFINITIONS.** The following words and terms, when used in these rule, have the following meaning unless the context clearly indicates otherwise.

- ❖ Act 743 of 1977 – Fire protection requirements set forth by the State of Arkansas, of which the Arkansas Fire Protection Licensing Board was initiated. The Act is known as ACA 20-22-601 through 614 or Title 20, Chapter 22, Subchapter 6, or loosely as “The Act”.
- ❖ *AFSA - American Fire Sprinkler Association – a nationally recognized organization for licensing installers.*
- ❖ *"Apprentice" means a qualified person:*
 - (A) Enrolled as required in an apprenticeship program recognized by the Arkansas Fire Protection Licensing Board; and*
 - (B) Who may perform work entitled by the licensee under the direct supervision of a licensed employee.*

- ❖ Authority Having Jurisdiction (AHJ) -The organization, office or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, and installation, or a procedure.}
- ❖ Board – the Arkansas Fire Protection Licensing Board
- ❖ Certificate – the certificate or registration issued by the Board authorizing the applicant to engage in the business, whether relating to the individual RME, Inspector, Installer or the Fire Protection Sprinkler System business.
- ❖ Certify – to attest to the proper planning, installing, maintaining, inspecting or servicing of fire sprinkler systems by executing a business’s material and test certificate and attaching a completed service tag.
- ❖ Certified Firm – any business owned by an individual, partnership, corporation or association holding a current certificate of registration issued by the Board.
- ❖ Demarcation – a point of a service, an isolating valve downstream of the domestic meter service, where the fire service line becomes a dedicated Fire Protection Sprinkler System supply line installed, or serviced by a Fire Protection Sprinkler System Business under the direct supervision and responsibility of a Fire Protection Sprinkler System Business as herein defined.
- ❖ “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).
- ❖ “Fire protection sprinkler system business” means those firms engaged in the planning, fire protection layout, selling, installing, maintaining, inspecting, and or servicing of fire protection sprinkler systems, including without limitation standpipes, hose stations, and fire pumps. “
- ❖ Fire protection sprinkler systems inspector” means a qualified person who:

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

(B) May perform corrections of deficiencies from an inspection.

- ❖ “Firm” means any person, partnership, corporation, or association
- ❖ Full-Time Employee – an employee is considered to work full-time if the employee works an average of at least 30 hours per week.
- ❖ Impairment – a shutdown of a system or portion thereof. The two types of impairments are emergency and pre-planned.
- ❖ Inspection – a visual examination of a sprinkler system, or portion thereof, to verify it appears to be in operating condition and free from physical damage, per such standards referenced by the required Inspection Form .
- ❖ Installation – the initial placement of a system (or its extension), or the modification or alteration of a system after its initial placement.
- ❖ Installer – a licensed employee responsible for the initial installation of the fire sprinkler system in accordance with the applicable NFPA installation standards. Anywhere installer is referred to in this document it will be understood to be equivalent with the term “licensed fitter”.
- ❖ License – a written document issued by the Board to any person for the purpose of granting permission to such person to perform any act(s) for which authorization is required.
- ❖ Maintenance/Repair – to maintain in the condition of repair that provides performance as originally planned.
- ❖ NFPA – National Fire Protection Association, Inc. – a nationally recognized standards making organization located at # 1 Batterymarch Park, P. O. Box 9101, Quincy, Massachusetts 02269- 9101.
- ❖ NICET – National Institute for the Certification in Engineering Technologies-a nationally recognized organization for certifying layout technicians and inspectors.
- ❖ Organization – a corporation, partnership, other business association, a government entity or any other legal or commercial entity.

- ❖ Person – a natural person, including any owner, manager, officer, employee or occupant.
- ❖ Plan – to layout, detail, draw, calculate, devise or arrange an assembly of underground or overhead piping and appurtenances in accordance with either adopted fire protection standards or specifications especially designed by an engineer.
- ❖ Pre-planned – a condition where a water based Fire Protection Sprinkler System or a portion thereof is out of service due to work that has been pre-planned in advance such as revisions to the water supply or sprinkler system piping.
- ❖ Point of Service – the point at which the underground piping for a sprinkler system, using water as the extinguishing agent, becomes used exclusively for the fire sprinkler system.
- ❖ “Responsible managing employee” means an individual who is a full-time licensed employee of a registered fire protection sprinkler system business firm and who is designated by the fire protection sprinkler system business to be responsible for assuring that all fire sprinkler layouts, installations, and servicing of fire protection sprinkler systems are performed in accordance with all applicable provisions, rules, and guidelines
- ❖ ~~Reviewed, Sealed.~~ Fire Sprinkler Drawings that have been reviewed by the State Fire Marshal’s Office and the local authority having jurisdiction that signify agreement with the Design submitted.
- ❖ “Service and servicing” means physically installing fire protection sprinkler systems by inspecting, placing in service, maintaining, refilling, repairing, hanging, locating, or testing the fire protection sprinkler system equipment in order to furnish or return the Fire Protection Sprinkler System to operational condition.
- ❖ "Sprinkler fitter" means a qualified person to oversee:
 - (A) An apprentice; or
 - (B) The initial installation or servicing of fire protection sprinkler systems.
 - (C) Corrections of deficiencies from an inspection.
- ❖ Standards - Nationally recognized standards adopted herein.

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❖ Standards – those nationally recognized standards adopted herein.

❖ Tags: See Section 5

❖ Test – the act of subjecting a Fire Protection Sprinkler System to any procedure necessary to insure its proper operation or installations.

❖ Trainee means an employee who may perform work entitled by the licensee under the direct supervision of a licensed employee.

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3. **APPLICATION.**

3.1. The rules and regulations shall have uniform force and effect throughout the State, Municipalities, or counties and may require additional certificate of registration or licenses or may require certified firms to obtain permits or pay fees beyond the scope of these rules and regulations.

3.2. These rules and regulations do not apply to a person or organization that only sells or supplies products or materials to a certified firm, special agent fire suppression system, a regular employee of a certified firm, inspection activities conducted as part of an insurance or engineering survey, inspection activities performed by a government official as part of code enforcement activities, routine observation of the condition of fire sprinkler equipment by the maintenance staff of the owner or tenant and nothing herein shall be deemed to limit or restrict the practice of engineering by licensed or certified professional engineers.

3.2.1. Adopted codes – the Board adopts, in its entirety, the current adopted edition of the Arkansas Fire Prevention Code, ~~2007 edition~~ and the documents referenced therein published by and available from the ICBO Resource Center, 9300 Jollyville Road, Suite 101, Austin, TX 78759-7455, (512-794-8700, Fax 343-9116, 800-252-3602. A copy of the codes shall be kept available for public inspection in the office of the State Fire Marshal.

3.2.2. Adopted Standards. The Board adopts in their entirety, the documents referenced by the adopted code and summarized in the section of the adopted fire code Chapter 45 of that code. To the extent there is not contradiction between the adopted code and copywriters standards published by and available from, the National Fire Protection Association, Inc. # 1 Batterymarch Park, P. O. Box 9101, Quincy, Mass. 02269-9101, 1-800-344-3555, such NFPA standards, even though referenced in part, are

entirely adopted. Where the adopted code does not reference a standard or edition, the most recently published edition of the standard shall be the one adopted by the Board. A copy of the standards shall be kept available for public inspection in the office of the State Fire Marshal.

3.2.3. Approved Certification Organizations. The Board approves the National Institute for Certification in Engineering Technologies (NICET).

3.2.4. Approved Apprenticeship Program. The Board approves the US Dept of Labor Fire Protection Apprenticeship Program for certifying [Licensing Fire Sprinkler](#) Fitters.

3.2.5. ~~Licencees~~[Licenses](#) are certified in training and must obtain the experience required for their licensing as pertaining to their knowledge of NFPA standards. All work performed by NICET certified ~~licences~~[licenses](#) are subject to design professionals and fire officials, who are the authorities having jurisdiction, who may require work beyond NFPA in order to meet requirements set forth in the State Fire Code or the design professional's or fire authority's interpretation thereof. [All AHJ requirements, especially requiring deviations from NFPA or the State Fire Code, must be in writing or else such deviations are the licensed employee's responsibility.](#)

3.3. Explanation of Roles.

3.3.1. Owner's Role. The responsibility of properly maintaining a water based fire system shall be that of the owner(s) of the property. By means of periodic inspections, tests, and maintenance, the equipment shall be shown to be in good operating condition or any defects or impairments shall be revealed. Inspection, testing, and maintenance shall be implemented in accordance with procedures meeting or exceeding those established in this document and in accordance with the manufacturer's instructions. Personnel who have developed competence through training and experience shall perform the task.

3.3.2. Per NFPA, The building owner or occupant shall not make changes in the occupancy, the use or process, nor the materials used or stored in the building without evaluation of the fire system for their capability to protect the new occupancy, use or materials. The evaluation shall consider factors that include, but are not limited to, the following:

- ◆ *Occupancy changes such as converting office or production space into warehousing.*
- ◆ *Process or material changes such as metal stamping of molded plastics.*
- ◆ *Building revisions such as relocated walls, added mezzanines and ceilings added below sprinklers.*
- ◆ *Removal of heating systems in spaces with piping subject to freezing.*
- ◆ *Where changes in the occupancy, hazard, water supply, storage, commodity, storage arrangement, building modification or other conditions that affect the installation criteria of the system are identified, the owner or occupant shall promptly take steps (such as contacting a qualified business, consultant or engineer) to evaluate the adequacy of the installed system in order to protect the building or hazard in question. Where the evaluation reveals a deficiency causing a threat to life or property, the owner shall make appropriate corrections. All requirements of the authority having jurisdiction shall be followed.*
- ◆ *The owner shall maintain records. Records shall indicate the procedures performed (inspection, test or maintenance), the organization that performed the work, the results, the date and the inspector or RME license number. Original records shall be retained for the life of the system. Subsequent records shall be retained for a period of one year after the next inspection, test or maintenance required by the standard.*
- ◆ *To avoid false alarms where a supervisory service is provided, the alarm receiving facility shall always be notified by the owner or designated representative before conducting any test or procedures that could result in the activation of an alarm or after such test or procedures are concluded.*

3.3.3. *Fire protection sprinkler system business's Role. In order to fulfill the intent of the owner's roles, a specialized business may be hired who satisfies the role of employing "personnel who have developed competence through training and experience". The business then assumes responsibility for the maintenance, inspection, servicing or installation of the system to the extent expressed in the contract between the two parties. If requested by the Board, the business's inspector or RME shall furnish a license number for all hired work and shall fax a copy of the completed forms to the Licensing Board.*

3.3.4. RME Role: The RME is responsible for assuring that all fire protection sprinkler system business is performed in accordance with all applicable provisions, rules, and guidelines.

3.3.5. Installer's Role. The Installer receives approved drawings as signed off by the company's RME and is in charge of installing the sprinkler system according to such drawings and completing the installation in compliance with all applicable NFPA standards. Once completed, the Installer must complete the Contractor's Material Test Certificate in accordance with the appropriate NFPA standard and affix the permanent green installation tag. The role of this individual is "installation" and this individual's competency falls under the jurisdiction of the company's RME.

3.3.6. Inspector's Role. The Inspector is an experienced and trained individual who is employed by a Fire Protection Sprinkler System Business to visually examine and verify the installed system appears to be in operating condition and free of physical damage in accordance with the nationally adopted NFPA 25 standard. The Inspector also acts as a liaison and informant for the fire department by signing systems off as described in the tagging system later described in this document. Where the installer's initial installment is covered under the business's and manufacturer's warranties, the inspector must have the competence to provide assurance that the system components are working properly even after the warranties have been exhausted.

4. **REGISTRATION, LICENSING, FEES.** Alteration of any Certificates or Licensed Documents renders them invalid and is the basis for administrative action pursuant to Act 743 of 1977 as amended.

4.1. **Company License.** Certificate of Registration. Each firm engaged in the business shall have a certificate of registration issued by the Board (example: FSS-xxx).

4.1.1. Business Location. A specific location shall be maintained by each certified firm which shall be indicated on the certificate.

4.1.2. Posting. Each certificate shall be posted conspicuously on the premise.

4.1.3. Change in ownership. The change of a firm's ownership invalidates the current certificate. To assure continuance of the business, an application for a new certificate must be submitted to the Board fourteen (14) days prior to such change.

- 4.1.4. Change in corporate Officers. Any change of corporate officers must be reported in writing to the Board within fourteen (14) days. This change does not require a revised certificate.
- 4.1.5. Duplicate certificates. A duplicate certificate may be issued upon receipt of written notification of the loss or destruction, without delay, accompanied by the required fee.
- 4.1.6. Revised certificate. The change of a firm's name, location or mailing address requires a revised certificate. Certificates requiring changes must be surrendered to the Board within fourteen (14) days after the change requiring the revision. The certificate holder must submit written notification of the necessary change with the surrendered certificate accompanied by the required fee.
- 4.1.7. Minimum Age. A certificate shall not be issued to any person who is under 18 years of age.
- 4.1.8. Termination of Registered firm's RME. Upon termination of the registered firm's RME, the firm shall submit to the Board, in writing, within forty-eight (48) hours and have a full time employee submit for a new RME license within thirty (30) days.
- 4.1.9. Nontransferable. A certificate is not transferable from one firm to another.
- 4.1.10. Certificate holders shall be responsible for the acts of their agents and employees for purposes of these rules, including the taking of administrative action by the Board.
- 4.2. **Individual Licenses.** Each individual engaged in any activity outlined in these rules and regulations or in the Act empowering them, shall have a license issued by the Board (example: RME, FIT, or APP).
- 4.2.1. Each Licensed Individual shall be employed [by the business full time](#) and shall only perform the act(s) authorized by their license.
- 4.2.2. Pocket License. The pocket license is for identification purposed only as long as such license remains valid and the firm reflected on the license employs the license holder.
- 4.2.3. Posting. Wall licenses shall be posted conspicuously on the premise of the firm's business location.
- 4.2.4. Duplicate License. A duplicate license must be obtained from the Board to replace a lost or destroyed license. The license holder must submit

written notification of the loss or destruction without delay accompanied by the required fee.

4.2.5. Revised License. The license holder must submit written notification of the necessary change with the surrendered license accompanied by the required fee.

4.2.6. License requiring change(s) due to a change of home or mailing address must be surrendered to the Board within fourteen (14) days after the change requiring the revision.

4.2.7. License requiring a change due to a change from one registered firm to another must be submitted in writing to the Board within forty-eight (48) hours.

4.2.8. Minimum Age. A license will not be issued to any person who is under 23 years of age. Supervised employees, such as Apprentices and Trainees, are not subject to this requirement; however, the minimum age for apprentices and trainees shall be 18 years of age.

4.2.9. ~~Inspectors must meet the criteria outlined in Exhibit F, Table A unless waived, taken exception to, or otherwise deemed equivalent as determined by the Board.~~

4.2.10. Restrictions of Licenses are as follows:

- A license does not authorize anyone engaged in the business to enforce these rules or to enter any building without the owner's permission.
- Licensees shall not permit the use of their license by other persons.
- A licensee shall not engage in any act of the business unless employed by a certified firm.
- Nontransferable. A license is not transferable from one person to another.

4.3. **Applications.**

4.3.1. **Certificate of Registration.** Applications for certificates shall be in writing on forms provided by the Board and accompanied by the required fee.

4.3.2. Applications must be signed by the sole proprietor, by each partner of a partnership, or by an officer of a corporation or organization and must be accompanied by evidence of registration as an Arkansas Corporation or as a foreign corporation with evidence of registration with the Arkansas Secretary of State. The application shall also include written

authorization by the applicant permitting the Fire Marshal, or his representative, to enter, examine, and inspect any premises, building, room, or establishment used by the applicant while engaged in the business to determine compliance with the provisions of Act 743 of 1977 as amended.

4.3.3. Responsible Managing Employee, Inspector, and Installer Licenses.

Original and renewal applications for a license from an employee of a firm engaged in the business shall be on forms provided by the Board and accompanied by the required fee. Each licensee shall pass the examination(s) administered by this board, as outlined in Section 4, Part 5 "Examinations".

4.3.4. Original and renewal applications for a license from an employee of a firm engaged in the business shall be on forms provided by the Board and accompanied by the required fee.

4.3.5. One of the following documents must accompany the application to evidence technical qualifications for a **Responsible Managing Employee license**.

4.3.5.1. A copy of ~~the applicant's current~~ [NICET's notification letter regarding the applicant's successful completion of the examination requirements for certification at Level III or Level IV Certificate or Wallet Card](#) for fire protection automatic sprinkler system layout.

4.3.5.2. A copy of a diploma showing the completion of a Bachelor of Science Degree in Fire Protection Engineering (or Engineering Technology) from a recognized institution, along with a signed affidavit from an Arkansas licensed sprinkler business stating the individual has a minimum of three (3) years subsequent experience in fire sprinkler layout.

[4.3.6. Where Inspector or Fitter's License Affidavits are required for applicants, such forms must be signed by the firm's RME testifying to the competency of the individual's training and having 6,000 hours of experience with fire protection sprinkler systems.](#)

~~4.3.6.4.3.7.~~ One of the following documents must accompany the application to evidence technical qualifications [and/or having met certification requirements](#) for an **Inspector or Fitter's license** [prior to sitting for the exam](#).

~~4.3.6.1. Evidence of having met the Certification Requirements for the License, including~~

[4.3.7.1.1. An Inspector or Fitter's License Affidavit OR](#)

~~4.3.6.1.1.4.3.7.1.2.~~ Proof of registration with the ~~Arkansas-US~~ Dept of Labor Fire Sprinkler Fitter Program in order to obtain a Fitter License.

~~4.3.6.1.2. Proof of having satisfied any one of the pre-requisites outlined in Exhibit F to obtain an Inspector's License.~~

~~4.3.7.1.3. Fitters may be grandfathered in for a license without sitting for any state exams provided that their employer submits An Inspector or Fitter's License Affidavit for the applicant prior to August 1, 2013.~~

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4.4. Insurance Required.

- 4.4.1. The Board shall not issue a certificate of registration under these rules unless applicant files with this office proof of liability insurance as required in Act 743 of 1977 as amended.
- 4.4.2. Each certified firm shall maintain in force and on file in the Board's office the certificate of insurance as required. Failure to do so will be cause for action to suspend the firm's certificate.

4.5. Examinations.

- 4.5.1. Each applicant for a license shall take and pass, with at least 90% grade, an examination covering these rules. The Board shall set the content, frequency and location covering these rules and Act 743 as amended. In addition to these requirements, ~~Inspector~~s and ~~Fitter applicants~~ must pass an examination covering the current editions of ~~NFPA 25 and~~ NFPA 13, ~~NFPA 13R, NFPA 20, NFPA 24 and the Inspector applicant must also pass an examination covering the current edition of NFPA 25-~~
- 4.5.2. Applicants not passing the examination must file a re-examination application accompanied by the required fee.
- 4.5.3. A person whose license has been expired for two years or more and makes application for a new license must take and pass another examination. No examination is required for a license renewed within two years of expiration.

4.6. Fees.

- 4.6.1. Every fee required in accordance with the provisions of Act 743 of 1977 as amended and these rules shall be paid by money order or check. Money order or check shall be made payable to the Fire Protection Licensing Board.

- 4.6.2. Fees shall be paid at the office of the Board in Little Rock, Arkansas or mailed to an address specified by the Board.
- 4.6.3. Late fees are required of all certificates or license holders who fail to submit renewal applications on or prior to their expiration date of June 30.
- 4.6.4. A renewal application accompanied by a required fee and deposited with the United States Postal Service is deemed to be timely filed, regardless of actual date of delivery, when its envelope bears a legible postmark date which is on or before the expiration date of the certificate being renewed.
- 4.6.5. A certificate or license expired for two years or more cannot be renewed.
- 4.6.6. Late fees are required of all certificates or license holders who fail to submit renewal applications on or prior to the expiration date of June 30.
- 4.6.7. A renewal application accompanied by a required fee and deposited with the United States Postal Service is deemed to be timely filed, regardless of actual date of delivery, when its envelope bears a legible postmark date which is on or before the expiration date of the certificate being renewed.
- 4.6.8. A certificate or license expired for two years or more cannot be renewed.

Fees shall be as follows:

Certificate of Registration

Initial Fee	\$700.00
Renewal Fee	\$700.00
Application Fee	\$100.00
Branch Office (if using Different name)	\$ 28.00
Update/Revision	\$ 30.00

Responsible Managing Employee License

Initial Fee (which includes 1st exam Fee)	\$300.00
Renewal Fee	\$300.00

Inspector License

Initial Fee (which includes 1st exam fee)	\$150.00
Renewal Fee	\$150.00

Installer License

Initial/Renewal fee for Fitter License	\$50.00
Initial/Renewal fee for Apprenticeship License	\$25.00
Initial/Renewal fee for Trainee Permit	\$15.00

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Other Fees

Transfer/Duplication	\$ 30.00
Any changes to Certificate or License	\$ 30.00
Examination Fee	\$ 28.00

<i>Expired 1-90 days</i>	<i>1 renewal fee + 1/2 initial fee = Total fee due</i>
<i>Expired 90-365 days</i>	<i>1 renewal fee + 1 initial fee = Total fee due</i>
<i>Expired 366 days-2 years -</i>	<i>2 renewal fees + 1 initialfee = Total fee due</i>

Example: 1-90 days

Company Renewal Fee \$700.00 + \$350.00 = \$1050

RME Renewal Fee \$300.00 + \$150.00=\$450.00

Inspector Renewal Fee \$150.00 + \$75.00 = \$225.00

After two (2) years a company would be treated a a new company. RME(s) and Inspector(s) shall re-test to receive a license.

5. PROCEDURES

5.1. Installation, Inspection and Service.

5.1.1. All sprinkler systems installed under Act 743 of 1977 as amended shall be under the supervision of a licensed Responsible Managing Employee.

5.1.2. **Beginning at the demarcation valve** where water is used exclusively for fire sprinkler systems installation, testing and or servicing shall be executed by a Fire Protection Sprinkler System Business or under the direct supervision thereof and shall be in compliance with the adopted code and standards.

5.1.3. **Direct Supervision** is herein defined as on sight coordination, instruction and evaluation given by a Licensed Fitter to ensure that all

work is installed per any adopted codes and standards. Such supervision includes, but is not limited to, assurance, by inspection, that listed materials and proper restraints are used, such work is flushed, hydrostatic testing of 200 psi for 2 hours is performed, that the work is hydraulically calculated and Contractor's Material Test Certificates reference any subcontracted work, who performed such work (with all contact information) and the exact scope of such work.

5.1.4. At least one Licensed Fitter shall oversee the work on each project, being on site daily when fire sprinkler work is being performed. All other installers shall have apprenticeship licenses. Anyone installing fire sprinkler work without a license issued by this Board, shall be subject to fines and penalties described herein.

5.1.5. Licensed Fitters are to complete the **Contractor's Material and Test Certificate** upon completion of the installation [where required by NFPA](#). The RME is responsible for distributing a [Business's Contractor's Material and Test Certificate](#) as follows:

5.1.5.1. Original copy retained by the installing company.

5.1.5.2. Second copy kept at the site after completion of the installation.

5.1.6. A licensed inspector, employed by a Fire Protection Sprinkler System Business, shall **conduct inspections in compliance with NFPA 25 and must utilize forms approved by the Licensing Board**. (Sample Forms may be obtained from NFPA 25). A written inspection report shall be completed and copies filed with the

5.1.6.1. Owner, occupant or other designated responsible person.

5.1.6.2. State or Local Fire Marshal's Offices when systems require Yellow or Red Tags. Such Inspection Forms shall include the words "Yellow Tag" or "Red Tag" in the upper right hand corner of the 1st page so the Fire Authority can more readily discern the nature of the report.

5.1.7. The AFSA or NFSAs sample forms in the Appendix of NFPA 25 are APPROVED FORMS in the State of Arkansas [along with all forms provided in the NFPA documents](#). Other Forms are permitted IF [they fully comply with all the requirements in the NFPA standards, such forms comply with NFPA 25 AND have been individually approved by the board prior to utilizing them. See Exhibit H.](#)

- 5.1.8. Service, which includes maintenance, where required, shall be conducted by a Fire Protection Sprinkler System Business and in compliance with the appropriate adopted standards.
- 5.1.9. **Complete records** shall be kept of the tests and operations of each system. The records shall be available for examination by the Fire Authority.
- 5.1.10. **Fire Pumps.** Fire Pump installation, inspection and/or testing must be performed or officially supervised by a licensed Fire Protection Sprinkler System Business) whose field representative must demonstrate proper training recognized by the Board. [See Exhibit F](#)
- 5.1.10.1. A licensed company may elect to utilize a distributor or manufacturer's representative to perform these services provided it is under the supervision of an Arkansas licensed Fire Protection Sprinkler System Business. Documentation of proper training and/or a letter from a distributor or manufacturer's representative must be submitted to the Board.
- 5.1.10.2. Once the Fire Pump inspection, installation and testing is completed an AFSA or NFSA form shall be completed, retained on file by the business and furnish to :
- 5.1.10.2.1. Owner, occupant or other designated responsible person.
- 5.1.10.2.2. In the case of items requiring a Yellow or Red Tag, such report shall be sent to the State or Local Fire Marshal. Such Inspection Forms shall include the words "Yellow Tag" or "Red Tag" in the upper right hand corner of the 1st page so the Fire Authority can more readily discern the nature of the report.
- 5.1.11. **Backflow Prevention.**
- 5.1.11.1. Adding Backflow Prevention to Existing Facilities. Where backflow preventers are required to be installed on existing systems, the owner must have the system re-calculated with the loss of the backflow preventer. For pipe schedule systems, the pipe schedule method of evaluating the additional friction loss is acceptable.
- 5.1.11.2. Backflow Prevention Installation. Due to the necessity for hydraulic calculation, all Backflow Preventers that are installed downstream of the point of demarcation must be calculated and installed by a Fire Protection Sprinkler System Business except that such may be calculated by an Engineer licensed in the State of Arkansas. Backflow Preventers must be hydraulically calculated at the maximum flow condition for the fire sprinkler system.

5.1.11.3. Backflow Preventers installed in Fire Pump Supply. Per NFPA 20, Backflow preventers must be installed downstream of the fire pump installation unless otherwise required by the State Health Department or local municipalities. Such Backflow Preventers shall be listed to accommodate Fire Pump Churn pressure in addition to any other supply pressure obtained for the system.

5.1.12. **Stand pipes** shall be installed by a licensed Fire Protection Sprinkler System Business per Act 1073 of 2003.

5.1.13. **Multipurpose systems** are residential type systems where domestic plumbing and fire sprinkler work are highly integrated. Any fire sprinkler portion of such system must be performed by a licensed Fire Protection Sprinkler System Business or under the direct supervision, as defined in Section 5.1.b.

5.1.14. **Elevator Safety** falls under the jurisdiction of the Arkansas Department of Labor, Elevator Safety Division and shall adhere to Rules and Regulations adopted by the Arkansas Elevator Safety Board. Although NFPA 13 allows the omission of fire sprinklers meeting ASME/ANSI A17.1 requirements, the portion of this document dealing with the installation of pipes in hoistways and machine rooms, namely ASME/ANSI A17.1a of 1998, rule 102.2 (now replaced by the equivalent reference from the 2004 edition), list 5 requirements which, alongside additional concerns of the Elevator Safety Division, can be satisfied by following the guideline shown below:

5.1.14.1. Elevator Pits require fire sprinklers due to the accumulation of debris in the pit. Such fire sprinklers require a shutoff valve with a tamper switch, but do not require any monitoring of flow. The supply shall not enter the elevator shaft more than 6" above the finished floor level and once entering must be installed tightly to hug the wall of the pit (ideally not on the same wall as the hydraulic equipment unless specifically arranged by the Elevator Inspection Division of the Dept of Labor). The elevator sprinkler shall be Intermediate temperature, Ordinary Response and located 16" to 20" above the pit floor.

5.1.14.2. Elevator Machine Rooms require both shutoff valves with tamper switches AND a flow switch to be wired by a licensed alarm company IF shunting is required. The water flow switch shall be set to Zero Delay in order to shunt the main power supply and Car Lighting Circuit. All flow switches must be testable. (if providing a plugged outlet, place the outlet at least 1 foot away from the waterflow switch for annual testing). The Elevator Machine Room sprinkler shall be Intermediate Temperature, Ordinary Response, giving the 135 degree fixed temperature detector time to return the elevator to

the designated floor with open doors, remaining in place, until Phase II Recall is initiated by the Elevator's keyed switch. The time delay between heat sensor activation and higher response time/ the higher temperature rated fire sprinkler is intended to allow electrical power to shut down prior to fire sprinkler activation. See Exhibit G.

5.1.14.3. Sprinklers shall not be required in the tops of elevators unless required by NFPA 13 (i.e. for Freight Elevators). If a fire sprinkler is installed in the hoistway, it shall be installed as specified for the Elevator Machine Room and a heat detector at the top of the hoistway shall perform the same shunting functionality as described for the Machine Room.

5.1.15. **The Department of Human Services (DHS)** does not recognize concessions made by the codes and standards with regards to Fire Retardant Treated Wood (FRTW) and therefore, where projects fall under the jurisdiction of DHHS, please consult with the Director of Human Services, prior to attempting such work.

5.1.16. **Engineers, Fire Officials, Insurers, and other AHJs** are the recognized authorities of Codes and Standards adopted by this Board and govern the parameters of design for which the Fire Protection Sprinkler System Business and RME are responsible for fulfilling. Fire Sprinkler Licenses are products of NFPA Standards and NICET Certifications, which are entities SUBJECT TO; HOWEVER INDEPENDENT OF, State Codes. This Board has no authority pertaining to State Codes, though such Codes dictate the editions of the Standards recognized by this board. Therefore, licenses issued from this board do not indicate any proficiency on the part of its licensees pertaining to State Codes.

5.1.17. **The State Fire Code provides limitations on NFPA 13R systems, FDC accessibility requirements, the maximum distance between a fire hydrant and FDC, where fire sprinklers may be omitted, where additional fire sprinklers may be required, firewall separation requirements that design professionals may achieve by water curtains, window sprinklers, or other design methods, seismic bracing requirements, and a host of requirements beyond NFPA standards that this board requires certification for. Though fire sprinkler contractors may possess knowledge beyond their certifications and licensing, the rules and regulations of this board and its licensees do not extend beyond the certified competency required by this board. Fire Sprinkler Businesses do not determine scope but rather follow the scope given by design professionals pertaining to these and many other design parameters and design options allowed by the codes. As code requirements are given by engineers and fall under the AR State Board of Licensure for**

Professional Engineers, installation standards fall under the expertise of licensees regulated by this board

5.1.18. Fire Authorities determine and enforce code requirements in the initial permitting process with design professionals, which is a process independent of this board's jurisdiction. However, fire authorities review system layout and installation per NFPA standards as well, and this portion of the fire authority's review and enforcement applies to the licensees regulated by this board.

5.2. Sprinkler System Plans.

5.2.1. One set of Sprinkler working plans and hydraulic calculations shall be submitted to ~~at~~ the State Fire Marshal's Office and to the local authority having jurisdiction reviewing authority, where applicable, for all systems installed in a building prior to completion of installation. This set may be emailed.

5.2.2. Subsequent alterations or additions shall be legibly noted on updated plans. When an alteration consists of 20 sprinklers or less and all floor areas were calculated with such alterations accounted for, updated plans are not required. Updated plans are required for all alterations consisting of more than 20 sprinklers. Additions to systems areas also require updated plans.

5.2.3. Plans shall bear the signature of the licensed responsible managing designer, his license number, the date of installation, alteration or addition and the certificate of registration number of the certified firm.

5.3. Hydraulic Placard Standards and Requirements (See Exhibit "A" for example).

5.3.1. Every new and remodeled system shall receive a self-adhesive hydraulic placard that is to be placed in plain view on the system riser.

5.3.2. The placards shall be no less than 0.002" in thickness, made of an aluminum foil type material.

5.3.3. Adhesives shall have 3M, or equivalent, permanent pressure sensitive backing.

5.3.4. Size shall be no less than 5" wide by 7" long.

5.3.5. Wording on the placard shall be legible and permanent so as not to rub off.

5.3.6. Fire Protection Sprinkler System business shall submit samples of placards to the Arkansas Fire Protection Licensing Board for approval at the time of licensing and for annual license renewals.

5.3.7. The Wording on the Placard show be as follows:

- Each placard shall contain the following information:
- System number
- Remote area location
- Number of sprinklers calculated
- Hazard group
- Commodity protected
- Maximum storage height
- Density
- Design discharge area
- GPM discharge at base of riser
- Residual pressure at base of riser
- Un-sprinkled areas of the facility (for partial systems only).
- Date of installation /placed in service.
- The statement "DO NOT REMOVE, DESTROY OR OBSTRUCT BY ORDER OF THE STATE FIRE MARSHAL" in bold type and font size shall be no smaller than 16.
- RME name and license number
- Company certificate of registration number
- Fire Sprinkler company name, address and telephone number
- Codes, edition(s) and year system installed by

5.4. Overview of Tagging System and Procedures

5.4.1. Every new and remodeled system shall receive the Tags described below.

5.4.2. **Authorized Tag Personnel.** Only the following persons are authorized to attach, remove, or re-attach green tags, yellow tags or red tags.

5.4.2.1. A Fire Protection Sprinkler System Business's RME, Licensed Fitter, or Inspector.

5.4.2.2. By order to the State Fire Marshal

5.4.2.3. By order of the local Fire Authority Having Jurisdiction

5.4.2.4. By order of the State Fire Protection Licensing Board or its designated employee.

5.4.3. After installation and after each service, maintenance, or inspection a new GREEN "service tag" shall be completed in detail indicating all work that has been done and then attached to the system in such a position as to permit convenient inspection and not hamper actuation or operation of the system.

5.4.4. **Where impairments are found,** a Green Tag must not be installed on the system until corrections have been made.

5.4.4.1. Impairment. A shutdown of a system or portion thereof. The two types of impairments are as follows:

5.4.4.1.1. Pre-Planned. A condition where a water based Fire Protection Sprinkler System or a portion thereof is out of service due to work that has been planned in advance, such as revisions to the water supply or sprinkler system piping.

5.4.4.1.2. Emergency. A condition where a water based Fire Protection Sprinkler System or portion thereof is out of order due to an unexpected occurrence, such as a ruptured pipe, an operated sprinkler, or an interruption of the water supply to the system.

5.4.4.1.2.1. All impairments that would interfere with the fire department's ability to rely upon the fire sprinkler system's reliability are considered to be Emergency Impairments. (Example: a potential or immediate hazard that jeopardized water flow conditions in the fire department connection supply line, bad fire department connection threads, an obstruction in the FDC supply, any openings in the system (whether piping or sprinklers, defective FDC check valves, etc.)

- 5.4.5. Green Tag. Any system that is green tagged is understood to have successfully passed inspection by a licensed individual utilizing the state standard inspection forms NFSA or AFSA Forms. All non-emergency impairments must be noted in the comment section of the tag (see Exhibit C).
- 5.4.6. Green Tags are to be attached after the initial installation after the Licensed Fitter has completed the Contractor's Material Test Certificate.
- 5.4.7. Yellow Tag. Any system that is understood to have non-emergency impairments that do not merit a Red Tag, such as manufacturer's recalls, missing head boxes or contents thereof, inoperable alarm functions, areas with improperly spaced fire sprinklers, where fire sprinklers have been painted and require replacement, and other such impairments that would not be anticipated to substantially diminish the system's ability to perform its intended function – protection of the occupants and/or building **(See Exhibit D)**.
- 5.4.8. If non-emergency impairments are found, the RME or Licensed Inspector must notify the building owner or his representative. In addition, the authority having jurisdiction shall be notified in writing and/or a copy of the completed tag (front and back) is to be sent to him noting all impairments. This information must be sent by mail or fax with fourteen (14) business days of the inspection.
- 5.4.9. Red Tag. Any system that is red tagged is understood to be emergency impaired and therefore would not be acceptable to connect to in the case of emergency operations **(See Exhibit E)**.
- 5.4.10. If impairments are found in the system that constitute an emergency impairment, as defines in NFPA 25, then the RME or the inspector shall complete and attach a Red Tag in such a position as to permit convenient inspection and not hamper actuation or operation of the system and one laminated Red Tag is to be placed on the exterior fire department connection (peel and seal clear laminate is acceptable). After notifying the owner and discussing the deficiencies, the RME or inspector shall immediately notify the local AHJ within 24 hours, either by telephone or in writing, and follow up by way of sending a copy of the inspection report or a copy of the completed tags (front and back) by mail, email or fax within 5 business days of the inspection.
- 5.4.11. **This Section applies to Tag Configuration and Contents.**
- 5.4.12. A new service tag shall be green in color and shall be attached each time an inspection, service or maintenance is performed and the criteria of the above paragraph exist.

5.4.13. Service tags are to be attached when the selected inspection form (AFSA or NFSA format) is completed and impairment have not been found during the inspection.

5.4.14. Green Service tags, Yellow Tags, and Red Tags shall be 5 1/4 inches in height and 2 5/8 inches in width.

5.4.15. All tags must utilize a "punch out" system for dating and may be printed and established for a period of five (5) years. After each printing one tag shall be sent to the Fire Protection Licensing Board.

5.4.16. Service Tags, Yellow Tags, and Red Tags shall bear the following information:

- Printed at the top of the tag in all capital letters in at least 36 point bold face type will be the following: "DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL".
- Name, address, telephone number and certificate number of the firm performing the installation, service, maintenance or inspection
- Name and license number of the firm's Inspector or RME clearly printed (hand printing not allowed).
- Signature of the person performing the work.
- Day, month and year the work was completed (may be punched)
- Type of work performed - installation, service, maintenance or inspection (may be punched)
- Name and address of the property owner where the work was performed.
- Description and address of the property where the work was performed.
- Comments/Impairments (shall include 3 or more lines).

6. **POWERS AND DUTIES OF THE BOARD**

6.1. The Fire Protection Licensing Board shall issue no certificate of registration to a firm where the issuance of such license shall be confusing to the public. It shall be the duty of the person requesting a certificate of registration to inquire of the Board concerning the acceptability of the proposed company name.

6.2. Enforcement. The failure to comply with provisions of these rules by certificate holders or licensees may subject them to Board action including but not limited to, suspension, fine, revocation or refusal to issue or renew a license or certificate of registration.

The penalty for noncompliance with ANY written rule or regulation stated herein is subject to the maximum allowed penalty fees listed in Arkansas Amendment Title 20-22-604

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

6.3. Severability. If any provision of these rules or the application thereof to any person or circumstance is held invalid for any reason the invalidity shall not affect the other provisions or any other application of these rules which can be given effect without the invalid provisions or application. To this end all provisions of these rules are declared to be severable.

7. BOARD HEARINGS, COMPLAINTS, INVESTIGATIONS

7.1. Complaints. Any and all complaints falling within the jurisdiction of the Board, which individual's make, must be in written form. The Board staff will date stamp the complaint and a complaint number will be assigned when received in the Board office.

7.2. Jurisdiction. Failure to meet any rules, regulation, requirement or implication thereof clearly written or illustrated in this document, whether in its body, exhibits, or whatever portion thereof, is subject to fines and penalties and falls within the jurisdiction of this Board.

7.3. Investigation. The Board may, on its own motion, initiate investigations. The Board after reviewing the complaint ~~with Board Counsel~~ will determine whether there is sufficient evidence to make a prima facie case and proceed to investigate the allegations.

7.4. Hearings. If it is determined there is a prima facie case, that a licensee or individual has violated laws under the Board's jurisdiction, the Board will cause a Notice of Hearing to be issued. The Notice of Hearing will contain information as required by Arkansas Administrative Procedures Act.

7.5. Hearing Notice Procedures.

7.5.1. The Notice will be served on the respondent by U. S. Mail or by personal delivery at least twenty (20) days before the scheduled hearing.

- 7.5.2. Notice shall be deemed sufficient if the Notice is mailed to the person at his or her address of record with the Board.
- 7.5.3. Any and every Notice, Order or other instrument herein required to be forwarded or sent to any person concerning a complaint or hearing shall be deemed sufficient if addressed to the person at his or her address as last furnished to the Board, in a sealed envelope and delivered by Certified Mail, postage prepaid.
- 7.5.4. At any and all meetings of the Board at which a hearing is to be held on any complaint previously filed the same shall be set down for a day certain by the Board, at least ten (10) days prior to any such hearing date.
- 7.5.5. The Board shall, at least 20 days prior to any such hearing date, notify all persons entitled to notice thereof, by certified mail of the order of the Board setting such complaint for hearing. Said Notice shall contain the place and approximate time of said hearing, a brief and concise statement of the facts forming the basis of the complaint, the provisions of the law or the rules and regulations thought to be involved therein and shall be executed by the Board, dated and sealed with the official seal of the Board.
- 7.5.6. Any licensee complained against and to be heard or any complaining witness, may, by written petition signed and dated, invoke the aid of the Board in the procurement of any witness he or she may desire to be present and testify at any such hearing, such petition to be filed with the Board at least five (5) days prior to such hearing date. Any and all cost anticipated must be deposited with the Board at the time of any such request.
- 7.6. Every pleading, motion or other document and every request to the Board must be filed with the Board in writing, signed, dated and in quadruplicate.
- 7.7. Hearings before the Board shall be presided over by the Chairman, although the Board may from time to time utilize hearing officers. Testimony before the Board shall be made under oath and shall be stenographically reported.
- 7.8. Each and every hearing of the Board after being duly called to order, shall begin with a statement by the Chairman or Vice-Chairman, as to the nature of the cause to be heard, an inquiry of the parties present as to whether each is prepared to proceed and thereafter the cause, shall proceed with the presentation of evidence for and on behalf of the complainant. At the conclusion of such evidence the person complained against may then proceed to introduce evidence in contradiction, after which rebuttal testimony may be offered.

- 7.9. Either oral or written argument on the issues raised may be called for or dispensed with by the Chairman or discretion of the Board.
- 7.10. At any hearing both the licensee and complaining witness involved may be present in the hearing room during the entire proceedings and shall have the right to cross-examine any witness and to examine any document or evidence submitted.
- 7.11. The Board will receive into evidence all affidavits, depositions, certified copies of documents, Photostats of official records and exhibits therewith introduced, together with such other evidence as may be administered by law.
- 7.11.1. The Board shall give to such evidence such weight as they shall determine just and proper.
- 7.11.2. Respondents before the Board shall be entitled to be represented by counsel, shall be allowed to cross-examine witnesses and shall be allowed to present testimony, photographs and other exhibits which are determined to be admissible by the Chairman or Hearing Officer.
- 7.12. No attorney shall withdraw his appearance in any case before this Board except by leave of the Board after notice is served by him or his client and counsel for the Board.
- 7.13. At the conclusion of the evidentiary portion of the hearing, the Board will conduct deliberations. At the close of the deliberations, the Board will make Findings of Fact, Conclusion of Law and Disciplinary Orders, if appropriate.
- 7.14. The Board shall file its written findings and conclusions as to all hearings, same to be signed by the Board. A copy of such Order shall be sent to the licensee involved by certified mail.
- 7.15. Alternate Proceedings. Prior to proceeding to a formal adjudicative hearing, the case will be reviewed by an ad hoc committee to determine whether summary proceedings should be invoked. Members of the committee will be appointed by the Chairman and will in most cases include the State Fire Marshal, the Board Executive Director and/or Investigator and the Board's Legal Counsel. If the committee determines that violations, if proved, would not warrant license revocation or a fine in the amount greater than one thousand (\$1,000) dollars, the committee may recommend the complaint be handled in a summary manner. The decision will be referred to the Chairman for acceptance or rejection.
- 7.16. If the Board decides to utilize alternative proceedings, the respondent will be notified by mail that the Board has learned that he or she has engaged

in actions which violate the licensing law and it is recommended that under all the circumstances appropriate sanction is a fine of one thousand (\$1000) dollars or less. The Notice will further inform the respondent that he has the right to reject the proposed fine and have a full evidentiary hearing.

- 7.17. The respondent will be provided with a document which requests that he admit or deny violation of the Licensing Law and to further accept or reject the proposed penalty. The respondent will indicate he understands he has the right to a full evidentiary hearing before the Board and that he elects not to exercise that right.

ARKANSAS FIRE PROTECTION LICENSING BOARD
RULES AND GEGULATIONS FOR PORTABLE/FIXED SYSTEMS
EFFECTIVE: JULY 1, 2013

SECTION 1. SCOPE, PURPOSE AND FAIRNESS

1. PURPOSE. The purpose of the Rules and Regulations is to regulate persons engaged in the business of planning, sale, installation and servicing portable fire extinguishers and/or fixed fire protection 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 extinguishers and fixed fire protection systems.

2. APPLICABILITY OF RULES. The rules shall apply to all firms, licensees and apprentices engaged in the business of servicing portable extinguishers, installing or servicing fixed fire protection systems and performing hydrostatic testing, except those specifically exempt by Act 743 of 1977.

Any firm desiring to engage in the business of installing, repairing or servicing portable fire extinguishers or fixed fire protection systems shall make a written verified application to the Board (on forms provided) for a Certification of Registration. A copy of such certificate will be provided for each separate location of such firm where such service is to be performed. The application must be signed by the sole proprietor, or each partner, or by an officer of the corporation. The appropriate fee must accompany the application, along with all information required by the Board.

3. FAIRNESS NOTICE. Notice by the Board as required by any provision of statute or of these rules must be given by personal service or mail, postage prepaid, addressed to the person to be notified at his last known address of resident or business as it appears on the records in the office of the Board.

SECTION 2. DEFINITIONS.

- a. Apprentice – a specific individual to whom a permit has been issued by the Board to perform various acts of service under the direct supervision of a person holding a valid license to perform such acts.
- b. Certified Firm – any business owned by an individual, partnership, corporation or association holding a current certificate of registration issued by the Board.
- c. Condemned – a fire extinguisher system that does not meet the applicable standards for servicing and it cannot be repaired or corrected,
- d. Department of Transportation (DOT) Cylinder – all cylinders manufactured and tested in compliance with specifications of the United States Department of Transportation.

- e. Fire Marshal – State Fire Marshal.
- f. Firm – any person, partnership, corporation or association.
- g. Full-Time Employee – an employee working an average of at least 30 hours per week.
- h. Hydrostatic Testing – pressure testing by hydrostatic methods.
- i. Impaired – a fixed fire protection system or a portable fire extinguisher that does not meet the applicable minimum standards for servicing but the condition causing the impairment is correctable.
- j. Investigator – a person employed by the Fire Protection Licensing Board to receive and investigate complaints.
- k. License – a written document issued by the Board to any person for the purpose of granting permission to such person to perform any act or acts for which authorization is required.
- l. Licensee – a specific individual to whom a license has been issued by the Board.
- m. NFPA – National Fire Protection Association, Inc, A nationally recognized standards-making organization, # 1 Batterymarch Park, P. O. Box 9101, Quincy, Mass 02269-9101.
- n. Organization – corporation, partnership or other business association, a government entity or other legal or commercial entity.
- o. Person – a natural person, including any owner, manager, officer or employee of any firm.
- p. Portable Fire Extinguisher – any device that contains within it chemicals, fluids, powder, liquids or gases for extinguishing fires.
- q. Recharge - to fill an extinguisher with a charge the second and all succeeding times.
- r. Recognized Testing Laboratory – a nationally recognized testing agency staffed by qualified personnel and properly equipped to conduct the particular test in question and who are regularly engaged in conducting tests and furnishing inspection and re-examination services. Such recognized testing laboratories are those who publish lists of tested materials, equipment or devices and conduct inspection of the listed product and must be approved by the Board.

- s. Red Tag – any portable fire extinguisher system or fixed fire protection system that is emergency impaired and therefore would not be acceptable for use in the case of emergency operation.
- t. Repair – any work performed on or to any portable fire extinguisher system or fixed fire protection system and not defined as charging, re-charging, hydrostatic testing or inspecting.
- u. Service Tag – any portable fire extinguisher or fixed fire protection system that has successfully passed inspection by a licensed individual. Impairments must be noted in the comment section of the tag.
- v. Test – to subject any portable fire extinguisher or fixed fire protection system to any procedure necessary to insure its proper operation or installation.
- w. Service and Servicing – service or physically install portable fire extinguisher or fixed fire protection systems by charging, filling, maintaining, re-charging, repairing, hanging, locating or re-testing.
- x. Standards – nationally recognized standards adopted herein.
- y. Fixed fire protection System – expanded to include fire extinguisher systems installed according to these rules and regulations.
- z. Monthly Inspection – a quick check that a fire extinguisher is in its designated place, that it has not been actuated or tampered with and that there is no obvious physical damage or condition to prevent its operations.
- aa. Annual Maintenance – a thorough examination of the fire extinguisher. It is intended to give maximum assurance that a fire extinguisher will operate effectively and safely. It includes a thorough examination for physical damage or condition to prevent its operation and any necessary repair or replacement. It will normally reveal if hydrostatic testing or internal maintenance is required
- bb. Recharging – the replacement of the extinguishing agent (also includes the expellant for certain types of fire extinguishers)
- cc. Servicing – performing maintenance, recharging or hydrostatic testing on a fire extinguisher.
- dd. Six-Year Maintenance – every 6 years, stored pressure fire extinguishers that require a 12 year hydrostatic test shall be emptied and subjected to the applicable maintenance procedures as detailed in the manufacturer’s service manual.
- ee. Procedures – as a minimum standard, the following procedures shall be performed each time that the designated type of service is performed.

Monthly inspection –

1. Determine that the fire extinguisher is in its designated place and that there are no obstructions to its accessibility.
2. Determine that the fire extinguisher has not been actuated or tampered with.
3. Determine that there is no obvious physical damage, clogged or obstructed hose nor nozzle or other condition present to prevent the proper operation of the fire extinguisher.
4. Determine that the pressure gauge or indicator is in the operable range or position. Operate push-to-test indicator on non-rechargeable fire extinguishers.
5. Determine by weighing or hefting the fullness of self expelling, cartridge operated and pump tank fire extinguishers.
6. Determine the condition of tires, wheels, carriage, hose and nozzle on wheeled type fire extinguishers.
7. Initial in ink and date the monthly inspection tag if present.

Annual Maintenance –

1. Determine that the fire extinguisher is in its designated place and that there are no obstructions to its accessibility.
2. Determine that the fire extinguisher has not been actuated or tampered with.
3. Determine that there is no obvious physical damage, clogged or obstructed hose, nozzle or other condition present to prevent the proper operation of the fire extinguisher.
4. Determine that the pressure gauge or indicator is in the operable range or position. Operate push-to-test indicator on non-rechargeable fire extinguishers.
5. Determine by weighing or hefting the fullness of self-expelling, cartridge operated and pump tank fire extinguishers.
6. Determine the condition of tires, wheels, carriage, hose and nozzle on wheeled type fire extinguishers.
7. The tamper seal of the rechargeable fire extinguisher shall be removed by operating the pull pin or locking device and a new tamper seal installed.
8. Complete, punch out applicable areas, initial in ink and install a new service tag on the fire extinguisher.

SECTION 3. SUBMITTING TO AN INSPECTION.

Each firm applying for a Certificate of Registration or a Hydrostatic Testing Certificate must sign a statement with the Board indicating their willingness to an inspection of their premises by the Board or its duly authorized Deputy at its discretion.

SECTION 4. REGISTRATION, LICENSING AND FEES.

- a. The Fire Protection Licensing Board shall issue no certificate of registration or license to a firm where the issuance of such license shall be confusing to the public. The firm requesting a certification of registration shall contact the Board concerning the acceptability of the proposed company name.
- b. The person responsible for the operation of the certified firm must file an affidavit with the Board to obtain a license to install or service fixed fire protection systems. The affidavit must state the firm employs trained persons to install and service each certified brand, the manufacturer's installation manual is in the possession of the responsible person and factory authorized parts for each brand of system are available.
- c. Licensee may not make statements or representations, written or verbal, which inaccurately state the effectiveness of the fire extinguisher or a fire protection system. Unfair comparison with competitor products is prohibited.
- d. Company License:
 1. Submit application with appropriate fees.
 2. Provide a sample (not a copy) of company service tag, red tag and verification of service collar.
 3. Provide a copy of the company liability insurance certificate (minimum) \$1,000,000.00
 4. Company shall be licensed for Class A or Class B Hydrostatic Testing or supply a letter from a company licensed by this Board stating they will perform the work for the company. (A company can only be licensed for Class A provided they have been approved and assigned a number by DOT. A copy of the DOT letter must accompany the application.
 5. The license application for fixed fire protection systems shall be accompanied by a copy of the company certificate of distributorship or an affidavit (forms provided) for each brand from a company licensed by this Board that is a distributor.
 6. A company cannot be licensed for brands or types of systems without a licensed individual(s) employed by the firm who is trained and licensed for the same brand(s) or type(s) as the firm.
 7. The Board may review the application, record of service, servicing shop facilities, methods and procedures of operations to determine the granting or renewing of a certificate of registration, license or permit that would not be contrary to public safety and welfare. The Board shall issue or renew certificate of registration, license or permit authorizing the applicant to engage in the business of servicing portable and fixed fire systems provided the required fees have been paid. The Board shall give each certificate of registration, license or permit an identifying number.
 8. Certified firms not licensed to perform hydrostatic testing must submit a letter from an Arkansas certified firm licensed by this Board to do hydrostatic testing. The letter must state the licensed certified firm will perform the needed hydrostatic testing for the unlicensed firm. In the event a licensed certified firm

withdraws its letter of performance to the unlicensed firm a replacement letter must be forwarded to the Board office within 20 days from the date of withdrawal.

9. Invalid certificate of registration to service portable fire extinguishers or install and service fixed fire protection systems may be renewed provided the license has been expired less than two (2) years by paying the past renewal fees along with any applicable late fees. A new certificate of registration must be submitted to the Board if the license has been expired two (2) year or more.
10. A certificate of registration may be denied, refused, suspended, revoked or the renewal thereof refused, if after notice and public hearing, the Board finds from the evidence presented at such hearing the firm has violated any of the provisions of Act 743 of 1977, as amended, or these rules and regulations.
11. A certificate of registration shall not be issued to any person under 18 years of age.
12. A certificate of registration issued pursuant to these regulations shall not be transferred from one firm to another.
13. A certificate of registration shall not constitute authorization for any licensee or any of his employees to enter upon or into any property or building.
14. A certificate of registration shall not constitute authorization for any holder of a certificate or any of its employees to enforce any provision(s) of these regulations.
15. A certified firm shall report any change of location to the Board in writing within fourteen (14) days of such change to maintain validity of the affected certificate of registration. Any change of location shall be verified by the Board or its duly authorized Deputy and upon verification of such change shall affix a change of location stamp to the affected certificate of registration.
16. A certificate of registration issued to a firm by the Arkansas Fire Protection Licensing Board must be posted at the certified location. The certificate must be in a location for inspection at any reasonable hour.
17. A duplicate certificate or registration may be issued by the Board to replace a previously issued certificate which has been lost or destroyed. A written statement from the certified firm to the Board attesting to the fact the certificate has been lost or destroyed must be received prior to the issuance of a duplicate certificate. The fee for re-issuance shall be \$25.00.
18. Application for renewal of a certificate of registration shall be made annually. Appropriate fees and documentations shall accompany the renewal application.

e. Individual License:

1. Any person employed by a certified firm, corporation or partnership engaged in the business of servicing portable fire extinguishers, installing fixed fire protection systems or hydrostatic testing shall submit an application to the Board (on forms provided) and take a written examination for the appropriate license. Fee and documentation must accompany the application.
2. Examinations shall be given at least once per month at a place to be determined by the Board. Applications, fees and appropriate documentation must be received

prior to testing. Individuals should contact the Fire Protection Licensing Board to schedule testing.

3. A minimum grade of 90% is required to pass any examination. Applicants obtaining a minimum grade of 90% will be issued a license endorsed with the type of service qualified by the examination.
4. Application for individual license to install or service fixed fire protection systems must be accompanied by a current certificate affirming the licensee has been trained by the particular brand name manufacturer the licensee is seeking a license for OR an affidavit (on forms provided) affirming the licensee has been trained on the particular brand name of the manufacturer by a person holding a current certificate of training from the manufacturer and licensed by this Board. The person providing the training shall complete the affidavit. A copy of the trainer's manufacturer's certificate of training shall accompany the affidavit. A copy of the current DOT approval letter with the individual's name and company must accompany the application for Class A Hydrostatic Testing. The individual's name must have been placed on the DOT list for certification. The above information must be on file with the Board office at all times.
5. Persons holding a valid license shall not be authorized to perform any act unless employed by a certified firm. Persons forming a new firm must sever employment with their current employer prior to making application for new firm certificate of registration. Individual license may be transferred by filing a transfer application, accompanied by license, pocket card, a statement from the previous employer stating the separation date, the name and address of the new employer and the firm's certificate of registration number. The owner, partner or officers of the corporation must sign the application. The transfer fee shall accompany the transfer application.
6. The licensee shall report any change in home address to the Board within 14 days.
7. Licensee shall not assume a license has been issued until the pocket card issued by the Board has been received. It shall be unlawful for any person to service or install fire extinguishers in this State unless said person possesses a current valid card evidence of the fact the person holds an active license and stating the firm with whom the licensee is affiliated.
8. Every person holding a valid license shall, upon demand, show and permit examination of such license by the Board or its duly appointed deputy.
9. A duplicate license may be issued to replace a license that has been lost or destroyed. The licensee requesting the duplicate license shall submit a written statement to the Board attesting to the fact the license has been lost or destroyed, accompanied by the appropriate fee for duplicate license.
10. A license shall not constitute authorization for any person to enter upon or into any property or building.
11. A license shall not constitute authorization for any person to enforce any provisions(s) of these rules.
12. A license may be used for identification purposed ONLY as long as such license remains valid while the licensee is in the employment of the certified firm.

13. A licensed employee of a certified firm may perform only those acts authorized by the firm's certificate of registration. A licensee may perform only those acts authorized by his license.
14. License issued pursuant to these regulations shall not be transferred from one person to another.
15. New employees of certified firms may make application for an apprentice permit. The permit shall be valid for one (1) year from the date of issuance and shall not be renewed. An apprentice, under the direct supervision of a valid licensee, may perform the various acts of servicing portable fire extinguishers, installing or servicing fixed fire protection systems.
16. All acts of service performed after the expiration date of an apprentice permit, where the permit holder has not applied for a license, shall be in violation of the regulations.
17. The apprentice permit holder shall report any changes in home address to the Board within fourteen (14) days of such change.
18. Each person holding a valid apprentice permit shall, upon demand, show and permit the examination of such permit to the Board or its duly appointed deputy.
19. A duplicate apprentice permit may be issued to replace any previously issued permit that has been lost or destroyed. The licensee requesting the duplicate license shall submit a written statement to the Board attesting to the fact that the permit has been lost or destroyed, accompanied by the appropriate fee for duplicate permit.
20. The license and appropriate fee shall be invalid if not received in the office of the Board on or before the expiration date on the individual license. The licensee holding said license shall cease to perform those acts of service authorized by the license.
21. Invalid individual license to service portable fire extinguishers or install and service fixed protection systems may be renewed if the license is less than two (2) years expired by paying the past renewal fees along with any applicable late fee. Individual license with an expiration of two (2) years or more must submit to and pass another examination to receive a license.
22. Application for individual license renewal shall be made annually. The appropriate fees and documents shall accompany the renewal application.
23. Persons who perform any acts within the scope of the employer's certificate of registration shall pass a written examination given at the direction of the Board. Such examination may be supplemented by practical test or demonstrations deemed necessary to determine the applicant's knowledge and ability to service portable fire extinguishers or fixed fire extinguisher systems.
24. A license or permit may be denied, refused, suspended, revoked or the renewal thereof refused, if after notice and public hearings, the Board finds from the evidence presented at such hearing the individual has violated any of the provisions of Act 743 of 1977, as amended, or these rules and regulations.
25. Certificates of Distributorship, Affidavits of Training, and Affidavits for the Supplying of Parts and Manuals for each brand licensed are required to be sent to the Arkansas Fire Protection Licensing Board only with an initial application for the first time issuance of a Certificate of Registration for a company or a

License to an individual OR whenever a new brand is added. Copies of current Certificates of Distributorship, Affidavits of Training, and Affidavits for the Supplying of Parts and Manuals for each brand licensed must be on file with the licensed company at all times. These documents can be requested at anytime.

SECTION 5. LICENSE ALTERATION

Evidence of alteration of the certification of registration, license or permit shall render said certificate, license or permit invalid and the altered certificate, license or permit shall be surrendered to the Board or its duly authorized deputy upon request.

SECTION 6. TAKING ORDERS

Certified firms shall not be prohibited from taking orders for the performance of any act(s) which said firm is not authorized to perform. Such orders shall be consigned to a firm licensed by this Board to perform the necessary act(s).

SECTION 7. FEE SCHEDULE FOR PORTABLE, FIXED AND HYDROSTATIC SYSTEMS

- a. Every fee required in accordance with the provisions of Act 743 of 1977, as amended and these rules shall be paid by check or money order. Check or money order shall be made payable to the Arkansas Fire Protection Licensing Board.
- b. Fees shall be paid at the office of the Board in Little Rock, Arkansas or mailed to an address specified by the Board.
- c. Fees shall be as follows:

New Company:

Portable	\$300.00
Fixed	\$300.00
Class A	\$100.00
Class B	\$ 50.00

Company Renewal:

Portable	\$300.00
Fixed	\$300.00
Class A	\$100.00
Class B	\$ 50.00

Individual Testing and Licensing:

Portable	\$ 60.00
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Fixed	\$ 60.00
Class A	\$ 60.00
Class B	\$ 60.00

Renewal Individual License:

Portable	\$ 30.00
Fixed	\$ 30.00
Class A	\$ 15.00
Class B	\$ 10.00

Other fees:

Exam Fee	\$ 30.00
License Transfer	\$ 30.00
License Update	\$ 30.00
Licensing Packet	\$ 28.00
Branch office (if a different name)	\$ 28.00
Apprentice Permit	\$ 15.00
Duplicate License	\$ 25.00

- d. Late fees are required for all certificate or license holders who fail to submit renewal application and appropriate fees on or prior to their expiration date of September 30 of each year.
- e. A renewal application, accompanied by the required renewal fee and deposited with the United States Postal Service, is deemed timely filed, regardless of actual date of delivery, when it envelope bears a legible postmark date which is on or before the expiration date of the certificate or license being renewed
- f. A certificate or license expired for two (2) years or more cannot be renewed.
- g. Holders of certificate and licenses expired for less than two (2) years may be issued certificates or license. Renewal fee for such certificate or license is composed of renewal and late lee and shall be determined in accordance with the following schedule:

Expired 1-90 days	1 renewal fee + ½ of initial fee
Expired 91-365 days	1 renewal fee + 1 initial fee
Expired 366- 2 years	2 renewal fees + 1 initial fee

- h. Certificate and license expired two (2) years or more shall be treated as a new company. All employees shall re-test in order to receive a license.

SECTION 8. ADOPTED STANDARDS

- a. The Board adopts for its testing purposes by reference in their entirety, unless specified, the most current standards published by and available from the National Fire Protection Association, Inc.

1 Batterymarch, P. O. Box 9191, Quincy, Mass 02269-9191. telephone number 1-800-344-3555.

- b. All portable fire extinguishers and fixed fire protection systems installed or serviced in this State shall be done in compliance with Act 743 of 1977, as amended, the rules of the Board, manufacturer's specification and one or more of the following:

NFPA 10	Portable Fire Extinguisher
NFPA 11	Low Expansion Foam and Combined Agent System
NFPA 11A	Medium and High Expansion Foam System
NFPA 12	Carbon Dioxide Extinguishing System
NFPA 12A	Halon 1301 Fire Extinguishing System
NFPA 12B	Halon 1211 Fire Extinguishing System
NFPA 17	Dry Chemical Extinguishing System
NFPA 17A	Wet Chemical Extinguishing System
NFPA 96	Vapor Removal Foam Cooking Equipment
NFPA 2001	Clean Agent Fire Extinguishing System

Compressed Gas Association (CGA) Pamphlet C-6, Standards for Visual Inspection of Compressed Gas Cylinder.

Compressed Gas Association (CGA) Pamphlet C-1, Methods for Hydrostatic Testing of Compressed Gas Cylinder

- c. All compressed gas cylinders (Class A) shall be hydrostatically tested in compliance with Compressed Gas Association pamphlets C-1 and C-6, most current edition and the rules and regulations of this Board.
- d. All low pressure (Class B) Hydrostatic testing shall be accomplished in accordance with NFPA 10, most current edition and the rules and regulations of this Board.
- e. The Arkansas Fire Protection Licensing Board testing is over the latest editions of the NFPA standards. However, where work is being performed, installation must be done in accordance with locally adopted ordinances, rules, codes, etc.

SECTION 9. EXTINGUISHER SALES

No portable fire extinguishers shall be sold, leased, serviced or re-charged in the State of Arkansas unless labeled and/or listed by Underwriters Laboratories, Inc., Factory Mutual System and other nationally recognized testing which is approved by the Arkansas Fire Protection Licensing Board or the Office of the State Fire Marshal.

SECTION 10. IMPORTANT NOTICE

At a public hearing held on November 19,1997 the Arkansas Fire Protection Licensing Board adopted the following.

- a. EFFECTIVE MARCH 1, 1998 DRY CHEMICAL AUTOMATIC FIRE EXTINGUISHING SYSTEMS CAN NO LONGER BE INSTALLED TO PROTECT COMMERCIAL COOKING OPERATIONS. The change does not effect existing systems which can continue to be serviced and modified provided these services can be performed according to the original UL listing, manufacturer's direction and with manufacturer's authorized parts and chemicals.
- b. Ansul has stopped supplying parts for their R 101 Dry Chemical Systems effective January 1, 1999. Licensees can continue to service and modify dry chemical systems (all brands) over cooking operations only if you obtain and use new manufacturer's parts and chemicals. Do not use used parts taken from other systems. Do not use old chemicals. As long as these rules are complied with the serviced dry chemical can be tagged "OK". Systems that can no longer be serviced shall be Red Tagged and the customer given a written report.
- c. Effective October 10, 2002 Dry Chemical Restaurant Systems may be six year hydrostatic pressure tested and recharged as needed through December 31, 2005. No modifications can be made in the event new equipment is added and any parts used to service these systems must be new manufacturer's parts. If you do not have new parts then these systems may not be serviced by your firm and must be Red Tagged.

After December 31, 2005 any dry chemical system that is due for hydrostatic pressure testing, due for six year maintenance or has been discharged may not be serviced nor placed back into service.

After December 31, 2007 no dry chemical restaurant fire systems may be serviced for any reason and must be Red Tagged.

- d. Effective March 9, 2004 all wet systems that are not UL 300 standards may be hydro tested through December 31, 2005. No modifications can be made in the event new equipment is added and any parts used to service these systems must be new manufacturer's parts. If you do not have new parts these systems may not be serviced by your firm and must be Red Tagged.

After December 31, 2005 non UL 300 wet systems due for hydro testing may not be serviced nor placed back into service.

After December 31, 2007 non UL 300 systems may not be serviced for any reason and must be Red Tagged.

- e. The 2007 Edition of NFFA 10, Section 4.4.1 states – "Dry chemical stored pressure extinguishers manufactured prior to October 1984 shall be removed from service at the next 6-year maintenance interval or the next hydrotest interval, whichever comes first."

It is the opinion of this Board that this requirement will create an extreme financial hardship on individuals and businesses in the State of Arkansas and is not in the best interest of the citizens of the State of Arkansas, therefore, this Board will not enforce Section 4.4.1 of the 2007 Edition of NFPA 10, so long as the following conditions apply:

1. The extinguisher is in good mechanical and operational condition.
2. The extinguisher is properly and successfully serviced, maintained and tested by a licensed firm.
3. The licensed firm has access to and uses, the manufacturer's parts necessary to service, maintain and test the extinguisher.

However, irregardless of the above, all dry chemical stored pressure fire extinguishers manufactured prior to October 1984 **shall be removed from service no later than January 1, 2015,**

SECTION 11. REQUIREMENTS FOR SERVICE TAGS

General Requirements. Service tags are required by the rules and regulations and shall be in conformity with the following provisions: (A current sample of the company's service tag must be on file with the Board at all time.)

- a. Tags shall be no more and no less than 5 ¼ inches in height and 2 5/8 inches in width. Service tags shall be any color EXCEPT RED.
- b. One service tag shall be attached to each portable fire extinguisher in such a position as to be conveniently inspected, but not to hamper the operation or removal of the extinguisher from the bracket extinguisher fire protection system serviced by a licensed firm shall be an approved service tag conforming to these rules.
- c. A sample of the firm's service tag must accompany the firm's application for a certificate of registration. If changes are made to the design of the service tag, a sample of the new revised tag must be forwarded to the Board office. A sample of the current service tag must be on file with the Arkansas Fire Protection Licensing Board at all times.
- d. Service tags shall bear the following information.
 - i. servicing firm's name
 - ii. address of servicing firm
 - iii. certificate of registration number
 - iv. type of service performed
 - v. date service was performed
 - vi. license number of the individual performing or supervising the service and services performed.
 - vii. Apprentice permit number

- viii. **DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL** in bold type with as large a font size as possible.
 - ix. Signature or initials of service person. Signature or initials must be handwritten in INK at the time of service.
 - x. A new service tag must be attached to the extinguisher or fixed system each time service is performed.
- e. The date of service and type of service performed must be indicated by a perforation such as a hand punch on the appropriate section of the tag.
 - f. No person or persons shall remove the service tag except when further service is performed. No person or persons shall deface, modify or alter any required service tag attached to any portable fire extinguisher.

SECTION 12. REQUIREMENTS FOR RED TAGS

Fixed fire protection systems and portable fire extinguishers which do not conform with the minimum regulations or standards shall not be tagged but shall be provided with a Red Tag according to the following: (A current sample of the company's Red Tag must be on file with the Board office at all times.)

- a. Red tags shall be no more and no less than 5 ¼ inches in height and 2 5/8 inches in width.
- b. Red tags shall be marked as impaired or condemned based on the following guidelines:
 - 1. Impaired – a fixed fire protection system or portable fire extinguisher shall be impaired when it does not meet the applicable standards for servicing but the condition causing the impairment is correctable.
 - 2. Condemned – a fixed fire protection system or portable fire extinguisher shall be condemned when it does not meet the applicable minimum standards for servicing and it cannot be repaired or corrected.
- c. Red tags shall bear the following information:
 - i. Name and address of the servicing firm.
 - ii. certificate of registration number of the servicing firm
 - iii. a section to clearly label “Impaired” or “Condemned”
 - iv. name and address of the owner of the fixed fire protection system or portable fire extinguisher
 - v. date of “impairment” or “condemnation”
 - vi. license number and initials or name of the serviceperson “impairing” or “condemning” the unit. Name or initials must be handwritten in ink at the time of service.

- vii. A printed statement **‘DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL’** in bold print type with as large a font size as possible.
- viii. A statement as to why the unit is “impaired” or “condemned”.

- d. A sample of the firm’s Red Tag shall be forwarded to the Fire Protection Licensing Board with the application for a certificate of registration. If a change has been made in the design of the Red Tag a sample of the new revised Red Tag shall be forwarded to the Board office. Current Red Tags must be on file with the Fire Protection Licensing Board at all times.

- e. The Red Tag may be removed by:
 - i. a member of the State Fire Marshal’s office
 - ii. local fire marshal
 - iii. authorized and licensed employee of a certified firm
 - iv. members of the Arkansas Fire Protection Licensing Board

(and only if the system was “impaired” and the impairing condition(s) is corrected.)

SECTION 13. VERIFICATION OF SERVICE (Maintenance or Re-charging)

- a. Each portable fire extinguisher that has undergone internal examination or has been recharged shall have a “Verification of Service” collar located around the neck of the container. Extinguishers capable of or allowed to be recharged without removal of the valve assembly (CO2 or Halon) will not require a verification of service collar at that time. The collar shall contain a single circular piece of uninterrupted material forming a hole of a size that will not permit the collar assembly to move over the neck of the container unless the valve is completely removed. The collar shall not interfere with the operation of the fire extinguisher. The Verification of Service collar shall include:
 - i. the month and year the service was performed, indicated by a perforation such as is done by a hand punch.
(Exception # 1: Cartridge/cylinder-operated fire extinguishers do not require a verification of service collar.)

The Verification of Service Collar shall be made of a durable rigid polymer material. Collars made of high-density polyethylene or other non-rigid materials shall not be acceptable or approved. The smallest applicable collar size shall be installed on the neck of each extinguisher requiring the installation of such a collar.

- b. Re-charge Record Keeping – Each fire extinguisher shall have a tag or label (six year maintenance or hydrostatic test) securely attached indicating the month and year recharging was performed and that identifies the person performing the service. In accordance with NFPA 10 a verification of service (maintenance or re-charging) collar shall also be attached to the extinguisher.

Exception # 2: Cartridge/cylinder operated fire extinguishers do not require a verification of service collar.

- c. Failure to properly complete and attach the verification of service collar may result in suspension or revocation of a service personnel's license.
- d. A sample of the collar must be included when applying for or renewing the certificate of registration.

SECTION 14. BOARD MEETINGS

The Arkansas Fire Protection Licensing Board will conduct at least four (4) meetings per year. The Chairman of the Board will preside at the meeting and may conduct other meetings on an as needed basis.

Special meetings of the Board may be called at any time by a majority of the Board or at the discretion of the Chairman of the Board.

Any person desiring to appear before the Board at any of its regular meetings, to take up any business within its jurisdiction shall, at least 15 days prior to such meeting, file with the Board a written request therefore, in which the nature and purpose of the appearance shall be clearly and concisely stated to fully apprise the Board of the basis and extent of such business. An estimate of time needed must be stated on request.

The Board shall arrange the order of business of all meetings of the Board and shall at least ten (10) days prior thereto, notify all persons who are to appear before any such meeting the place and approximate time to appear before the Board.

Appearance before any special meeting of the Board shall be voluntary on the part of any person and they must file with the Board prior to any such appearances, a signed statement to the effect that such appearance is voluntary.

SECTION 15. BOARD HEARING, COMPLAINTS, INVESTIGATION

- a. Complaints. Any and all complaints falling within the jurisdiction of the Board, which individuals make, must be in written form. The Board staff will date stamp the complaint and a complaint number will be assigned when received in the Board office.

- b. Investigations. The Board may, on its own motion, initiate investigation. The Board after reviewing the complaint may proceed to investigate the allegations.

The Board in consultation with the Board Counsel will determine whether there is sufficient evidence to make a *prima facie* case.

- c. Hearings. If it is determined that there is a *prima facie* case, that the licensee or individual has violated laws under the Board's jurisdiction, the Board will cause a Notice of Hearing to be issued. The Notice of Hearing will contain information as required by Arkansas Administrative Procedures Act.

The notice will be served on the Respondent by U. S. Mail or by personal delivery at least twenty (20) days before the scheduled hearing. Notice shall be deemed sufficient if the Notice is mailed to the person at his or her address of record with the Board.

Hearings before the Board shall be presided over by the Chairman, although the Board may from time to time utilize hearing officers. Testimony before the Board shall be made under oath and shall be steno graphically reported.

Respondents before the Board shall be entitled to be represented by counsel, shall be allowed to cross-examine witnesses and shall be allowed to present testimony, photographs and other exhibits which are determined to be admissible by the Chairman or Hearing Officer.

At the conclusion of the evidentiary portion of the hearing, the Board will conduct deliberations. At the close of the deliberations, the Board will make Findings of Fact, Conclusion of Law and Disciplinary Orders, if appropriate.

- d. Alternate Proceedings. Prior to proceeding to a formal adjudicative hearing, the case will be reviewed by an ad hoc committee to determine whether summary proceedings should be invoked. Members of the committee will be appointed by the Chairman and will in most cases include the State Fire Marshal, the Board Executive Director and/or Investigator and the Board's Legal Counsel. If the Committee determines that the violations, if proved, would not warrant license revocation or a fine in an amount greater than one thousand (\$1,000.00) dollars, the committee may recommend the complaint be handled in a summary manner. The decision will be referred to the Chairman for acceptance or rejection.

If the Board decides to utilize alternative proceedings, the Respondent will be notified by mail that the Board has learned that he or she has engaged in actions which violate the licensing law and it is recommended that under all the circumstances appropriate sanction is fine of one thousand (\$1,000.00) dollars or less. The notice will further inform the Respondent that he has a right to reject the proposed fine and have a full evidentiary hearing.

The Respondent will be provided with a document which requests that he admit or deny violation of the Licensing Law and to further accept or reject the proposed penalty. The Respondent will indicate he understands he has a right to a full evidentiary hearing before the Board and that he elects not to exercise that right.

The Board shall notify, in writing, every licensee complained against, provided said complaint is determined to make out a *prima facie* case.

Any and every Notice, Order or other instrument herein required to be forwarded or sent to any person concerning a complaint or hearing shall be deemed sufficient if addressed to the person at his or her address as last furnished to the Board, in sealed envelope and delivered by Certified Mail, postage prepaid.

Any and every person appearing before the Board at any of its hearings shall be first placed under oath. All testimony given or statements made to or before shall be stenographically reported and made a part of the record in such case.

At any meeting of the Board at which a hearing is to be held on any complaint previously filed the same shall be set down for a day certain by the Board, at least ten (10) days prior to any such hearing date.

The Board shall, at least twenty (20) days prior to any such hearing date, notify all persons entitled to notice thereof, by certified mail of the order of the Board setting such complaint for hearing. Said notice shall contain the place and approximate time of said hearing, a brief and concise statement of the facts forming the basis of the complaint, the provisions of the law or the rules and regulations thought to be involved therein and shall be executed by the Board, dated and sealed with the official seal of the Board.

Any licensee complained against and to be heard or any complaining witness, may, by written petition, signed and dated, invoke the aid of the Board in the procurement of any witness he or she may desire to be present and testify at any such hearing, such petitions to be filed with the Board at least five (5) days prior to such hearing date. Any and all cost anticipated must be deposited with the Board at the time of any such request

Each and every hearing of the Board after being duly called to order, shall begin with a statement by the Chairman or Vice-Chairman, as to the nature of the cause to be heard, an inquiry of the parties present as to whether each is prepared to proceed and thereafter the cause, shall proceed with the presentation of evidence for and on behalf of the complainant. After the conclusion of such evidence the person complained against may then proceed to introduce evidence in contradiction, after which rebuttal testimony may be offered.

Either oral or written argument on the issues raised, may be called for or dispensed with by the Chairman or discretion of the Board.

The Board shall file its written findings and conclusions as to all hearings, same to be signed by the Board. A copy of such Order shall be sent to the licensee involved, by certified mail.

At any hearing both the licensee or complaining witness involved may be present in the hearing room during the entire proceedings and shall have the right to cross-examine any witness and to examine any document or evidence submitted.

The Board will receive into evidence all affidavits, depositions, certified copies of documents, Photostats of official records and exhibits therein introduced, together with such other evidence as may be administered by the law. The Board shall give to such evidence such weights as they shall determine just and proper.

Every pleading, motion or other document and every request to the Board must be filed with the Board in writing, signed, dated and in quadruplicate.

No attorney shall withdraw his appearance in any case before this Board except by leave of the Board after notice served by him or his client and counsel for the Board.