

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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ARKANSAS FIRE PROTECTION LICENSING BOARD

RULES FOR SPRINKLER SYSTEMS

SECTION 1. PURPOSE, TITLE, APPLICABILITY, NOTICE AND SEVERABILITY

1.1. PURPOSE. The purpose of these rules is to regulate persons engaged in the business of planning, selling, installing, maintaining, inspecting or servicing fire protection sprinkler systems in the interest of safe guarding lives and property pursuant to A.C.A. §§ 20-22-601 et seq.

1.2. TITLE. These rules shall be known and may be cited as the "Sprinkler Rules" and shall be administered by and through the Board.

1.3. APPLICABILITY OF RULES. Unless otherwise provided by law, these rules shall apply to all firms and individuals engaged in the business of planning, selling, installing, maintaining, inspecting or servicing fire protection sprinkler systems.

A. Any firm performing a project for an NFPA 13D system that meets ALL of the following conditions shall not be subject to these rules:

- i. System is for a single family dwelling;
- ii. System is designed and approved by the equipment manufacturer or a professional engineer; and
- iii. Fitter is trained and certified by the equipment manufacturer.

B. These rules shall have uniform force and effect throughout the State. Municipalities or counties may require additional certificates of registration or licenses or may require certified firms to obtain permits or pay fees beyond the scope of these rules.

C. These rules do not apply to a person or organization that only: sells or supplies products or materials to a certified firm; is a special agent fire suppression system; is a certified firm employee who does not perform work that requires licensure; performs inspection activities conducted as part of an insurance or engineering survey; performs inspection activities performed by a government official as part of code enforcement activities; performs 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.

1.4. NOTICE. Notice by the Board as required by any provisions 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 residence or business as it appears in the Board's records.

1.5. 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.

SECTION 2. DEFINITIONS

2.1. AFSA – American Fire Sprinkler Association, a nationally recognized trade organization.

2.1.2.2. AHJ – means Authority Having Jurisdiction

2.2.2.3. Apprentice – A qualified person enrolled as required in an apprenticeship program recognized by the Board, and who may perform work entitled by the licensee under the direct supervision of a licensed employee.

2.3.2.4. 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.

2.4.2.5. Branch office - an office that has a different location but the same name and tax identification number as the primary applicant. If a certified firm obtained a certificate of registration for a separate business location(s) or office(s) on or before the effective date of this rule, the Board will consider that separate business location or office to be a branch office as defined by these rules.

2.5.2.6. Certificate – the certificate of registration issued by the Board to any firm for the purpose of granting permission to such firm to perform any act for which the law requires a certificate of registration. .

2.6.2.7. Certified Firm – any business owned by an individual, partnership, corporation or association holding a current certificate of registration issued by the Board.

2.7.2.8. Deficiency - For the purposes of inspecting, testing, and maintenance of water-based fire protection sprinkler systems, a condition that will or has the potential to adversely impact the performance of a system or portion thereof but does not rise to the level of an impairment.

2.8.2.9. 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 firm under the direct supervision and responsibility of a fire protection sprinkler system firm as herein defined.

~~2.9-2.10.~~ 2.10-2.10. Direct Supervision - on-site coordination, instruction and evaluation given by a licensed fitter, inspector, or RME to ensure that all work is installed per any adopted codes and standards.

~~2.10-2.11.~~ 2.10-2.11. Fire Protection Sprinkler System means:

- A. An assembly of underground or overhead piping or conduits that convey water, with or without agents, to dispersal openings or devices to extinguish, control or contain fire and to 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): Standard for The Installation for Standpipe and Hose Systems.

~~2.11-2.12.~~ 2.11-2.12. Fire Protection Sprinkler System Firm or “firm” – means a person, partnership, corporation, or association engaged in the planning, fire protection layout, selling, installing, maintaining, inspecting ~~and/or~~ or servicing of fire protection sprinkler systems, including, without limitation, standpipes, hose stations, and fire pumps.

~~2.12-2.13.~~ 2.12-2.13. Fitter – a licensed employee responsible for the initial installation of the fire sprinkler, and whose responsibilities are more fully described in these rules. A licensed inspector or RME is authorized to perform the duties of a licensed fitter.

~~2.13-2.14.~~ 2.13-2.14. Full-Time – an employee is considered to work full-time if the employee works an average of at least 30 hours per week.

~~2.14-2.15.~~ 2.14-2.15. Impairment – A condition where a fire protection system or unit or portion thereof is out of order, and the condition can result in the fire protection system or unit not functioning in a fire event. The two types of impairments are emergency and pre-planned and are fully described in Section 7.2.G.ii.

~~2.15-2.16.~~ 2.15-2.16. 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.

~~2.16-2.17.~~ 2.16-2.17. Inspector – means a qualified person who:

- A. Is employed by a licensed fire protection sprinkler firm in the State of Arkansas and who has met the requirements to perform inspections of fire protection sprinkler systems in accordance with the law; and
- B. May perform corrections of deficiencies or impairments from an inspection.

~~2.17-2.18.~~ 2.17-2.18. Installation – the initial placement of a system or its extension, modification, or alteration after initial placement.

~~2.18-2.19.~~ 2.18-2.19. License – a written document issued by the Board to any individual for the purpose of granting permission to such individual to perform any act for which the law requires a

license.

~~2.19.~~ 2.20. Licensee – a specific individual to whom a license has been issued by the Board; a specific firm to which a certificate of registration has been issued by the Board.

~~2.20.~~ 2.21. NFPA – National Fire Protection Association, Inc., a nationally recognized standard- making organization.

~~2.21.~~ 2.22. 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.

2.23. RME – means Responsible Managing Employee.

~~2.22.~~ 2.24. Responsible Managing Employee (RME) – a full-time licensed employee of a certified fire protection sprinkler system firm who is designated by that firm to be responsible for ensuring that all fire protection sprinkler system layouts, installations, servicing, and inspections of fire protection sprinkler systems are performed in accordance with all applicable rules, codes and standards.

~~2.23.~~ 2.25. Service – to inspect, test or repair fire sprinkler equipment in order to furnish or return the fire protection sprinkler system to operational condition.

~~2.24.~~ 2.26. Standards –nationally recognized standards adopted herein.

~~2.25.~~ 2.27. Test – to subject a fire protection sprinkler system to any procedure necessary to insure its proper operation or installation.

SECTION 3. STANDARDS AND ROLES

3.1. Adopted Code and Standards – the Board adopts the current edition of the Arkansas Fire Prevention Code in its entirety, along with the reference standards noted in the reference section. A copy of the codes shall be kept available for public inspection in the office of the State Fire Marshal.

3.2. The AFSA or ~~NFSA~~ National Fire Sprinkler Association (NFSA) sample forms referenced 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.

3.3. Approved Certification Organizations. The Board approves the National Institute for Certification in Engineering Technologies (NICET) as a nationally recognized testing and

certification organization.

3.4. Approved Apprenticeship Program. The Board approves the US Department of Labor Fire Protection Apprenticeship Program for certifying fire sprinkler fitters.

3.5. All AHJ requirements that deviate from NFPA standards or the adopted fire code must be in writing; otherwise, the licensee(s) will be held responsible for failure to adhere to the adopted code or standards.

SECTION 4: REGISTRATION AND LICENSING

4.1. A licensee shall not knowingly mischaracterize a competitor's product.

4.2. The falsification of a certificate of registration or license or permit renders the document invalid and is grounds for administrative action pursuant to A.C.A. §§ 20-22-601 et seq.

4.3. Each certified firm shall have at least one full-time licensed RME who shall be properly equipped to perform the act or acts authorized by its certificate. Upon termination of the certified firm's RME, the firm shall notify the Board, in writing, within forty-eight (48) hours of the termination. The firm must have a full-time employee apply to the Board for an RME license within thirty (30) days of the termination.

4.4. Certified firms shall be held responsible for the acts of their agents and employees for purposes of these rules, including the taking of administrative action by the Board.

4.5. A certificate of registration or license may be denied, suspended, revoked, non-renewed, or otherwise penalized if, after notice and public hearing, the Board finds that a licensee or applicant has violated any of the provisions of Ark. Code Ann. § 20-22-601 et seq. or these rules.

4.6. Nontransferable. A certificate of registration issued pursuant to these rules shall not be transferred from one firm to another. A license issued pursuant to these rules shall not be transferred from one individual to another individual.

4.7. A certificate of registration or license does not authorize a licensee to enforce these rules or to enter any building or property without the owner's permission.

4.8. Licensees shall not permit the use of their license by other persons or firms.

4.9. A. A licensed individual must be an employee of a certified firm and may only work for one certified firm at a time.

B. A licensed individual may perform only those acts authorized by the firm's

certificate of registration.

C. A licensee may perform only those acts authorized by his license.

D. A certified firm may agree to perform work that the firm is not certified to perform if the firm subcontracts the work to a firm certified by this Board to perform the necessary work.

4.10. For a fee, the Board may issue a duplicate certificate of registration, license, or permit to replace one previously issued if the licensee submits to the Board a written statement attesting to the fact that the certificate, license, or permit has been lost or destroyed.

4.11. Firm Certificate of Registration.

A. The Fire Protection Licensing Board shall not issue a certificate of registration if the name of the firm might confuse the public. A firm that intends to apply for a certificate of registration should contact the Board concerning the acceptability of the proposed firm name.

B. A firm that wants to apply for a certificate of registration must submit a written verified application to the Board. The application must be completed in full on the Board's form and submitted as follows:

i. The required fees must be submitted with the application.

ii. If the applicant is a business entity, the application must be accompanied by evidence of registration with the Arkansas Secretary of State.

iii. The application must include an individual application for each employee who is required to be licensed;

iv. The application must include a current copy of the firm RME's National Institute for Certification in Engineering Technologies (NICET) ~~NICET~~-certification.

v. The application must include a sample (not a copy) of the firm's service tags and placards. If changes are made to the design of the service tag or placards, a sample of the new version must be forwarded to the Board office. A sample of the current service tag and current placard must be on file with the Board at all times.

vi. The application must include a copy of the firm's liability insurance declarations page that meets the requirements of Ark. Code Ann. § 20-22-

611. Each certified firm shall maintain in force and on file in the Board's office the proof of insurance as required. Failure to do so will be grounds for the emergency suspension of the firm's certificate, pursuant to A.C.A. 25-15-211.

vii. The application must include written authorization by the firm permitting any person authorized by the Board to enter, examine and inspect any premises, building, room or establishment used by the firm in order for the Board to determine compliance with the Board's statutes and rules.

viii. The application must be signed by the sole proprietor, or each partner, or by an officer of the corporation

C. When all requirements are met, the Board will issue a certificate of registration for a firm's main office and also for any branch office(s) with the respective name and address specified on the certificate. A certified firm must pay a fee for each additional certificate of registration issued to a branch office.

D. The certified firm must post at each location the certificate of registration for that particular location.

E. If a certified firm changes the name, address, or phone number of any of its locations, the firm shall notify the Board within fourteen (14) days after the change by submitting the required form and paying the required fee. If necessary, the Board will then issue a new certificate of registration and new individual license(s) that reflect the new information.

F. Change in ownership. The change of a firm's ownership invalidates the current certificate. A firm must submit an application for a new certificate at least fourteen (14) days prior to a change in ownership, accompanied by the required fee.

i. If the firm's name changes as a result of the change in ownership, the firm must submit with the application all documentation described in Section 4.11.B. Upon approval, the Board will issue a new certificate of registration to the firm and new individual licenses to the licensed employees that reflect the firm's new name.

ii. If the firm's name does not change, the firm must submit all documentation described in Section 4.11.B. except for the individual license applications in 4.11.B.iii. Upon approval, the board will issue a new certificate of registration to the firm and the individual licensees may continue to operate under their existing licenses.

4.12. Individual License.

A. To be licensed, an individual must be employed by a certified firm, submit the required fee and a fully-completed licensing application using the Board's form, and pass the required examinations.

B. Examination.

- i. An applicant must submit his application prior to testing.
- ii. Examinations shall be given at least once per month at a place to be determined by the Board. Individuals should contact the Board to schedule testing.
- iii. An applicant must pass two open-book examinations, which are:
 - a. An examination, based on NFPA standards and described on the Board's website, to be a fitter or inspector. An applicant for an RME license is not required to take this exam. An applicant must score at least 80% to pass the inspector exam and at least 70% to pass the fitter exam; and
 - b. An examination covering these rules and the Board's statutes. An applicant must score at least 80% to pass this exam.
- iv. An applicant who fails an examination may re-take the examination after payment of an exam re-take fee.

C. After all requirements have been met, the Board will issue a wall license and a pocket-sized license (or permit, as applicable) to each individual licensee. The certified firm that employs the licensed individual shall post the license conspicuously on the premises of the firm's primary location. A licensee must keep his pocket license or permit on his person at all times while performing the work for which he is licensed.

D. An individual license may be transferred to a new certified firm by filing a transfer application with the required fees and documents. An authorized representative of the new employing firm must sign the transfer application.

E. An individual licensee shall report any change in home address to the Board within 14 days.

F. Responsible Managing Employee License.

One of the following documents must accompany an RME license application:

- i. A copy of the applicant's current [National Institute for Certification in Engineering Technologies \(NICET\) NICET-Level III or Level IV](#)

Certificate or Wallet Card for fire protection automatic sprinkler system layout; or

ii. 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 minimum of three (3) years subsequent experience in fire sprinkler layout; or

iii. Evidence of certification by a program approved by the Board.

G. Inspector License.

If an individual was licensed as an inspector on or before the effective date of this rule, the Board will consider that individual to meet the requirements for an inspector's license as described in subsection H. below.

H. Inspector or Fitter License.

One of the following documents must accompany an inspector or fitter application:

i. An Inspector or Fitter License Affidavit, which 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; or

ii. Proof of completion of an approved three (3) year apprenticeship program with the US Dept. of Labor Fire Sprinkler Fitter Program in order to obtain a Fitter License; or

iii. A minimum of a [National Institute for Certification in Engineering Technologies \(NICET\) NICET-Level II in Inspection and Testing of Water-Based Systems](#) certificate or wallet card; or

iv. Evidence of certification by a program approved by the Board.

I. Apprentice Permit.

New employees of certified firms may apply for an apprentice permit by submitting the required application and payment of the required fee.

i. An apprentice must apply for a permit within sixty days of initial employment by the firm.

ii. The permit shall be valid for one (1) year from the date of issuance and may be renewed. An apprentice shall not continue to work as an apprentice after his permit expires.

iii. An apprentice, under the direct supervision of a licensee authorized to perform the work, may perform the work allowed by his firm's certificate

of registration.

iv. All requirements applicable to licenses also apply to apprentice permits unless these rules state otherwise.

J. Reciprocity

~~x.i.~~ i. Required Qualifications. An applicant applying for reciprocal licensure shall meet the following requirements:

- a. The applicant shall hold in good standing in another U.S. jurisdiction a license that is substantially similar to the type of license for which the individual is applying in Arkansas;
- b. The applicant shall hold his or her occupational licensure in good standing;
- c. The applicant shall not have had a license revoked for:
 - (a) An act of bad faith; or
 - (b) A violation of law, rule, or ethics;
- d. The applicant shall not hold a suspended or probationary license in a U.S. jurisdiction;
- e. The applicant shall be sufficiently competent in the fire protection sprinkler system field.

~~x.i.~~ ii. Required documentation. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.

- a. As evidence that the applicant's license from another jurisdiction is in good standing and is substantially similar to Arkansas's, the applicant shall submit evidence of current and active licensure in that state. The Board may verify this information online or by telephone.
- b. To demonstrate that the applicant has not had a license revoked for bad faith or a violation of law, rule, or ethics, as required by subsection 4.12.J.i.c., and that the applicant does not hold a license on suspended or probationary status, as required by subsection 4.12.J.i.d. the applicant shall provide the Board with:
 - (a) The names of all states in which the applicant is currently licensed or has been previously licensed;
 - (b) Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant has not had his license revoked for the reasons listed in subsection 4.12.J.i.c. and does not hold a license on suspended or probationary status as described in 4.12.J.i.d. The Board may verify this information online or by telephone.

- c. As evidence that the applicant is sufficiently competent in the fire protection sprinkler system field, the applicant shall pass the Arkansas state examination.

~~xii.~~ iii. Temporary and Provisional License

- a. The Board's Director shall issue a temporary license immediately upon receipt of the required fee and the documentation required to show that the applicant has a license from another jurisdiction that is in good standing and is substantially similar to the Arkansas license for which the applicant is applying.
- b. An applicant shall submit a completed the application with all required remaining documentation in order to receive a license.
- c. The temporary license shall be effective for 90 days or until the Board makes a decision on the application, whichever occurs first.

K. Applicants from States that Do Not License Profession.

~~x.i.~~ i. Required Qualifications. An applicant from a state that does not license the fire protection sprinkler system field shall meet the following requirements:

- a. The applicant shall be sufficiently competent in the fire protection sprinkler system field; and
- b. Comply with the Board's least restrictive requirements.

~~xii.~~ ii. Required documentation. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.

- a. As evidence that the applicant is sufficiently competent in the fire protection sprinkler system field an applicant shall:
 - (a) Pass the applicable examination based on NFPA standards; and
 - (b) Pass the Arkansas state examination.
- b. As evidence that the applicant meets the Board's least restrictive requirements, the applicant shall provide proof of the applicable National Institute for Certification in Engineering Technologies (NICET) ~~NICET~~ certification.

L. Expedited Military Licensure

i. Definitions: As used in this subsection:

- (1) "Uniformed service member" means:
 - (a) An active or reserve component member of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, United

States Space Force, or National Guard;

(b) An active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps;

or

(c) An active or reserve component member of the United States Commissioned Corps of the Public Health Service; and

(2) As used in this subsection, “uniformed service veteran” means a former member of the United States uniformed services discharged under conditions other than dishonorable.

ii. The Board shall grant expedited licensure to an applicant who is:

(1) A uniformed service member stationed in the State of Arkansas;

(2) A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or

(3) The spouse of:

(a) A person under subsection (1) or (2) above;

(b) A uniformed service member who is assigned a tour of duty that excludes the uniformed service member’s spouse from accompanying the uniformed service member and the spouse relocates to this state; or

(c) A uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state.

iii. The Board shall grant such expedited licensure upon receipt of all of the below:

(1) Payment of the initial licensure fee;

(2) An application showing the applicant meets the licensure requirements described in this rule;

(3) Evidence that the applicant is a qualified applicant under subsection ii. above; and

(4) Evidence that the applicant has passed the required examinations.

iv. Military Temporary License

(1) The Board’s Director shall issue a temporary license immediately upon receipt of the fee and the other documentation described in subsection iii.(1), (2), and (3) above.

(2) The temporary license shall be effective for 90 days or until applicant provides the document required in subsection iii.(4) showing the applicant has passed the required examinations.

v. The expiration date of a license for a deployed uniform service member or

spouse will be extended for one hundred and eighty (180) days following the date of the uniformed service member's return from deployment.

SECTION 5. FEE SCHEDULE AND RENEWALS

5.1. Every fee required by A.C.A. §§ 20-22-601 et seq. and these rules shall be paid in accordance with instructions on the Board's website.

5.2. Fees shall be as follows:

Certificate of Registration

Initial Fee	\$700.00
Renewal Fee	\$700.00
Application Fee	\$100.00
Branch Office	\$25.00

Responsible Managing Employee License

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

Inspector License

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

Fitter License

Initial Fee (which includes 1st exam Fee)	\$50.00
Renewal fee for Fitter License	\$50.00

Apprentice Permit

Initial/Renewal fee for Apprentice Permit	\$25.00
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Other Fees

Transfer/Change/Duplication	\$25.00
Examination Retake Fee	\$25.00

5.3. A certificate of registration, license, and permit must be renewed annually before the

expiration date of June 30th. The required fees and documentation must be submitted along with each application for renewal. A firm's renewal application must include samples of its current placards and tags.

5.4. 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 that is on or before the expiration date of the document being renewed.

5.5. A certificate or license or permit expired for two years or more cannot be renewed. A person whose license has been expired for two years or more and who applies for a new license must take and pass another examination(s), unless otherwise specified herein. No examination(s) is required for a license renewed within two years of expiration.

5.6 A certificate, license, or permit expired for less than two years may be renewed by payment of a fee, calculated in accordance with the following schedule:

Expired 1-90 days	renewal fee x 1.5
Expired 91-365 days	renewal fee x 2
Expired 366- 729 days	renewal fee x 3

5.7. Anyone applying for re-licensure who meets the conditions established in A.C.A. § 17-1-107 and can demonstrate that he or she passed the applicable examination(s) with scores sufficient for licensure at the time the individual's initial license was issued shall not be required to re-take the examination(s) in order to be re-licensed.

5.8. Initial Fee Waiver for Eligible Applicants

A. Pursuant to Act 725 of 2021, an applicant may receive a waiver of the initial licensure fee, if eligible. Eligible applicants are individuals who:

- i. Are receiving assistance through the Arkansas, or current state of residence equivalent, Medicaid Program, the Supplemental Nutrition Assistance Program (SNAP), the Special Supplemental Nutrition Program for Women, Infants, and Children (SSNP), the Temporary Assistance for Needy Families Program (TEA), or the Lifeline Assistance Program (LAP);
- ii. Were approved for unemployment within the last twelve (12) months; or
- iii. Have an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

B. Applicants shall provide documentation showing their receipt of benefits from the appropriate state agency.

- i. For Medicaid, SNAP, SSNP, TEA, or LAP, documentation from the Arkansas Department of Human Services (DHS), or current state of residence equivalent agency;
- ii. For unemployment benefits approval in the last twelve (12) months, the Arkansas Department of Workforce Services, or current state of residence equivalent agency; or
- iii. For proof of income, copies of all United States Internal Revenue Service Forms indicating applicant's total personal income for the most recent tax year e.g., "W2," "1099," etc.

C. Applicants shall attest that the documentation provided under subsection B. is a true and correct copy and fraudulent or fraudulently obtained documentation shall be grounds for denial or revocation of license.

SECTION 6. PROCEDURES

6.1 Installation, Inspection and Service.

A. All sprinkler systems installed under A.C.A. §§ 20-22-601et seq. shall be under the supervision of a licensed RME and other licensed individuals as addressed in this section.

B. The fire protection sprinkler system firm is responsible for the maintenance, inspection, servicing or installation of a fire protection sprinkler system to the extent those duties are delegated to the firm by the property owner ~~/~~ or manager.

C. The firm shall keep complete records of the tests and operations of each system. The records shall be available for examination by the Fire Marshal or AHJ.

D. Beginning at the demarcation valve where water is used exclusively for fire sprinkler systems installation, testing or servicing shall be performed by a fire protection sprinkler system firm or under the direct supervision, as defined in these rules, thereof and shall be in compliance with the adopted code and standards.

- i. Such direct 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 and Test Certificates reference any subcontracted work, who performed such work (with all contact information) and the exact scope of such work.

- ii. Direct Supervision is not required for the opening or closing of any required trenches or for the actual placement of piping and equipment.

6.2. RME Responsibilities.

- A. The RME is responsible for fulfilling the responsibilities described in the definition of “Responsible Managing Employee” and in these rules.
- B. The RME is responsible for ensuring that all plans and drawings satisfy the requirements of the contract and have been approved by the AHJ.
- C. The RME is authorized to perform duties of a licensed inspector and fitter in addition to the RME’s primary role.
- D. The RME is responsible for distributing a Contractor’s Material and Test Certificate as follows:
 - i. The certified firm that performed the installation must retain the original ; and
 - ii. One copy shall be kept at the site after completion of the installation.

6.3. Fitter’s Responsibilities.

- A. A fitter is responsible for fulfilling the responsibilities described in the definition of “Fitter” and in these rules.
- B. The fitter is responsible for installing the sprinkler system in accordance with drawings approved by the firm’s RME and in accordance with all applicable rules, codes and standards.
- C. At least one licensed fitter shall be onsite when a fire protection sprinkler system is being installed or serviced.
- D. Once an installation is complete, the fitter shall perform testing and provide documentation for such testing in accordance with the appropriate NFPA standard.
- E. Once an installation is complete, the fitter is responsible for completing the Contractor’s Material and Test Certificate in accordance with the appropriate NFPA standard and for attaching the permanent green installation tag.

6.4. Inspector’s Responsibilities.

- A. An inspector is responsible for fulfilling the responsibilities described in the definition of “Inspector” and in these rules.
- B. A licensed inspector employed by a fire protection sprinkler system firm shall conduct inspections in compliance with NFPA 25 and shall prepare inspection reports using sample forms from NFPA 25. The firm shall retain a copy of each inspection report.
- C. If a system requires a yellow or red tag, the inspection report shall include the

words “Yellow Tag” or “Red Tag” in the upper right hand corner of the first page.
D. An inspector shall provide the written inspection reports to the property owner, occupant or other designated responsible person. If the system requires a yellow or red tag, the report shall be filed with the AHJ.

6.5. Fire Pumps.

A. Fire Pump installation, inspection ~~and/or~~ or testing must be performed or officially supervised by a certified fire protection sprinkler system firm using properly licensed employees.

B. A firm may use a distributor or manufacturer’s representative to perform these services as long as the representative is supervised by a certified firm.

C. Once the Fire Pump inspection, installation and testing is completed, an AFSA or ~~NFSA- National Fire Sprinkler Association (NFSA)~~ form shall be completed. An inspection report shall be retained on file by the firm, and a copy shall be furnished to the owner, occupant, or other designated responsible person. If the system requires a yellow or red tag, the report shall be filed with the AHJ.

SECTION 7: PLACARDS AND TAGS

7.1. Placard Standards and Requirements.

A. Every new system shall receive a General Information Placard and Hydraulic Information Placard, as described in NFPA 13 & 25, that is to be placed in plain view on the system riser.

B. Where remodeled areas create a more hydraulically demanding area, the hydraulic placard shall be updated and replaced.

C. Placards shall meet the following requirements:

i. The placards shall be no less than 0.002” in thickness and shall be made of aluminum foil or more rigid material.

ii. Size shall be no less than 5” wide by 7” long.

iii. The wording on the General Information Placard and the Hydraulic Information Placard shall be per NFPA 13 or its Appendix and shall also contain the following information:

a. 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;

- b. RME name and number;
- c. Company certificate of registration number;
- d. Arkansas Contractors License number; and
- e. Fire Sprinkler company name, address and telephone number.

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

7.2. Tags

A. Format.

Every system shall receive the tags described in these rules, in such a position as to permit convenient inspection and not hamper actuation or operation of the system.

i. Tags shall be between 5 1/4 inches and 5 1/2 inches in height and 2 5/8 inches no more than 5 1/2 inches in height and no less than 5/4 inches in width.

ii. All tags must utilize a “punch out” system for dating and may be printed and established for a period of five (5) years.

iii. Tags shall bear the following information:

a. Printed at the top of the tag in all capital letters in at least 16 point bold face type will be the following: “DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL.”

b. Name, address, telephone number and certificate number of the firm performing the service

c. Name and license number of the firm’s inspector or RME clearly printed.

d. Signature and license number of the person performing the work.

e. Day, month and year the work was completed.

f. Type of work performed – installation, service, maintenance or inspection.

g. Name and address of the property owner where the work was performed.

h. Description and address of the property where the work was performed.

i. Comments/Impairments (shall include 3 or more lines).

B. Original Installation Tag. Once a licensed fitter or inspector has successfully tested any new system as required by NFPA, such system is eligible for being placed into service after the licensed fitter affixes the original installation tag, fills out the Contractor's Material and Test Certificate, and the system is accepted by the AHJ.

C. Service Tag. A licensed fitter shall affix a service tag after performing work on any existing system, whether the alterations made are due to demolition, addition, or correction of deficiencies or impairments, or other service work.

D. Inspection, Test, and Maintenance ("ITM") Tag. Using forms approved by the Board, a licensed inspector shall affix an ITM tag on any system that has successfully passed inspection.

E. Green Tag. Any system that is green-tagged is understood to have successfully passed inspection by a licensed inspector or RME utilizing approved inspection forms. .

F. Yellow Tag.

i. Impairments, critical deficiencies, and noncritical deficiencies, as described in NFPA 25 and its Table E.1, warrant a yellow tag.

ii. An RME or inspector who finds an impairment, critical deficiency, or noncritical deficiency must hang a yellow tag, notify the building owner, and send the Inspection Report to the AHJ. This information must be sent by mail or fax within fourteen (14) business days of inspection.

G. Red Tag.

i. Any system that is red-tagged is understood to be emergency impaired and is not acceptable to connect to in the case of emergency operations.

ii. An "impairment" Is a shutdown of a system or portion thereof. The two types of impairments are as follows:

a. 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. 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 fire department connection supply, any openings in the system (whether piping or sprinklers, defective FDC-fire department connection check valves, etc.)

b. 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.

iii. If a licensee finds an emergency impairment in a system, he shall complete and affix a red tag. Also, one laminated red tag is to be placed on the exterior fire department connection (peel and seal clear laminate is acceptable). The RME or inspector shall discuss the impairments with the owner and immediately notify the local AHJ or State Fire Marshal's Office within 24 hours, either by telephone or in writing, and follow up by sending a copy of the inspection report or a copy of the completed tags (front and back) by mail, email, or fax within five (5) business days of inspection.

H. Authorized Tag Personnel. Only the following persons are authorized to attach or remove tags:

- i. A fire protection sprinkler system firm's RME, fitter, or inspector;
- ii. State Fire Marshal's Office; or
- iii. AHJ.

I. Prior to performing any service work, a service tag shall be placed on the riser of the system being serviced and such tag shall be updated as the system is serviced. This tag shall remain until further service work is performed and another service tag is placed on the system.

SECTION 8. BOARD MEETINGS

8.1. The Arkansas Fire Protection Licensing Board will conduct at least four (4) regular meetings per year. 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.

8.2. The Chairman of the Board will preside at all meetings. The Co-Chairman will preside in the Chairman's absence.

8.3. Any person desiring to appear before the Board 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 the request.

8.4. 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.

8.5. The Chairman may establish such committees as shall be necessary to carry out the affairs and further the purposes of the Board. The Chairman shall appoint the membership to all committees.

8.6. Complaints must be submitted to the Board in written form. The Board staff will date stamp the complaint and a complaint number will be assigned when received in the Board office.

8.7. Investigation. The Board may, on its own motion, initiate investigations. The Board or a designated Board committee will review the complaint and determine whether the allegations fall within the Board's jurisdiction and whether to proceed to investigate the allegations. Once the investigation is complete, the Board or a designated Board committee will determine whether there is sufficient evidence to make a *prima facie* case that the Board's statutes or rules have been violated.

8.8. Hearings. If it is determined there is a *prima facie* case, the Board or a designated Board committee will either issue a Notice of Hearing or invoke the alternate proceedings described in 8.9. All hearings will be conducted in accordance with the Administrative Procedures Act, A.C.A. §§ 25-15-201 et seq.

8.9. Alternate Proceedings.

A. If the Board or the Board's designated committee determines that violations, if proved, would not warrant license suspension, revocation, or a fine 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 Board Chairman for acceptance or rejection.

B. If the Board Chairman approves the use of alternate proceedings, the respondent will be notified that he has violated the Board's law and the Board

proposes 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.

ARKANSAS FIRE PROTECTION LICENSING BOARD
RULES FOR SPRINKLER SYSTEMS

SECTION 1. PURPOSE, TITLE, APPLICABILITY, NOTICE AND SEVERABILITY

1.1. **PURPOSE.** The purpose of these rules is to regulate persons engaged in the business of planning, selling, installing, maintaining, inspecting or servicing fire protection sprinkler systems in the interest of safe guarding lives and property pursuant to A.C.A. §§ 20-22-601 et seq.

1.2. **TITLE.** These rules shall be known and may be cited as the "Sprinkler Rules" and shall be administered by and through the Board.

1.3. **APPLICABILITY OF RULES.** Unless otherwise provided by law, these rules shall apply to all firms and individuals engaged in the business of planning, selling, installing, maintaining, inspecting or servicing fire protection sprinkler systems.

A. Any firm performing a project for an NFPA 13D system that meets ALL of the following conditions shall not be subject to these rules:

- i. System is for a single family dwelling;
- ii. System is designed and approved by the equipment manufacturer or a professional engineer; and
- iii. Fitter is trained and certified by the equipment manufacturer.

B. These rules shall have uniform force and effect throughout the State. Municipalities or counties may require additional certificates of registration or licenses or may require certified firms to obtain permits or pay fees beyond the scope of these rules.

C. These rules do not apply to a person or organization that only: sells or supplies products or materials to a certified firm; is a special agent fire suppression system; is a certified firm employee who does not perform work that requires licensure; performs inspection activities conducted as part of an insurance or engineering survey; performs inspection activities performed by a government official as part of code enforcement activities; performs 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.

1.4. NOTICE. Notice by the Board as required by any provisions 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 residence or business as it appears in the Board's records.

1.5. 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.

SECTION 2. DEFINITIONS

2.1. AFSA – American Fire Sprinkler Association, a nationally recognized trade organization.

2.2. AHJ – means Authority Having Jurisdiction.

2.3. Apprentice – A qualified person enrolled as required in an apprenticeship program recognized by the Board, and who may perform work entitled by the licensee under the direct supervision of a licensed employee.

2.4. Authority Having Jurisdiction - 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.

2.5. Branch office - an office that has a different location but the same name and tax identification number as the primary applicant. If a certified firm obtained a certificate of registration for a separate business location(s) or office(s) on or before the effective date of this rule, the Board will consider that separate business location or office to be a branch office as defined by these rules.

2.6. Certificate – the certificate of registration issued by the Board to any firm for the purpose of granting permission to such firm to perform any act for which the law requires a certificate of registration.

2.7. Certified Firm – any business owned by an individual, partnership, corporation or association holding a current certificate of registration issued by the Board.

2.8. Deficiency - For the purposes of inspecting, testing, and maintenance of water-based fire protection sprinkler systems, a condition that will or has the potential to

adversely impact the performance of a system or portion thereof but does not rise to the level of an impairment.

2.9. 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 firm under the direct supervision and responsibility of a fire protection sprinkler system firm as herein defined.

2.10. Direct Supervision - on-site coordination, instruction and evaluation given by a licensed fitter, inspector, or RME to ensure that all work is installed per any adopted codes and standards.

2.11. Fire Protection Sprinkler System means:

A. An assembly of underground or overhead piping or conduits that convey water, with or without agents, to dispersal openings or devices to extinguish, control or contain fire and to 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): Standard for The Installation for Standpipe and Hose Systems.

2.12. Fire Protection Sprinkler System Firm or “firm” – means a person, partnership, corporation, or association engaged in the planning, fire protection layout, selling, installing, maintaining, inspecting or servicing of fire protection sprinkler systems, including, without limitation, standpipes, hose stations, and fire pumps.

2.13. Fitter – a licensed employee responsible for the initial installation of the fire sprinkler, and whose responsibilities are more fully described in these rules. A licensed inspector or RME is authorized to perform the duties of a licensed fitter.

2.14. Full-Time – an employee is considered to work full-time if the employee works an average of at least 30 hours per week.

2.15. Impairment – A condition where a fire protection system or unit or portion thereof is out of order, and the condition can result in the fire protection system or unit not functioning in a fire event. The two types of impairments are emergency and pre-planned and are fully described in Section 7.2.G.ii.

2.16. 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.

- 2.17. Inspector – means a qualified person who:
- A. Is employed by a licensed fire protection sprinkler firm in the State of Arkansas and who has met the requirements to perform inspections of fire protection sprinkler systems in accordance with the law; and
 - B. May perform corrections of deficiencies or impairments from an inspection.
- 2.18. Installation – the initial placement of a system or its extension, modification, or alteration after initial placement.
- 2.19. License – a written document issued by the Board to any individual for the purpose of granting permission to such individual to perform any act for which the law requires a license.
- 2.20. Licensee – a specific individual to whom a license has been issued by the Board; a specific firm to which a certificate of registration has been issued by the Board.
- 2.21. NFPA – National Fire Protection Association, Inc., a nationally recognized standard-making organization.
- 2.22. 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.
- 2.23. RME – means Responsible Managing Employee.
- 2.24. Responsible Managing Employee (RME) – a full-time licensed employee of a certified fire protection sprinkler system firm who is designated by that firm to be responsible for ensuring that all fire protection sprinkler system layouts, installations, servicing, and inspections of fire protection sprinkler systems are performed in accordance with all applicable rules, codes and standards.
- 2.25. Service – to inspect, test or repair fire sprinkler equipment in order to furnish or return the fire protection sprinkler system to operational condition.
- 2.26. Standards –nationally recognized standards adopted herein.
- 2.27. Test – to subject a fire protection sprinkler system to any procedure necessary to insure its proper operation or installation.

SECTION 3. STANDARDS AND ROLES

- 3.1. Adopted Code and Standards – the Board adopts the current edition of the Arkansas Fire Prevention Code in its entirety, along with the reference standards noted in the

reference section. A copy of the codes shall be kept available for public inspection in the office of the State Fire Marshal.

3.2. The AFSA or National Fire Sprinkler Association (NFSA) sample forms referenced 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.

3.3. Approved Certification Organizations. The Board approves the National Institute for Certification in Engineering Technologies (NICET) as a nationally recognized testing and certification organization.

3.4. Approved Apprenticeship Program. The Board approves the US Department of Labor Fire Protection Apprenticeship Program for certifying fire sprinkler fitters.

3.5. All AHJ requirements that deviate from NFPA standards or the adopted fire code must be in writing; otherwise, the licensee(s) will be held responsible for failure to adhere to the adopted code or standards.

SECTION 4: REGISTRATION AND LICENSING

4.1. A licensee shall not knowingly mischaracterize a competitor's product.

4.2. The falsification of a certificate of registration or license or permit renders the document invalid and is grounds for administrative action pursuant to A.C.A. §§ 20-22-601 et seq.

4.3. Each certified firm shall have at least one full-time licensed RME who shall be properly equipped to perform the act or acts authorized by its certificate. Upon termination of the certified firm's RME, the firm shall notify the Board, in writing, within forty-eight (48) hours of the termination. The firm must have a full-time employee apply to the Board for an RME license within thirty (30) days of the termination.

4.4. Certified firms shall be held responsible for the acts of their agents and employees for purposes of these rules, including the taking of administrative action by the Board.

4.5. A certificate of registration or license may be denied, suspended, revoked, non-renewed, or otherwise penalized if, after notice and public hearing, the Board finds that a licensee or applicant has violated any of the provisions of Ark. Code Ann. § 20-22-601 et seq. or these rules.

4.6. Nontransferable. A certificate of registration issued pursuant to these rules shall not be transferred from one firm to another. A license issued pursuant to these rules shall not be transferred from one individual to another individual.

4.7. A certificate of registration or license does not authorize a licensee to enforce these rules or to enter any building or property without the owner's permission.

4.8. Licensees shall not permit the use of their license by other persons or firms.

4.9. A. A licensed individual must be an employee of a certified firm and may only work for one certified firm at a time.

B. A licensed individual may perform only those acts authorized by the firm's certificate of registration.

C. A licensee may perform only those acts authorized by his license.

D. A certified firm may agree to perform work that the firm is not certified to perform if the firm subcontracts the work to a firm certified by this Board to perform the necessary work.

4.10. For a fee, the Board may issue a duplicate certificate of registration, license, or permit to replace one previously issued if the licensee submits to the Board a written statement attesting to the fact that the certificate, license, or permit has been lost or destroyed.

4.11. Firm Certificate of Registration.

A. The Fire Protection Licensing Board shall not issue a certificate of registration if the name of the firm might confuse the public. A firm that intends to apply for a certificate of registration should contact the Board concerning the acceptability of the proposed firm name.

B. A firm that wants to apply for a certificate of registration must submit a written verified application to the Board. The application must be completed in full on the Board's form and submitted as follows:

i. The required fees must be submitted with the application.

ii. If the applicant is a business entity, the application must be accompanied by evidence of registration with the Arkansas Secretary of State.

iii. The application must include an individual application for each employee who is required to be licensed;

iv. The application must include a current copy of the firm RME's National Institute for Certification in Engineering Technologies (NICET) certification.

v. The application must include a sample (not a copy) of the firm's service tags and placards. If changes are made to the design of the service tag or placards, a sample of the new version must be forwarded to the Board office. A sample of the current service tag and current placard must be on file with the Board at all times.

vi. The application must include a copy of the firm's liability insurance declarations page that meets the requirements of Ark. Code Ann. § 20-22-611. Each certified firm shall maintain in force and on file in the Board's office the proof of insurance as required. Failure to do so will be grounds for the emergency suspension of the firm's certificate, pursuant to A.C.A. 25-15-211.

vii. The application must include written authorization by the firm permitting any person authorized by the Board to enter, examine and inspect any premises, building, room or establishment used by the firm in order for the Board to determine compliance with the Board's statutes and rules.

viii. The application must be signed by the sole proprietor, or each partner, or by an officer of the corporation

C. When all requirements are met, the Board will issue a certificate of registration for a firm's main office and also for any branch office(s) with the respective name and address specified on the certificate. A certified firm must pay a fee for each additional certificate of registration issued to a branch office.

D. The certified firm must post at each location the certificate of registration for that particular location.

E. If a certified firm changes the name, address, or phone number of any of its locations, the firm shall notify the Board within fourteen (14) days after the change by submitting the required form and paying the required fee. If necessary, the Board will then issue a new certificate of registration and new individual license(s) that reflect the new information.

F. Change in ownership. The change of a firm's ownership invalidates the current certificate. A firm must submit an application for a new certificate at least fourteen (14) days prior to a change in ownership, accompanied by the required

fee.

i. If the firm's name changes as a result of the change in ownership, the firm must submit with the application all documentation described in Section 4.11.B. Upon approval, the Board will issue a new certificate of registration to the firm and new individual licenses to the licensed employees that reflect the firm's new name.

ii. If the firm's name does not change, the firm must submit all documentation described in Section 4.11.B. except for the individual license applications in 4.11.B.iii. Upon approval, the board will issue a new certificate of registration to the firm and the individual licensees may continue to operate under their existing licenses.

4.12. Individual License.

A. To be licensed, an individual must be employed by a certified firm, submit the required fee and a fully-completed licensing application using the Board's form, and pass the required examinations.

B. Examination.

i. An applicant must submit his application prior to testing.

ii. Examinations shall be given at least once per month at a place to be determined by the Board. Individuals should contact the Board to schedule testing.

iii. An applicant must pass two open-book examinations, which are:

a. An examination, based on NFPA standards and described on the Board's website, to be a fitter or inspector. An applicant for an RME license is not required to take this exam. An applicant must score at least 80% to pass the inspector exam and at least 70% to pass the fitter exam; and

b. An examination covering these rules and the Board's statutes. An applicant must score at least 80% to pass this exam.

iv. An applicant who fails an examination may re-take the examination after payment of an exam re-take fee.

C. After all requirements have been met, the Board will issue a wall license and a pocket-sized license (or permit, as applicable) to each individual licensee. The certified firm that employs the licensed individual shall post the license conspicuously on the premises of the firm's primary location. A licensee must keep his pocket license or permit on his person at all times while performing the work for which he is licensed.

D. An individual license may be transferred to a new certified firm by filing a transfer application with the required fees and documents. An authorized representative of the new employing firm must sign the transfer application.

E. An individual licensee shall report any change in home address to the Board within 14 days.

F. Responsible Managing Employee License.

One of the following documents must accompany an RME license application:

i. A copy of the applicant's current National Institute for Certification in Engineering Technologies (NICET) Level III or Level IV Certificate or Wallet Card for fire protection automatic sprinkler system layout; or

ii. 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 minimum of three (3) years subsequent experience in fire sprinkler layout; or

iii. Evidence of certification by a program approved by the Board.

G. Inspector License.

If an individual was licensed as an inspector on or before the effective date of this rule, the Board will consider that individual to meet the requirements for an inspector's license as described in subsection H. below.

H. Inspector or Fitter License.

One of the following documents must accompany an inspector or fitter application:

i. An Inspector or Fitter License Affidavit, which 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; or

ii. Proof of completion of an approved three (3) year apprenticeship program with the US Dept. of Labor Fire Sprinkler Fitter Program in order to obtain a Fitter License; or

iii. A minimum of a National Institute for Certification in Engineering Technologies (NICET) Level II in Inspection and Testing of Water-Based Systems certificate or wallet card; or

iv. Evidence of certification by a program approved by the Board.

I. Apprentice Permit.

New employees of certified firms may apply for an apprentice permit by submitting the required application and payment of the required fee.

- i. An apprentice must apply for a permit within sixty days of initial employment by the firm.
- ii. The permit shall be valid for one (1) year from the date of issuance and may be renewed. An apprentice shall not continue to work as an apprentice after his permit expires.
- iii. An apprentice, under the direct supervision of a licensee authorized to perform the work, may perform the work allowed by his firm's certificate of registration.
- iv. All requirements applicable to licenses also apply to apprentice permits unless these rules state otherwise.

J. Reciprocity

- i. Required Qualifications. An applicant applying for reciprocal licensure shall meet the following requirements:
 - a. The applicant shall hold in good standing in another U.S. jurisdiction a license that is substantially similar to the type of license for which the individual is applying in Arkansas;
 - b. The applicant shall hold his or her occupational licensure in good standing;
 - c. The applicant shall not have had a license revoked for:
 - (a) An act of bad faith; or
 - (b) A violation of law, rule, or ethics;
 - d. The applicant shall not hold a suspended or probationary license in a U.S. jurisdiction;
 - e. The applicant shall be sufficiently competent in the fire protection sprinkler system field.
- ii. Required documentation. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.
 - a. As evidence that the applicant's license from another jurisdiction is in good standing and is substantially similar to Arkansas's, the applicant shall submit evidence of current and active licensure in that state. The Board may verify this information online or by telephone.
 - b. To demonstrate that the applicant has not had a license revoked for bad faith or a violation of law, rule, or ethics, as required by subsection 4.12.J.i.c., and that the applicant does not hold a license on suspended or probationary status, as required by subsection

4.12.J.i.d.the applicant shall provide the Board with:

- (a) The names of all states in which the applicant is currently licensed or has been previously licensed;
- (b) Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant has not had his license revoked for the reasons listed in subsection 4.12.J.i.c. and does not hold a license on suspended or probationary status as described in 4.12.J.i.d. The Board may verify this information online or by telephone.

c. As evidence that the applicant is sufficiently competent in the fire protection sprinkler system field, the applicant shall pass the Arkansas state examination.

iii. Temporary and Provisional License

- a. The Board’s Director shall issue a temporary license immediately upon receipt of the required fee and the documentation required to show that the applicant has a license from another jurisdiction that is in good standing and is substantially similar to the Arkansas license for which the applicant is applying.
- b. An applicant shall submit a completed the application with all required remaining documentation in order to receive a license.
- c. The temporary license shall be effective for 90 days or until the Board makes a decision on the application, whichever occurs first.

K. Applicants from States that Do Not License Profession.

i. Required Qualifications. An applicant from a state that does not license the fire protection sprinkler system field shall meet the following requirements:

- a. The applicant shall be sufficiently competent in the fire protection sprinkler system field; and
- b. Comply with the Board’s least restrictive requirements.

ii. Required documentation. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.

a. As evidence that the applicant is sufficiently competent in the fire protection sprinkler system field an applicant shall:

- (a) Pass the applicable examination based on NFPA standards; and
- (b) Pass the Arkansas state examination.

b. As evidence that the applicant meets the Board’s least restrictive requirements, the applicant shall provide proof of the applicable National Institute for Certification in Engineering Technologies

(NICET) certification.

L. Expedited Military Licensure

i. Definitions: As used in this subsection:

- (1) “Uniformed service member” means:
 - (a) An active or reserve component member of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, United States Space Force, or National Guard;
 - (b) An active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or
 - (c) An active or reserve component member of the United States Commissioned Corps of the Public Health Service; and
- (2) As used in this subsection, “uniformed service veteran” means a former member of the United States uniformed services discharged under conditions other than dishonorable.

ii. The Board shall grant expedited licensure to an applicant who is:

- (1) A uniformed service member stationed in the State of Arkansas;
- (2) A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or
- (3) The spouse of:
 - (a) A person under subsection (1) or (2) above;
 - (b) A uniformed service member who is assigned a tour of duty that excludes the uniformed service member’s spouse from accompanying the uniformed service member and the spouse relocates to this state; or
 - (c) A uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state.

iii. The Board shall grant such expedited licensure upon receipt of all of the below:

- (1) Payment of the initial licensure fee;
- (2) An application showing the applicant meets the licensure requirements described in this rule;
- (3) Evidence that the applicant is a qualified applicant under subsection ii. above; and
- (4) Evidence that the applicant has passed the required examinations.

iv. **Military Temporary License**

(1) The Board's Director shall issue a temporary license immediately upon receipt of the fee and the other documentation described in subsection iii.(1), (2), and (3) above.

(2) The temporary license shall be effective for 90 days or until applicant provides the document required in subsection iii.(4) showing the applicant has passed the required examinations.

v. The expiration date of a license for a deployed uniform service member or spouse will be extended for one hundred and eighty (180) days following the date of the uniformed service member's return from deployment.

SECTION 5. FEE SCHEDULE AND RENEWALS

5.1. Every fee required by A.C.A. §§ 20-22-601 et seq. and these rules shall be paid in accordance with instructions on the Board's website.

5.2. Fees shall be as follows:

Certificate of Registration

Initial Fee	\$700.00
Renewal Fee	\$700.00
Application Fee	\$100.00
Branch Office	\$25.00

Responsible Managing Employee License

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

Inspector License

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

Fitter License

Initial Fee (which includes 1st exam Fee)	\$50.00
Renewal fee for Fitter License	\$50.00

Apprentice Permit

Initial/Renewal fee for Apprentice Permit	\$25.00
Other Fees	
Transfer/Change/Duplication	\$25.00
Examination Retake Fee	\$25.00

5.3. A certificate of registration, license, and permit must be renewed annually before the expiration date of June 30th. The required fees and documentation must be submitted along with each application for renewal. A firm’s renewal application must include samples of its current placards and tags.

5.4. 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 that is on or before the expiration date of the document being renewed.

5.5. A certificate or license or permit expired for two years or more cannot be renewed. A person whose license has been expired for two years or more and who applies for a new license must take and pass another examination(s), unless otherwise specified herein. No examination(s) is required for a license renewed within two years of expiration.

5.6 A certificate, license, or permit expired for less than two years may be renewed by payment of a fee, calculated in accordance with the following schedule:

Expired 1-90 days	renewal fee x 1.5
Expired 91-365 days	renewal fee x 2
Expired 366- 729 days	renewal fee x 3

5.7. Anyone applying for re-licensure who meets the conditions established in A.C.A.§ 17-1-107 and can demonstrate that he or she passed the applicable examination(s) with scores sufficient for licensure at the time the individual's initial license was issued shall not be required to re-take the examination(s) in order to be re-licensed.

5.8. Initial Fee Waiver for Eligible Applicants

A. Pursuant to Act 725 of 2021, an applicant may receive a waiver of the initial licensure fee, if eligible. Eligible applicants are individuals who:

- i. Are receiving assistance through the Arkansas, or current state of residence equivalent, Medicaid Program, the Supplemental Nutrition Assistance Program (SNAP), the Special Supplemental Nutrition Program for Women, Infants, and Children (SSNP), the Temporary Assistance for Needy Families Program (TEA), or the Lifeline

Assistance Program (LAP);

- ii. Were approved for unemployment within the last twelve (12) months; or
 - iii. Have an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.
- B. Applicants shall provide documentation showing their receipt of benefits from the appropriate state agency.
- i. For Medicaid, SNAP, SSNP, TEA, or LAP, documentation from the Arkansas Department of Human Services (DHS), or current state of residence equivalent agency;
 - ii. For unemployment benefits approval in the last twelve (12) months, the Arkansas Department of Workforce Services, or current state of residence equivalent agency; or
 - iii. For proof of income, copies of all United States Internal Revenue Service Forms indicating applicant's total personal income for the most recent tax year e.g., "W2," "1099," etc.
- C. Applicants shall attest that the documentation provided under subsection B. is a true and correct copy and fraudulent or fraudulently obtained documentation shall be grounds for denial or revocation of license.

SECTION 6. PROCEDURES

6.1 Installation, Inspection and Service.

A. All sprinkler systems installed under A.C.A. §§ 20-22-601et seq. shall be under the supervision of a licensed RME and other licensed individuals as addressed in this section.

B. The fire protection sprinkler system firm is responsible for the maintenance, inspection, servicing or installation of a fire protection sprinkler system to the extent those duties are delegated to the firm by the property owner or manager.

C. The firm shall keep complete records of the tests and operations of each system. The records shall be available for examination by the Fire Marshal or AHJ.

D. Beginning at the demarcation valve where water is used exclusively for fire sprinkler systems installation, testing or servicing shall be performed by a fire protection sprinkler system firm or under the direct supervision, as defined in these rules, thereof and shall be in compliance with the adopted code and standards.

- i. Such direct 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 and Test Certificates reference any subcontracted work, who performed such work (with all contact information) and the exact scope of such work.
- ii. Direct Supervision is not required for the opening or closing of any required trenches or for the actual placement of piping and equipment.

6.2. RME Responsibilities.

- A. The RME is responsible for fulfilling the responsibilities described in the definition of "Responsible Managing Employee" and in these rules.
- B. The RME is responsible for ensuring that all plans and drawings satisfy the requirements of the contract and have been approved by the AHJ.
- C. The RME is authorized to perform duties of a licensed inspector and fitter in addition to the RME's primary role.
- D. The RME is responsible for distributing a Contractor's Material and Test Certificate as follows:
 - i. The certified firm that performed the installation must retain the original ; and
 - ii. One copy shall be kept at the site after completion of the installation.

6.3. Fitter's Responsibilities.

- A. A fitter is responsible for fulfilling the responsibilities described in the definition of "Fitter" and in these rules.
- B. The fitter is responsible for installing the sprinkler system in accordance with drawings approved by the firm's RME and in accordance with all applicable rules, codes and standards.
- C. At least one licensed fitter shall be onsite when a fire protection sprinkler system is being installed or serviced.
- D. Once an installation is complete, the fitter shall perform testing and provide documentation for such testing in accordance with the appropriate NFPA standard.
- E. Once an installation is complete, the fitter is responsible for completing the Contractor's Material and Test Certificate in accordance with the appropriate NFPA standard and for attaching the permanent green installation tag.

6.4. Inspector's Responsibilities.

- A. An inspector is responsible for fulfilling the responsibilities described in the definition of "Inspector" and in these rules.
- B. A licensed inspector employed by a fire protection sprinkler system firm shall conduct inspections in compliance with NFPA 25 and shall prepare inspection reports using sample forms from NFPA 25. The firm shall retain a copy of each inspection report.
- C. If a system requires a yellow or red tag, the inspection report shall include the words "Yellow Tag" or "Red Tag" in the upper right hand corner of the first page.
- D. An inspector shall provide the written inspection reports to the property owner, occupant or other designated responsible person. If the system requires a yellow or red tag, the report shall be filed with the AHJ.

6.5. Fire Pumps.

- A. Fire Pump installation, inspection or testing must be performed or officially supervised by a certified fire protection sprinkler system firm using properly licensed employees.
- B. A firm may use a distributor or manufacturer's representative to perform these services as long as the representative is supervised by a certified firm.
- C. Once the Fire Pump inspection, installation and testing is completed, an AFSA or National Fire Sprinkler Association (NFSA) form shall be completed. An inspection report shall be retained on file by the firm, and a copy shall be furnished to the owner, occupant, or other designated responsible person. If the system requires a yellow or red tag, the report shall be filed with the AHJ.

SECTION 7: PLACARDS AND TAGS

7.1. Placard Standards and Requirements.

- A. Every new system shall receive a General Information Placard and Hydraulic Information Placard, as described in NFPA 13 & 25, that is to be placed in plain view on the system riser.
- B. Where remodeled areas create a more hydraulically demanding area, the hydraulic placard shall be updated and replaced.
- C. Placards shall meet the following requirements:
 - i. The placards shall be no less than 0.002" in thickness and shall be made of aluminum foil or more rigid material.
 - ii. Size shall be no less than 5" wide by 7" long.

iii. The wording on the General Information Placard and the Hydraulic Information Placard shall be per NFPA 13 or its Appendix and shall also contain the following information:

- a. 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;
- b. RME name and number;
- c. Company certificate of registration number;
- d. Arkansas Contractors License number; and
- e. Fire Sprinkler company name, address and telephone number.

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

7.2. Tags

A. Format.

Every system shall receive the tags described in these rules, in such a position as to permit convenient inspection and not hamper actuation or operation of the system.

- i. Tags shall be between 5 1/4 inches and 5 1/2 inches in height and 2 5/8 inches in width.
- ii. All tags must utilize a “punch out” system for dating and may be printed and established for a period of five (5) years.
- iii. Tags shall bear the following information:
 - a. Printed at the top of the tag in all capital letters in at least 16 point bold face type will be the following: “DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL.”
 - b. Name, address, telephone number and certificate number of the firm performing the service
 - c. Name and license number of the firm’s inspector or RME clearly printed.
 - d. Signature and license number of the person performing the work.
 - e. Day, month and year the work was completed.

f. Type of work performed – installation, service, maintenance or inspection.

g. Name and address of the property owner where the work was performed.

h. Description and address of the property where the work was performed.

i. Comments/Impairments (shall include 3 or more lines).

B. Original Installation Tag. Once a licensed fitter or inspector has successfully tested any new system as required by NFPA, such system is eligible for being placed into service after the licensed fitter affixes the original installation tag, fills out the Contractor’s Material and Test Certificate, and the system is accepted by the AHJ.

C. Service Tag. A licensed fitter shall affix a service tag after performing work on any existing system, whether the alterations made are due to demolition, addition, or correction of deficiencies or impairments, or other service work.

D. Inspection, Test, and Maintenance (“ITM”) Tag. Using forms approved by the Board, a licensed inspector shall affix an ITM tag on any system that has successfully passed inspection.

E. Green Tag. Any system that is green-tagged is understood to have successfully passed inspection by a licensed inspector or RME utilizing approved inspection forms. .

F. Yellow Tag.

i. Impairments, critical deficiencies, and noncritical deficiencies, as described in NFPA 25 and its Table E.1, warrant a yellow tag.

ii. An RME or inspector who finds an impairment, critical deficiency, or noncritical deficiency must hang a yellow tag, notify the building owner, and send the Inspection Report to the AHJ. This information must be sent by mail or fax within fourteen (14) business days of inspection.

G. Red Tag.

i. Any system that is red-tagged is understood to be emergency impaired and is not acceptable to connect to in the case of emergency operations.

ii. An "impairment" Is a shutdown of a system or portion thereof. The two types of impairments are as follows:

a. 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. 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 fire department connection supply, any openings in the system (whether piping or sprinklers, defective fire department connection check valves, etc.)

b. 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.

iii. If a licensee finds an emergency impairment in a system, he shall complete and affix a red tag. Also, one laminated red tag is to be placed on the exterior fire department connection (peel and seal clear laminate is acceptable). The RME or inspector shall discuss the impairments with the owner and immediately notify the local AHJ or State Fire Marshal's Office within 24 hours, either by telephone or in writing, and follow up by sending a copy of the inspection report or a copy of the completed tags (front and back) by mail, email, or fax within five (5) business days of inspection.

H. Authorized Tag Personnel. Only the following persons are authorized to attach or remove tags:

i. A fire protection sprinkler system firm's RME, fitter, or inspector;

ii. State Fire Marshal's Office; or

iii. AHJ.

I. Prior to performing any service work, a service tag shall be placed on the riser of the system being serviced and such tag shall be updated as the system is

serviced. This tag shall remain until further service work is performed and another service tag is placed on the system.

SECTION 8. BOARD MEETINGS

8.1. The Arkansas Fire Protection Licensing Board will conduct at least four (4) regular meetings per year. 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.

8.2. The Chairman of the Board will preside at all meetings. The Co-Chairman will preside in the Chairman's absence.

8.3. Any person desiring to appear before the Board 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 the request.

8.4. 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.

8.5. The Chairman may establish such committees as shall be necessary to carry out the affairs and further the purposes of the Board. The Chairman shall appoint the membership to all committees.

8.6. Complaints must be submitted to the Board in written form. The Board staff will date stamp the complaint and a complaint number will be assigned when received in the Board office.

8.7. Investigation. The Board may, on its own motion, initiate investigations. The Board or a designated Board committee will review the complaint and determine whether the allegations fall within the Board's jurisdiction and whether to proceed to investigate the allegations. Once the investigation is complete, the Board or a designated Board committee will determine whether there is sufficient evidence to make a *prima facie* case that the Board's statutes or rules have been violated.

8.8. Hearings. If it is determined there is a *prima facie* case, the Board or a designated Board committee will either issue a Notice of Hearing or invoke the alternate proceedings described in 8.9. All hearings will be conducted in accordance with the Administrative Procedures Act, A.C.A. §§ 25-15-201 et seq.

8.9. Alternate Proceedings.

A. If the Board or the Board's designated committee determines that violations, if proved, would not warrant license suspension, revocation, or a fine 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 Board Chairman for acceptance or rejection.

B. If the Board Chairman approves the use of alternate proceedings, the respondent will be notified that he has violated the Board's law and the Board proposes 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.