

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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ARKANSAS FIRE PROTECTION LICENSING BOARD RULES FOR PORTABLE/FIXED 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 selling, installing, and servicing portable fire extinguishers or fixed fire protection systems and to provide for the registration and licensure of businesses and persons providing these services, in order to protect and promote public safety by minimizing personal injury and property damages which might result from inadequate, unreliable, unsafe or improperly installed or maintained portable fire extinguishers and fixed fire protection systems.

1.2. TITLE. These rules shall be known and may be cited as the “Portable/Fixed Systems Rules” and shall be administered by and through the Board.

1.3. APPLICABILITY OF RULES. The rules shall apply to all firms and individuals engaged in the business of selling, installing, and servicing portable extinguishers or fixed fire protection systems and performing hydrostatic testing, except those specifically exempt by A.C.A. §§ 20-22-601 et seq.

1.4. 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 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 firm, 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. 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.

2.2. Authority Having Jurisdiction (AHJ) – The organization, office or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure.

2.3 - 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.

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

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

2.6. Fixed fire protection system – fire extinguisher or fire suppression systems, including without limitation:

A. Fire extinguishing or fire suppression systems installed to protect the hoods and ductwork of exhaust systems designed for the removal of smoke and grease-laden vapors from commercial cooking equipment; and

B. Listed or approved fire protection systems or suppression systems installed and maintained according to the standards adopted in the rules of the Arkansas Fire Protection Licensing Board.

2.7. Hydrostatic Testing – pressure testing by hydrostatic methods.

2.8. License – a written document issued by the Board to an individual for the purpose of granting permission to such individual to perform any act for which the law requires a license.

2.9. Licensee – a specific individual to whom a license or permit has been issued by the Board; a specific firm to which a certificate of registration has been issued by the Board.

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

2.11. Portable Fire Extinguisher – any device that contains within it chemicals, fluids, powder, liquids or gases for extinguishing fires.

2.12. Recharge - to fill a portable fire extinguisher or a fixed fire protection system with a charge the second and all succeeding times the system is serviced.

2.13. Repair – any work performed on or to any portable fire extinguisher or fixed fire protection system and not defined as charging, recharging, hydrostatic testing or inspecting.

2.14. Service Tag – a tag on a portable fire extinguisher or fixed fire protection system that serves as evidence that some action was performed by a licensee.

2.15. Test – to subject any portable fire extinguisher or fixed fire protection system to any procedure necessary to ensure its proper operation or installation.

2.16. Service—physically install portable fire extinguisher or fixed fire protection systems by charging, filling, maintaining, re-charging, refilling, repairing, hanging, locating or re-testing (including hydrostatic testing).

2.17. Standards – nationally recognized standards adopted herein.

SECTION 3. STANDARDS

3.1. 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.

3.2. All portable fire extinguishers and fixed fire protection systems installed or serviced in this State shall comply with A.C.A. §§ 20-22-601 et seq., these rules, manufacturer’s specifications, local ordinances and requirements, and the Arkansas Fire Prevention Code.

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

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

3.5. ~~After December 31, 2007 n~~Non-UL 300 systems may not be serviced for any reason and must be Red Tagged.

3.6. All dry chemical stored pressure fire extinguishers manufactured prior to October 1984 shall be removed from service ~~no later than January 1, 2015~~.

SECTION 4. REGISTRATION AND LICENSING

- 4.1. A licensee shall not knowingly mischaracterize a competitor's product.
- 4.2. The falsification of a certification of registration, 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. A firm cannot be certified for types of systems without a licensed individual(s) employed by the firm who is trained and licensed for the same type(s) as the firm. A person holding a valid license shall not be authorized to perform any act unless employed by a certified firm.
- 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. 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.
- 4.7. A certificate of registration or license does not authorize a licensee to enforce these rules or 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 shall 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 Board issues firm certificates of registration for the following systems:

- i. Portable Fire Extinguisher
- ii. Fixed Fire Protection System
- iii. Hydro Class “A”
- iv. Hydro Class “B”

B. 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 certification of registration should contact the Board concerning the acceptability of the proposed firm name.

C. 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 sample (not a copy) of the firm’s service tag, red tag, and verification of service collar. If changes are made to the design of the service tag or red tag, a sample of the new revised tag must be forwarded to the Board office. A sample of the current service tag and current red tag must be on file with the Board at all times.
- v. The application must include a copy of the firm’s liability insurance declarations page that meets the requirements of A.C.A. § 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.
- vi. The firm shall either be certified for Class A or Class B hydrostatic testing or supply a letter from a firm certified by this Board asserting it will perform the

work for the firm. As such, unless an applicant is applying for a Class B certificate, an application must include one of the following:

a. A firm 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.

b. A firm that does not intend to become certified to perform hydrostatic testing must submit a letter from a firm licensed by this Board to do hydrostatic testing stating that the certified firm will perform any necessary hydrostatic testing for the applicant firm. If the letter of performance is ever withdrawn or cancelled, the firm relying on in must submit a replacement letter from another certified firm to the Board office within 20 days from the date of withdrawal/cancellation.

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 offices, the firm shall notify the Board within fourteen (14) days after such 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 ~~4.12.C~~ 4.11.C. 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 ~~4.12.C~~ 4.11.C except for the individual license applications in ~~4.12.C.iii~~ 4.11.C.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. The Board issues individual licenses for the following types of portable and fixed systems:

- i. Portable Fire Extinguisher
- ii. Fixed Fire Protection System - Carbon Dioxide Systems
- iii. Fixed Fire Protection System - Wet/Dry Systems
- iv. Fixed Fire Protection System - Clean Agent Systems
- v. Fixed Fire Protection System - Halon Systems
- vi. Hydro Class "A"
- vii. Hydro Class "B"

B. To be licensed, an individual must be employed by a certified firm, meet the requirements described in these rules, submit the required fee and a fully-completed licensing application using the Board's form, and pass an examination for each type of system the applicant intends to work on.

C. If the applicant is applying for Class A hydrostatic testing, the application must include a copy of the current DOT approval letter.

D. Examinations

- 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 applicable to the system the applicant wants to be licensed for. This examination will be based on NFPA standards and is described on the Board's website.

- b. An examination covering the Board's statutes and rules.
- iv. A minimum grade of 80% is required to pass any examination. Applicants obtaining a minimum grade of 80% will be issued a license endorsed with the type of service qualified by the examination.
- v. An applicant who fails an examination may re-take the examination after payment of an exam re-take fee.

E. 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.

F. 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.

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

H. 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. The permit shall be valid for one (1) year from the date of issuance and shall not be renewed. An apprentice shall not continue to work as an apprentice after his permit expires.
- ii. 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.
- iii. All requirements applicable to licenses also apply to apprentice permits unless these rules state otherwise.

I. 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:

- (1) An act of bad faith; or
- (2) 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 field of portable fire extinguishers ~~and/or~~ or fixed fire protection systems.

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.I.i.c., and that the applicant does not hold a license on suspended or probationary status, as required by subsection 4.12.I.i.d. the applicant shall provide the Board with:

- (1) The names of all states in which the applicant is currently licensed or has been previously licensed;
- (2) 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.I.i.c. and does not hold a license on suspended or probationary status as described in 4.12.I.i.d. The Board may verify this information online or by telephone.

c. As evidence that the applicant is sufficiently competent in the field of portable fire extinguishers ~~and/or~~ or fixed fire protection systems, 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.

J. 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 be sufficiently competent in the field of portable fire extinguishers ~~and/or~~ or fixed fire protection.

ii. Required documentation.

a. An applicant shall submit a fully-executed application and the required fee; and

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

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

K. Expedited Military Licensure

i. Definitions: As used in this subsection:

a. “Uniformed service member” means:

(1) 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;

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

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

b. 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:

a. A uniformed service member stationed in the State of Arkansas;

b. A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or

c. The spouse of:

(1) A person under subsection ii.a. or b above;

(2) 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

(3) 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:

a. Payment of the initial licensure fee;

b. An application showing the applicant meets the licensure requirements described in this rule;

c. Evidence that the applicant is a qualified applicant under subsection ii. above;
and

d. Evidence that the applicant has passed the required examinations.

iii. Military Temporary License

a. The Board’s Director shall issue a temporary license immediately upon receipt of the fee and the other documentation described in subsection iii.a., b., and c. above.

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

iv. 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:

Initial Firm Certificate of Registration:

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

Firm Certificate of Registration Renewal:

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

Individual Licensing (includes first exam):

Portable	\$ 60.00
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 Re-Take Fee \$ 25.00

Transfer/Change/Duplicate \$ 25.00

Branch office \$ 25.00

Apprentice Permit \$ 15.00

5.3. Certificates of registration and licenses must be renewed annually before the expiration date of September 30th. The required fees and documentation must be submitted along with each application for renewal.

5.4. 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 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 expired for two (2) 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 is required for a license renewed within two years of expiration.

5.6. A certificate or license expired for less than two (2) 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 relicensed.

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

As a minimum standard, the following procedures shall be performed each time that the designated type of service is performed.

6.1. Monthly inspection:

- A. The licensee shall determine that the fire extinguisher is in its designated place and that there are no obstructions to its accessibility.
- B. The licensee shall determine that the fire extinguisher has not been actuated or tampered with.

C. The licensee shall determine that there is no obvious physical damage, clogged or obstructed hose or nozzle, or other condition that could prevent the proper operation of the fire extinguisher.

D. The licensee shall determine that the pressure gauge or indicator is in the operable range or position. Operate push-to-test indicator on non-rechargeable fire extinguishers.

E. The licensee shall determine the fullness of self-expelling, cartridge-operated and pump tank fire extinguishers by weighing or hefting..

F. The licensee shall determine the condition of the tires, wheels, carriage, hose and nozzle on wheeled-type fire extinguishers.

G. The licensee shall initial in ink and date the monthly service tag.

6.2. Annual Maintenance:

Annual maintenance entails a thorough examination of the fire extinguisher to give maximum assurance that a fire extinguisher will operate effectively and safely. Annual maintenance includes a thorough examination for physical damage or any condition that could prevent its operation, along with any necessary repair or replacement. As a minimum standard, the following procedures shall be performed:

A. The licensee shall perform the monthly inspections steps described in 6.1.A. through G.

B. The licensee must remove the tamper seal of a rechargeable fire extinguisher by operating the pull pin or locking device and installing a new tamper seal.

C. The licensee must complete, punch out the applicable areas, initial in ink, and install a new service tag on the fire extinguisher.

6.3. Six-Year Maintenance.

Every six (6) years, stored pressure fire extinguishers that require a twelve (12) year hydrostatic test shall be emptied and subjected to the applicable maintenance procedures described in the manufacturer's service manual.

SECTION 7. REQUIREMENTS FOR SERVICE TAGS

7.1. General Requirements.

Every tag attached to a fire extinguisher or a fixed fire protection system serviced by a certified firm shall be a tag conforming to these rules.

A. 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 1/4 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. One service tag shall be attached to each fixed

fire protection system in such a position to be conveniently inspected, but not to hamper the operation of the system.

C. The service tag may be printed or otherwise established for any number of years not in excess of five (5) years.

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 (See F. below);
- v. Date service was performed (See F. below);
- vi. License number of the individual performing or supervising the service and services performed;
- vii. Apprentice permit number;
- viii. A printed statement **DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL** in bold type with a font size not less than 16; and
- ix. Signature or initials of service person. Signature or initials must be handwritten in INK at the time of service.

E. A new service tag must be attached to a fire extinguisher or fixed fire protection system each time service is performed.

F. 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.

G. No person 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 or fixed fire protection system.

7.2. Requirements for Red Tags

A. A red tag on a portable fire extinguisher or fixed fire protection system means that the extinguisher or system does not conform to the minimum standards and is not acceptable for use in the case of emergency operation.

B. Red tags shall be ~~no more and no less than~~ between 5 ¼ inches and 5 ½ inches in height and 2 5/8 inches in width.

C. Red tags shall be marked as “impaired” or “condemned” based on the following guidelines:

i. Impaired – means a fixed fire protection system or portable fire extinguisher does not meet the applicable minimum standards but the condition causing the impairment is correctable.

ii. Condemned – means a fixed fire protection system or portable fire extinguisher does not meet the applicable minimum standards and it cannot be repaired or corrected.

D. If a fixed fire protection system is red tagged for any reason, the owner or occupant shall be immediately notified and the local AHJ or State Fire Marshal's Office shall be notified within 24 hours, either by telephone or in writing. A copy of the inspection report ~~and/or~~ and a copy of the completed tags shall be provided to the AHJ by mail, fax, e-mail, or in person, within 5 business days of the inspection.

E. 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 service;
- vi. License number and initials or name of the licensee "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 font size not less than 16; and
- viii. A statement explaining to why the unit is impaired or condemned.

F. If the system was impaired and the impairing condition(s) is corrected, 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; or
- iv. Members of the Arkansas Fire Protection Licensing Board.

7.3. Verification of Service Collar

A. A 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.

B. The following types of portable fire extinguisher do not require a verification of service collar:

- i. Cartridge/or cylinder-operated fire extinguishers; and
- ii. Extinguishers capable of or allowed to be recharged without removal of the valve assembly (CO2 or Halon).

C. The 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. 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 fire extinguisher.

D. The Verification of Service collar shall include the month and year the service was performed, indicated by a hand-punch perforation.

7.4. Recharge 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 and Section 7.3 above, a verification of service (maintenance or re-charging) collar shall also be attached to the extinguisher.

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. 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. Investigations. The Board may, on its own motion, initiate investigation. 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 that 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 section 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 the violations, if proved, would not warrant license suspension, revocation or a fine 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 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 that the Board proposes a 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.

ARKANSAS FIRE PROTECTION LICENSING BOARD

RULES FOR PORTABLE/FIXED 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 selling, installing, and servicing portable fire extinguishers or fixed fire protection systems and to provide for the registration and licensure of businesses and persons providing these services, in order to protect and promote public safety by minimizing personal injury and property damages which might result from inadequate, unreliable, unsafe or improperly installed or maintained portable fire extinguishers and fixed fire protection systems.

1.2. TITLE. These rules shall be known and may be cited as the “Portable/Fixed Systems Rules” and shall be administered by and through the Board.

1.3. APPLICABILITY OF RULES. The rules shall apply to all firms and individuals engaged in the business of selling, installing, and servicing portable extinguishers or fixed fire protection systems and performing hydrostatic testing, except those specifically exempt by A.C.A. §§ 20-22-601 et seq.

1.4. 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 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 firm, 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. 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.

2.2. Authority Having Jurisdiction (AHJ) – The organization, office or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure.

2.3 - 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.

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

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

2.6. Fixed fire protection system – fire extinguisher or fire suppression systems, including without limitation:

A. Fire extinguishing or fire suppression systems installed to protect the hoods and ductwork of exhaust systems designed for the removal of smoke and grease-laden vapors from commercial cooking equipment; and

B. Listed or approved fire protection systems or suppression systems installed and maintained according to the standards adopted in the rules of the Arkansas Fire Protection Licensing Board.

2.7. Hydrostatic Testing – pressure testing by hydrostatic methods.

2.8. License – a written document issued by the Board to an individual for the purpose of granting permission to such individual to perform any act for which the law requires a license.

2.9. Licensee – a specific individual to whom a license or permit has been issued by the Board; a specific firm to which a certificate of registration has been issued by the Board.

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

2.11. Portable Fire Extinguisher – any device that contains within it chemicals, fluids, powder, liquids or gases for extinguishing fires.

2.12. Recharge - to fill a portable fire extinguisher or a fixed fire protection system with a charge the second and all succeeding times the system is serviced.

2.13. Repair – any work performed on or to any portable fire extinguisher or fixed fire protection system and not defined as charging, recharging, hydrostatic testing or inspecting.

2.14. Service Tag – a tag on a portable fire extinguisher or fixed fire protection system that serves as evidence that some action was performed by a licensee.

2.15. Test – to subject any portable fire extinguisher or fixed fire protection system to any procedure necessary to ensure its proper operation or installation.

2.16. Service–physically install portable fire extinguisher or fixed fire protection systems by charging, filling, maintaining, re-charging, refilling, repairing, hanging, locating or re-testing (including hydrostatic testing).

2.17. Standards – nationally recognized standards adopted herein.

SECTION 3. STANDARDS

3.1. 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.

3.2. All portable fire extinguishers and fixed fire protection systems installed or serviced in this State shall comply with A.C.A. §§ 20-22-601 et seq., these rules, manufacturer’s specifications, local ordinances and requirements, and the Arkansas Fire Prevention Code.

3.3. Extinguisher Sales - No portable fire extinguishers shall be sold, leased, serviced or recharged in the State of Arkansas unless labeled or listed by Underwriters Laboratories, Inc., Factory Mutual System or other nationally recognized testing laboratory that is approved by the Arkansas Fire Protection Licensing Board or the Office of the State Fire Marshal.

3.4. No dry chemical restaurant fire systems may be serviced for any reason and must be Red Tagged.

3.5. Non-UL 300 systems may not be serviced for any reason and must be Red Tagged.

3.6. All dry chemical stored pressure fire extinguishers manufactured prior to October 1984 shall be removed from service.

SECTION 4. REGISTRATION AND LICENSING

- 4.1. A licensee shall not knowingly mischaracterize a competitor's product.
- 4.2. The falsification of a certification of registration, 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. A firm cannot be certified for types of systems without a licensed individual(s) employed by the firm who is trained and licensed for the same type(s) as the firm. A person holding a valid license shall not be authorized to perform any act unless employed by a certified firm.
- 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. 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.
- 4.7. A certificate of registration or license does not authorize a licensee to enforce these rules or 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 shall 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 Board issues firm certificates of registration for the following systems:

- i. Portable Fire Extinguisher
- ii. Fixed Fire Protection System
- iii. Hydro Class “A”
- iv. Hydro Class “B”

B. 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 certification of registration should contact the Board concerning the acceptability of the proposed firm name.

C. 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 sample (not a copy) of the firm’s service tag, red tag, and verification of service collar. If changes are made to the design of the service tag or red tag, a sample of the new revised tag must be forwarded to the Board office. A sample of the current service tag and current red tag must be on file with the Board at all times.

v. The application must include a copy of the firm’s liability insurance declarations page that meets the requirements of A.C.A. § 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.

vi. The firm shall either be certified for Class A or Class B hydrostatic testing or supply a letter from a firm certified by this Board asserting it will perform the

work for the firm. As such, unless an applicant is applying for a Class B certificate, an application must include one of the following:

a. A firm 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.

b. A firm that does not intend to become certified to perform hydrostatic testing must submit a letter from a firm licensed by this Board to do hydrostatic testing stating that the certified firm will perform any necessary hydrostatic testing for the applicant firm. If the letter of performance is ever withdrawn or cancelled, the firm relying on in must submit a replacement letter from another certified firm to the Board office within 20 days from the date of withdrawal/cancellation.

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 offices, the firm shall notify the Board within fourteen (14) days after such 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.C. 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.C. except for the individual license applications in 4.11.C.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. The Board issues individual licenses for the following types of portable and fixed systems:

- i. Portable Fire Extinguisher
- ii. Fixed Fire Protection System - Carbon Dioxide Systems
- iii. Fixed Fire Protection System - Wet/Dry Systems
- iv. Fixed Fire Protection System - Clean Agent Systems
- v. Fixed Fire Protection System - Halon Systems
- vi. Hydro Class "A"
- vii. Hydro Class "B"

B. To be licensed, an individual must be employed by a certified firm, meet the requirements described in these rules, submit the required fee and a fully-completed licensing application using the Board's form, and pass an examination for each type of system the applicant intends to work on.

C. If the applicant is applying for Class A hydrostatic testing, the application must include a copy of the current DOT approval letter.

D. Examinations

- 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 applicable to the system the applicant wants to be licensed for. This examination will be based on NFPA standards and is described on the Board's website.

- b. An examination covering the Board's statutes and rules.
- iv. A minimum grade of 80% is required to pass any examination. Applicants obtaining a minimum grade of 80% will be issued a license endorsed with the type of service qualified by the examination.
- v. An applicant who fails an examination may re-take the examination after payment of an exam re-take fee.

E. 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.

F. 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.

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

H. 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. The permit shall be valid for one (1) year from the date of issuance and shall not be renewed. An apprentice shall not continue to work as an apprentice after his permit expires.
- ii. 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.
- iii. All requirements applicable to licenses also apply to apprentice permits unless these rules state otherwise.

I. 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:

- (1) An act of bad faith; or
- (2) 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 field of portable fire extinguishers or fixed fire protection systems.

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.I.i.c., and that the applicant does not hold a license on suspended or probationary status, as required by subsection 4.12.I.i.d. the applicant shall provide the Board with:

- (1) The names of all states in which the applicant is currently licensed or has been previously licensed;
- (2) 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.I.i.c. and does not hold a license on suspended or probationary status as described in 4.12.I.i.d. The Board may verify this information online or by telephone.

c. As evidence that the applicant is sufficiently competent in the field of portable fire extinguishers or fixed fire protection systems, 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.

J. 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 be sufficiently competent in the field of portable fire extinguishers or fixed fire protection.

ii. Required documentation.

a. An applicant shall submit a fully-executed application and the required fee; and

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

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

K. Expedited Military Licensure

i. Definitions: As used in this subsection:

(a) “Uniformed service member” means:

(1) 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;

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

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

(b) 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:

a. A uniformed service member stationed in the State of Arkansas;

b. A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or

c. The spouse of:

(1) A person under subsection ii.a. or b above;

(2) 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

(3) 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:

a. Payment of the initial licensure fee;

- b. An application showing the applicant meets the licensure requirements described in this rule;
 - c. Evidence that the applicant is a qualified applicant under subsection ii. above;
- and
- d. Evidence that the applicant has passed the required examinations.

iii. Military Temporary License

- a. The Board’s Director shall issue a temporary license immediately upon receipt of the fee and the other documentation described in subsection iii.a., b., and c. above.
- b. The temporary license shall be effective for 90 days or until applicant provides the document required in subsection iii.d. showing the applicant has passed the required examinations.

iv. 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:

Initial Firm Certificate of Registration:	
Portable	\$300.00
Fixed	\$300.00
Class A	\$100.00
Class B	\$ 50.00
Firm Certificate of Registration Renewal:	
Portable	\$300.00
Fixed	\$300.00
Class A	\$100.00
Class B	\$ 50.00
Individual Licensing (includes first exam):	
Portable	\$ 60.00
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 Re-Take Fee \$ 25.00

Transfer/Change/Duplicate \$ 25.00

Branch office \$ 25.00

Apprentice Permit \$ 15.00

5.3. Certificates of registration and licenses must be renewed annually before the expiration date of September 30th. The required fees and documentation must be submitted along with each application for renewal.

5.4. 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 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 expired for two (2) 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 is required for a license renewed within two years of expiration.

5.6. A certificate or license expired for less than two (2) 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 relicensed.

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

As a minimum standard, the following procedures shall be performed each time that the designated type of service is performed.

6.1. Monthly inspection:

- A. The licensee shall determine that the fire extinguisher is in its designated place and that there are no obstructions to its accessibility.
- B. The licensee shall determine that the fire extinguisher has not been actuated or tampered with.

C. The licensee shall determine that there is no obvious physical damage, clogged or obstructed hose or nozzle, or other condition that could prevent the proper operation of the fire extinguisher.

D. The licensee shall determine that the pressure gauge or indicator is in the operable range or position. Operate push-to-test indicator on non-rechargeable fire extinguishers.

E. The licensee shall determine the fullness of self-expelling, cartridge-operated and pump tank fire extinguishers by weighing or hefting..

F. The licensee shall determine the condition of the tires, wheels, carriage, hose and nozzle on wheeled-type fire extinguishers.

G. The licensee shall initial in ink and date the monthly service tag.

6.2. Annual Maintenance:

Annual maintenance entails a thorough examination of the fire extinguisher to give maximum assurance that a fire extinguisher will operate effectively and safely. Annual maintenance includes a thorough examination for physical damage or any condition that could prevent its operation, along with any necessary repair or replacement. As a minimum standard, the following procedures shall be performed:

A. The licensee shall perform the monthly inspections steps described in 6.1.A. through G.

B. The licensee must remove the tamper seal of a rechargeable fire extinguisher by operating the pull pin or locking device and installing a new tamper seal.

C. The licensee must complete, punch out the applicable areas, initial in ink, and install a new service tag on the fire extinguisher.

6.3. Six-Year Maintenance.

Every six (6) years, stored pressure fire extinguishers that require a twelve (12) year hydrostatic test shall be emptied and subjected to the applicable maintenance procedures described in the manufacturer's service manual.

SECTION 7. REQUIREMENTS FOR SERVICE TAGS

7.1. General Requirements.

Every tag attached to a fire extinguisher or a fixed fire protection system serviced by a certified firm shall be a tag conforming to these rules.

A. Tags shall be between 5 ¼ inches and 5 1/2 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. One service tag shall be attached to each fixed fire protection system in such a position to be conveniently inspected, but not to

hamper the operation of the system.

C. The service tag may be printed or otherwise established for any number of years not in excess of five (5) years.

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 (See F. below);
- v. Date service was performed (See F. below);
- vi. License number of the individual performing or supervising the service and services performed;
- vii. Apprentice permit number;
- viii. A printed statement **DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL** in bold type with a font size not less than 16; and
- ix. Signature or initials of service person. Signature or initials must be handwritten in INK at the time of service.

E. A new service tag must be attached to a fire extinguisher or fixed fire protection system each time service is performed.

F. 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.

G. No person 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 or fixed fire protection system.

7.2. Requirements for Red Tags

A. A red tag on a portable fire extinguisher or fixed fire protection system means that the extinguisher or system does not conform to the minimum standards and is not acceptable for use in the case of emergency operation.

B. Red tags shall be between 5 ¼ inches and 5 ½ inches in height and 2 5/8 inches in width.

C. Red tags shall be marked as “impaired” or “condemned” based on the following guidelines:

- i. Impaired – means a fixed fire protection system or portable fire extinguisher does not meet the applicable minimum standards but the condition causing the impairment is correctable.
- ii. Condemned – means a fixed fire protection system or portable fire extinguisher does not meet the applicable minimum standards and it cannot be repaired or corrected.

D. If a fixed fire protection system is red tagged for any reason, the owner or occupant shall be immediately notified and the local AHJ or State Fire Marshal's Office shall be notified within 24 hours, either by telephone or in writing. A copy of the inspection report and a copy of the completed tags shall be provided to the AHJ by mail, fax, e-mail, or in person, within 5 business days of the inspection.

E. 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 service;
- vi. License number and initials or name of the licensee "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 font size not less than 16; and
- viii. A statement explaining to why the unit is impaired or condemned.

F. If the system was impaired and the impairing condition(s) is corrected, 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; or
- iv. Members of the Arkansas Fire Protection Licensing Board.

7.3. Verification of Service Collar

A. A 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.

B. The following types of portable fire extinguisher do not require a verification of service collar:

- i. Cartridge or cylinder-operated fire extinguishers; and
- ii. Extinguishers capable of or allowed to be recharged without removal of the valve assembly (CO2 or Halon).

C. The 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. 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 fire extinguisher.

D. The Verification of Service collar shall include the month and year the service was performed, indicated by a hand-punch perforation.

7.4. Recharge 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 and Section 7.3 above, a verification of service (maintenance or re-charging) collar shall also be attached to the extinguisher.

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. 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. Investigations. The Board may, on its own motion, initiate investigation. 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 that 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 section 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 the violations, if proved, would not warrant license suspension, revocation or a fine 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 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 that the Board proposes a 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.