

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
John Thurston
500 Woodlane Street, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-5070
www.sos.arkansas.gov



Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

MARKUP

**ARKANSAS FIRE PROTECTION LICENSING BOARD
RULES ~~AND REGULATIONS~~ FOR SPRINKLER SYSTEMS**

Effective August 1, 2008

SECTION 1. ~~SCOPE, PURPOSE, TITLE, APPLICABILITY, NOTICE AND
FAIRNESSEVERABILITY~~

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 ~~Act 743 of 1977 as amended (A.C.A. §§ 20-22-601 et seq through 614).~~

1.2. TITLE. These rules shall be known and may be cited as the ~~s”Sprinkler #Rules”~~ and shall be administered by and through the Board.

1.3. APPLICABILITY OF RULES. ~~Unless otherwise provided by law, T~~these rules shall apply to all firms and ~~persons individuals~~ engaged in the business of planning, selling, installing, maintaining, inspecting or servicing fire protection sprinkler systems ~~and not to the general public.~~

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 ~~and~~ 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 ~~and regulations.~~

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 regular employee of 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

Commented [SA1]: Moved from Section 3 on p. 6 and re-written. Markup shows changes to existing language.

MARKUP

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.

Commented [SA2]: Moved from Section 3 on p. 6 and re-written. Markup shows changes to existing language.

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

Commented [SA3]: Moved from former Section 6.e. on p. 35

SECTION 2. DEFINITIONS

~~The following words and terms when used in these rules have the following meaning unless the context clearly indicates otherwise.~~

~~a. Act 743 of 1977—Fire protection requirements set forth by the State of Arkansas, of which the Arkansas Fire Protection Licensing Board was initiated. The Act is known as ACA 20-22-601 through 614 or Title 20, Subchapter 6, or loosely as “The Act”.~~

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

2.2. 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.b. 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.

~~e. Board—the Arkansas Fire Protection Licensing Board~~

2.4 - 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

MARKUP

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.d. Certificate – the certificate ~~or 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. ~~authorizing the applicant to engage in the business, whether relating to the individual RME, Inspector or the Fire Protection Sprinkler System contractor.~~

~~2.e. Certify – to attest to the proper planning, installing, maintaining, inspecting or servicing of fire sprinkler systems by executing a contractor’s material and test certificate and attaching a completed service tag.~~

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

2.7. 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.g. Demarcation – a point of a service, an isolating valve downstream of the domestic meter service, where the fire service line becomes a dedicated ~~F~~fire ~~P~~protection ~~S~~sprinkler ~~S~~system supply line installed, or serviced by a ~~F~~fire ~~P~~protection ~~S~~sprinkler ~~S~~system ~~firm~~Contractor under the direct supervision and responsibility of a ~~F~~fire ~~P~~protection ~~S~~sprinkler ~~S~~system ~~Contractor-firm~~ as herein defined.

2.9. Direct Supervision ~~is herein defined as -~~ on-sight 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.h. Fire Protection Sprinkler System ~~Interchangeable with “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

Commented [SA4]: Moved from Procedures section 6.1.D.i. on p. 23. Markup shows changes to existing language.

MARKUP

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.i. Fire Protection Sprinkler System Firm or “firm” Contractor — interchangeable with “contractor” or “the business”, means a Certified Firm—that offers to undertake, represent itself as being able to undertake the plan, sale, installation, maintenance, inspection or service of a Fire Protection Sprinkler System or any part of such a system means a person, partnership, corporation, or association those firms engaged in the planning, fire protection layout, selling, installing, maintaining, inspecting and/or servicing of fire protection sprinkler systems, including, without limitation, standpipes, hose stations, and fire pumps.

2.12.o Fitter -Installer—the installer refers to a licensed employee responsible for the initial installation of the fire sprinkler, and whose responsibilities are more fully described in these rules. Anywhere installer is referred to in this document it will be understood that an inspector may perform the duties A licensed inspector or RME is authorized to perform the duties of a licensed fitter.

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

2.14.k. Impairment – a shutdown of a system or portion thereof 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.l. Inspection – a visual examination of a sprinkler system or portion thereof to verify it appears to be in operating condition, per codes and free from physical damage, per such standards referenced by the required Inspection Form. per codes and free from physical damage.

2.16.m. Inspector – an experienced, trained and licensed individual employed by a Fire Protection Sprinkler System Contractor to perform inspections 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.

MARKUP

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

~~o. Installer – the installer refers to a licensed employee responsible for the initial installation of the fire sprinkler. Anywhere installer is referred to in this document it will be understood that an inspector may perform the duties.~~

2.18.~~p.~~ License – a written document issued by the Board to any ~~person~~individual for the purpose of granting permission to such ~~person~~individual to perform any act(s) for which ~~authorization is required~~the law requires a license.

2.19. 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.

~~q. Licensed Individual – one who has met the requirements for and has been recognized by the Fire Protection Licensing Board, such as an RME or Inspector. (This term does not include the installer.)~~

~~r. Maintenance/Repair – to maintain in the condition of repair that provides performance as originally planned.~~

2.20.~~s.~~ NFPA – National Fire Protection Association, Inc., – a nationally recognized standards-making organization ~~# 1 Batterymarch Park, P. O. Box 9101, Quincy, Massachusetts 02269-9101.~~

~~t. NICET – National Institute for the Certification in Engineering Technologies whose expressed scope of certification is geared towards producing responsible, accountable layout technicians.~~

~~u. Organization – a corporation, partnership, other business association, a government entity or any other legal or commercial entity.~~

~~v. Person – a natural person, including any owner, manager, officer, employee or occupant.~~

2.21.~~w.~~ 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.

MARKUP

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

~~y. Point of Service—the point at which the underground piping for a sprinkler system, using water as the extinguishing agent, becomes used exclusively for the fire sprinkler system.~~

~~z.2.22. Responsible Managing Employee (RME) – an full-time licensed individual(s) employee who shall be designated by of a certified each Ffire Pprotection Ssprinkler Ssystem Contractor–firm who is designated by that firm to plan, sell, install, maintain or service a Fire Protection Sprinkler System Contractor on a full time basis to assure to be responsible for ensuring that each-all Ffire Pprotection Ssprinkler Ssystem layouts, installations, servicing, and inspections of fire protection sprinkler systems are performed in accordance with all applicable rules, codes and standards, as installed, maintained or serviced meets the standards as provided by law.~~

~~2.23. aa. [bb.] Service – to inspect, test or repair fire sprinkler equipment in order to furnish or return the Ffire Pprotection Ssprinkler Ssystem to operational condition and may be in the form of maintenance contracts where applicable.~~

~~2.24. z.[aa.] Standards –those nationally recognized standards adopted herein.~~

~~bb.[cc.] Tags. See Section 5.4)~~

~~2.25. ee.[dd.] Test – the act of subjecting to subject a Ffire Pprotection Ssprinkler Ssystem to any procedure necessary to insure its proper operation or installations.~~

SECTION 3. APPLICATION STANDARDS AND ROLES

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

~~These rules and regulations do not apply to a person or organization that only sells or supplies products or materials to a certified firm, special agent fire suppression system, a regular employee of a certified firm, inspection activities conducted as part of an insurance or engineering survey, inspection activities performed by a government official as part of code enforcement activities, routine observation of the condition of fire~~

Commented [SA5]: Moved up under Section 1.3.B on p. 1

MARKUP

~~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.~~

Commented [SA6]: Moved up under Section 1.3.C on p. 1

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

3.2. The AFSA or 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.

~~2. Adopted Standards. —The Board adopts in their entirety, the documents referenced by the adopted code and summarized in Chapter 45 of that code. To the extent there is not contradiction between the adopted code and copywriters standards published by and available from, the National Fire Protection Association, Inc. # 1 Batterymarch Park, P.O. Box 9101, Quincy, Mass. 02269-9101, 1-800-344-3555, such NFPA standards, even though referenced in part, are entirely adopted. Where the adopted code does not reference a standard or edition, the most recently published edition of the standard shall be the one adopted by the Board. A copy of the standards shall be kept available for public inspection in the office of the State Fire Marshal.~~

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

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.

4 Explanation of Roles.

MARKUP

~~a. Owner's Role. The responsibility of properly maintaining a water-based fire system shall be that of the owner(s) of the property. By means of periodic inspections, tests and maintenance, the equipment shall be shown to be in good operating condition or any defects or impairments shall be revealed. Inspection, testing and maintenance shall be implemented in accordance with procedures meeting or exceeding those established in this document and in accordance with the manufacturer's instructions. Personnel who have developed competence through training and experience shall perform the task. See Section 5.~~

~~The building owner or occupant shall not make changes in the occupancy, the use or process, or the materials used or stored in the building without evaluation of the fire system for their capability to protect the new occupancy, use or materials. The evaluation shall consider factors that include, but are not limited to, the following:~~

- ~~1. Occupancy changes such as converting office or production space into warehousing.~~
- ~~2. Process or material changes such as metal stamping of molded plastics.~~
- ~~3. Building revisions such as relocated walls, added mezzanines and ceilings added below sprinklers.~~
- ~~4. Removal of heating systems in spaces with piping subject to freezing.~~

~~Where changes in the occupancy, hazard, water supply, storage, commodity, storage arrangement, building modification or other conditions that affect the installation criteria of the system are identified, the owner or occupant shall promptly take steps (such as contacting a qualified contractor, consultant or engineer) to evaluate the adequacy of the installed system in order to protect the building or hazard in question. Where the evaluation reveals a deficiency causing a threat to life or property, the owner shall make appropriate corrections. All requirements of the authority having jurisdiction shall be followed.~~

~~The owner shall maintain records. Records shall indicate the procedures performed (inspection, test or maintenance), the organization that performed the work, the results, the date and the inspector or RME license number. Original records shall be retained for the life of the system. Subsequent records shall be retained for a period of one year after the next inspection, test or maintenance required by the standard.~~

~~To avoid false alarms where a supervisory service is provided, the alarm receiving facility shall always be notified by the owner or designated representative before conducting any test or procedures that could result in the activation of an alarm or after such test or procedures are concluded.~~

MARKUP

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

e. ~~Failure to comply by sending such completed forms shall result in a fine of \$50.00 for the first offense and will add \$50.00 per incident thereafter, second offense is \$100.00; third offense is \$150.00, etc... The Board reserves the right to waive such fines, being subject to the contractor's hearing.~~

d. ~~RME Role. All drawings, executed by a contracting firm requires authentication from an RME licensed with the Board who thus signified the drawings have satisfied the requirement of the contract and either have been submitted or approved by the applicable authorities having jurisdiction. The RME is physically involved with insuring the Design Process has been executed in a manner agreeable with the rules and regulations. The RME may perform the role of an inspector in addition to the primary role expressed above.~~

Commented [SA7]: Moved to Procedures, section 6.2 on p. 24 and rewritten

e. ~~Installer's Role. The Installer receives approved drawings as signed off by the company's RME and is in charge of installing the sprinkler system according to such drawings. Once completed, the Installer must perform testing and provide documentation for such testing in accordance with the appropriate NFPA standard. The role of this individual is "installation" and this individual's competency falls under the jurisdiction of the company's RME.~~

Commented [SA8]: See Procedures section 6.3 on p. 24 and rewritten

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

Commented [SA9]: See Procedures section 6.4 on p. 25 and rewritten

MARKUP

SECTION 4: REGISTRATION, AND LICENSING, FEES

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

4.2. ~~Alteration of~~ The falsification of a ~~C~~certificates of registration or ~~L~~license. ~~Alteration of such documents or permit~~ renders the ~~m~~document invalid and is ~~the basis~~grounds for administrative action pursuant to A.C.A. §§ 20-22-601 et seq. ~~to Act 743 of 1977 as amended.~~

Commented [SA10]: Moved from former 4.3 and rewritten. Markup shows changes to existing language.

4.3. ~~i.~~ 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 ~~registered-certified~~ firm's RME, the firm shall ~~submit~~notify to the Board, in writing, within forty-eight (48) hours of the termination. The firm must ~~and~~ have a full-time employee ~~submit for~~apply to the Board for an ~~new~~ RME license within thirty (30) days of the termination.

Commented [SA11]: Moved from former section 4.1.i

4.4. ~~ii. Certificate holders~~ 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.

Commented [SA12]: Moved from former Section 4.1.a.ii and rewritten. Markup shows changes to existing language.

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.

~~h. Minimum Age. A certificate shall not be issued to any person who is under 18 years of age. A license will not be issued to any person who is under 23 years of age.~~

4.6. ~~j.~~ Nontransferable. A certificate of registration issued pursuant to these rules ~~is~~shall not ~~transferable~~be transferred from one firm to another. ~~iv. Nontransferable. A license is not transferable~~issued pursuant to these rules shall not be transferred from one ~~person~~individual to another individual.

Commented [SA13]: Moved from former Sections 4.1.j. and 4.2.i.iv. and re-written. Markup shows changes to existing language.

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

Commented [SA14]: Moved from former Section 4.2.i.i. and re-written. Markup shows changes to existing language.

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

Commented [SA15]: Moved from 4.2.i.ii. and re-written. Markup shows changes to existing language.

MARKUP

4.9. iii. A. A licensee licensed individual must be shall not engage in any act of the business unless an employeeed byof 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.

Commented [SA16]: Moved from former Section 4.2.iii. and re-written. Markup shows changes to existing language.

4.10.f. Duplicate certificates. For a fee, the Board may issue Aa duplicate certificate of registration, license, or permit to replace one previously issued if the licensee submits to the Board a may be issued upon receipt of written notification statement attesting to the fact that the certificate, license, or permit has been lost or destroyedof the loss or destruction, without delay, accompanied by the required fee.

Commented [SA17]: Moved from former Section 4.1.f. and 4.2.e

4.11. Company LicenseFirm – Certificate of Registration.

1. Certificate of Registration

a. Required. Each firm engaged in the business shall have a certificate of registration issued by the Board.

i. Each 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.

ii. Certificate holders shall be responsible for the acts of their agents and employees for purposes of these rules, including the taking of administrative action by the Board.

Commented [SA18]: Moved to 4.3

Commented [SA19]: Moved to 4.4

A. The Fire Protection Licensing Board shall not issue no-a certificate of registration if the name to-a of the firm where the issuance of such license shall bemight confusing-confuse to the public. It shall be the duty of the person requesting A firm that intends to apply for a certificate of registration to-inquire-of should contact the Board concerning the acceptability of the proposed company-firm name.

Commented [SA20]: Moved from former Section 6.a. and re-written. Markup shows suggested changes to existing language.

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.

MARKUP

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 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 Board shall not issue a certificate of registration under these rules unless applicant files with this office. The application must include a copy of the firm's proof of liability insurance declarations page as required in Act 743 of 1977 as amended 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 ~~certificate proof~~ of insurance as required. Failure to do so will be ~~cause for action to suspend~~ grounds for the emergency suspension of the firm's certificate, pursuant to A.C.A. 25-15-211.

vii. The application ~~shall also~~ must include written authorization by the applicant firm permitting ~~the Fire Marshal or representative~~ 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 applicant while engaged in the business to determine compliance with the provisions of Act 743 of 1977 as amended Board's statutes and rules.

viii. iv. Applications The application must be signed by the sole proprietor, by or each partner, ~~of a partnership~~ or by an officer of ~~the~~ corporation ~~or~~ organization

Commented [SA21]: Moved from former Section 4.4.b (i. and ii.) and rewritten. Markup shows changes to existing language.

Commented [SA22]: Moved from former Section 4.4.a.iv

Commented [SA23]: Moved from former Section 4.4.a.iv and reworded .

MARKUP

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.

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

~~D. e-. The certified firm must post at each location the certificate of registration for that particular location. Posting. Each certificate shall be posted conspicuously on the premise.~~

~~e. Change in corporate Officers. Any change of corporate officers must be reported in writing to the Board within fourteen (14) days. This change does not require a revised certificate.~~

~~f. Duplicate certificates. A duplicate certificate may be issued upon receipt of written notification of the loss or destruction, without delay, accompanied by the required fee.~~

Commented [SA24]: Moved to 4.10 on p. 11

~~E.g. Revised certificate. If a certified firm changes the The change of a firm's name, location or mailing address, or phone number of any of its locations, requires a revised certificate. Certificates requiring changes must be surrendered the firm shall notify to the Board within fourteen (14) days after the change by submitting the required form and paying requiring the revision. The certificate holder must submit written notification of the necessary change with the surrendered certificate accompanied by 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.4. Change in ownership. The change of a firm's ownership invalidates the current certificate. To assure continuance of the business, A firm must submit an application for a new certificate must be submitted to the Board at least fourteen (14) days prior to such change 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.

MARKUP

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.

~~h. Minimum Age. A certificate shall not be issued to any person who is under 18 years of age.~~

~~i. Termination of Registered firm's RME. Upon termination of the registered firm's RME, the firm shall submit to the Board, in writing, within forty eight (48) hours and have a full-time employee submit for a new RME license within thirty (30) days.~~

Commented [SA25]: Moved to 4.3. on p. 10

~~j. Nontransferable. A certificate is not transferable from one firm to another.~~

Commented [SA26]: Moved to 4.6. on p. 10

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.

MARKUP

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.

e. Posting. The certified firm that employs the licensed individual shall post the license. Wall licenses shall be posted conspicuously on the premises of the firm's business 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.

Commented [SA27]: Moved from former 4.2.c. and rewritten. Markup shows changes to existing language.

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.

2. Responsible Managing Employee or Inspector's License

a. Required. Each person designated as a responsible managing employee or Inspector for a Fire Protection Sprinkler System Contractor must have a license issued by the Board.

b. Full Time Employee. A licensee shall be a full time employee of a certified firm.

e. Posting. Wall licenses shall be posted conspicuously on the premise of the firm's business location.

d. Pocket License. The pocket license is for identification purposed only as long as such license remains valid and the firm reflected on the license employs the license holder.

e. Duplicate License. A duplicate license must be obtained from the Board to replace a lost or destroyed license. The license holder must submit written notification of the loss or destruction without delay accompanied by the required fee.

Commented [SA28]: Moved to 4.10 on p. 11

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

i. Minimum Age. A license will not be issued to any person who is under 23 years of age

MARKUP

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

~~i. Restrictions~~

~~A license does not authorize anyone engaged in the business to enforce these rules or to enter any building without the owner's permission.~~

~~ii. Licensees shall not permit the use of their license by other persons.~~

~~iii. A licensee shall not engage in any act of the business unless employed by a certified firm.~~

~~iv. Nontransferable. A license is not transferable from one person to another.~~

Commented [SA29]: Moved to 4.7 on p. 10

Commented [SA30]: Moved to 4.8 on p. 10

Commented [SA31]: Moved to 4.6 on p. 10

~~3. Alteration of Certificates or License. Alteration of such documents renders them invalid and is the basis for administrative action pursuant to Act 743 of 1977 as amended.~~

Commented [SA32]: Moved to section 4.2 on p. 10 and rewritten

~~4. Applications.~~

~~a. Certificate of Registration.~~

~~i. [omitted]~~

~~ii. [omitted]~~

~~iii. Applications for certificates shall be in writing on forms provided by the Board and accompanied by the required fee.~~

~~iv. Applications must be signed by the sole proprietor, by each partner of a partnership or by an officer of a corporation or organization and where applicable, accompanied by evidence of registration as an Arkansas Corporation or evidence of registration with the Arkansas Secretary of State as a foreign corporation. The application shall also include written authorization by the applicant permitting the Fire Marshal or representative to enter, examine and inspect any premises, building, room or establishment used by the applicant while engaged in the business to determine compliance with the provisions of Act 743 of 1977 as amended.~~

~~b. Insurance Required.~~

MARKUP

~~i. The Board shall not issue a certificate of registration under these rules unless applicant files with this office proof of liability insurance as required in Act 743 of 1977 as amended.~~

Commented [SA33]: Moved to 4.11.B.vi on p. 12

~~ii. Each certified firm shall maintain in force and on file in the Board's office the certificate of insurance as required. Failure to do so will be cause for action to suspend the firm's certificate.~~

Commented [SA34]: Moved to 4.11.B.vi on p. 12

F. e. Responsible Managing Employee License.

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

One of the following documents must accompany ~~the~~ an RME license application: ~~to evidence technical qualifications for a license.~~

i. A copy of the applicant's current NICET Level III or Level IV Certificate or Wallet Card for fire protection automatic sprinkler system layout; or

~~1. A copy of NICET's notification letter regarding the applicant's successful completion of the examination requirements for certification at Level III for fire protection automatic sprinkler system layout.~~

~~2. Individuals applying for a license on or before October 1, 1998 without completing NICET Level III examination requirements may be issued a license if they otherwise qualify, according to the provisions of Section 6F (3) of Act 702 of 1985. At the time of renewal of such license, applicant must accompany the renewal application with a copy of NICET's notification letter regarding the applicant's successful completion of the examination requirements for certification at Level III.~~

~~ii. 3. A copy of a diploma showing the completion of a Bachelor of Science Degree in Fire Protection Engineering (or Engineering Technology) from a recognized institution, along with a signed affidavit from an Arkansas licensed sprinkler contractor stating the individual has 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.

MARKUP

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 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 not 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;

MARKUP

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 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:

(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.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

MARKUP

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:

(1) Pass the applicable examination based on NFPA standards; and

(2) 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 NICET certification.

5. Examinations.

a. Each applicant for a license shall take and pass, with at least 90% grade, an examination covering these rules. The Board shall set the content, frequency and location covering these rules and Act 743 as amended. In addition to these requirements, Inspectors must pass an examination covering the current editions of NFPA 25 and NFPA 13.

b. Applicants not passing the examination must file a re-examination application accompanied by the required fee.

c. A person whose license has been expired for two years or more and make application for a new license must take and pass another examination. No examination is required for a license renewed within two year of expiration.

Commented [SA35]: Moved to 4.12.B on p. 14

Commented [SA36]: Moved to 5.5 on p. 22

SECTION 5. -FEE SCHEDULE AND RENEWALS Fees

MARKUP

~~5.1. Every fee required in accordance with the provision of Act 743 of 1977 as amended and these by A.C.A. §§ 20-22-601 et seq and these rules shall be paid by money order or check. Money order or check shall be made payable to the Fire Protection Licensing Board in accordance with instructions on the Board's website.~~

~~Fees shall be paid at the office of the Board in Little Rock, Arkansas or mailed to an address specified by the Board.~~

~~5.2.e.~~ Fees shall be as follows:

Certificate of Registration

Initial Fee	\$700.00
Renewal Fee	\$700.00
Application Fee	\$100.00
Branch Office (if using a different name)	\$285.00
Update/Revision	\$30.00

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

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

Apprentice Permit

<u>Initial fee for Apprentice Permit</u>	<u>\$25.00</u>
--	----------------

Other Fees

Transfer/ Change /Duplication	\$30 25.00
Any changes to Certificate or License	\$30.00

MARKUP

Examination Retake Fee

\$~~28~~5.00

~~5.3.d. A certificate of registration and license 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.~~

~~Late fees are required of all certificates or license holders who fail to submit renewal applications on or prior to their expiration date of June 30.~~

Commented [SA37]: Described below in 5.6

~~5.4.e.~~ A renewal application accompanied by a required fee and deposited with the United States Postal Service is deemed to be timely filed, regardless of actual date of delivery, when its envelope bears a legible postmark date ~~which~~that is on or before the expiration date of the ~~certificate~~document being renewed.

~~5.5.f.~~ A certificate or license expired for two years or more cannot be renewed. A person whose license has been expired for two years or more and make application 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.

Commented [SA38]: Moved from former 4.5.c and rewritten.

~~5.6.g. A C~~certificates, and license, or permit expired for less than two years may be issued~~renewed by payment of a fee. Renewal fees for certificates or licenses expired for less than two (2) years are composed of renewal and late fee and shall be determined~~calculated in accordance with the following schedule:

<u>Expired 1-90 days</u>	<u>renewal fee x 1.5</u>
<u>Expired 91-365 days</u>	<u>renewal fee x 2</u>
<u>Expired 366- 729 days</u>	<u>renewal fee x 3</u>

~~Expired 1-90 days — 1 renewal fee + 1/2 initial fee = Total fee due~~

~~Expired 90-365 days 1 renewal fee + 1 initial fee = Total fee due —~~

~~Expired 366 days- 2 years — 2 renewal fees + 1 initial fee = Total fee due~~

~~(Example: 1-90 days—~~

~~Company: —~~

~~—Renewal Fee \$700.00 + \$350.00 = \$1050~~

~~RME:~~

~~—Renewal Fee \$300.00 + \$150.00 = \$450.00~~

~~Inspector:~~

~~—Renewal Fee \$150.00 + \$75.00 = \$225.00~~

MARKUP

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

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.

SECTION ~~56~~. PROCEDURES

6.1 Installation, Inspection and Service.

A. ~~a.~~ All sprinkler systems installed under ~~Act 743 of 1977~~ A.C.A. §§ 20-22-601 et seq. ~~as amended~~ shall be under the supervision of a licensed Responsible Managing Employee 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/manager.

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

Commented [SA39]: Moved from former section 5.1.g and rewritten.

D. ~~b.~~ Beginning at the demarcation valve where water is used exclusively for fire sprinkler systems installation, testing ~~and~~ or servicing shall be ~~executed~~ performed by a ~~F~~fire ~~P~~rotection ~~S~~sprinkler ~~S~~ystem ~~firm~~ Contractor or under the direct supervision, as defined in these rules, thereof and shall be in compliance with the adopted code and standards).

i. ~~Direct Supervision is herein defined as on sight coordination, instruction and evaluation given by the Fire Protection Sprinkler System Contractor designated foreman to ensure that all work is installed per any adopted codes and standards.~~ 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

Commented [SA40]: Moved to Definitions section. - "direct supervision" also applies to the oversight required for apprentices.

MARKUP

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 ~~Role~~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 ~~AH~~ plans and drawings, ~~executed by a contracting firm requires authentication from an RME licensed with the Board who thus signified the drawings have satisfied~~ satisfy the requirements of the contract and ~~either have been submitted or~~ approved by the ~~applicable~~ ~~authorities having jurisdiction~~ AHJ.

~~The RME is physically involved with insuring the Design Process has been executed in a manner agreeable with the rules and regulations.~~

C. The RME ~~is authorized to may~~ perform ~~the role of and~~ duties of a licensed inspector ~~and fitter~~ in addition to the ~~RME’s~~ primary role ~~expressed above~~.

~~D. ~~A licensed individual shall distribute~~~~ The RME is responsible for distributing a ~~e~~ Contractor’s Materials and Test Certificate as follows:

i. ~~The certified firm that performed the installation must retain the~~ Original copy retained by the installing company; ~~and~~

ii. ~~Second One~~ copy ~~shall be~~ kept at the site after completion of the installation.

iii. ~~Third copy to be sent to the insurance authority having jurisdiction within ten (10) days after completion of the installation.~~

iv. ~~Fourth copy of the sent to the Licensing Board.~~

6.3. ~~Installer’s~~ Fitter’s Role Responsibilities.

A. A fitter is responsible for fulfilling the responsibilities described in the definition of “Fitter” and in these rules.

B. The ~~Installer-fitter~~ receives approved drawings as signed off by the company’s RME and is ~~in charge of~~ responsible for installing the sprinkler system ~~according~~

MARKUP

~~to such drawings~~ 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 completed, the ~~Installer-fitter must 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. The role of this individual is "installation" and this individual's competency falls under the jurisdiction of the company's RME.

~~Installers are to complete the contractor's Material and Test Certificate upon completion of the installation.~~

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. ~~e-~~ A licensed inspector, employed by a ~~F~~ire ~~P~~rotection ~~s~~prinkler ~~S~~ystem ~~Contractor~~firm, shall conduct inspections in compliance with NFPA 25 and shall prepare inspection reports using- ~~(sample F~~forms ~~may be obtained~~ 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. ~~1-~~ An inspector shall provide the ~~A~~ written inspection reports ~~shall be completed and copies filed with the following:~~ to the ~~i~~ property ~~.O~~wner, occupant or other designated responsible person. ~~ii. Local Fire Authorities having jurisdiction~~ If the system requires a yellow or red tag, the report shall be filed with the AHJ.

The State Licensing Board

2. The AFSA or NFSA sample forms in the Appendix of NFPA 25 are MANDATORY FORMS required by the State of Arkansas when inspecting a fire Sprinkler system. Other inspection forms are not permitted.

f. — Service which includes maintenance, where required, shall be conducted by a Fire Protection Sprinkler System Contractor and in compliance with the appropriate adopted standards.

Commented [SA41]: Moved to Standards section 3.2 on p. 7

MARKUP

~~g. Complete records shall be kept of the tests and operations of each system. The records shall be available for examination by the Fire Marshal or his representative.~~

Commented [SA42]: Moved to 6.1.C on p. 23

6.5. h. Fire Pumps.

~~A. Fire Pump installation, inspection and/or testing must be performed or officially supervised by a licensed-certified Fire Protection Sprinkler System Firm Contractor) whose field representative must demonstrate proper training recognized by the Board, 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 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.~~

Commented [SA43]: Moved from former 5.1.i.c.2 and rewritten. Markup shows changes to existing language.

i. Backflow Prevention.

~~Adding Backflow Prevention to Existing Facilities. Where backflow preventers are required to be installed on existing systems, the owner must have the system re-calculated with the loss of the backflow preventer. For pipe schedule systems, the pipe schedule method of evaluating the additional friction loss is acceptable. Backflow Prevention Installation. Due to the necessity for hydraulic calculation, all Backflow Preventers that are installed downstream of the point of demarcation must be installed by a Fire Protection Sprinkler System Contractor and calculated by same Fire Protection Sprinkler System Contractor unless otherwise calculated by an Engineer licensed in the State of Arkansas. Backflow Preventers must be hydraulically calculated at the maximum flow condition for the fire sprinkler system.~~

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

~~e.1. A licensed company may elect to utilize a distributor or manufacturer's representative to perform these services provided it is under the supervision of an Arkansas licensed Fire Protection Sprinkler System Contractor. Documentation of proper training and/or a letter from a distributor or~~

MARKUP

~~manufacturer's representative must be submitted to the Board Reference to Exhibit F Table B.~~

~~e.2. Once the Fire Pump inspection, installation and testing is completed an AFSA or NFSA form shall be completed, retained on file by the contractor and furnish to:~~

~~i. the business owner~~

~~ii. the Fire Marshal~~

Commented [SA44]: Moved to 6.5.C on p. 26

~~j. Stand pipes shall be installed by a licensed Fire Protection Sprinkler System Contractor per Act 1073 of 2003.~~

~~k. Multipurpose system are residential type systems where domestic plumbing and fire sprinkler work are highly integrated. Any fire sprinkler portion of such system must be performed by a licensed Fire Protection Sprinkler System Contractor or under the direct supervision, as defined in Section 5.1.b. (Reason: AFSA's concern relating to the integrity of such systems as relayed in a specially issued white paper on the subject. It is probably in the best interest of our industry to disallow these systems, but if we do, concern has been expressed that such systems may find a back door through the plumbing law.~~

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

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

~~Elevator Machine Rooms require both shutoff valves with temper switches AND a flow switch to be wired by a licensed alarm company IF shunting is required. The water flow switch shall be~~

MARKUP

~~set to Zero-Delay in order to shunt the main power supply and Car Lighting Circuit. All flow switches must be testable (if providing a plugged outlet, place the outlet at least 1 foot away from the water flow switch where conditions allow). The Elevator Machine Room sprinkler shall be 175 deg to 225 deg, Ordinary Response, giving the 135-degree heat detector time to return the elevator to the designated floor with open doors, remaining in place, until Phase II Recall initiated by the Elevator's keyed switch. The time delay between heat sensor activation and higher response time and higher temperature rated fire sprinkler allows electrical power to shut down prior to fire sprinkler activation. See Exhibit G.~~

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

- ~~b. The Department of Human Services (DHS) does not recognize concessions made by the codes and standards with regards to Fire Retardant Treated Wood (FRTW) and therefore, where projects fall under the jurisdiction of DHHS, please consult with the Director of Human Services, prior to attempting such work.~~
- ~~e. Engineers, Fire Officials, Insurers, and other AHJs are the recognized interpreters of Codes and Standards adopted by this Board and govern the parameters of design for which the Fire Protection Sprinkler System Contractor and RME are responsible for fulfilling.~~

~~2. Sprinkler System Plans:~~

~~d. Sprinkler working plans and hydraulic calculations shall be submitted to, a reviewing authority where applicable, for all systems installed in a building prior to completion of installation.~~

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

MARKUP

~~sprinklers. Additions to systems protecting unprotected areas also require updated plans.~~

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

~~3. Hydraulic Placard Standards and Requirements (See Exhibit "A" for example).~~

SECTION 7: PLACARDS AND TAGS

7.1. Placard Standards and Requirements.

A. Every new and remodeled system shall receive a General Information Placard and Hydraulic Information Placard, self-adhesive hydraulic placard that is to be placed in plain view on the system riser 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. ~~b.~~ Placards shall meet the following requirements:

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

e. ~~Adhesives shall be 3M or equivalent permanent pressure sensitive backing.~~

~~d.~~ ii. Size shall be no less than 5" wide by 7" long.

eiii. The wording on the General Information Placard and the Hydraulic Information Placard shall be per NFPA 13 or its Appendix and ~~Each placard~~ 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.

Commented [SA45]: Moved from xiii through xvii below and re-numbered.

MARKUP

- ~~i — System number~~
- ~~ii — Remote area location~~
- ~~iii — Number of sprinklers calculated~~
- ~~iv — Hazard group~~
- ~~v — Commodity protected~~
- ~~vi — Maximum storage height~~
- ~~vii — Density~~
- ~~viii — Design discharge area~~
- ~~ix — GMP discharge~~
- ~~x — Residual pressure at the base of the riser~~
- ~~xi — Un-sprinkled areas of the facility~~
- ~~xii — Date of installation~~
- ~~xiii — 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.~~
- ~~xiv — RME name and number~~
- ~~xv — Company certificate of registration number~~
- ~~xvi — Arkansas Contractors License number~~
- ~~xvii — Fire Sprinkler company name, address and telephone
number~~
- ~~xviii — Codes, edition(s) and year installed by~~

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

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

Commented [SA46]: Moved to sections 4.11.B.v. on p. 12 and 5.3 on p. 22

7.24. Tags Overview of Tagging System

A.5. Service Tag Format. (See Exhibits “C” and “D”

~~After installation and after each service, maintenance or inspection a new “service tag” shall be completed in detail indicating all work that has been done and then attached to the system in such a position as to permit convenient inspection and Every system shall~~

MARKUP

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.

~~DELETE and Re-number remaining items: A new service tag shall be attached each time an inspection, service or maintenance is performed and the criteria of the above paragraph exist.~~

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

~~Service tags, Yellow Tags, and Red Tags~~

~~i. Tags shall be no more than 5 ½ inches in height and 2 5/8 no less than 5 ¼ inches in width. Service tags shall be green in color.~~

~~MOVED FROM 5.f to 5.d~~

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

~~After each printing one tag shall be sent to the Fire Protection Licensing Board.~~

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

~~a. Printed at the top of the tag in all capital letters in at least 3616 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 installation, service, maintenance or inspection.~~

~~c. Name and license number of the firm’s Inspector or RME clearly printed (hand printing not allowed).~~

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

~~e. Day, month and year the work was completed. (may be punched)~~

~~f. Type of work performed – installation, service, maintenance or inspection. (may be punched)~~

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

Commented [SA47]: Covered in Section 4.

MARKUP

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. ~~a.~~ Green ~~Service~~ Tag. Any system that is green-tagged is understood to have successfully passed inspection by a licensed ~~individual inspector or RME~~ utilizing ~~the state standard approved~~ inspection forms ~~NFSA or AFSA Forms~~. ~~All non-emergency impairments must be noted in the comment section of the tag.~~

F. ~~b.~~ Yellow Tag.

i. Impairments, critical deficiencies, and noncritical deficiencies, as described in NFPA 25 and its Table E.1, warrant a yellow tag. ~~Any system that is understood to have impairments that do not merit a Red Tag, such as manufacturer's recalls, missing head boxes or contents thereof, inoperable alarm functions, areas with improperly spaced fire sprinklers, where fire sprinklers have been painted and require replacement, and other such impairments that would not be anticipated to substantially diminish the system's ability to perform its intended function—protection of the occupants and/or building.~~

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.

MARKUP

~~e.~~ G. Red Tag.

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

ii. ~~An F~~ "impairment." Is a ~~A~~ shutdown of a system or portion thereof.

The two types of impairments are as follows:

a. Emergency. A condition where a water-based ~~F~~ fire ~~P~~rotection ~~S~~prinkler ~~S~~ystem 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 supply, any openings in the system (whether piping or sprinklers, defective FDC check valves, etc.)

b. Pre-Planned. A condition where a water-based ~~F~~ fire ~~P~~rotection ~~S~~prinkler ~~S~~ystem 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.d.~~ Authorized Tag Personnel. Only the following persons are authorized to attach, or remove, ~~or re-attach service tags, yellow tags or red tags.~~

i. A ~~F~~ fire ~~P~~rotection ~~S~~prinkler ~~S~~ystem ~~Contractor's firm's~~ RME, fitter, or inspector.

MARKUP

- ii. ~~By order to the~~ State Fire Marshal's Office; or
- iii. ~~By order of the local Fire Authority Having Jurisdiction~~ AHJ.
- iv. ~~By order of the State Fire Protection Licensing Board or its designated employee~~

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.

~~f. If non-emergency impairments are found, the RME or inspector must notify the building owner or his representative. In addition, the authority having jurisdiction shall be notified in writing and/or a copy of the completed tag (front and back) is to be sent to him noting all impairments. This information must be sent by mail or fax with fourteen (14) business day of the inspection.~~

~~g. MOVED FROM 6.a—If impairments are found in the system that constitute an emergency impairment, as defines in NFPA 25, then the RME or the inspector shall complete and attach a Red Tag in such a position as to permit convenient inspection and not hamper actuation or operation of the system and one laminated Red Tag is to be placed on the exterior fire department connection (peel and seal clear laminate is acceptable). After notifying the owner and discussing the deficiencies, the RME or inspector shall immediately notify the local AHJ within 24 hours, either by telephone or in writing, and follow up by way of sending a copy of the inspection report or a copy of the completed tags (front and back) by mail, email or fax within 5 business days of the inspection.~~

~~h. Where impairments are found, a service tag must not be installed on the system until corrections have been made, at which time the system must be re-inspected until it id found to be free of impairments.~~

SECTION 6. POWERS AND DUTIES OF THE BOARD

- a. ~~The Fire Protection Licensing Board shall issue no certificate of registration to a firm where the issuance of such license shall be confusing to the public. It shall be~~

MARKUP

~~the duty of the person requesting a certificate of registration to inquire of the Board concerning the acceptability of the proposed company name.~~

Commented [SA48]: Move to section 4.11.A on p. 11

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

Commented [SA49]: Moved to section 4.5 on p. 10

~~c. 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.~~

Commented [SA50]: Moved to Section 1.

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.

SECTION 7. BOARD HEARINGS, COMPLAINTS, INVESTIGATIONS

MARKUP

~~8.6. a. Complaints. Any and all complaints falling within the jurisdiction of the Board, which individual's make,~~ 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.

~~b. 2Jurisdiction. Failure to meet any rules, regulation, requirement or implication thereof clearly written or illustrated in this document, whether in its body, exhibits, or whatever portion thereof, is subject to fines and penalties and falls within the jurisdiction of this Board.~~

~~8.7. c. 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, Tthe Board or a designated Board committee after reviewing the complaint with Board Counsel will determine whether there is sufficient evidence to make a prima facie case that the Board's statutes or rules have been violated. and proceed to investigate the allegations.~~

~~8.8. d. Hearings. If it is determined there is a prima facie case, that a licensee or individual has violated laws under the Board's jurisdiction, the Board or a designated Board committee will either issue will cause a Notice of Hearing to be issued or invoke the alternate proceedings described in 8.9. The Notice of Hearing will contain information as required by Arkansas Administrative Procedures Act. All hearings will be conducted in accordance with the Administrative Procedures Act, A.C.A. §§ 25-15-201 et seq.~~

~~d.1. — The Notice will be served on the respondent by U. S. Mail or by personal delivery at least twenty (20) days before the scheduled hearing. Notice shall be deemed sufficient if the Notice is mailed to the person at his or her address of record with the Board.~~

~~d.2. Any and every Notice, Order or other instrument herein required to be forwarded or sent to any person concerning a complaint or hearing shall be deemed sufficient if addressed to the person at his or her address as last furnished to the Board, in a sealed envelope and delivered by Certified Mail, postage prepaid.~~

~~d.3. — At any and all meetings of the Board at which a hearing is to be held on any complaint previously filed the same shall be set down for a~~

MARKUP

~~day certain by the Board, at least ten (10) days prior to any such hearing date.~~

~~d.4. — The Board shall, at least 20 days prior to any such hearing date, notify all persons entitled to notice thereof, by certified mail of the order of the Board setting such complaint for hearing. Said Notice shall contain the place and approximate time of said hearing, a brief and concise statement of the facts forming the basis of the complaint, the provisions of the law or the rules and regulations thought to be involved therein and shall be executed by the Board, dated and sealed with the official seal of the Board.~~

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

~~d.6. — Every pleading, motion or other document and every request to the Board must be filed with the Board in writing, signed, dated and in quadruplicate.~~

~~d.7. — Hearings before the Board shall be presided over by the Chairman, although the Board may from time to time utilize hearing officers. Testimony before the Board shall be made under oath and shall be stenographically reported.~~

~~d.8. — Each and every hearing of the Board after being duly called to order, shall begin with a statement by the Chairman or Vice Chairman, as to the nature of the cause to be heard, an inquiry of the parties present as to whether each is prepared to proceed and thereafter the cause, shall proceed with the presentation of evidence for and on behalf of the complainant. At the conclusion of such evidence the person complained against may then proceed to introduce evidence in contradiction, after which rebuttal testimony may be offered.~~

~~d.9. — Either oral or written argument on the issues raised may be called for or dispensed with by the Chairman or discretion of the Board.~~

~~d.10. At any hearing both the licensee and complaining witness involved may be present in the hearing room during the entire proceedings and shall have the right~~

MARKUP

~~to cross-examine any witness and to examine any document or evidence submitted.~~

~~d.11. The Board will receive into evidence all affidavits, depositions, certified copies of documents, Photostats of official records and exhibits therewith introduced, together with such other evidence as may be administered by law. The Board shall give to such evidence such weight as they shall determine just and proper.~~

~~d.12.— Respondents before the Board shall be entitled to be represented by counsel, shall be allowed to cross-examine witnesses and shall be allowed to present testimony, photographs and other exhibits which are determined to be admissible by the Chairman or Hearing Officer.~~

~~d.13.— No attorney shall withdraw his appearance in any case before this Board except by leave of the Board after notice served by him or his client and counsel for the Board.~~

~~d.14. At the conclusion of the evidentiary portion of the hearing, the Board will conduct deliberations. At the close of the deliberations, the Board will make Findings of Fact, Conclusion of Law and Disciplinary Orders, if appropriate.~~

~~d.15.— The Board shall file its written findings and conclusions as to all hearings, same to be signed by the Board. A copy of such Order shall be sent to the licensee involved by certified mail.~~

8.9. e.—Alternate Proceedings. ~~Prior to proceeding to a formal adjudicative hearing, the case will be reviewed by an ad hoc committee to determine whether summary proceedings should be invoked. Members of the committee will be appointed by the Chairman and will in most cases include the State Fire Marshal, the Board Executive Director and/or Investigator and the Board's Legal Counsel.~~

A. If the Board or the Board's designated committee determines that violations, if proved, would not warrant license suspension, revocation, or a fine ~~in the amount~~ greater than one thousand (\$1,000) dollars, the committee may recommend the complaint be handled in a summary manner. The decision will be referred to the Board Chairman for acceptance or rejection.

B. e.1. If the Board Chairman approves the use of ~~decides to utilize~~ alternative ~~alternate~~ proceedings, the respondent will be notified ~~by mail that the Board has learned that he or she has engaged in actions which violate the~~

MARKUP

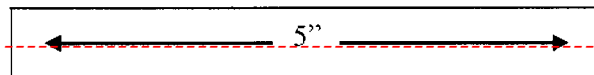
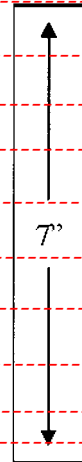
~~licensing that he has violated the Board's law and it is recommended that under all the circumstances appropriate sanction is~~ the Board proposes a fine of one thousand (\$1000) dollars or less. The ~~N~~nnotice will further inform the respondent that he has the right to reject the proposed fine and have a full evidentiary hearing.

~~e.2. The respondent will be provided with a document which requests that he admit or deny violation of the Licensing Law and to further accept or reject the proposed penalty. The respondent will indicate he understands he has the right to a full evidentiary hearing before the Board and that he elects not to exercise that right.~~

TO BE REPEALED

ARKANSAS FIRE PROTECTION LICENSING BOARD
HYDRAULIC PLACARD
EXHIBIT "A"

FIRE SPRINKLER SYSTEM HYDRAULIC DESIGN & HAZARD CRITERIA	
FIRE SPRINKLER SYSTEM NUMBER	
REMOTE AREA LOCATION	
NO. OF SPRINKLERS CALCULATED	
HAZARD GROUP	
COMMODITY PROTECTED	
MAXIMUM STORAGE HEIGHT	
BASIS OF DESIGN	
1. DENSITY	GPM SQ. FT.
2. DESIGNED AREA OF DISCHARGE	SQ. FT.
SYSTEM DESIGN	
1. GPM DISCHARGE	GPM
2. RESIDUAL PRESSURE AT THE BASE OF THE RISER	PSI
ARE THERE ANY AREAS OF THIS FACILITY NOT SPRINKLED	
DATE OF INSTALLATION	
RME #	
COMPANY CR #	
AR CONTRACTORS LICENSE #	
DO NOT REMOVE, DESTROY, OR OBSTRUCT BY ORDER OF THE STATE FIRE MARSHAL.	
COMPANY NAME	
ADDRESS	
PHONE NUMBER	



Actual Size

TO BE REPEALED

TO BE REPEALED

~~ARKANSAS FIRE PROTECTION LICENSING BOARD~~
~~SERVICE TAG~~
~~SERVICE TAGS SHALL BE GREEN IN COLOR~~
~~EXHIBIT "B"~~

DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHALL		NAME ADDRESS TELEPHONE		Cert. #		CERT. OF REG. NO.		NAME		LICENSE NO.		SIGNATURE		TYPE OF WORK PERFORMED INSTALLATION SERVICE INSPECTION MAINTENANCE		OWNER'S NAME AND ADDRESS		TYPE OF SERVICE PERFORMED					
18 17 16		1 2 3		4 5 6		7 8 9		10 11 12		13 14 15		16 17 18		19 20 21		22 23 24		25 26 27		28 29 30		31	
1987		Dec. Nov. Oct. Sept. Aug. July June May Apr. Mar. Feb. Jan.		1986		1985		1984		1983													

5 1/4"

2.58"

Front

Back

~~Fire Protection Sprinkler System~~
~~Service Tag~~
~~(Actual Size)~~

TO BE REPEALED

TO BE REPEALED

ARKANSAS FIRE PROTECTION LICENSING BOARD
~~YELLOW TAG~~
~~YELLOW TAGS SHALL BE ANY YELLOW IN COLOR~~

EXHIBIT ~~"C"~~

~~Front~~

~~2.5.8"~~

~~Back~~

DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL	
YELLOW TAG	
Name & Address of Sprinkler Firm Phone Number SCR-Number	
RME's License Number	
Printed name of serviceperson / inspector	
Signature of authorized serviceperson / inspector	
REPORT STATUS TO OWNER AND AHJ IN WRITING (within 5 business days)	
1	DEC
2	NOV
3	2010
4	
5	OCT
6	2009
7	SEP
8	2008
9	AUG
10	2007
11	JUL
12	2006
13	JUN
14	2005
15	MAY
16	2004
17	APR
18	2003
19	MAR
20	2002
21	FEB
22	2001
23	JAN
24	2000
25	1999
26	1998
27	1997
28	1996
29	1995
30	1994
31	1993

5 1/4"

If the system is not compliant with the NFPA standard, at the time it was installed, attach this yellow tag to the applicable system riser. An authorized individual may remove this tag after a service tag has been attached indicating the condition has been corrected.

Name of Owner or Occupant

Address

Building No. or Location or System No.

List impairments not compliant with NFPA standards

~~Fire Protection Sprinkler~~
~~System Yellow Tag~~
~~(Actual Size)~~

TO BE REPEALED

TO BE REPEALED

ARKANSAS FIRE PROTECTION LICENSING BOARD

RED TAG

RED TAGS SHALL BE ANY RED IN COLOR

EXHIBIT "D"

2.58"

Front

Back

**DO NOT REMOVE
BY ORDER OF
THE STATE FIRE MARSHALL**

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31

NAME
ADDRESS
TELEPHONE

Cert.#

CERT. OF REG. NO.

NAME

LICENSE NO.

SIGNATURE

CONDEMNED ☐
IMPAIRED ☐

Dec	1991
Nov	1991
Oct	1991
Sept	1991
Aug	1991
July	1991
June	1991
May	1991
April	1991
Mar	1991
Feb	1991
Jan	1991

5 1/4"

IMPAIRMENTS/COMMENTS:

OWNER'S NAME AND ADDRESS

Fire Protection Sprinkler System
Red Tag
(Actual Size)

TO BE REPEALED

TO BE REPEALED
ARKANSAS FIRE PROTECTION LICENSING BOARD
ADOPTED STANDARDS VIA 2007 AFPC/2006 IBC
EXHIBIT "E"

NFPA Standard reference number											
10-02	11-02	11A-99	12-00	12A-04	13-02	13D-02	13R-02	14-03	15-01	16-03	
17-02	17A-02	20-03	22-03	24-02	25-02	30-03	30A-03	30B-02	31-01	32-00	
33-03	34-03	35-99	40-01	51-02	51A-01	52-02	55-05	57-02	58-04	59A-01	
61-02	69-02	72-02	80-99	85-04	86-03	92B-05	99-02	101-03	110-02	111-01	
120-99	160-01	211-03	230-03	241-00	260-03	261-03	265-02	286-00	303-00	385-00	
407-01	409-01	430-00	484-02	490-02	495-01	498-01	505-02	654-00	655-01	664-02	
701-99	703-00	704-01	750-03	1122-02	1123-00	1124-03	1125-01	1126-01	1127-02	1142-01	
2001-04											

TO BE REPEALED

~~TO BE REPEALED~~

~~ARKANSAS FIRE PROTECTION LICENSING BOARD~~

~~--EXHIBIT "F"~~

~~TABLE A~~

~~INSPECTOR PREREQUISITE~~

~~INSPECTOR PREREQUISITES --To become an inspector one of the experience modifiers listed below must be fulfilled, along with any requirements, such as testing as indicated in the rules and regulations.~~

- ~~• Receive an Inspector License issued by this State prior to January 1, 2003~~
- ~~• NICET Level III Certification for Automatic Fire Sprinkler Layout~~
- ~~• NICET Level II Certification for Automatic Fire Sprinkler Layout with 6 years of experience~~
- ~~• NICET Certification for Inspection and Testing of Water Based Systems~~
- ~~• NFPA-Certified Fire Inspector I (CFI) and 6 months experience--~~
- ~~• B. S. Degree in an Ahet Fire Protection Degree with 6 months of experience~~
- ~~• Apprenticeship Level III with 6 months of experience~~
- ~~• Apprenticeship Level II with 1 year of experience~~
- ~~• Apprenticeship Level I with 2 years of experience~~
- ~~• AFSA course on NFPA 25 with 1 year of experience~~
- ~~• NFSA 3-Day Inspection and Testing Technician NICET Level II Study Review Seminar and ITM for Water Based Fire Protection with 6 months experience~~
- ~~• Obtained the title and wages of "Foreman" by a certified firm for 3 years and passed tests over NFPA 13 and NFPA 25 administered by this Board~~
- ~~• Received Education and/or experience in a fire protection related field for 3 years along with 2-years experience and pass tests over NFPA 13 and NFPA 25 administered by this Board~~
- ~~• NICET Certified Inspector with 6 months experience~~
- ~~• OSU: Fire Sprinkler Inspector Training and Certification and Inspection, Testing and Maintenance of Automatic Sprinkler System with 6 months of experience.~~

~~Time Requirements: Above are based on a 40 hour week average--~~

~~EXPERIENCE means installation or apprenticeship whereby one has worked with individuals who are recognized by the State as Competent Installers or Inspectors of Fire Sprinkler works. RMEs are accountable for making sure the installers have adequate exposure to testing and other inspector related job functions before endorsing them to the Board.~~

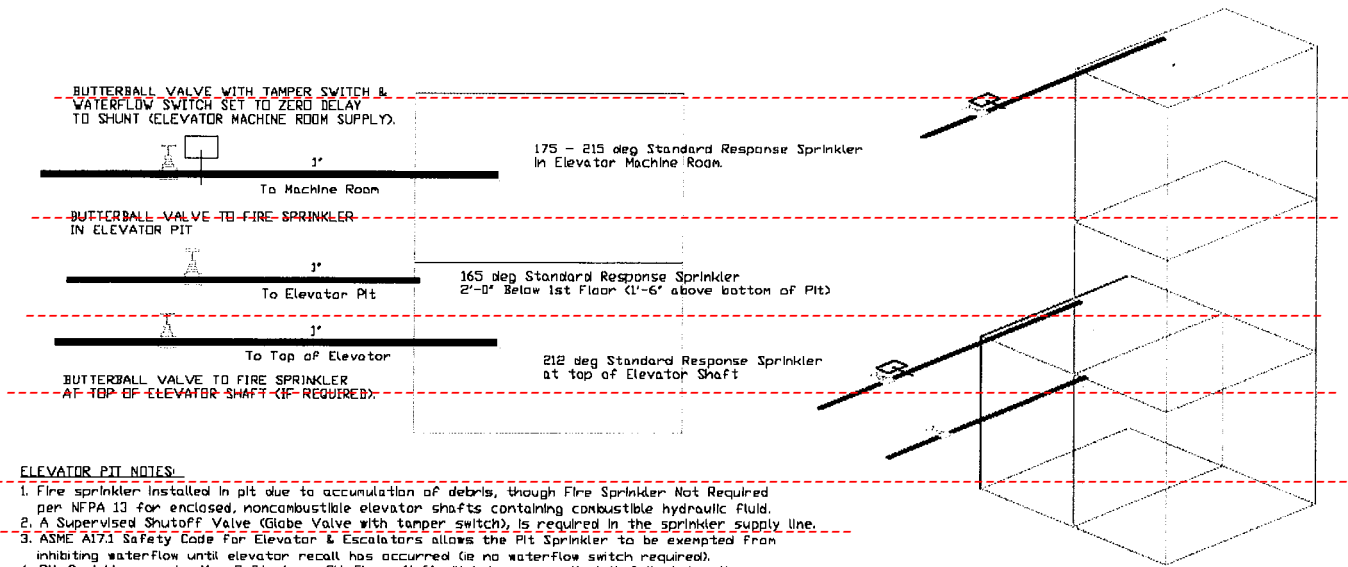
~~TABLE B~~

~~FIRE PUMP PREREQUISITES~~

~~--
FIRE PUMP INSPECTOR PREREQUISITES Examples of proper training for Fire Pump Servicing include:~~

- ~~• NICET Certification as listed above and training by a Fire Pump Manufacturer~~
- ~~• OSU: Industrial Fire Pumps--~~
- ~~• AFSA: Fire Pump Acceptance Testing and NFPA-20~~
- ~~• NFSA: Fire Pumps for Fire Protection Course with 9 months of experience~~

~~TO BE REPEALED~~



~~ELEVATOR MACHINE ROOM AND TOP OF ELEVATOR SHAFT~~

- ~~1. Fire Sprinkler Not Required in the top of noncombustible holstways of passenger elevator with car enclosure materials that meet ASME A17.1 requirements due to FS 0 to 75.~~
- ~~2. The Waterflow Switch shall be set to Zero Delay to Shunt Trip disconnect the Main Power Supply. Snake Detectors are disallowed per ASME A17.1 2.8.2.3.3 2000 ed.~~
- ~~3. A Supervised Shutoff Valve (Globe Valve with tamper switch) is required in the supply to the sprinkler. The water flow switch is located downstream of this Shutoff Valve.~~
- ~~4. A means for testing the Waterflow Switch must be provided (plugged orifice downstream)~~
- ~~5. Sprinkler piping shall serve one level in the holstway (no vertical runs in the holstway) except where the Elevator Machine Room is on the roof above the shaft.~~
- ~~6. With questions pertaining to Fire Sprinkler Installations in elevators, contact Chief Elevator Inspector for the Dept. of Labor, Larry Smothers 501-682-4530 or fax 501-682-1765.~~

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

2.7. 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. 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. 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. 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. 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 servicing of fire protection sprinkler systems, including, without limitation, standpipes, hose stations, and fire pumps.

2.12. 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. 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. 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. 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. 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. Installation – the initial placement of a system or its extension, modification, or alteration after initial placement.
- 2.18. 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. 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. NFPA – National Fire Protection Association, Inc., a nationally recognized standard- making organization.
- 2.21. 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.
- 2.22. 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. 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. Standards –nationally recognized standards adopted herein.
- 2.25. 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 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 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 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 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:
 - (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 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:

- (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.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:
 - (1) Pass the applicable examination based on NFPA standards; and
 - (2) 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 NICET certification.

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.

SECTION 6. PROCEDURES

6.1 Installation, Inspection and Service.

A. All sprinkler systems installed under A.C.A. §§ 20-22-601 et 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/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 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 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 no more than 5 ½ inches in height and no less than 5 ¼ 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 supply, any openings in the system (whether piping or sprinklers, defective FDC 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 – Rule 1 (Sprinkler) - SUMMARY

Arkansas Fire Protection Licensing Board intends to amend its Sprinkler Rule. The proposed changes include the following:

- The rule is completely re-organized into a more coherent and logical structure. Provisions regarding the same topic are grouped together and unnecessarily duplicative language is repealed. The new structure of this rule mirrors the structure of the Board's Portable/Fixed Rule for easy reference.
- Exempts from the Board's licensure requirements all firms and individuals performing a fire protection sprinkler system project for a residence (NFPA 13D system) if the project meets certain requirements. The purpose is to save lives by lowering costs so that more homeowners can afford to have fire protection sprinkler systems installed in their homes.
- Amends definitions to match the Board's statutory definitions or the definitions in the Board's Portable/Fixed Rule.
- Amends the Board's license reinstatement provision to comply with Ark. Code Ann. § 17-1-107.
- Clarifies the provisions of the Arkansas Fire Protection Code and the National Fire Protection Association standards adopted by the Board.
- In compliance with Act 1011, amends reciprocity requirements for an applicant who holds in good standing a substantially similar license in other state and is sufficiently competent. Such applicant is considered "sufficiently competent" if the applicant has passed the Arkansas examination. Also adds a temporary licensure provision. The Board based these provisions on the model rule by the Attorney General's Office.
- In compliance with Act 1011, adds a provision to license applicants from states that do not license those in the fire protection sprinkler system field. To show sufficient competency, an applicant must pass applicable National Fire Protection Association exams and the Arkansas exam. If necessary for the specific license, the applicant must hold a certification issued by the National Institute for Certification in Engineering Technologies. The Board based this provision on the model rule by the Attorney General's Office.
- Simplifies the requirements for an inspector license, and "grandfathers in" individuals that obtained an inspector license on or before the rule's effective date.
- In accordance with statutory definitions, adopts the term "fitter" in place of "installer."

-Lowers the branch office fee from \$28 to \$25. Lowers the exam retake fee and the fee for a license transfer/change/duplication from \$30 to \$25. Adds the following statutory Board fees for:

- \$50 for an initial fitter license, including exam fee, and renewal fitter license. (Pursuant to A.C.A. § 20-22-610(b)(9)(A) and (B), the exam fee cannot exceed \$200 and the initial and renewal fee cannot exceed \$500.)
- \$25 for an apprentice permit. (Pursuant to A.C.A. § 20-22-610(b)(6)(B)(ii), the apprentice permit fee cannot exceed \$30)

-Changes tag size from “5 1/2 inches in height and 2 5/8 inches in width” to “no more than 5 1/2 in height and no less than 5 1/4 in width.”

-Lowers the passing score for the examinations from 90% to 80%, except for the fitter exam passing score that will remain 70%.

- Amends and clarifies the duties and responsibilities of a firm Responsible Managing Employee (RME), a fitter, and an inspector, such as:

- Allows an RME to perform the duties of a fitter, as well as an inspector;
- Holds the RME responsible for distributing the Contractor’s Material and Test Certificate, while repealing the requirement that the document be sent to the Board and authority having jurisdiction (AHJ);
- Requires at least one licensed fitter to be onsite when a sprinkler system is being installed or serviced;
- Holds the fitter responsible for completing the Contractor’s Material and Test Certificate and attaching the installation tag

- Amends tagging requirements, such as;

- Requires an inspection report to contain a notation on the first page if a system receives a yellow or red tag;
- Only requires an inspection report to be filed with an AHJ if the system is yellow or red-tagged;
- Requires a tag to include the license number of the individual performing the service;
- Re-defines the conditions that require a yellow tag

- Repeals provisions regarding backflow prevention and elevator safety;

- Clarifies the types of tags required by the Board
- Adopts Board meeting provision from the Board's Portable/Fixed Rules
- Clarifies and streamlines the regulatory process for a firm that changes its ownership.
- Limits a firm's branch office(s) to locations that share the same name and same tax identification number as the original firm. Therefore, if a firm has a separate business location(s) or office(s) that does not meet the new definition of "branch office," that separate location will be considered a different business that requires its own separate certificate of registration. A firm must pay a \$25 fee for a certificate of registration for each separate location that meets the definition of "branch office." The rule "grandfathers in" firms that obtained a certificate of registration for a separate business location(s) or office(s) on or before the rule's effective date.
- Repeals the age restrictions for individual licensure.
- Repeals hearing procedures that are already contained in the Administrative Procedures Act.
- Repeals provisions regarding entities that board has no authority over, such as property owners.
- Adds a requirement that an application for a firm certificate of registration be accompanied by evidence of registration with the Secretary of State and also by individual license applications for the applicant's employees.
- The proposed changes also include "housekeeping" matters, such as replacing "regulation" with rule, pursuant to act 315; deleting unused and obsolete provision; updating and clarifying terminology.