

# ARKANSAS REGISTER

## Proposed Rule Cover Sheet



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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 \_\_\_\_\_

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**ARKANSAS FIRE PROTECTION LICENSING BOARD**  
**RULES ~~AND REGULATIONS~~ FOR PORTABLE/FIXED SYSTEMS**  
**EFFECTIVE: ~~October 1, 2008~~**

**SECTION 1. ~~SCOPE, PURPOSE, TITLE, APPLICABILITY, NOTICE AND FAIRNESS~~**  
**SEVERABILITY**

1.1. PURPOSE. The purpose of ~~the Rules and Regulations~~these rules is to regulate persons engaged in the business of ~~saleselling, installation~~installing, and servicing portable fire extinguishers or fixed fire protection systems and to provide for the registration and licensure of businesses and persons providing ~~these~~se services, in order to protect and promote public safety by minimizing personal injury and property damages which might result from inadequate, unreliable, unsafe or improperly installed or maintained portable fire extinguishers and fixed fire ~~extinguisher-protection~~systems.

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

1.32. APPLICABILITY OF RULES. The rules shall apply to all firms, ~~licensees and apprentices and individuals~~ engaged in the business of selling, installing, and servicing portable extinguishers, ~~installing or servicing~~ fixed fire extinguisher-protection systems and performing hydrostatic testing, except those specifically exempt by ~~Aet 743 of 1977~~A.C.A. §§ 20-22-601 et seq.

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

1.34. FAIRNESS-NOTICE. Notice by the Board as required by any provision of statute or of these rules must be given by personal service or mail, postage prepaid, addressed to the ~~-person~~ to be notified at his last known address of residentce 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 firm, person or circumstance is held invalid for any reason the invalidity shall not affect the other

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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.a. 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. specific individual to whom a permit has been issued by the Board to perform various acts of service under the direct supervision of a person holding a valid license to perform such acts.

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

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

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

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

e. Condemned—a fire extinguisher system that does not meet the applicable standards for servicing and it cannot be repaired or corrected;

d. Department of Transportation (DOT) Cylinder—all cylinders manufactured and tested in compliance with specifications of the United States Department of Transportation.

e. Fire Marshal—State Fire Marshal.

f. Firm—any person, partnership, corporation or association.

g. Full Time Employee—an employee working an average of at least 30 hours per week.

**Commented [SA2]:**  
Moved to Section 7 re Red  
Tags on p. 24

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2.6. Fixed fire protection system ~~expanded to include fire extinguisher systems installed according to these rules and regulations.~~ - fire extinguisher or fire suppression systems, including without limitation:

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

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

**Commented [SA3]:** Moved up from end of definitions for alphabetical purposes

2.7.h. Hydrostatic Testing – pressure testing by hydrostatic methods.

i. Impaired ~~a fixed fire extinguisher system or a portable fire extinguisher that does not meet the applicable minimum standards for servicing but the condition causing the impairment is correctable.~~

**Commented [SA4]:** Moved to Section 7 re Red Tags on p. 24

j. Investigator ~~a person employed by the Fire Protection Licensing Board to receive and investigate complaints.~~

2.8.k. 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 for which the law requires a license. ~~or acts for which authorization is required.~~

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

2.10.m. NFPA – National Fire Protection Association, Inc., Aa nationally recognized standards-making organization, ~~# 1 Batterymarch Park, P. O. Box 9101, Quincy, Mass 02269-9101.~~

n. Organization ~~corporation, partnership or other business association, a government entity or other legal or commercial entity.~~

o. Person ~~a natural person, including any owner, manager, officer or employee of any firm.~~

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

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

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~~r. Recognized Testing Laboratory—a nationally recognized testing agency staffed by qualified personnel and properly equipped to conduct the particular test in question and who are regularly engaged in conducting tests and furnishing inspection and reexamination services.—Such recognized testing laboratories are those who publish lists of tested materials, equipment or devices and conduct inspection of the listed product and must be approved by the Board.~~

~~s. Red Tag—any portable fire extinguisher system or fixed fire extinguisher system that is emergency impaired and therefore would not be acceptable for use in the case of emergency operation.~~

Commented [SA5]: Moved to 7.2.A on p. 23

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

~~2.14.u. Service Tag – a tag on any portable fire extinguisher or fixed fire extinguisher-protection system that has successfully passed inspection by a licensed individual serves as evidence that some action was performed by a licensee. Impairments must be noted in the comment section of the tag.~~

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

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

~~2.17.x. Standards – nationally recognized standards adopted herein.~~

~~y. Fixed fire extinguisher System—expanded to include fire extinguisher systems installed according to these rules and regulations.~~

~~z. Monthly Inspection—a quick check that a fire extinguisher is in its designated place, that it has not been actuated or tampered with and that there is no obvious physical damage or condition to prevent its operations.~~

~~aa. Annual Maintenance—a thorough examination of the fire extinguisher. It is intended to give maximum assurance that a fire extinguisher will operate effectively and safely. It includes a thorough examination for physical damage or condition to prevent its operation and any necessary repair or replacement. It will normally reveal if hydrostatic testing or internal maintenance is required.~~

Commented [SA6]: Moved to Procedures, 6.2. on p. 21

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bb. Recharging—the replacement of the extinguishing agent (also includes the expellant for certain types of fire extinguishers)

cc. Servicing—performing maintenance, recharging or hydrostatic testing on a fire extinguisher.

dd. ~~Six Year Maintenance—every 6 years, stored pressure fire extinguishers that require a 12 year hydrostatic test shall be emptied and subjected to the applicable maintenance procedures as detailed in the manufacturer’s service manual.~~

ee. **Procedures**

**Commented [SA7]:** Moved under Procedures 6.3 on p. 22

**Commented [SA8]:** This should be its own stand-alone section, so the text of this definition has been moved and now is Section 6

## SECTION 83. **ADOPTED STANDARDS**

**Commented [SA9]:** This Standards section was previously Section 8 - it has been moved up and is now Section 3. The markup shows the changes to the existing language.

3.1.a. 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. for its testing purposes by reference in their entirety, unless specified, the most current standards published by and available from the National Fire Protection Association, Inc. # 1 Batterymarch, P. O. Box 9191, Quincy, Mass 02269-9191. Telephone number 1-800-3443555.

3.2.b. All portable fire extinguishers and fixed fire protection systems installed or serviced in this State ~~shall be done in compliance~~ shall comply with Aet 743 of 1977, as amended, A.C.A. §§ 20-22-601 et seq., the rules of the Board these rules, manufacturer’s specifications, local ordinances and requirements, and one or more of the following the Arkansas Fire Prevention Code.:

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

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

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

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### ~~Compressed Gas Cylinder.~~

~~c. All compressed gas cylinders (Class A) shall be hydrostatically tested in compliance with Compressed Gas Association pamphlets C-1 and C-6, most current edition and the rules and regulations of this Board.~~

~~d. All low pressure (Class B) Hydrostatic testing shall be accomplished in accordance with NFPA 10, most current edition and the rules and regulations of this Board.~~

~~e. The Arkansas Fire Protection Licensing Board testing is over the latest editions of the NFPA standards. However, where work is being performed, installation must be done in accordance with locally adopted ordinances, rules, codes, etc.~~

**Commented [SA10]:** Moved to 3.2 on p. 5

### **SECTION 9. EXTINGUISHER SALES**

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

**Commented [SA11]:** Former Section 9 has been moved into Section 3

### **SECTION 10. IMPORTANT NOTICE**

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

**Commented [SA12]:** The text of former Section 10 has been moved to Section 3. The markup shows the changes to existing language.

~~a. EFFECTIVE MARCH 1, 1998 DRY CHEMICAL AUTOMATIC FIRE EXTINGUISHING SYSTEMS CAN NO LONGER BE INSTALLED TO PROTECT COMMERCIAL COOKING OPERATIONS. The change does not effect existing systems which can continue to be serviced and modified provided these services can be performed according to the original UL listing, manufacturer's direction and with manufacturer's authorized parts and chemicals.~~

~~3.4.b. Ansul has stopped supplying parts for their R-101 Dry Chemical Systems effective January 1, 1999. Licensees can continue to service and modify dry chemical systems (all brands) over cooking operations only if you obtain and use new manufacturer's parts and chemicals. Do not use used parts taken from other systems. Do not use old chemicals. As long as these rules are complied with the serviced dry chemical can be tagged "OK". Systems that can no longer be serviced shall be Red Tagged and the customer given a written report.~~

~~Effective October 10, 2002 Dry Chemical Restaurant Systems may be six year hydrostatic pressure tested and recharged as needed through December 31, 2005. No modifications can be~~

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~~made in the event new equipment is added and any parts used to service these systems must be new manufacturer's parts. If you do not have new parts then these systems may not be serviced by your firm and must be Red Tagged.~~

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

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

~~3.5.e. Effective March 9, 2004 all wet systems that are not UL 300 standards may be hydro tested through December 31, 2005. No modifications can be made in the event new equipment is added and any parts used to service these systems must be new manufacturer's parts. If you do not have new parts these systems may not be serviced by your firm and must be Red Tagged.~~

~~After December 31, 2005 non UL 300 wet systems due for hydro testing may not be serviced nor placed back into service.~~ After December 31, 2007 non-UL 300 systems may not be serviced for any reason and must be Red Tagged.

~~3.6.d. The 2007 Edition of NFPA 10, Section 4.4.1 states—"Dry chemical stored pressure extinguishers manufactured prior to October 1984 shall be removed from service at the next 6-year maintenance interval or the next hydrotest interval, whichever comes first."~~

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

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

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

## **SECTION 3. SUBMITTING TO AN INSPECTION.**



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

Commented [SA13]: Moved to 4.11.C.vii.

## SECTION 4. REGISTRATION, ~~AND~~ LICENSING AND FEES.

~~a. The Fire Protection Licensing Board shall issue no certificate of registration or license to a firm where the issuance of such license shall be confusing to the public. The firm requesting a certification of registration shall contact the Board concerning the acceptability of the proposed company name.~~

Commented [SA14]: Moved to 4.12.A. on p. 13

~~The person responsible for the operation of the certified firm must file an affidavit with the Board to obtain a license to install or service fixed fire protection systems. The affidavit must state the firm employs trained persons to install and service, the systems that the company has access to, the manufacturer's installation manual is in the possession of the responsible person and factory authorized parts for each brand of system are available.~~

~~4.1. b. A Licensee may shall not make statements or representations, written or verbal, which inaccurately state knowingly mischaracterize a competitor's product. the effectiveness of the fire extinguisher or a fire extinguisher system. Unfair comparison with competitor products is prohibited.~~

~~4.2. Evidence of alteration The falsification of thea certification of registration, license or permit shall renders said the certificate, license or permitdocument invalid and the altered certificate, license or permit shall be surrendered to the Board or its duly authorized deputy upon requestis grounds for administrative action pursuant to A.C.A. §§ 20-22-601 et seq.~~

Commented [SA15]: Moved from former Section 5 on p. 18 and rewritten.

~~4.3. f. A company-firm cannot be licensed-certified for brands-or types of systems without a licensed individual(s) employed by the firm who is trained and licensed for the same brand(s)-or type(s) as the firm. A Ppersons holding a valid license shall not be authorized to perform any act unless employed by a certified firm.~~

Commented [SA16]: Moved from former Section 4.e.5 and rewritten.

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. 10- A certificate of registration or license may be denied, refused, suspended, revoked, or the renewal thereof refusednon-renewed, or otherwise penalized if, after notice and public hearing, the Board finds from the evidence presented at such hearing the firm has violated that a~~

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licensee or applicant has violated any of the provisions of ~~Act 743 of 1977, as amended, Ark. Code Ann. § 20-22-601 et seq.~~ or these rules ~~and regulations~~.

**Commented [SA17]:** Moved from former Section 4.d.10. and rewritten. The markup shows the changes to existing language.

~~11. A certificate of registration shall not be issued to any person under 18 years of age.~~

~~4.6. 12.~~ A certificate of registration issued pursuant to these ~~regulations~~ rules shall not be transferred from one firm to another. ~~14. A license issued pursuant to these regulations~~ rules shall not be transferred from one ~~person~~ individual to another.

**Commented [SA18]:** Moved from former Section 4.d.12. and rewritten. The markup shows the changes to existing language.

~~4.7. 13.~~ A certificate of registration ~~or license does~~ shall not ~~constitute authorization for~~ any authorize a licensee ~~or any of his employees to enforce these rules or~~ enter upon or into any ~~any~~ building or property ~~property or buildings~~ without the owner's permission.

**Commented [SA19]:** Moved from former Section 4.e.14.

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

**Commented [SA20]:** Moved from former Section 4.d.13. and rewritten. The markup shows the changes to existing language.

~~4.9. 13.~~ ~~A.~~ A licensed individual must be an employee of a certified firm and shall only work for one certified firm at a time.

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

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

~~D. A~~ Certified firms shall not be prohibited from ~~may taking orders for the~~ agree to performance of any act(s) which said perform work that the firm is not authorized certified to perform. ~~Such orders shall be consigned if the firm subcontracts the work to~~ a firm ~~licensed~~ certified by this Board to perform the necessary ~~act(s)-work~~.

**Commented [SA21]:** Moved from former 4.e.13.

~~4.10. 17.~~ For a fee, the Board may issue ~~Aa~~ duplicate certificate of registration, ~~or registration license, or permit may be issued by the Board to replace a previously issued certificate one~~ previously issued which has been lost or destroyed. ~~if the licensee submits to the Board Aa~~ written statement from the certified firm to the Board attesting to the fact that the certificate, license, or permit has been lost or destroyed, ~~must be received prior to the issuance of a duplicate certificate. The fee for re-issuance shall be \$25.00.~~

**Commented [SA22]:** Moved from former Section 6 on p. 18 and rewritten. Markup shows changes to existing language.

4.11. Company License Firm Certificate of Registration:

A. The Board issues firm certificates of registration for the following systems:

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

**Commented [SA23]:** Moved from former Section 4.d.17. and incorporates license and permit duplicates.. The markup shows the changes to existing language. The last sentence re fee has been moved to the fee section

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~~B.a.~~ The Fire Protection Licensing Board shall not issue ~~nea~~ certificate of registration ~~or license to a firm where the issuance of such license shall be if the name of the firm might confuse-confusing to the public.~~ A firm that intends to apply for a certification of registration shall-should contact the Board concerning the acceptability of the proposed ~~company-firm~~ name.

**Commented [SA24]:** Moved from former Section 4.a. and rewritten. The markup shows the changes to existing language.

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

~~i.1. Submit application with appropriate~~ The required fees must be submitted with the application.

**Commented [SA25]:** Moved from Section 4 d.1.

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.2. Provide a~~ The application must include a sample (not a copy) of company-the firm's service tag, red tag, and verification of service collar. If changes are made to the design of the service tag or red tag, a sample of the new revised tag must be forwarded to the Board office. A sample of the current service tag and current red tag must be on file with the Arkansas Fire Protection-Licensing Board at all times.

**Commented [SA26]:** Moved from Section 4.d.2. Markup shows changes to existing language.

~~v. 3. Provide a~~ The application must include a copy of the company-firm's liability insurance certificate-declarations page (minimum \$300,000.00)-that meets the requirements of A.C.A. § 20-22-611. Each certified firm shall maintain in force and on file in the Board's office the proof of insurance as required. Failure to do so will be grounds for the emergency suspension of the firm's certificate, pursuant to A.C.A. 25-15-211.

**Commented [SA27]:** Moved from former Section 11.e. and rewritten. Markup shows changes to existing language.

**Commented [SA28]:** Moved from Section 4.d.3. Markup shows changes to existing language.

~~vi.4. Company~~ The firm shall either be licensed-certified for Class A or Class B Hydrostatic Testing or supply a letter from a company-firm licensed-certified by this Board asserting they-it will perform the work for the companyfirm. As such, unless an applicant is applying for a Class B certificate, an application must include one of the following:

**Commented [SA29]:** Moved from Section 4.d.4. Markup shows changes to existing language.

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~~(a. A company firm~~ can only be licensed for Class A provided they have been approved and assigned a number by DOT. A copy of the DOT letter must accompany the application.

~~b. 8. Certified~~ ~~A firms that does not intend to become certified not licensed~~ to perform hydrostatic testing must submit a letter from ~~an Arkansas-certified a~~ firm licensed by this Board to do hydrostatic testing stating that the ~~the~~ ~~The letter must state the licensed~~ certified firm will perform ~~the needed any necessary~~ hydrostatic testing for the ~~unlicensed applicant~~ firm. ~~In the event If a licensed-certified firm withdraws its the~~ letter of performance ~~to is ever withdrawn or cancelled, the firm relying on in must~~ submit a replacement letter from another certified firm ~~the unlicensed firm~~ ~~a replacement letter must be forwarded~~ to the Board office within 20 days from the date of withdrawal/cancellation.

**Commented [SA30]:** Moved from Section 4.d.8. Markup shows changes to existing language.

~~5. The license application for fixed fire suppression systems shall be accompanied by a copy of the company certificate of distributorship or an affidavit (forms provided) for each brand from a company licensed by this Board that is a distributor.~~

~~vii. The application must include written authorization by the~~ Each firm applying for a Certificate of Registration or a Hydrostatic Testing Certificate must sign a statement with the Board indicating their willingness to an firm permitting any person authorized by the Board to enter, examine, and inspection of their any premises, building, room, or establishment used by the firm in order for the by Board or its duly authorized Deputy at its discretion to determine compliance with the Board's statutes and rules.

**Commented [SA31]:** Moved from former Section 3 on p. 8 and rewritten.

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

**Commented [SA32]:** Sentence moved from Section 1.3 on p. 1

~~7. The Board may review the application, record to service, servicing shop facilities, methods and procedures of operations to determine the granting or renewing of a certificate of registration, license or permit that would not be contrary to public safety and welfare. The Board shall issue or renew certificate of registration, license or permit authorizing the applicant to engage in the business of servicing portable and fixed fire systems provided the required fees have been paid. The Board shall give each certificate of registration, license or permit an identifying number.~~

~~8. Certified firms not licensed to perform hydrostatic testing must submit a letter from an Arkansas-certified firm licensed by this Board to do hydrostatic testing. The letter must state the licensed certified firm will perform the needed hydrostatic testing for the~~

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

**Commented [SA33]:** Moved to 4.11.C.vi. on p. 10

~~9. Invalid certificate of registration to service portable fire extinguishers or install and service fixed fire extinguisher systems may be renewed provided the license has been expired less than two (2) years by paying the past renewal fees along with any applicable late fees. A new certificate of registration must be submitted to the Board if the license has been expired two (2) year or more.~~

**Commented [SA34]:** Moved to Section 5.6 on p. 20

D. 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.

E. 16. The certified firm must post A certificate of registration issued to a firm by the Arkansas Fire Protection Licensing Board must be posted at the certified at each location the certificate of registration for that particular location. The certificate must be in a location for inspection at any reasonable hour.

F. 15. If a certified firm changes the name, address, or phone number of any of its offices, the A certified firm shall report any change of location notify to the Board in writing within fourteen (14) days of after such change by submitting the required form and paying the required fee. If necessary, the Board will then to maintain validity of the affected certificate of registration. Any change of location shall be verified by the Board or its duly authorized Deputy and upon verification of such change shall affix a change of location stamp to the affected certificate of registration. issue a new certificate of registration and new individual license(s) that reflect the new information.

**Commented [SA35]:** Moved from former Section 4.d.15. and rewritten. The markup shows the changes to existing language.

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

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

ii. If the firm's name does not change, the firm must submit all documentation described in Section 4.11.C. except for the individual license applications in

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4.11.C.iii. Upon approval, the board will issue a new certificate of registration to the firm and the individual licensees may continue to operate under their existing licenses.

~~18. Application for renewal of a certificate of registration shall be made annually. Appropriate fees and documentations shall accompany the renewal application.~~

Commented [SA36]: Moved to Section 5.3 on p. 20

### 4.12.e. Individual License:

A. The Board issues individual licenses for the following types of portable and fixed systems:

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

~~B1. Any person employed by a certified firm, corporation or partnership engaged in the business of servicing portable fire extinguishers, installing fixed fire extinguisher systems or hydrostatic testing shall submit an application to the Board (on forms provided) and take a written examination for the appropriate license. To be licensed, an individual must be employed by a certified firm, meet the requirements described in these rules, submit the required fee and a fully-completed licensing application using the Board's form, and pass an examination for each type of system the applicant intends to work on. Fee and documentation must accompany the application.~~

~~2. Examinations shall be given at least once per month at a place to be determined by the Board. Applications, fees and appropriate documentation must be received prior to testing. Individuals should contact the Fire Protection Licensing Board to schedule testing.~~

~~3. A minimum grade of 90% is required to pass any examination. Applicants obtaining a minimum grade of 90% will be issued a license endorsed with the type of service qualified by the examination.~~

~~C.4. Application for individual license to install or service fixed fire extinguisher systems must be accompanied by a current certificate affirming the licensee has been trained by~~

## MARKUP

~~the particular brand name manufacturer the licensee is seeking a license for OR an affidavit (on forms provided) affirming the licensee has been trained on the particular brand name of the manufacturer by a person holding a current certificate of training from the manufacturer and licensed by this Board. The person providing the training shall complete the affidavit. A copy of the trainer's manufacturer's certificate of training shall accompany the affidavit. If the applicant is applying for Class A hydrostatic testing, the application must include a A copy of the current DOT approval letter, with the individual's name and must accompany the application for Class A Hydrostatic Testing. The individual's name must have been placed on the DOT list for certification. The above information must be on file with the Board office at all times.~~

### D. Examinations

- i. An applicant must submit his application prior to testing.
- ii. Examinations shall be given at least once per month at a place to be determined by the Board. Individuals should contact the Fire Protection Licensing Board to schedule testing.
- iii. An applicant must pass two open-book examinations, which are:
  - a. An examination applicable to the system the applicant wants to be licensed for. This examination will be based on NFPA standards and is described on the Board's website.
  - b. An examination covering the Board's statutes and rules.
- iv. A minimum grade of 980% is required to pass any examination. Applicants obtaining a minimum grade of 80% will be issued a license endorsed with the type of service qualified by the examination.
- v. An applicant who fails an examination may re-take the examination after payment of an exam re-take fee.

**Commented [SA37]:** Moved from former section 4.d.2. on p. 13

**Commented [SA38]:** Moved from former section 4.d.3. on p. 13

~~5. Persons holding a valid license shall not be authorized to perform any act unless employed by a certified firm. Persons forming a new firm must sever employment with their current employer prior to making application for new firm certificate of registration.~~

**Commented [SA39]:** Moved to 4.3 on p. 8

~~E.7. Licensee shall not assume a license has been issued until the pocket card issued by the Board has been received. 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. It shall be unlawful for any person to service or install fire extinguishers in this State unless said person possesses a current valid card evidence of the fact the person holds an active license and stating the firm with whom the licensee is affiliated.~~

## MARKUP

~~8. Every person holding a valid license shall, upon demand, show and permit —examination of such license by the Board or its duly appointed deputy.~~

~~F. An individual license may be transferred to a new certified firm by filing a transfer application with the required fees and documents, accompanied by license, pocket card, a statement from the previous employer stating the separation date, the name and address of the new employer and the firm's certificate of registration number. The owner, partner or officers~~An authorized representative of the new employing corporation-firm must sign the transfer application. ~~The transfer fee shall accompany the transfer application.~~

~~G. 6. The~~ An individual licensee shall report any change in home address to the Board within 14 days.

~~9. A duplicate license may be issued to replace a license that has been lost or destroyed. The licensee requesting the duplicate license shall submit a written statement to the Board attesting to the fact the license has been lost or destroyed, accompanied by the appropriate fee for duplicate license.~~

**Commented [SA40]:** Moved to 4.10 on p. 9

~~10. A license shall not constitute authorization for any person to enter upon or into any property or building.~~

**Commented [SA41]:** Moved to 4.7 on p. 9

~~11. A license shall not constitute authorization for any person to enforce any provisions(s) of these rules.~~

**Commented [SA42]:** Moved to 4.7 on p. 9

~~12. A license may be used for identification purposed ONLY as long as such license remains valid while the licensee is in the employment of the certified firm.~~

~~13. A licensed employee of a certified firm may perform only those acts authorized by the firm's certificate of registration. A licensee may perform only those acts authorized by his license.~~

**Commented [SA43]:** Moved to 4.9 on p. 9

~~14. License issued pursuant to these regulations shall not be transferred from one person to another.~~

**Commented [SA44]:** Moved to 4.6 on p. 9

### H.15. Apprentice Permit.

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



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

ii. An apprentice, under the direct supervision of a ~~valid~~ licensee authorized to perform the work, may perform the ~~various acts of servicing portable fire extinguishers, installing or servicing fixed fire extinguisher systems. work~~ allowed by his firm's certificate of registration. ~~16. All acts of service performed after the expiration date of an apprentice permit, where the permit holder has not applied for a license, shall be in violations of the regulations.~~

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

~~17. The apprentice permit holder shall report any changes in home address to the Board within fourteen (14) days of such change.~~

~~18. Each person holding a valid apprentice permit shall, upon demand, show and permit the examination of such permit to the Board or its duly appointed deputy.~~

19. A duplicate apprentice permit may be issued to replace any previously issued permit that has been lost or destroyed. The licensee requesting the duplicate license shall submit a written statement to the Board attesting to the fact that the permit has been lost or destroyed, accompanied by the appropriate fee for duplicate permit.

**Commented [SA45]:** Moved to 4.10 on p. 9

~~20. The license and appropriate fee shall be invalid if not received in the office of the Board on or before the expiration date on the individual license. The licensee holding said license shall cease to perform those acts of service authorized by the license.~~

21. Invalid individual license to service portable fire extinguishers or install and service fixed extinguisher systems may be renewed if the license is less than two (2) years expired by paying the past renewal fees along with any applicable late fee. Individual license with an expiration of two (2) years or more must submit to and pass another examination to receive a license.

**Commented [SA46]:** Moved to 5.6 on p. 20

22. Application for individual license renewal shall be made annually. The appropriate fees and documents shall accompany the renewal application.

**Commented [SA47]:** Moved to Section 5.3 on p. 20

~~23. Persons who perform any acts within the scope of the employer's certificate of registration shall pass a written examination given at the direction of the Board. Such examination may be supplemented by practical test or demonstrations deemed necessary~~

## MARKUP

~~to determine the applicant's knowledge and ability to service portable fire extinguishers or fixed fire extinguisher systems.~~

~~24. A license or permit may be denied, refused, suspended, revoked or the renewal thereof refused, if after notice and public hearings, the Board finds from the evidence presented at such hearing the individual has violated any of the provisions of Act 743 of 1977, as amended, or these rules and regulations.~~

Commented [SA48]: Moved to 4.5. on p.9

### I. Reciprocity

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

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

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

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

## MARKUP

suspended or probationary status as described in 4.12.I.i.d. The Board may verify this information online or by telephone.

c. As evidence that the applicant is sufficiently competent in the field of portable fire extinguishers and/or fixed fire protection systems, the applicant shall pass the Arkansas state examination.

### iii. Temporary and Provisional License

a. The Board's Director shall issue a temporary license immediately upon receipt of the required fee and the documentation required to show that the applicant has a license from another jurisdiction that is in good standing and is substantially similar to the Arkansas license for which the applicant is applying.

b. An applicant shall submit a completed the application with all required remaining documentation in order to receive a license.

c. The temporary license shall be effective for 90 days or until the Board makes a decision on the application, whichever occurs first.

### J. Applicants from States that Do Not License Profession.

i. Required Qualifications. An applicant from a state that does not license the fire protection sprinkler system field shall be sufficiently competent in the field of portable fire extinguishers and/or fixed fire protection.

#### ii. Required documentation.

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

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

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

## **SECTION 5. LICENSE ALTERATION**

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

**Commented [SA49]:** Moved to 4.2 on p. 8 and rewritten

## **SECTION 6. TAKING ORDERS**

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

**Commented [SA50]:** Moved to 4.9 on p. 9 and rewritten

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**SECTION 75. FEE SCHEDULE ~~FOR PORTABLE, FIXED AND HYDROSTATIC SYSTEMS AND RENEWALS~~**

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

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

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

~~New Company~~ Initial Firm Certificate of Registration:

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

~~Company~~ Firm Certificate of Registration Renewal:

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

Individual ~~Testing and~~ Licensing (includes first exam):

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

Renewal Individual License:

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

Other fees:

<del>Exam Fee</del>	<del>\$ 30.00</del>
<del>Exam Re-Take Fee</del>	<del>\$ 25.00</del>
<del>License Transfer/Change/Duplicate</del>	<del>\$ 30.00</del>

## MARKUP

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

5.3.d. Late fees are required for all certificate or license holders who fail to submit renewal application and appropriate fees on or prior to their expiration date of September 30 of each year. Certificates of registration and licenses must be renewed annually before the expiration date of September 30th. The required fees and documentation must be submitted along with each application for renewal.

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

5.5.f. A certificate or license expired for two (2) years or more cannot be renewed. A person whose license has been expired for two years or more and who applies for a new license must take and pass another examination(s), unless otherwise specified herein. No examination is required for a license renewed within two years of expiration.

5.6.g. Holders of A certificate and/or licenses expired for less than two (2) years may be issued certificates or license renewed. Renewal fee for such certificate or license is composed of renewal and late fee and shall be determined by payment of a fee calculated in accordance with the following schedule:

Expired 1-90 days	<del>1 renewal fee + 1/2 of initial fee</del> <u>renewal fee x 1.5</u>
Expired 91-365 days	<del>1 renewal fee + 1 initial fee</del> <u>renewal fee x 2</u>
Expired 366- 2 years	<del>2 renewal fees + 1 initial fee</del> <u>renewal fee x 3</u>

5.7.h. Certificate and license expired two (2) years or more shall be treated as a new company. All employees shall re-test in order to receive a license. Anyone applying for re-licensure who meets the conditions established in A.C.A. § 17-1-107 and can demonstrate that he or she passed the applicable examination(s) with scores sufficient for licensure at the time the individual's initial license was issued shall not be required to re-take the examination(s) in order to be relicensed.

## SECTION 6: PROCEDURES

**Commented [SA51]:** Moved from the definition of "Procedures" to create a new Section 6. The markup shows changes to existing language.

## MARKUP

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

### 6.1. Monthly inspection: –

~~A.4. The licensee shall D~~determine that the fire extinguisher is in its designated place and that there are no obstructions to its accessibility.

~~B.2. The licensee shall D~~determine that the fire extinguisher has not been actuated or tampered with.

~~C.3. The licensee shall D~~determine that there is no obvious physical damage, clogged or obstructed hose ~~nor~~ nozzle, or other condition ~~present to~~that could prevent the proper operation of the fire extinguisher.

~~D.4. The licensee shall D~~determine that the pressure gauge or indicator is in the operable range or position. Operate push-to-test indicator on non-rechargeable fire extinguishers.

~~E.5. The licensee shall D~~determine the fullness of self-expelling, cartridge-operated and pump tank fire extinguishers by weighing or hefting. ~~the fullness of self-expelling, cartridge-operated and pump tank fire extinguishers.~~

~~F.6. The licensee shall D~~determine the condition of the tires, wheels, carriage, hose and nozzle on wheeled-type fire extinguishers.

~~G.7. The licensee shall I~~initial in ink and date the monthly ~~inspection service~~ tag ~~if present~~.

### 6.2. Annual Maintenance:–

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

~~A.4. The licensee shall perform the monthly inspections steps described in 6.1.A. through G. Determine that the fire extinguisher is in its designated place and that there are no obstructions to its accessibility.~~

~~2. Determine that the fire extinguisher has not been actuated or tampered with.~~

~~3. Determine that there is no obvious physical damage, clogged or obstructed hose, nozzle or other condition present to prevent the proper operation of the fire extinguisher.~~

~~4. Determine that the pressure gauge or indicator is in the operable range or position. Operate push-to-test indicator on non-rechargeable fire extinguishers.~~

~~5. Determine by weighing or hefting the fullness of self-expelling, cartridge-operated and pump tank fire extinguishers.~~

~~6. Determine the condition of tires, wheels, carriage, hose and nozzle on wheeled type fire extinguishers.~~

**Commented [SA52]:** Moved from Definitions, which included “annual maintenance” under the definition of “Procedures” and rewritten.

## MARKUP

~~B.7. The licensee must remove T~~the tamper seal of ~~the a~~ rechargeable fire extinguisher ~~shall be removed~~ by operating the pull pin or locking device and installing a new tamper seal ~~installed~~.

~~C.8. The licensee must C~~complete, punch out the applicable areas, initial in ink, and install a new service tag on the fire extinguisher.

### 46.3. Six-Year Maintenance.

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

## SECTION ~~11~~ 7. REQUIREMENTS FOR SERVICE TAGS

7.1. General Requirements. ~~Service tags are required by the rules and regulations~~  
Every tag attached to a fire extinguisher ~~for or a fixed~~ fire protection system serviced by a licensed-certified firm shall be ~~an approved service~~ tag conforming to these rules.  
~~and shall be in conformity with the following provisions:~~  
~~(A current sample of the company's service tag must be on file with the Board at all time.)~~

~~A.a.~~ Tags shall be no more than 5 ½ inches in height and no less than 5 ¼ inches in ~~height and 2 5/8 inches in~~ width. Service tags shall be any color EXCEPT RED.

~~B.b.~~ One service tag shall be attached to each portable fire extinguisher in such a position as to be conveniently inspected, but not to hamper the operation or removal of the extinguisher from the bracket. One service tag shall be attached to each fixed fire protection system in such a position to be conveniently inspected, but not to hamper the operation of the system.

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

~~d. Every tag attached to a extinguisher for fixed system serviced by a licensed firm shall be an approved service tag conforming to these rules.~~

~~e. A sample of the firm's service tag must accompany the firm's application for a certificate of registration. If changes are made to the design of the service tag, a sample of the new revised tag must be forwarded to the Board office. A sample of the current service tag must be on file with the Arkansas Fire Protection Licensing Board at all times.~~

**Commented [SA53]:** Moved from Definitions, which included "six-year maintenance" in the definition of "Procedures" and rewritten

**Commented [SA54]:** Former Section 11 has been moved and restyled as Section 7. The markup shows changes to existing language.

**Commented [SA55]:** Moved from former Section 11.d. and rewritten. Markup shows changes to existing language.

**Commented [SA56]:** Moved to 4.11.C.iv. on p. 10

## MARKUP

D.f. Service tags shall bear the following information.

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

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

F.g. The date of service and type of service performed must be indicated by a perforation such as a hand punch on the appropriate section of the tag.

G. h. No person ~~or persons~~ shall remove the service tag except when further service is performed. No person or persons shall deface, modify or alter any required service tag attached to any portable fire extinguisher or fixed fire protection system.

## **SECTION 12. REQUIREMENTS FOR RED TAGS**

### 7.2. Requirements for Red Tags

A. A Red Tag ~~—anyon a~~ portable fire extinguisher ~~system~~ or fixed fire ~~extinguisher~~ protection system means that the extinguisher or system that is emergency impaired and therefore would not be does not conform to the minimum standards and is not acceptable for use in the case of emergency operation.

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

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

**Commented [SA57]:** Moved from Definitions and rewritten as a sentence instead of a definition. Markup shows changes to existing language.



## MARKUP

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

i4. Impaired – ~~a means a~~ fixed fire ~~extinguisher protection~~ system or portable fire extinguisher ~~shall be impaired when it~~ does not meet the applicable minimum standards ~~for servicing~~ but the condition causing the impairment is correctable.

ii2. Condemned – means a fixed fire ~~extinguisher protection~~ system or portable fire extinguisher ~~shall be condemned when it~~ does not meet the applicable minimum standards ~~for servicing~~ and it cannot be repaired or corrected.

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

Ee. Red tags shall bear the following information:

- i. Name and address of the servicing firm;
- ii. eCertificate of registration number of the servicing firm;
- iii. aA section to clearly label “Impaired” or “Condemned”;
- iv. nName and address of the owner of the fixed fire ~~extinguisher protection~~ system or portable fire extinguisher;
- v. dDate of “impairment” or “condemnation” ~~service~~;
- vi. License number and initials or name of the ~~serviceperson licensee~~ “impairing” or “condemning” the unit. Name or initials must be handwritten in ink at the time of service;
- vii. A printed statement ‘**DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL**’ in bold print type with font size not less than 16-; and
- viii. A statement ~~as explaining~~ to why the unit is “impaired” or “condemned”.

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

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~~F.e. If the system was impaired and the impairing condition(s) is corrected, The Red Tag may be removed by:~~

- i. ~~a~~A member of the State Fire Marshal's office;
- ii. ~~H~~Local fire marshal;
- iii. ~~a~~Authorized and licensed employee of a certified firm; or
- iv. ~~m~~Members of the Arkansas Fire Protection Licensing Board.

~~(and only if the system was "impaired" and the impairing condition(s) is corrected.)~~

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

### 7.3. Verification of Service Collar

~~A.a. Each A~~ A portable fire extinguisher that has undergone internal examination or has been recharged shall have a "Verification of Service" collar located around the neck of the container.

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

- i. Cartridge/cylinder-operated fire extinguishers; and
- ii. Extinguishers capable of or allowed to be recharged without removal of the valve assembly (CO2 or Halon) will not require a verification of service collar at that time.

C. The collar shall be made of a durable rigid polymer material. Collars made of high-density polyethylene or other non-rigid materials shall not be acceptable or approved. The smallest applicable collar size shall be installed on the neck of each extinguisher requiring the installation of such a collar. ~~The collar~~ shall contain a single circular piece of uninterrupted material forming a hole of a size that will not permit the collar assembly to move over the neck of the container unless the valve is completely removed. The collar shall not interfere with the operation of fire extinguisher.

D. The Verification of Service collar shall include: ~~i. the month and year the service was performed, indicated by a hand-punch perforation, such as is done by a hand punch.~~  
(Exception # 1: ~~Cartridge/cylinder-operated fire extinguishers do not require a verification of service collar.~~)

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

**Commented [SA58]:** Moved up from below paragraph under D.

## MARKUP

~~7.4b.~~ Re-charge Record Keeping.— Each fire extinguisher shall have a tag or label (six year maintenance or hydrostatic test) securely attached indicating the month and year recharging was performed and that identifies the person performing the service. In accordance with NFPA 10 and Section 7.3 above, a verification of service (maintenance or re-charging) collar shall also be attached to the extinguisher.

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

Commented [SA59]: Moved to 7.3.B on p. 25

~~e. Failure to properly complete and attach the verification of service collar may result in suspension or revocation of a service personnel's license.~~

~~d. A sample of the collar must be included when applying for or renewing the certificate of registration.~~

## **SECTION 148. 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 ~~the all~~ meetings. The Co-Chairman will preside in the Chairman's absence. ~~and may conduct other meetings on an as needed basis.~~

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

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

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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.

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

### **~~SECTION 15. BOARD HEARING, COMPLAINTS, INVESTIGATION~~**

8.6.a. Complaints. Any and all eComplaints falling within the jurisdiction of the Board, which individuals 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.

8.7.b. Investigations. The Board may, on its own motion, initiate investigation. The Board or a designated Board committee after reviewing will review the complaint and determine whether falling within the jurisdiction of the Board may 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 in consultation with the 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.

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

~~The Notice of Hearing will contain information as required by Arkansas Administrative Procedures Act.~~

~~a.—~~

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

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

## MARKUP

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

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

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

A. If the ~~Board or the Board's designated C~~committee determines that the violations, if proved, would not warrant license suspension, revocation or a fine ~~in an amount~~ greater than one thousand (\$1,000.00) dollars, the committee may recommend the complaint be handled in a summary manner. The decision will be referred to the Board Chairman for acceptance or rejection.

B. 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 has~~ violated the licensing Board's law and that the Board proposes a fine of ~~it is recommended that under all the circumstances appropriate sanction is fine of~~ one thousand (\$1,000.00) dollars or less. The notice will further inform the Respondent that he has a right to reject the proposed fine and have a full evidentiary hearing.

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

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

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

## MARKUP

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

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

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

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

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

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

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

## MARKUP

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

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

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

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

TO BE REPEATED

~~ARKANSAS FIRE PROTECTION LICENSING BOARD~~  
~~SERVICE TAG~~  
~~SERVICE TAGS MAY BE ANY COLOR EXCEPT RED~~

<div>5 1/4"</div>		<div>DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHALL</div>		<div>NAME ADDRESS TELEPHONE</div>		<div>Cert. #</div>		<div>CERT. OF REG. NO.</div>		<div>NAME</div>		<div>LICENSE NO.</div>		<div>SIGNATURE</div>		<div>TYPE OF WORK PERFORMED INSTALLATION SERVICE INSPECTION MAINTENANCE</div>		<div>Jan Feb Mar Apr May June July Aug Sept Oct Nov Dec 1981 1982 1983 1984 1985</div>		<div>TYPE OF SERVICE PERFORMED</div>		<div>OWNER'S NAME AND ADDRESS</div>	

2 5/8"

Front

Back

~~Portable Fire Extinguisher~~  
~~And~~  
~~Fixed Systems~~  
~~Service Tag~~  
~~(Actual Size)~~



TO BE REPEALED

~~ARKANSAS FIRE PROTECTION LICENSING BOARD~~  
~~RED TAG~~  
~~RED TAGS MUST BE RED IN COLOR~~

DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHALL																
<div>NAME ADDRESS TELEPHONE</div> <div>Cert.#</div> <div>CERT. OF REG. NO.</div> <div>NAME</div> <div>LICENSE NO.</div> <div>SIGNATURE</div> <div>CONDEMNED <input type="checkbox"/> IMPAIRED <input type="checkbox"/></div>																
<div>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21</div>												<div>Dec. 1957 Nov. 1957 Oct. 1957 Sept. 1957 Aug. 1957 July 1957 June 1957 May 1957 Apr. 1957 Mar. 1957 Feb. 1957 Jan. 1957</div>				
OWNERS NAME AND ADDRESS																
IMPAIRMENTS/COMMENTS:																

5 1/4"

2 5/8"

Front

Back

~~Portable Fire Extinguisher~~  
~~And~~  
~~Fixed Systems -~~  
~~Red Tag~~  
~~(Actual Size)-----~~

TO BE REPEALED

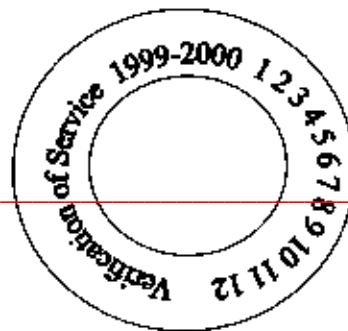
~~6-YEAR MAINTENANCE LABEL  
AND  
HYDROSTATIC TEST LABEL~~

<input type="checkbox"/> 6 YR. MAINT		<input type="checkbox"/> HYDRO TEST									
Name of Company											
ADDRESS											
YEAR	1994		1995		1996		1997		1998		1999
MONTH	1	2	3	4	5	6	7	8	9	10	11 12
TESTED TO:	1	2	3	4	5	6	7	8	9	0	
(P.S.I.)	1	2	3	4	5	6	7	8	9	0	
	1	2	3	4	5	6	7	8	9	0	

~~Shown Actual Size---~~

~~INTERNAL MAINTENANCE LABEL~~

~~Use Proper Size Ring for Extinguisher---~~



# **ARKANSAS FIRE PROTECTION LICENSING BOARD**

## **RULES FOR PORTABLE/FIXED SYSTEMS**

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

1.1. PURPOSE. The purpose of these rules is to regulate persons engaged in the business of selling, installing, and servicing portable fire extinguishers or fixed fire protection systems and to provide for the registration and licensure of businesses and persons providing these services, in order to protect and promote public safety by minimizing personal injury and property damages which might result from inadequate, unreliable, unsafe or improperly installed or maintained portable fire extinguishers and fixed fire protection systems.

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

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

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

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

### **SECTION 2. DEFINITIONS.**

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

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

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

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

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

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

- A. Fire extinguishing or fire suppression systems installed to protect the hoods and ductwork of exhaust systems designed for the removal of smoke and grease-laden vapors from commercial cooking equipment; and
- B. Listed or approved fire protection systems or suppression systems installed and maintained according to the standards adopted in the rules of the Arkansas Fire Protection Licensing Board.

2.7. Hydrostatic Testing – pressure testing by hydrostatic methods.

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

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

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

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

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

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

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

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

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

2.17. Standards – nationally recognized standards adopted herein.

### **SECTION 3. STANDARDS**

3.1. The Board adopts the current edition of the Arkansas Fire Prevention Code in its entirety, along with the reference standards noted in the reference section.

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

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

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

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

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

## **SECTION 4. REGISTRATION AND LICENSING**

- 4.1. A licensee shall not knowingly mischaracterize a competitor's product.
- 4.2. The falsification of a certification of registration, license or permit renders the document invalid and is grounds for administrative action pursuant to A.C.A. §§ 20-22-601 et seq.
- 4.3. A firm cannot be certified for types of systems without a licensed individual(s) employed by the firm who is trained and licensed for the same type(s) as the firm. A person holding a valid license shall not be authorized to perform any act unless employed by a certified firm.
- 4.4. Certified firms shall be held responsible for the acts of their agents and employees for purposes of these rules, including the taking of administrative action by the Board.
- 4.5. A certificate of registration or license may be denied, suspended, revoked, non-renewed, or otherwise penalized if, after notice and public hearing, the Board finds that a licensee or applicant has violated any of the provisions of Ark. Code Ann. § 20-22-601 et seq. or these rules.
- 4.6. A certificate of registration issued pursuant to these rules shall not be transferred from one firm to another. A license issued pursuant to these rules shall not be transferred from one individual to another.
- 4.7. A certificate of registration or license does not authorize a licensee to enforce these rules or enter any building or property without the owner's permission.
- 4.8. Licensees shall not permit the use of their license by other persons or firms.
- 4.9. A. A licensed individual must be an employee of a certified firm and shall only work for one certified firm at a time.
  - B. A licensed individual may perform only those acts authorized by the firm's certificate of registration.
  - C. A licensee may perform only those acts authorized by his license.
  - D. A certified firm may agree to perform work that the firm is not certified to perform if the firm subcontracts the work to a firm certified by this Board to perform the necessary work.
- 4.10. For a fee, the Board may issue a duplicate certificate of registration, license, or permit to replace one previously issued if the licensee submits to the Board a written statement attesting to the fact that the certificate, license, or permit has been lost or destroyed.

#### 4.11. Firm Certificate of Registration:

A. The Board issues firm certificates of registration for the following systems:

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

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

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

- i. The required fees must be submitted with the application.
- ii. If the applicant is a business entity, the application must be accompanied by evidence of registration with the Arkansas Secretary of State.
- iii. The application must include an individual application for each employee who is required to be licensed.
- iv. The application must include a sample (not a copy) of the firm’s service tag, red tag, and verification of service collar. If changes are made to the design of the service tag or red tag, a sample of the new revised tag must be forwarded to the Board office. A sample of the current service tag and current red tag must be on file with the Board at all times.
- v. The application must include a copy of the firm’s liability insurance declarations page that meets the requirements of A.C.A. § 20-22-611. Each certified firm shall maintain in force and on file in the Board’s office the proof of insurance as required. Failure to do so will be grounds for the emergency suspension of the firm’s certificate, pursuant to A.C.A. 25-15-211.
- vi. The firm shall either be certified for Class A or Class B hydrostatic testing or supply a letter from a firm certified by this Board asserting it will perform the

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

a. A firm can only be licensed for Class A provided they have been approved and assigned a number by DOT. A copy of the DOT letter must accompany the application.

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

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

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

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

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

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

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



- i. If the firm's name changes as a result of the change in ownership, the firm must submit with the application all documentation described in Section 4.12.C. Upon approval, the Board will issue a new certificate of registration to the firm and new individual licenses to the licensed employees that reflect the firm's new name.
- ii. If the firm's name does not change, the firm must submit all documentation described in Section 4.12.C. except for the individual license applications in 4.12.C.iii. Upon approval, the board will issue a new certificate of registration to the firm and the individual licensees may continue to operate under their existing licenses.

#### 4.12. Individual License:

A. The Board issues individual licenses for the following types of portable and fixed systems:

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

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

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

#### D. Examinations

- i. An applicant must submit his application prior to testing.
- ii. Examinations shall be given at least once per month at a place to be determined by the Board. Individuals should contact the Board to schedule testing.
- iii. An applicant must pass two open-book examinations, which are:
  - a. An examination applicable to the system the applicant wants to be licensed for. This examination will be based on NFPA standards and is described on the Board's website.

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

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

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

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

#### H. Apprentice Permit.

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

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

#### I. Reciprocity

- i. Required Qualifications. An applicant applying for reciprocal licensure shall meet the following requirements:
  - a. The applicant shall hold in good standing in another U.S. jurisdiction a license that is substantially similar to the type of license for which the individual is applying in Arkansas;
  - b. The applicant shall hold his or her occupational licensure in good standing;
  - c. The applicant shall not have had a license revoked for:

- (1) An act of bad faith; or
- (2) A violation of law, rule, or ethics;

d. The applicant shall not hold a suspended or probationary license in a U.S. jurisdiction;

e. The applicant shall be sufficiently competent in the field of portable fire extinguishers and/or fixed fire protection systems.

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

a. As evidence that the applicant's license from another jurisdiction is in good standing and is substantially similar to Arkansas's, the applicant shall submit evidence of current and active licensure in that state. The Board may verify this information online or by telephone.

b. To demonstrate that the applicant has not had a license revoked for bad faith or a violation of law, rule, or ethics, as required by subsection 4.12.I.i.c., and that the applicant does not hold a license on suspended or probationary status, as required by subsection 4.12.I.i.d. the applicant shall provide the Board with:

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

c. As evidence that the applicant is sufficiently competent in the field of portable fire extinguishers and/or fixed fire protection systems, the applicant shall pass the Arkansas state examination.

iii. Temporary and Provisional License

a. The Board's Director shall issue a temporary license immediately upon receipt of the required fee and the documentation required to show that the applicant has a license from another jurisdiction that is in good standing and is substantially similar to the Arkansas license for which the applicant is applying.

b. An applicant shall submit a completed the application with all required remaining documentation in order to receive a license.

c. The temporary license shall be effective for 90 days or until the Board makes a decision on the application, whichever occurs first.

J. Applicants from States that Do Not License Profession

i. Required Qualifications. An applicant from a state that does not license the fire protection sprinkler system field shall be sufficiently competent in the field of portable fire extinguishers and/or fixed fire protection.

ii. Required documentation.

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

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

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

(2) Pass the Arkansas state examination.

**SECTION 5. FEE SCHEDULE AND RENEWALS**

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

5.2. Fees shall be as follows:

Initial Firm Certificate of Registration:

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

Firm Certificate of Registration Renewal:

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

Individual Licensing (includes first exam):

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

Renewal Individual License:

Portable	\$ 30.00
Fixed	\$ 30.00

Class A	\$ 15.00
Class B	\$ 10.00

Other fees:

Exam Re-Take Fee	\$ 25.00
Transfer/Change/Duplicate	\$ 25.00
Branch office	\$ 25.00
Apprentice Permit	\$ 15.00

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

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

5.5. A certificate or license expired for two (2) years or more cannot be renewed. A person whose license has been expired for two years or more and who applies for a new license must take and pass another examination(s), unless otherwise specified herein. No examination is required for a license renewed within two years of expiration.

5.6. A certificate or license expired for less than two (2) years may be renewed by payment of a fee calculated in accordance with the following schedule:

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

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

## **SECTION 6: PROCEDURES**

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

#### 6.1. Monthly inspection:

- A. The licensee shall determine that the fire extinguisher is in its designated place and that there are no obstructions to its accessibility.
- B. The licensee shall determine that the fire extinguisher has not been actuated or tampered with.
- C. The licensee shall determine that there is no obvious physical damage, clogged or obstructed hose or nozzle, or other condition that could prevent the proper operation of the fire extinguisher.
- D. The licensee shall determine that the pressure gauge or indicator is in the operable range or position. Operate push-to-test indicator on non-rechargeable fire extinguishers.
- E. The licensee shall determine the fullness of self-expelling, cartridge-operated and pump tank fire extinguishers by weighing or hefting..
- F. The licensee shall determine the condition of the tires, wheels, carriage, hose and nozzle on wheeled-type fire extinguishers.
- G. The licensee shall initial in ink and date the monthly service tag.

#### 6.2. Annual Maintenance:

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

- A. The licensee shall perform the monthly inspections steps described in 6.1.A. through G.
- B. The licensee must remove the tamper seal of a rechargeable fire extinguisher by operating the pull pin or locking device and installing a new tamper seal.
- C. The licensee must complete, punch out the applicable areas, initial in ink, and install a new service tag on the fire extinguisher.

#### 6.3. Six-Year Maintenance.

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

### **SECTION 7. REQUIREMENTS FOR SERVICE TAGS**

#### 7.1. General Requirements.

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

A. Tags shall be no more than 5 ½ inches in height and no less than 5 ¼ inches in width. Service tags shall be any color EXCEPT RED.

B. One service tag shall be attached to each portable fire extinguisher in such a position as to be conveniently inspected, but not to hamper the operation or removal of the extinguisher from the bracket. One service tag shall be attached to each fixed fire protection system in such a position to be conveniently inspected, but not to hamper the operation of the system.

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

D. Service tags shall bear the following information.

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

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

F. The date of service and type of service performed must be indicated by a perforation such as a hand punch on the appropriate section of the tag.

G. No person shall remove the service tag except when further service is performed. No person or persons shall deface, modify or alter any required service tag attached to any portable fire extinguisher or fixed fire protection system.

## 7.2. Requirements for Red Tags

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

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

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

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

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

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

E. Red tags shall bear the following information:

- i. Name and address of the servicing firm;
- ii. Certificate of registration number of the servicing firm;
- iii. A section to clearly label “Impaired” or “Condemned”;
- iv. Name and address of the owner of the fixed fire protection system or portable fire extinguisher;
- v. Date of service;
- vi. License number and initials or name of the licensee “impairing” or “condemning” the unit. Name or initials must be handwritten in ink at the time of service;
- vii. A printed statement **‘DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL’** in bold print type with font size not less than 16; and
- viii. A statement explaining to why the unit is impaired or condemned.



F. If the system was impaired and the impairing condition(s) is corrected, the red tag may be removed by:

- i. A member of the State Fire Marshal's office;
- ii. Local fire marshal;
- iii. Authorized and licensed employee of a certified firm; or
- iv. Members of the Arkansas Fire Protection Licensing Board.

### 7.3. Verification of Service Collar

A. A portable fire extinguisher that has undergone internal examination or has been recharged shall have a "Verification of Service" collar located around the neck of the container.

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

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

C. The collar shall be made of a durable rigid polymer material. Collars made of high-density polyethylene or other non-rigid materials shall not be acceptable or approved. The smallest applicable collar size shall be installed on the neck of each extinguisher. The collar shall contain a single circular piece of uninterrupted material forming a hole of a size that will not permit the collar assembly to move over the neck of the container unless the valve is completely removed. The collar shall not interfere with the operation of fire extinguisher.

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

7.4. Recharge Record Keeping. Each fire extinguisher shall have a tag or label (six year maintenance or hydrostatic test) securely attached indicating the month and year recharging was performed and that identifies the person performing the service. In accordance with NFPA 10 and Section 7.3 above, a verification of service (maintenance or re-charging) collar shall also be attached to the extinguisher.

## **SECTION 8. BOARD MEETINGS**

8.1. The Arkansas Fire Protection Licensing Board will conduct at least four (4) regular meetings per year. Special meetings of the Board may be called at any time by a majority of the Board or at the discretion of the Chairman of the Board.

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

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

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

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

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

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

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

8.9. Alternate Proceedings.

A. If the Board or the Board's designated committee determines that the violations, if proved, would not warrant license suspension, revocation or a fine greater than one thousand (\$1,000.00) dollars, the committee may recommend the complaint be handled in a summary manner. The decision will be referred to the Board Chairman for acceptance or rejection.

B. If the Board Chairman approves the use of alternate proceedings, the respondent will be notified that he has violated the Board's law and that the Board proposes a fine of one thousand (\$1,000.00) dollars or less. The notice will further inform the respondent that he has a right to reject the proposed fine and have a full evidentiary hearing.

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

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

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

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

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