

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
95th General Assembly
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A Bill

HOUSE BILL 1425

By: Representative L. Johnson

By: Senator K. Hammer

For An Act To Be Entitled

AN ACT TO ABOLISH THE ARKANSAS FIRE PROTECTION
LICENSING BOARD; TO AMEND THE LAW CONCERNING THE
DUTIES OF THE ARKANSAS FIRE PROTECTION SERVICES
BOARD; AND FOR OTHER PURPOSES.

Subtitle

TO ABOLISH THE ARKANSAS FIRE PROTECTION
LICENSING BOARD; AND TO AMEND THE LAW
CONCERNING THE DUTIES OF THE ARKANSAS
FIRE PROTECTION SERVICES BOARD.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Abolition of the Arkansas Fire Protection
Licensing Board.

(a) The Arkansas Fire Protection Licensing Board is abolished, and its
authority, duties, functions, records, contracts, personnel, property, and
unexpended balances of appropriations, allocations, and other funds,
including without limitation the functions of budgeting or purchasing, are
transferred to the Arkansas Fire Protection Services Board.

(b) The Arkansas Fire Protection Licensing Board's statutory powers,
duties, and functions, including without limitation the functions of
budgeting or purchasing, records, contracts, personnel, property, and
unexpended balances of appropriations, allocations, and other funds are
transferred to the Arkansas Fire Protection Services Board.

(c)(1) The abolishment of the Arkansas Fire Protection Licensing Board
does not affect the orders, rules, directives, registration, licensing, or



standards made or promulgated by the Arkansas Fire Protection Licensing Board before the effective date of this act.

(2) The orders, rules, directives, registration, licensing, or standards of the Arkansas Fire Protection Licensing Board shall continue to be in effect until they are amended or repealed under authority given by law.

SECTION 2. Arkansas Code § 17-40-103(a)(13), concerning exemptions for private investigators and private security agencies, is amended to read as follows:

(13) Installation of fixed fire extinguisher systems by persons licensed by the ~~Arkansas Fire Protection Licensing Board~~ Arkansas Fire Protection Services Board;

SECTION 3. Arkansas Code § 19-5-1242(c), concerning the creation of the Fire Protection Licensing Fund, is amended to read as follows:

(c) The fund shall be used for the maintenance, operation, and improvement as required by the ~~Arkansas Fire Protection Licensing Board~~ Arkansas Fire Protection Services Board in carrying out the powers, functions, and duties as set out in § 20-22-601 et seq.

SECTION 4. Arkansas Code § 20-22-602(1), concerning the definition of "apprentice" as it relates to monitoring the sale, installation, and servicing of fire extinguishers, is amended to read as follows:

(1) "Apprentice" means a qualified person:

(A) Enrolled as required in an apprenticeship program recognized by the ~~Arkansas Fire Protection Licensing Board~~ Arkansas Fire Protection Services Board; and

(B) Who may perform work entitled by the licensee under the direct supervision of a licensed employee;

SECTION 5. Arkansas Code § 20-22-602(6), concerning the definition of "fixed fire protection systems" as it relates to monitoring the sale, installation, and servicing of fire extinguishers, is amended to read as follows:

(6) "Fixed fire protection systems" means 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~~ Arkansas Fire Protection Services Board;

SECTION 6. Arkansas Code § 20-22-603(5)(B), concerning exceptions to monitoring the sale, installation, and servicing of fire extinguishers, is amended to read as follows:

(B) All work is performed according to the standards adopted and the rules of the ~~Arkansas Fire Protection Licensing Board~~ Arkansas Fire Protection Services Board and the National Fire Protection Association pamphlet number ten (No. 10): Standard for Portable Fire Extinguishers;

SECTION 7. Arkansas Code § 20-22-604(a), concerning penalties for violations of law regarding monitoring the sale, installation, and servicing of fire extinguishers, is amended to read as follows:

(a) The ~~Arkansas Fire Protection Licensing Board~~ Arkansas Fire Protection Services Board, in a lawful proceeding respecting licensing as defined in the Arkansas Administrative Procedure Act, § 25-15-201 et seq., in addition to or in lieu of any other lawful disciplinary action, may assess a civil penalty of not more than one thousand dollars (\$1,000) for each violation of any statute, rule, or order enforceable by the board.

SECTION 8. Arkansas Code § 20-22-605(a), concerning reports and investigations of fire extinguishers, is amended to read as follows:

(a) The Division of Occupational and Professional Licensing Boards and Commissions and other state and local agencies and officers may cooperate with and assist the ~~Arkansas Fire Protection Licensing Board~~ Arkansas Fire Protection Services Board in administering and enforcing this subchapter by reporting to the board any violations of this subchapter or any failure to comply with this subchapter or the policies adopted by the board pursuant to

the authority granted in this subchapter.

SECTION 9. Arkansas Code § 20-22-606 is repealed.

~~20-22-606. Arkansas Fire Protection Licensing Board — Creation — Members.~~

~~(a)(1) There is created the Arkansas Fire Protection Licensing Board, which shall be composed of eleven (11) members who are residents of the state and who shall be appointed by the Governor for terms of five (5) years. The eleven (11) members shall be constituted as follows:~~

~~(A) One (1) member shall be an industrial safety representative;~~

~~(B) One (1) member shall be the State Fire Marshal;~~

~~(C) One (1) member shall be a representative of a state association of fire chiefs;~~

~~(D) One (1) member shall be a representative of the fire insurance industry;~~

~~(E) Two (2) members shall be representatives of large industrial users of fire suppression equipment;~~

~~(F) One (1) member shall be a representative of a restaurant association;~~

~~(G) Two (2) members shall be active in the installation and servicing of portable fire extinguishers or fixed fire protection systems; and~~

~~(H) Two (2) members shall be active in the installation and servicing of fire protection sprinkler systems.~~

~~(2) Each of the four (4) congressional districts in the state shall be represented by at least one (1) member.~~

~~(3) Each of the members shall be experienced and knowledgeable in one (1) or more of the following areas:~~

~~(A) The installation or servicing of:~~

~~(i) Portable fire extinguishers;~~

~~(ii) Fixed fire protection systems; and~~

~~(iii) Fire protection sprinkler systems;~~

~~(B) The manufacturing of fire suppression equipment;~~

~~(C) The fire insurance industry;~~

~~(D) The use of fire suppression equipment by the food~~

~~service industry; or~~

~~(E) The provision of fire suppression services by a fire department.~~

~~(b) Each member may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.~~

~~(c)(1) The board may expend moneys as necessary to reimburse the Department of Labor and Licensing for stationery, office supplies, application forms, equipment, and other materials necessary for the board to carry out its duties.~~

~~(2) The expense reimbursement and stipends authorized by § 25-16-901 et seq. and the expense for necessary office supplies, forms, equipment, and other necessary materials shall be paid from the fees and fines collected by the board.~~

~~(d)(1) The board shall employ an executive director, chief board investigator, and other staff as necessary whose compensation shall be set by the board.~~

~~(2) The staff shall be paid from fees and fines collected by the board.~~

SECTION 10. Arkansas Code §§ 20-22-607 and 20-22-608 are amended to read as follows:

20-22-607. ~~Arkansas Fire Protection Licensing Board~~ Arkansas Fire Protection Services Board - Powers and duties.

The ~~Arkansas Fire Protection Licensing Board~~ Arkansas Fire Protection Services Board shall:

(1) Formulate and administer policies as may be determined necessary for the protection and preservation of life and property in regard to:

(A) The registration of firms engaging in the business of installing, inspecting, or servicing portable fire extinguishers and of firms engaging or in the business of installing, inspecting, and servicing fixed fire protection systems;

(B) The registration of firms engaging in the business of hydrostatic testing of portable fire extinguishers. However, no person or firm shall be granted a Class A hydrostatic testing certificate until the applicant submits proof satisfactory to the board that the test equipment of

the applicant has been tested and certified by the United States Department of Transportation;

(C) The examination and licensure of persons applying for a license to install, inspect, or service portable fire extinguishers and of a person applying for a license to install, inspect, or service fixed fire protection systems;

(D) The registration of firms engaging in the business of selling, system layout, installing, servicing, inspecting, or any aspect of fire protection sprinkler systems, including standpipe, fire pumps, and hose systems;

(E) The examination and licensure of a person applying for a license as a responsible managing employee for the purpose of fire protection sprinkler system business, including designing, inspecting, installing, system layout, or servicing fire protection sprinkler systems, including standpipe, fire pumps, and hose systems;

(F) The examination and licensure of a person applying for a license as a fire protection sprinkler systems inspector for the purpose of servicing or inspecting fire protection sprinkler systems, including standpipe, fire pumps, and hose systems; and

(G) The examination and licensure of a person applying for a license as a fire protection sprinkler system sprinkler fitter or apprentice for the purpose of installing, servicing, or placing fire protection sprinkler systems in service, including without limitation standpipe, fire pumps, and hose systems;

(2) Establish reasonable qualifications for firms and individuals for the issuance of a certificate of registration or individual license to engage in any aspect of the business of portable fire extinguishers, fixed fire protection systems, or fire protection sprinkler systems;

(3) Conduct examinations to ascertain the qualifications and fitness of individual applicants to install or service portable fire extinguishers, install or service fixed fire protection systems, or install, service, inspect, or design fire protection sprinkler systems;

(4) Issue certificates of registration for those firms that qualify and individual licenses and permits to individuals that qualify to engage in the business and activity of installing and servicing portable fire

extinguishers, installing and servicing fixed fire protection systems, and designing, installing, inspecting, or servicing fire protection sprinkler systems and issue licenses or permits to those firms and individuals qualifying to perform hydrostatic testing of fire extinguisher cylinders;

(5) Evaluate the qualifications of firms seeking approval as testing laboratories for portable fire extinguishers; and

(6)(A) Regulate and license as a part of a fire protection sprinkler system the installation, service, and maintenance of a standpipe and hose system as defined under the National Fire Protection Association pamphlet number fourteen (No. 14): Standard for the Installation of Standpipe and Hose Systems.

(B)(i) The installation, service, and maintenance of a standpipe and hose system shall be performed by a licensed fire protection sprinkler contractor. A licensed fire protection sprinkler contractor is not required to perform hydrostatic testing of the standpipe hose, repair of the standpipe hose, or maintenance of the standpipe hose.

(ii) The standpipe and hose system shall be:

(a) Designed, installed, and tested in accordance with the standards adopted in the Rules and Regulations for Sprinkler Systems of the board and in accordance with the applicable National Fire Protection Association pamphlets; and

(b) Designed by an Arkansas-licensed responsible managing employee or a registered professional engineer licensed by the State of Arkansas.

20-22-608. State Fire Marshal – Powers and duties.

The State Fire Marshal shall advise and assist the ~~Arkansas Fire Protection Licensing Board~~ Arkansas Fire Protection Services Board in the adoption of policies and procedures for the:

(1) Effective monitoring of the sale, installation, and servicing of portable fire extinguishers;

(2) Sale, installation, and servicing of fixed fire protection systems;

(3) Design, installation, inspection, servicing, and maintenance of fire protection sprinkler systems, including standpipe and hose systems; and

(4) Registration and licensing of firms and individuals providing these goods and services.

SECTION 11. Arkansas Code § 20-22-609(8), concerning prohibited actions by a person in relation to fire extinguishers, is amended to read as follows:

(8) Engage in any business or activity licensed or permitted by the ~~Arkansas Fire Protection Licensing Board~~ Arkansas Fire Protection Services Board without maintaining in force at all times a public liability insurance policy, with minimum coverage limits as set by the board, covering the person's operations and completed operations.

SECTION 12. Arkansas Code § 20-22-610(a), concerning the license, permit, and certificate fees for fire extinguishers, is amended to read as follows:

(a) Applications for licenses, permits, and certificates provided for in this section shall be made under policies adopted by the ~~Arkansas Fire Protection Licensing Board~~ Arkansas Fire Protection Services Board and shall be submitted on forms prescribed by the board.

SECTION 13. Arkansas Code § 20-22-611(a), concerning the license, permit, and certificate qualifications for fire extinguishers, is amended to read as follows:

(a) For a license to install or service portable fire extinguishers, for a license to sell, install, or service fixed fire protection systems, or for a license to conduct any fire protection sprinkler system business, a person employed by a certified firm shall obtain a license issued by the ~~Arkansas Fire Protection Licensing Board~~ Arkansas Fire Protection Services Board after:

(1) Successful completion of the requirements for licensure under rules of the board; and

(2) Payment of fees established under rules of the board.

SECTION 14. Arkansas Code § 20-22-612 is amended to read as follows:

20-22-612. License, permit, or certificate – Previously engaged persons.

Notwithstanding the provisions of this subchapter, if any person or firm engaged in the business on January 1, 1977, of servicing portable fire extinguishers, installing or servicing fixed fire protection systems, or performing hydrostatic testing of fire extinguishers derived twenty-five percent (25%) or more of the personal or firm income from servicing portable fire extinguishers or installing or servicing fixed fire protection systems or hydrostatic testing of fire extinguishers during the 1976 calendar year, the person or firm shall be registered or issued a license to continue in the business upon payment of the annual registration or license fee prescribed in this subchapter for the particular type of business, if the applicant's qualifications meet those requirements established by the ~~Arkansas Fire Protection Licensing Board~~ Arkansas Fire Protection Services Board.

SECTION 15. Arkansas Code § 20-22-613(a), concerning limitation of actions for fire extinguishers, is amended to read as follows:

(a) No portable fire extinguisher or fixed fire protection system may be sold or installed in this state unless it carries a label of approval of a nationally recognized testing laboratory approved by the ~~Arkansas Fire Protection Licensing Board~~ Arkansas Fire Protection Services Board.

SECTION 16. Arkansas Code § 20-22-803, concerning membership of the Arkansas Fire Protection Services Board, is amended to add an additional subsection to read as follows:

(e)(1) A member who fails to attend regular meetings continuously for one (1) year may be removed from his or her position by a majority vote of the remaining members of the board.

(2) Upon removal of a member under subdivision (e)(1) of this section, the position is vacant and shall be filled as provided in subsection (c) of this section.

SECTION 17. Arkansas Code § 20-22-804(a), concerning the powers and duties of the Arkansas Fire Protection Services Board, is amended to add an additional subdivision to read as follows:

(20) Oversee administration of rules and registration concerning fire extinguishers as described in § 20-22-607.

SECTION 18. Arkansas Code § 20-22-804(c), concerning revocation of a firefighter's certification, is amended to read as follows:

(c)(1) The Arkansas Fire Protection Services Board may:

(A) ~~revoke~~ Revoke the certification of any firefighter who has been convicted of a felony under § 17-3-102; and

(B) Suspend the certification of a firefighter.

(2) Before the Arkansas Fire Protection Services Board revokes or suspends the certification of a firefighter under this subsection, the firefighter may request a hearing in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(3)(A) If Except as otherwise provided in subdivision (c)(3)(B) of this section, if the Arkansas Fire Protection Services Board revokes or suspends the firefighter's certification under this subsection, the firefighter may appeal the Arkansas Fire Protection Services Board's decision to the Pulaski County Circuit Court in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(B) If a hearing is not requested by the firefighter whose certification is under review for suspension, the decision of the Arkansas Fire Protection Services Board shall be final and is not eligible for appeal as described in subdivision (c)(3)(A) of this section.

(4) The Arkansas Fire Training Academy shall be the custodian of all records on the decertification of firefighters under this subsection.

SECTION 19. Arkansas Code § 25-16-903(22), concerning entities authorized a spending stipend, is repealed.

~~(22) Arkansas Fire Protection Licensing Board;~~

SECTION 20. Arkansas Code § 25-43-1102(a)(2), concerning state entities transferred to the Department of Labor and Licensing by a cabinet-level department transfer, is repealed.

~~(2) The Arkansas Fire Protection Licensing Board, created under § 20-22-606;~~