

**Title 20. Public Health and Welfare**

**Chapter XXXI. Arkansas Fire Protection Licensing Board, Department of Labor and Licensing**

**Subchapter A. Generally**

**Part 900. Portable/Fixed Systems Rules**

**Subpart 1. General Provisions**

**20 CAR § 900-101. Title.**

This part shall be known and may be cited as the "Portable/Fixed Systems Rules" and shall be administered by and through the Arkansas Fire Protection Licensing Board.

**Authority.** Arkansas Code § 20-22-607.

**20 CAR § 900-102. Purpose.**

The purpose of this part 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.

**Authority.** Arkansas Code § 20-22-607.

**20 CAR § 900-103. 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 Arkansas Code § 20-22-601 et seq.

**Authority.** Arkansas Code § 20-22-607.

**20 CAR § 900-104. Notice.**

Notice by the Arkansas Fire Protection Licensing Board as required by any provision of statute or of this part must be given by personal service or mail, postage prepaid, addressed to the person to be notified at his or her last known address of residence or business as it appears in the board's records.

**Authority.** Arkansas Code § 20-22-607.

**20 CAR § 900-105. Severability.**

(a) If any provision of this part 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 this part which can be given effect without the invalid provisions or application.

(b) To this end all provisions of this part are declared to be severable.

**Authority.** Arkansas Code § 20-22-607.

**20 CAR § 900-106. Definitions.**

As used in this part:

(1) "Apprentice" means a qualified person who:

(A) Is enrolled as required in an apprenticeship program recognized by the Arkansas Fire Protection Licensing Board; and

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

(2) "Authority Having Jurisdiction (AHJ)" means the organization, office, or individual responsible for:

(A) Enforcing the requirements of a code or standard; or

(B) Approving equipment, materials, an installation, or a procedure;

(3)(A) "Branch office" means an office that has a different location but the same name and tax identification number as the primary applicant.

(B) If a certified firm obtained a certificate of registration for a separate business location or locations or office or offices, on or before the effective date of this rule, the Arkansas Fire Protection Licensing Board will consider that separate business location or office to be a branch office as defined by this part;

(4) "Certificate" means the certificate of registration issued by the Arkansas Fire Protection Licensing 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;

(5) "Certified firm" means any business owned by an individual, partnership, corporation, or association holding a current certificate of registration issued by the Arkansas Fire Protection Licensing Board;

(6) "Fixed fire protection system" 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;

(7) "Hydrostatic testing" means pressure testing by hydrostatic methods;

(8) "License" means a written document issued by the Arkansas Fire Protection Licensing Board to an individual for the purpose of granting permission to such individual to perform any act for which the law requires a license;

(9)(A) "Licensee" means a specific:

(i) Individual to whom a license or permit has been issued by the Arkansas Fire Protection Licensing Board; or

(ii) Firm to which a certificate of registration has been issued by the Arkansas Fire Protection Licensing Board;

(10) "NFPA" means the National Fire Protection Association, Inc., a nationally

recognized standard-making organization;

(11) "Portable fire extinguisher" means any device that contains within it chemicals, fluids, powder, liquids, or gases for extinguishing fires;

(12) "Recharge" means 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;

(13) "Repair" means any work performed on or to any portable fire extinguisher or fixed fire protection system and not defined as:

- (A) Charging;
- (B) Recharging;
- (C) Hydrostatic testing; or
- (D) Inspecting;

(14) "Service tag" means a tag on a portable fire extinguisher or fixed fire protection system that serves as evidence that some action was performed by a licensee;

(15) "Test" means to subject any portable fire extinguisher or fixed fire protection system to any procedure necessary to ensure its proper operation or installation;

(16) "Service" means to physically install portable fire extinguisher or fixed fire protection systems by:

- (A) Charging;
- (B) Filling;
- (C) Maintaining;
- (D) Recharging;
- (E) Refilling;
- (F) Repairing;
- (G) Hanging;
- (H) Locating; or
- (I) Retesting, including hydrostatic testing; and

(17) "Standards" means nationally recognized standards adopted herein.

**Authority.** Arkansas Code § 20-22-607.

**20 CAR § 900-107. Standards.**

(a) The Arkansas Fire Protection Licensing Board adopts the current edition of the Arkansas Fire Prevention Code in its entirety, along with the reference standards noted in the reference section.

(b) All portable fire extinguishers and fixed fire protection systems installed or serviced in this state shall comply with:

- (1) Arkansas Code § 20-22-601 et seq.;
- (2) This part;
- (3) Manufacturers' specifications;
- (4) Local ordinances and requirements; and
- (5) The Arkansas Fire Prevention Code.

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

(d) No dry chemical restaurant fire systems may be serviced for any reason and must be red tagged.

(e) Non-UL 300 systems may not be serviced for any reason and must be red tagged.

(f) All dry chemical stored-pressure fire extinguishers manufactured prior to October 1984 shall be removed from service.

**Authority.** Arkansas Code § 20-22-607.

**Cross Reference.** The Arkansas Fire Prevention Code is codified at 12 CAR pt. 15.

## **Subpart 2. Registration and Licensing**

### **20 CAR § 900-201. Registration and licensing — Generally.**

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

(b) The falsification of a certification of registration, license, or permit renders the document invalid and is grounds for administrative action pursuant to Arkansas Code § 20-22-601 et seq.

(c)(1) A firm cannot be certified for types of systems without a licensed individual or individuals employed by the firm who are trained and licensed for the same type or types as the firm.

(2) A person holding a valid license shall not be authorized to perform any act unless employed by a certified firm.

(d) Certified firms shall be held responsible for the acts of their agents and employees for purposes of this part, including the taking of administrative action by the Arkansas Fire Protection Licensing Board.

(e) A certificate of registration or license may be denied, suspended, revoked, nonrenewed, or otherwise penalized if, after notice and public hearing, the board finds that a licensee or applicant has violated any of the provisions of Arkansas Code § 20-22-601 et seq., or this part.

(f)(1) A certificate of registration issued pursuant to this part shall not be transferred from one (1) firm to another.

(2) A license issued pursuant to this part shall not be transferred from one (1) individual to another.

(g) A certificate of registration or license does not authorize a licensee to enforce this part or enter any building or property without the owner's permission.

(h) Licensees shall not permit the use of their license by other persons or firms.

(i)(1) A licensed individual must be an employee of a certified firm and shall only work for one (1) certified firm at a time.

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

(3) A licensee may perform only those acts authorized by his or her license.

(4) 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.

(j) 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.

**Authority.** Arkansas Code § 20-22-607.

**20 CAR § 900-202. Firm certificate of registration.**

(a) The Arkansas Fire Protection Licensing Board issues firm certificates of registration for the following systems:

- (1) Portable fire extinguisher;
- (2) Fixed fire protection system;
- (3) Hydro Class A; and
- (4) Hydro Class B.

(b)(1) The board shall not issue a certificate of registration if the name of the firm might confuse the public.

(2) A firm that intends to apply for a certificate of registration should contact the board concerning the acceptability of the proposed firm name.

(c)(1) A firm that wants to apply for a certificate of registration must submit a written verified application to the board.

(2) The application must be completed in full on the board's form and submitted as follows:

- (A) The required fees must be submitted with the application;
- (B) If the applicant is a business entity, the application must be accompanied by evidence of registration with the Secretary of State;
- (C) The application must include:

(i) An individual application for each employee who is required to be licensed;

(ii)(a) A sample, not a copy, of the firm's:

(1) Service tag;

(2) Red tag; and

(3) Verification of service collar.

(b) 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.

(c) A sample of the current service tag and current red tag must be on file with the board at all times; and

(iii)(a) A copy of the firm's liability insurance declarations page that meets the requirements of Arkansas Code § 20-22-611.

(b) Each certified firm shall maintain in force and on file in the board's office the proof of insurance as required.

(c) Failure to do so will be grounds for the emergency suspension of the firm's certificate, pursuant to Arkansas Code § 25-15-211;

(D)(i) The firm shall either be:

(a) Certified for Class A or Class B hydrostatic testing; or

(b) Supply a letter from a firm certified by this board asserting it will perform the work for the firm.

(ii) As such, unless an applicant is applying for a Class B certificate, an application must include one (1) of the following:

(a)(1) A firm can only be licensed for Class A provided they have been approved and assigned a number by the Arkansas Department of Transportation.

(2) A copy of the department letter must accompany the application; or

(b)(1) 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.

(2) 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 twenty (20) days from the date of withdrawal or cancellation;

(E) 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; and

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

(3)(A) 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 or offices with the respective name and address specified on the certificate.

(B) A certified firm must pay a fee for each additional certificate of registration issued to a branch office.

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

(d)(1) 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.

(2) If necessary, the board will then issue a new certificate of registration and new individual license or licenses that reflect the new information.

**(e) Change in ownership.**

(1) The change of a firm's ownership invalidates the current certificate.

(2) 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.

(3)(A) 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 subdivision (c)(1)(C) of this section.

(B) Upon approval, the board will issue a new certificate of registration to

the firm and new individual licenses to the licensed employees that reflect the firm's new name.

(4)(A) If the firm's name does not change, the firm must submit all documentation described in subdivision (c)(1)(C) of this section except for the individual license applications in subdivision (c)(1)(C)(i) of this section.

(B) 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.

**Authority.** Arkansas Code § 20-22-607.

**20 CAR § 900-203. Individual license.**

(a) The Arkansas Fire Protection Licensing Board issues individual licenses for the following types of portable and fixed systems:

- (1) Portable fire extinguisher;
- (2) Fixed fire protection system, carbon dioxide systems;
- (3) Fixed fire protection system, wet/dry systems;
- (4) Fixed fire protection system, clean agent system;
- (5) Fixed fire protection system, halon systems;
- (6) Hydro Class A; and
- (7) Hydro Class B.

(b) To be licensed, an individual must:

- (1) Be employed by a certified firm;
- (2) Meet the requirements described in this part;
- (3) Submit the required fee and a fully completed licensing application using the board's form; and

(4) 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 Arkansas Department of Transportation approval letter.

**(d) Examinations.**

(1) An applicant must submit his or her application prior to testing.

(2)(A) Examinations shall be given at least once per month at a place to be determined by the board.

(B) Individuals should contact the board to schedule testing.

(3) An applicant must pass two (2) open-book examinations, which are:

(A)(i) An examination applicable to the system the applicant wants to be licensed for.

(ii) This examination will be based on NFPA standards and is described on the board's website; and

(B) An examination covering the board's statutes and rules.

(4)(A) A minimum grade of eighty percent (80%) is required to pass any examination.

(B) Applicants obtaining a minimum grade of eighty percent (80%) will be issued a license endorsed with the type of service qualified by the examination.

(5) An applicant who fails an examination may retake the examination after payment of an exam retake fee.

(e)(1) 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.

(2) The certified firm that employs the licensed individual shall post the license conspicuously on the premises of the firm's primary location.

(3) A licensee must keep his or her pocket license or permit on his or her person at all times while performing the work for which he or she is licensed.

(f)(1) An individual license may be transferred to a new certified firm by filing a transfer application with the required fees and documents.

(2) 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 fourteen (14) days.

**Authority.** Arkansas Code § 20-22-607.

**20 CAR § 900-204. Apprentice permit.**

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

(b)(1) The permit shall be valid for one (1) year from the date of issuance and shall not be renewed.

(2) An apprentice shall not continue to work as an apprentice after his or her permit expires.

(c) 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.

(d) All requirements applicable to licenses also apply to apprentice permits unless this part states otherwise.

**Authority.** Arkansas Code § 20-22-607.

**20 CAR § 900-205. Reciprocity.**

(a) **Required qualifications.** An applicant applying for reciprocal licensure shall meet the following requirements:

(1) The applicant shall hold in good standing in another United States jurisdiction a license that is substantially similar to the type of license for which the individual is applying in Arkansas;

(2) The applicant shall hold his or her occupational licensure in good standing;

(3) The applicant shall not have had a license revoked for:

(A) An act of bad faith; or

(B) A violation of:

(i) Law;

(ii) Rule; or

(iii) Ethics;

(4) The applicant shall not hold a suspended or probationary license in a

United States jurisdiction; and

(5) The applicant shall be sufficiently competent in the field of portable fire extinguishers or fixed fire protection systems.

**(b) Required documentation.**

(1) An applicant shall submit a fully executed application, the required fee, and the documentation described below.

(2)(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.

(B) The Arkansas Fire Protection Licensing Board may verify this information online or by telephone.

(3)(A) 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 subdivision (a)(3) of this section, and that the applicant does not hold a license on suspended or probationary status, as required by subdivision (a)(4) of this section, the applicant shall provide the board with:

(i) The names of all states in which the applicant is currently licensed or has been previously licensed; and

(ii) 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:

(a) Has not had his or her license revoked for the reasons listed in subdivision (a)(3) of this section; and

(b) Does not hold a license on suspended or probationary status as described in subdivision (a)(4) of this section.

(B) The board may verify this information online or by telephone.

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

**(c) Temporary and provisional license.**

(1) The executive director of the Arkansas Fire Protection Licensing Board shall

issue a temporary license immediately upon receipt of the:

(A) Required fee; and

(B) Documentation required to show that the applicant has a license from another jurisdiction that is:

(i) In good standing; and

(ii) Substantially similar to the Arkansas license for which the applicant is applying.

(2) An applicant shall submit a completed application with all required remaining documentation in order to receive a license.

(3) The temporary license shall be effective for ninety (90) days or until the board makes a decision on the application, whichever occurs first.

**Authority.** Arkansas Code § 20-22-607.

**20 CAR § 900-206. Applicants from states that do not license profession.**

(a) **Required qualifications.** An applicant from a state that does not license the fire protection sprinkler system field shall be sufficiently competent in the field of portable fire extinguishers or fixed fire protection.

(b) **Required documentation.**

(1) An applicant shall submit:

(A) A fully executed application; and

(B) The required fee.

(2) As evidence that the applicant is sufficiently competent in the fire protection sprinkler system field, an applicant shall pass the:

(A) Applicable examination based on NFPA standards; and

(B) Arkansas state examination.

**Authority.** Arkansas Code § 20-22-607.

**20 CAR § 900-207. Expedited military licensure.**

(a) **Definitions.** As used in this section:

(1) "Uniformed service member" means an:

(A) Active or reserve component member of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, United States Space Force, or National Guard;

(B) Active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or

(C) Active or reserve component member of the United States Commissioned Corps of the Public Health Service; and

(2) "Uniformed service veteran" means a former member of the United States uniformed services discharged under conditions other than dishonorable.

(b) The Arkansas Fire Protection Licensing Board shall grant expedited licensure to an applicant who is:

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

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

(3) The spouse of a:

(A) Person under subdivision (b)(1) or (b)(2) of this section;

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

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

(c) The board shall grant such expedited licensure upon receipt of all of the below:

(1) Payment of the initial licensure fee;

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

(3) Evidence that the applicant is a qualified applicant under subsection (b) of this section; and

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

**(d) Military temporary license.**

(1) The executive director of the Arkansas Fire Protection Licensing Board shall issue a temporary license immediately upon receipt of the fee and the other documentation described in subdivisions (c)(1), (2), and (3) of this section.

(2) The temporary license shall be effective for ninety (90) days or until the applicant provides the document required in subdivision (c)(4) of this section showing the applicant has passed the required examinations.

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

**Authority.** Arkansas Code § 20-22-607.

**Subpart 3. Fee Schedule and Renewals**

**20 CAR § 900-301. Fee schedule.**

(a) Every fee required by Arkansas Code § 20-22-601 et seq., and this part shall be paid in accordance with instructions on the Arkansas Fire Protection Licensing Board's website.

(b) 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

**Authority.** Arkansas Code §§ 20-22-607, 20-22-611.

**20 CAR § 900-302. Renewals.**

(a)(1) Certificates of registration and licenses must be renewed annually before the expiration date of September 30.

(2) The required fees and documentation must be submitted along with each application for renewal.

(b) 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.

(c)(1) A certificate or license expired for two (2) years or more cannot be renewed.

(2) A person whose license has been expired for two (2) years or more and who applies for a new license must take and pass another examination or examinations, unless otherwise specified herein.

(3) No examination is required for a license renewed within two (2) years of expiration.

(d) 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:

(1) Expired one to ninety (1–90) days, renewal fee multiplied by one and one half (1.5);

(2) Expired ninety-one to three hundred sixty-five (91–365) days, renewal fee multiplied by two (2); and

(3) Expired three hundred sixty-six to seven hundred twenty-nine (366–729) days, renewal fee multiplied by three (3).

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

**Authority.** Arkansas Code §§ 20-22-607, 20-22-611.

**20 CAR § 900-303. Initial fee waiver for eligible applicants.**

(a) Pursuant to Acts 2021, No. 725, an applicant may receive a waiver of the initial licensure fee, if eligible.

(b) Eligible applicants are individuals who:

(1) Are receiving assistance through the:

- (A) Arkansas, or current state of residence equivalent, Medicaid Program;
  - (B) Supplemental Nutrition Assistance Program;
  - (C) Special Supplemental Nutrition Program for Women, Infants, and Children;
  - (D) Temporary Assistance for Needy Families Program; or
  - (E) Lifeline Assistance Program;
- (2) Were approved for unemployment within the last twelve (12) months; or
- (3) Have an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

(c) Applicants shall provide documentation showing their receipt of benefits from the appropriate state agency:

(1) For Medicaid, Supplemental Nutrition Assistance Program, Special Supplemental Nutrition Program for Women, Infants, and Children, Temporary Assistance for Needy Families Program, or Lifeline Assistance Program, documentation from the Department of Human Services or current state of residence equivalent agency;

(2) For unemployment benefits approval in the last twelve (12) months, the Division of Workforce Services or current state of residence equivalent agency; or

(3) For proof of income, copies of all Internal Revenue Service forms indicating applicant's total personal income for the most recent tax year, e.g., W2, 1099, etc.

(d) Applicants shall attest that the documentation provided under subsection (c) of this section is a true and correct copy and fraudulent or fraudulently obtained documentation shall be grounds for denial or revocation of license.

**Authority.** Arkansas Code § 20-22-607.

#### **Subpart 4. Procedures**

##### **20 CAR § 900-401. Procedures.**

(a) As a minimum standard, the following procedures shall be performed each time

that the designated type of service is performed.

(b) **Monthly inspection.** The licensee shall:

(1) Determine:

(A) That the fire extinguisher is in its designated place and that there are no obstructions to its accessibility;

(B) That the fire extinguisher has not been actuated or tampered with;

(C) 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)(i) That the pressure gauge or indicator is in the operable range or position.

(ii) Operate push-to-test indicator on nonrechargeable fire extinguishers;

(E) The fullness of self-expelling, cartridge-operated, and pump-tank fire extinguishers by weighing or hefting; and

(F) The condition of the tires, wheels, carriage, hose, and nozzle on wheeled-type fire extinguishers; and

(2) Initial in ink and date the monthly service tag.

(c) **Annual maintenance.**

(1)(A) Annual maintenance entails a thorough examination of the fire extinguisher to give maximum assurance that a fire extinguisher will operate effectively and safely.

(B) Annual maintenance includes a thorough examination for physical damage or any condition that could prevent its operation, along with any necessary repair or replacement.

(2) As a minimum standard, the following procedures shall be performed:

(A) The licensee shall perform the monthly inspections steps described in subsection (b) of this section;

(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; and

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

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

**Authority.** Arkansas Code § 20-22-607.

## **Subpart 5. Requirements for Service Tags**

### **20 CAR § 900-501. General requirements.**

(a) Every tag attached to a fire extinguisher or a fixed fire protection system serviced by a certified firm shall be a tag conforming to this part.

(b)(1) Tags shall be between five and one-fourth inches (5 1/4") and five and one-half inches (5 1/2") in height and two and five-eighths inches (2 5/8") in width.

(2) Service tags shall be any color except red.

(c)(1) One (1) 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.

(2) One (1) 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.

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

(e) Service tags shall bear the following information:

(1) Servicing firm's name;

(2) Address of servicing firm;

(3) Certificate of registration number;

(4) Type of service performed, see subsection (g) of this section;

- (6) Date service was performed, see subsection (g) of this section;
- (7) License number of the individual performing or supervising the service and services performed;
- (8) Apprentice permit number;
- (9) A printed statement "**DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL**" in bold type with a font size not less than sixteen (16); and
- (10)(A) Signature or initials of service person.
  - (B) Signature or initials must be handwritten in ink at the time of service.
- (f) A new service tag must be attached to a fire extinguisher or fixed fire protection system each time service is performed.
- (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.
- (h)(1) No person shall remove the service tag except when further service is performed.
  - (2) No person or persons shall deface, modify, or alter any required service tag attached to any portable fire extinguisher or fixed fire protection system.

**Authority.** Arkansas Code § 20-22-607.

**20 CAR § 900-502. Requirements for red tags.**

- (a) A red tag on a portable fire extinguisher or fixed fire protection system means that the extinguisher or system:
  - (1) Does not conform to the minimum standards; and
  - (2) Is not acceptable for use in the case of emergency operation.
- (b) Red tags shall be between five and one-fourth inches (5 1/4") and five and one-half inches (5 1/2") in height and two and five-eighths inches (2 5/8") in width.
- (c) Red tags shall be marked as "impaired" or "condemned" based on the following guidelines:
  - (1) 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; and

(2) 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)(1) 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 the State Fire Marshal's office shall be notified within twenty-four (24) hours, either by telephone or in writing.

(2) A copy of the inspection report and a copy of the completed tags shall be provided to the AHJ by mail, fax, e-mail, or in person within five (5) business days of the inspection.

(e) Red tags shall bear the following information:

(1) Name and address of the servicing firm;

(2) Certificate of registration number of the servicing firm;

(3) A section to clearly label "Impaired" or "Condemned";

(4) Name and address of the owner of the fixed fire protection system or portable fire extinguisher;

(5) Date of service;

(6)(A) License number and initials or name of the licensee "impairing" or "condemning" the unit.

(B) Name or initials must be handwritten in ink at the time of service;

(7) A printed statement "**DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL**" in bold print type with font size not less than sixteen (16); and

(8) A statement explaining why the unit is impaired or condemned.

(f) If the system was impaired and the impairing condition or conditions are corrected, the red tag may be removed by:

(1) A member of the State Fire Marshal's office;

(2) A local fire marshal;

(3) An authorized and licensed employee of a certified firm; or

(4) Members of the Arkansas Fire Protection Licensing Board.

**Authority.** Arkansas Code § 20-22-607.

**20 CAR § 900-503. 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:

(1) Cartridge or cylinder-operated fire extinguishers; and

(2) Extinguishers capable of or allowed to be recharged without removal of the valve assembly (CO2 or halon).

(c)(1) The collar shall be made of a durable rigid polymer material.

(2) Collars made of high-density polyethylene or other nonrigid materials shall not be acceptable or approved.

(3) The smallest applicable collar size shall be installed on the neck of each extinguisher.

(4) 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.

(5) The collar shall not interfere with the operation of the fire extinguisher.

(d) The verification of service collar shall include the month and year the service was performed, indicated by a hand-punch perforation.

**Authority.** Arkansas Code § 20-22-607.

**20 CAR § 900-504. Recharge record keeping.**

(a) 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.

(b) In accordance with NFPA 10 and 20 CAR § 900-503, a verification of service

(maintenance or recharging) collar shall also be attached to the extinguisher.

**Authority.** Arkansas Code § 20-22-607.

**Codification Notes.** NFPA 10 is the Standard for Portable Fire Extinguishers.

## **Subpart 6. Board Meetings — Complaints — Investigations**

### **20 CAR § 900-601. Board meetings.**

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

(b) Special meetings of the board may be called at any time:

- (1) By a majority of the board; or
- (2) At the discretion of the chair of the board.

(c)(1) The chair will preside at all meetings.

(2) The co-chair will preside in the chair's absence.

(d)(1) Any person desiring to appear before the board shall, at least fifteen (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.

(2) An estimate of time needed must be stated on the request.

(e) The board shall:

- (1) Arrange the order of business of all meetings of the board; and
- (2) 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.

(f)(1) The chair may establish such committees as shall be necessary to carry out the affairs and further the purposes of the board.

(2) The chair shall appoint the membership to all committees.

**Authority.** Arkansas Code § 20-22-607.

**20 CAR § 900-602. Complaints.**

(a) Complaints must be submitted to the Arkansas Fire Protection Licensing Board in written form.

(b) The board staff will date stamp the complaint, and a complaint number will be assigned when received in the board office.

**Authority.** Arkansas Code § 20-22-607.

**20 CAR § 900-603. Investigations — Hearings — Alternate proceedings.**

(a) The Arkansas Fire Protection Licensing Board may, on its own motion, initiate an investigation.

(b)(1) The board or a designated board committee will review the complaint and determine:

(A) Whether the allegations fall within the board’s jurisdiction; and

(B) Whether to proceed to investigate the allegations.

(2) 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.

**(c) Hearings.**

(1) If it is determined that there is a prima facie case, the board or a designated board committee will either:

(A) Issue a notice of hearing; or

(B) Invoke the alternate proceedings described in subsection (d) of this section.

(2) All hearings will be conducted in accordance with the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

**(d) Alternate proceedings.**

(1) 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 dollars (\$1,000), the committee may recommend the complaint be handled in a summary manner.

(2) The decision will be referred to the chair of the board for acceptance or rejection.

(3)(A) If the chair approves the use of alternate proceedings, the respondent will be notified that he or she has violated the board's law and that the board proposes a fine of one thousand dollars (\$1,000) or less.

(B) The notice will further inform the respondent that he or she has a right to reject the proposed fine and have a full evidentiary hearing.

**Authority.** Arkansas Code § 20-22-607.