

R710. Public Safety, Fire Marshal.

R710-7. Concerns Servicing Automatic Fire Suppression Systems.

R710-7-1. ~~[Adoption of Codes]~~ Purpose.

~~[Pursuant to Title 53, Chapter 7, Section 204, Utah Code Annotated 1953, the Utah State Fire Prevention Board adopts rules provide] The purpose of this rule is to establish [regulation to] regulations governing those concerns that service Automatic Fire Suppression Systems. These rules [do not] apply to [standpipe systems, deluge systems, or automatic fire sprinkler systems.] systems regulated by the state adopted editions of National Fire Protection Association, Standard 12, Standard on Carbon Dioxide Extinguishing Systems; N.F.P.A., Standard 12A, Halon 1301 Fire Extinguishing Systems, 2009 edition; N.F.P.A., Standard 12B, Halon 1211 Fire Extinguishing Systems, 1990 edition; N.F.P.A., Standard 17, Standard for Dry Chemical Extinguishing Systems; N.F.P.A., Standard 17A, Standard for Wet Chemical Extinguishing Systems; N.F.P.A., Standard 96, Ventilation Control and Fire Protection of Commercial Cooking Operations; N.F.P.A., Standard 2001, Clean Agent Fire Extinguishing Systems.~~

~~[There is adopted as part of these rules the following codes which are incorporated by reference:~~

~~—— 1.1 National Fire Protection Association, Standard 12, Standard on Carbon Dioxide Extinguishing Systems, 2008 edition; N.F.P.A., Standard 12A, Halon 1301 Fire Extinguishing Systems, 2004 edition; N.F.P.A., Standard 12B, Halon 1211 Fire Extinguishing Systems, 1990 edition; N.F.P.A., Standard 17, Standard for Dry Chemical Extinguishing Systems, 2002 edition; N.F.P.A., Standard 17A, Standard for Wet Chemical Extinguishing Systems, 2002 edition; N.F.P.A., Standard 96, Ventilation Control and Fire Protection of Commercial Cooking Operations, 2008 edition; N.F.P.A., Standard 2001, Clean Agent Fire Extinguishing Systems, 2008 edition. The definitions contained in these pamphlets shall pertain to these regulations.~~

~~—— 1.2 Validity~~

~~—— If any section, subsection, sentence, clause, or phrase, of these rules is, for any reason, held to be unconstitutional, contrary to statute, or exceeding the authority of the SFM, such decision shall not affect the validity of the remaining portion of these rules.~~

~~—— 1.3 Systems Prohibited~~

~~—— No person shall market, distribute, sell, install or service any automatic fire suppression system in this state, unless it meets the following:~~

~~—— 1.3.1 It complies with these rules.~~

~~—— 1.3.2 It has been tested by, and bears the label of a testing laboratory which is accepted by the SFM as qualified to test automatic fire suppression systems.~~

~~—— 1.3.3 All existing automatic fire suppression systems using dry~~

~~chemical shall be removed and replaced with a UL300 listed system by January 1, 2006 or before that date when any of the following occurs:~~

~~1.3.3.1 Six year internal maintenance service;~~

~~1.3.3.2 Recharge;~~

~~1.3.3.3 Hydrostatic test date as indicated on the manufacturer date of the cylinders;~~

~~1.3.3.4 Reconfiguration of the system piping.~~

~~1.3.4 All existing wet chemical automatic fire suppression systems not UL300 listed shall be removed, replaced or upgraded to a UL300 listed system by January 1, 2006 or before that date when any of the following occurs:~~

~~1.3.4.1 Six year internal maintenance service;~~

~~1.3.4.2 Recharge;~~

~~1.3.4.3 Hydrostatic test date as indicated on the manufacturer date of the cylinders;~~

~~1.3.4.4 Reconfiguration of the system piping.~~

~~1.4 Copies of the above listed codes are on file in the Office of Administrative Rules and the Office of the State Fire Marshal.]~~

R710-7-2. Authority.

This rule is authorized by Section 53-7-204.

R710-7-[2]3. Definitions.

~~[2.1]~~ (1) "Annual" means a period of one year or 365 days.

~~[2.2]~~ (2) "Board" means Utah Fire Prevention Board.

~~[2.3]~~ (3) "Branch Office" means any location, other than the primary business location, where business license, telephone, advertising and servicing equipment is utilized.

~~[2.4]~~ (4) "Certificates of Registration" means a written document issued by the SFM to any person for the purpose of granting permission to such person to perform any act or acts for which authorization is required.

~~[2.5]~~ (5) "Concern" means a person, firm, corporation, partnership, or association, licensed by the SFM.

~~[2.6]~~ (6) "Employee" means those persons who work for a licensed concern which may include but are not limited to assigned agents and others who work on a contractual basis with a licensee using service tags of the licensed concern.

~~[2.7]~~ (7) "Hydrostatic Test" means subjecting any cylinders requiring periodic pressure testing procedures specified in these rules.

~~[2.8]~~ (8) "Inspection Authority" means the local fire authority, or the SFM, and their authorized representatives.

~~[2.9]~~ (9) "License" means a written document issued by the SFM authorizing a concern to engage in the business of servicing automatic fire suppression systems.

~~[2.10]~~ (10) "N.F.P.A." means National Fire Protection Association.

~~[2.11]~~ (11) "Recognized Testing Laboratory" means a State Fire Marshal list of acceptable labs.

~~[2.12]~~ (12) "Service" means a complete inspection of an automatic fire suppression system to include maintenance, repair, modification, testing, or cleaning, as set forth in the adopted N.F.P.A. standards.

~~[2.13]~~ (13) "System" means an Automatic Fire Suppression System.

~~[2.14]~~ (14) "SFM" means Utah State Fire Marshal or authorized deputy.

~~[2.15] "UCA" means Utah State Code Annotated, 1953 as amended.]~~

R710-7-4. Adoption of Codes.

(1) The following standards are adopted as code:

(a) the National Fire Protection Association, N.F.P.A., Standard 12A, Halon 1301 Fire Extinguishing Systems, 2009 edition; N.F.P.A., Standard 12B, Halon 1211 Fire Extinguishing Systems, 1990 edition;

(b) all existing wet chemical automatic fire suppression systems not UL300 listed shall be removed, replaced or upgraded to a UL300 listed system; and

(c) no person shall market, distribute, sell, install or service any automatic fire suppression system in this state, unless it meets the following:

(A) it complies with these rules; and

(B) it has been tested by, and bears the label of a testing laboratory which is accepted by the SFM as qualified to test automatic fire suppression systems.

R710-7-[3]5. Licensing.

~~[3.1 License Required]~~

(1) No person or concern shall engage in the business of selling, installing, servicing, repairing, testing or modifying any automatic fire suppression system without obtaining a license from the SFM, pursuant to these rules, expressly authorizing such concern to perform such acts.

~~[3.2 Type of License]~~

~~[3.2.1]~~ (2) Every license shall be identified by type. The type of license shall be determined on the basis of the act or acts performed by the licensee or any of the employees. Every licensed concern shall be staffed by qualified personnel and shall be properly equipped to perform the act or acts for the type of license issued.

~~[3.2.2]~~ (3) Licenses shall be any one, or combination of the following:

~~[3.2.2.1]~~ (a) Class H1 - A licensed concern which is engaged in the installation, modification, service, or maintenance of engineered and/or pre-engineered automatic fire suppression systems.

~~[3.2.2.2]~~ (b) Class H2 - A licensed concern which is engaged in service and maintenance only of automatic fire suppression systems to include hydrostatic testing.

~~[3.3 Application]~~

~~[3.3.1]~~ (4) Application for a license to conduct business as an automatic fire suppression system concern~~[7]~~ shall be made in writing to the SFM on forms provided by the SFM.

(a) A separate application for license shall be made for each branch office, or separate place or business location of the applicant [~~(branch office)~~].

~~[3.3.2]~~ (b) The application for a license to conduct business as an automatic fire suppression system concern, shall be accompanied with proof of public liability insurance.

(i) The public liability insurance shall be issued by a public liability insurance carrier showing coverage of at least \$100,000 for each incident, and \$300,000 in total coverage.

(ii) The licensee shall notify the SFM within thirty days after the public liability insurance coverage required is no longer in effect for any reason.

~~[3.4 Signature of Applicant]~~

(c) The application shall be signed by the applicant.

(i) If the application is made by a partnership, it shall be signed by all partners.

(ii) If the application is made by a corporation or association other than a partnership, it shall be signed by a principal officer.

~~[3.5 Equipment Inspection]~~

(5) The applicant or licensee shall allow the SFM and any of his authorized deputies to enter, examine, and inspect any premises, building, room or vehicle used by the applicant in the service of automatic fire suppression systems to determine compliance with the provisions of these rules.

(a) The inspection will be conducted during normal business hours, and the owner or manager shall be given a minimum of 24-hours notice before the appointed inspection.

(b) The equipment inspection may be conducted on an annual basis, and consent to inspect will be obtained.

(c) The applicant, license holder or certified employee of the license holder, may be asked during the inspection by the SFM or any of his deputies, to demonstrate skills or knowledge used in servicing of automatic fire suppression systems.

~~[3.6 Issuance and Posting of License]~~

(6) Following receipt of the properly completed application, and compliance with the provisions of the statute and these rules, the SFM shall issue a license.

(a) Every license issued pursuant to the provisions of these rules shall be posted in a conspicuous place on the premises of the licensed concern.

~~[3.7 Original License and Inspection]~~

(7) Original licenses shall be valid for one year from the date of [~~application~~]issuance.

(a) Thereafter, each license shall be renewed annually and renewals shall be valid for one year from the previous date of expiration [issuance].

(b) No original license will be issued until the satisfactory completion of a materials, equipment and performance inspection by the SFM.

(c) In the event that a license is not renewed prior to the expiration date, the applicant shall be required to apply for an original license with a new license number.

~~[3.8 Renewal License and Inspection]~~

(8) Application for renewal shall be made as directed by the SFM.

(a) The failure to renew the license will cause the license and license number to become invalid.

(b) No renewal license will be issued until the satisfactory completion of a materials, equipment and performance inspection by the SFM. ~~[Beginning March 4, 2003 through February 29, 2004, renewal dates for licensed concerns will be based upon the inspection date and valid for a one-year period of time. Renewal license fees shall be prorated monthly, and monthly fees already paid in that time period shall be credited towards the renewal license fee.]~~

(c) A renewed license shall be valid for one year from the previous date of expiration.

~~[3.9 Duplicate License]~~

(9) A duplicate license may be issued by the SFM to replace any previously issued license, which has been lost or destroyed, upon request.

~~[3.10 Refusal to Renew]~~

(10) SFM may refuse to renew any license that is authorized, pursuant to Section 8 of these rules. The applicant will, upon such refusal, have the same rights as are granted by Section 8 of these rules to an applicant for an original license which has been denied by the SFM.

~~[3.11 Change of Address]~~

(11) Every licensee shall notify the SFM, in writing, within ~~[thirty~~ ~~(~~30~~)~~ ~~(~~30~~)~~ days, of any change of address or location of business.

~~[3.12 Under Another Name]~~

(12) No licensee shall conduct the licensed business under a name other than the name or names which appear[s] on the license.

~~[3.13 Hiring and Termination]~~

(13) Every licensed concern shall, within ~~[thirty~~ ~~(~~30~~)~~ ~~(~~30~~)~~ days of employment or termination of an employee or contracted agent, ~~[shall]~~ notify the SFM of the name, address, and certification number of that person.

~~[3.14 Minimum Age]~~

(14) No license shall be issued to any person as licensee who is under ~~[eighteen~~ ~~(~~18~~)~~ ~~(~~18~~)~~ years of age.

~~[3.15 Employer Responsibility]~~

(15) Every concern is responsible for the acts of its employees or assigned agents relating to installation and servicing of automatic fire suppression systems.

~~[3.16 Restrictive Use]~~

(16) No license shall constitute authorization for any licensee, or any of the employees or contracted agents, to enter upon, or into, any property, building, or machinery without the consent of the owner or manager.

(a) No license shall grant authorization to enforce the ~~[Uniform]~~ International Fire Code or these rules.

~~[3.17 Non-Transferable]~~

(17) No license issued pursuant to this section shall be transferred from one concern to another.

~~[3.18 Registration Number]~~

(18) Every license shall be identified by a number, delineated as H-~~[+]~~number~~[+]~~.

(a) Such number may only be transferred from one concern to another when approved by the SFM.

~~[3.19 Minimum Materials and Equipment Required]~~

~~At each business location or vehicle of the applicant where servicing work is performed t]~~

(19) The following minimum material and equipment requirements shall be maintained at each business location or vehicle of the applicant where servicing work is performed:

~~[3.19.1] (a) [C]alibrated scales with ability to:~~

~~[3.19.1.1] (i) [W]eigh gas cartridges to within 1/4 ounce of manufacturers specifications[-]; and~~

~~[3.19.1.2] (ii) [W]eigh cylinders accurately for systems being serviced[-];~~

~~[3.19.1.3] (b) manufacturers specifications for each system serviced;~~

~~[3.19.2] (c) [N]itrogen [P]ressure [F]illing [E]quipment;~~

~~[3.19.2.1] (i) [N]itrogen [S]upply;~~

~~[3.19.2.2] (ii) [P]ressure [R]egulator - 750 p.s.i. minimum; and~~

~~[3.19.2.3] (iii) [F]illing [A]dapters;~~

~~[3.19.3] (d) wet and [D]ry [C]hemical [S]ystems;~~

~~[3.19.3.1] (i) [E]xtinguishing agents, compatible with systems serviced;~~

~~[3.19.3.2] (ii) [F]usible links;~~

~~[3.19.3.3] (iii) [S]afety pins;~~

~~[3.19.3.4] (iv) [A]n assortment of gaskets and ["O"-R]o-rings compatible with systems serviced;~~

~~[3.19.3.5] (v) [G]as cartridges as required according to manufacture's specifications;~~

~~[3.19.3.6] (vi) [C]urrent reference manuals, to include manufacture's service manuals; and~~

[3.19.3.7] (vii) [E] cocking or [H] lockout [T] tool;
[3.19.4] (e) clean agent, [H] halon and CO2 [S] systems
[3.19.4.1] (i) [H] have access to, or meet the requirements for
a U.L. approved filling station[-];
[3.19.4.2] (ii) [H] have available in inventory, or have immediate
access to, detectors compatible with systems serviced[-];
[3.19.4.3] (iii) [E] calibration equipment such as electrical
testers and detector testers[-];
[3.19.4.4] (iv) [E] control panel components;
[3.19.4.5] (v) [R] release valves; and
[3.19.4.6] (vi) [E] current reference manuals.
(f) This list does not, however, include all items that may be
necessary in order to conduct a complete system installation,
modification or service.

~~[3.20—Records]~~

(20) Accurate records shall be maintained for five [~~+~~5] years
[~~back~~] by the licensee, of all service work performed.

(a) These records shall be made available to the SFM, or
authorized deputies, upon request.

(b) These records shall include the following:

[3.20.1] (a) [T] the name and address of all serviced locations;

[3.20.2] (b) [T] type of service performed; and

[3.20.3] (c) [D] date and name of person performing the work.

R710-7-[4]6. Certificates of Registration.

~~[4.1—Required Certificates of Registration]~~

(1) No person shall service any automatic fire suppression system
without a certificate of registration issued by the SFM pursuant to
these rules expressly authorizing such person to perform such acts.

~~[4.2—Application]~~

(2) Application for a certificate of registration to work on
automatic fire suppression systems shall be made in writing to the SFM
on forms provided by the SFM.

(a) The application shall be signed by the applicant.

(b) The concern license shall certify in writing to the SFM that
the applicant has been trained and is qualified to perform all work
authorized by the certificate of registration.

~~[4.3—Examination]~~

(3) The SFM shall require all applicants for a certificate of
registration to take and pass a written examination, which may be
supplemented by practical tests to determine the applicant's knowledge
to work on automatic fire suppression systems.

(a) Pictured identification of the applicant for a certificate
of registration may be requested by the SFM or his deputies.

(b) Examinations will be given according to the following
schedule [~~and requirements~~]:

[4.3.1] (i) [O] on the first and third Tuesdays of each month[-];

or

(ii) ~~[W]~~when holidays conflict with these days, the day immediately following will be used.

(c) An appointment will be made to take an examination at least 24 hours in advance of the examination date.

~~[4.3.2]~~ (d) Examinations may be given at various field locations as deemed necessary by the SFM. Appointments for field examinations are required.

~~[4.3.3]~~ (e) All certification examinations given are open book examinations.

(i) The applicant is allowed to use the statute, the administrative rule, and the NFPA standard that applies to the certification examination.

(ii) Any other materials to include cellular telephones, lap tops, iPads, iPods, note books or any other memory storage device are prohibited in the examination room.

~~[4.3.4]~~ (f) Completion of the certification examination will not be allowed if it appears to the test administrator that the applicant has not prepared to take the examination.

~~[4.3.5]~~ (g) Each certification examination taken has a time limit of two hours to completion.

(i) Leaving the office or testing location before the completion of the examination voids the examination and will require the examination to be retaken by the applicant.

~~[4.3.6]~~ (h) If there are different levels of proficiency in the subject matter, the lower proficiency level will be fully completed before the next higher proficiency will be administered.

~~[4.4 Examination — Passing Grade]~~

(4) To successfully pass the written examination, the applicant must obtain a minimum grade of ~~[seventy percent — (]70%[+)]~~ in each portion of the examination taken.

~~[4.5 Contents of Examination]~~

(5) The examination required shall include a written test of the applicant's knowledge of the work to be performed, the provisions of these rules, and may include an actual demonstration of his ability to perform the acts indicated on the application.

~~[4.6 Right to Contest]~~

(6) Every person who takes an examination for a certificate of registration shall have the right to contest the validity of individual questions of such examination.

(a) Every contention as to the validity of individual questions of the examination shall be made in writing within 48 hours after taking said examination.

(b) The decision of the SFM shall be final.

~~[4.7 Issuance]~~

(7) Following receipt of the completed application, compliance with the provisions of these rules, and the successful completion of

the required examination, the SFM shall issue a certificate of registration.

~~[4.8 Original and Renewal Valid Date]~~

(8) Original certificates of registration will be valid for one year from the date of application.

(a) Thereafter, each certificate of registration will be renewed annually and renewals will be valid for one year from ~~[issuance]~~the previous date of expiration.

(b) In the event that a certificate of registration is not renewed prior to the expiration date, the applicant shall be required to apply for an original certificate of registration with a new license number.

(c) The failure to renew a certificate of registration will cause the certificate of registration and the certificate of registration number to become invalid.

(d) The holder of an invalid certificate of registration shall not perform any work on automatic fire suppression systems.

~~[4.9 Renewal Date]~~

(9) Renewal is the responsibility of the holder of the Certificate of Registration.

(a) Application for renewal will be made as directed by the SFM. ~~[Beginning March 4, 2003 through February 29, 2004, renewal dates for certification of registrations will be based upon the license inspection date and valid for a one-year period of time. Renewal certificate of registrations shall be prorated monthly, and monthly fees already paid in that time period shall be credited towards the renewal fee.]~~

(b) A renewed certificate of registration shall be valid for one year from the previous date of expiration.

~~[4.10 Re-examination]~~

(10) Every holder of a valid certificate of registration will take a re-examination every five ~~[-5-]~~ years, from the date of original certificate, ~~[to comply with the provisions of Section 4.3 of these rules]~~ as follows:

~~[4.10.1.]~~ (a) ~~[F]the re-examination [to comply with the provisions of Section 4.3 of these rules]~~ shall consist of one ~~[25 question]~~ open book examination to be ~~[mailed to the certificate holder]~~ administered by the SFM at least 60 days before the renewal date~~[-.]~~;

~~[4.10.2]~~ (b) ~~[F]the [25 question]~~ re-examination will consist of questions that focus on changes in the last five years to the NFPA standards, the statute, and adopted practices of concerns noted by the ~~[B]board or SFM[-.]~~;

~~[4.10.3]~~ (c) ~~[F]the certificate holder is responsible to complete the re-examination[and return it to the SFM]~~ prior to expiration and in sufficient time to renew[-.]; and

~~[4.10.4]~~ (d) ~~[F]the certificate holder is responsible to return to the SFM the correct renewal fees to complete that certificate~~

renewal.

~~[4.11 Refusal to Renew]~~

(11) The SFM may refuse to renew any certificate of registration for the reasons that ~~is~~ are authorized pursuant to Section ~~[8 of these rules]~~ R710-7-9.

(a) The applicant will, upon such refusal, have the same rights as are granted by Section ~~[8 of these rules]~~ R710-7-9 to an applicant for an original certificate of registration which has been denied by the SFM.

~~[4.12 Inspection]~~

(12) The holder of a certificate of registration will submit such certificate for inspection, upon request of the SFM, any authorized deputies, or any local fire official.

~~[4.13 Change of Address]~~

(13) Any change of address of any holder of a certificate of registration will be reported by the registered person to the SFM within ~~[thirty ()30 ()]~~ days of such change.

(a) Such change will also be made by the holder of the certificate of registration on the reverse side of the certificate of registration card.

~~[4.14 Duplicate]~~

(14) A duplicate certificate of registration may be issued by the SFM to replace any previously issued certificate which has been lost or destroyed.

~~[4.15 Minimum Age]~~

(15) No certificate of registration shall be issued to any person who is under ~~[eighteen ()18 ()]~~ years of age.

~~[4.16] (16) Restrictive Use~~

~~[4.16.1] (a)~~ No certificate of registration will constitute authorization for any person to enter upon or into any property or building without expressed permission from an authorized individual.

~~[4.16.2] (b)~~ No certificate of registration will constitute authorization for any person to enforce any provisions of these rules or the ~~[Uniform]~~ International Fire Code.

~~[4.16.3] (c)~~ Regardless of the acts authorized to be performed by the licensed concern, only those acts for which the applicant for a certificate of registration has qualified will be permissible by such applicant.

~~[4.17 Non-Transferable]~~

(17) Certificates of registration will not be transferable.

(a) Individual certificates of registration will be carried by the person to whom issued.

~~[4.18 Limited Issuance]~~

(18) No certificate of registration will be issued to any person unless that person is a licensee or an employee of a licensed concern.

~~[4.19 New Employees]~~

(19) New employees of a licensed concern may perform the various

acts while under the direct supervision of a person holding a valid certificate of registration for a period not to exceed [~~forty five~~ 45] days from the initial date of employment.

~~[4.20 Certificate Identification]~~

(20) Every certificate will be identified by a number, delineated as HE-[~~(~~number~~)~~].

R710-7-57. Service Tags and Labels.

~~[5.1 Size and Color]~~

(1) Tags shall be not more than five and one-half inches [~~(5-1/2")~~] in height, nor less than four and one-half inches [~~(4-1/2")~~] in height, and not more than three inches [~~(3")~~] in width, nor less than two and one-half inches [~~(2-1/2")~~] in width. Tags may be any color except red.

~~[5.2 Attaching Tag]~~

(2) One service tag will be attached to each automatic fire suppression system in such a position as to be conveniently inspected.

~~[5.3 Signature and Certificate Number]~~

~~5.3.1~~ (3) The signature and certificate of registration number of the person performing the work shall be signed legibly on the service tag.

~~[5.3.2]~~ (a) All information pertaining to complete date, type of servicing, and type of system will be indicated on the tag by perforations in the appropriate space provided.

~~[5.4 New Tag]~~

(4) A new service tag will be attached to a properly functioning system each time service is performed.

(a) A system not in compliance shall not receive a service tag, but shall receive a non-compliance tag as required in Section [~~5.8~~] R710-7-7(9).

~~[5.5 Tag Warning]~~

(5) The following wording shall be placed at the top or reinforced ring end of every tag: "DO NOT REMOVE, BY ORDER OF THE STATE FIRE MARSHAL".

~~[5.6 Removal]~~

(6) No person shall deface, modify, alter or remove any active service label or tag attached to or required to be attached to any automatic fire suppression system.

~~[5.7 Service Tag Information]~~

(7) All service tags shall be designed as required by the SFM.

~~[5.8 Six Year Maintenance and Hydrostatic Test Labels]~~

~~5.8.1~~ (8) Six year maintenance and hydrostatic test labels will be affixed by a heatless process~~(-)~~; and

(a) ~~[F]~~the labels will be:

(i) applied only when the system is recharged or undergoes six year maintenance servicing or hydrostatic testing~~(-)~~;

~~5.8.2~~ (ii) [~~Six year maintenance and hydrostatic test labels~~

~~shall be] durable to withstand the effects of weather and adverse conditions[-]; and~~

~~[5.8.3] (iii) [Six year maintenance and hydrostatic test labels will be] designed as directed by the SFM. [~~shown below:~~~~

~~EXAMPLE OF SIX YEAR AND HYDROSTATIC TEST LABEL]~~

~~[5.9 Non-Compliance Tags]~~

~~[5.9.1] (9) Non-compliance tags:~~

~~(a) will be affixed in a conspicuous location to any system failing to:~~

~~(i) meet service specifications; or [~~and will be placed in a conspicuous location on that system..~~];~~

~~(ii) fully comply with manufacturers specifications or these rules;~~

~~[5.9.2] (b) [~~Non-compliance tags~~] shall be red in color[-];~~

~~(c) will be designed as required by the SFM; and~~

~~(d) shall remain in place until corrections are complete.~~

~~[5.9.3 A system shall receive a non-compliance tag, when the system fails to fully comply with manufactures specifications or these rules.~~

~~[5.9.4] (e) After placing the non-compliance tag on the system, the service person shall notify the local fire chief or his authorized representative.~~

~~(i) The service person shall also furnish a copy of the service report to the authority having jurisdiction.~~

~~[5.9.5 Non-compliance tags will be designed as required by the SFM.]~~

R710-7-[6]8. Requirements For All Approved Systems.

~~[6.1 Service]~~

~~[6.1.1] (1) Maintenance will be conducted on extinguishing systems at least every six months or immediately after use or activation.~~

~~[6.1.2] (a) When fusible links are a required portion of the system, fusible links will be replaced [~~yearly~~] semiannually or as required by the manufacturer of the system.~~

~~[6.1.3] (b) Fusible links will show the date when installed by year only.~~

~~[6.1.4] (c) Fusible links will not be used after February 1 of the next year showing a previous years date.~~

~~[6.2 Interchanging of Parts]~~

~~(2) Interchanging of parts from different manufactured systems is prohibited.~~

~~(a) Parts shall be specifically listed and compatible for use with the designed system.~~

~~[6.3 Return of parts]~~

~~(3) All replaced parts to the system serviced will be returned to the system owner or manager after completion of the service.~~

(a) Parts that are required to be returned to the manufacturer due to warranty are exempt.

~~[6.4 Restricted Service]~~

 (4) Any system requiring a hydrostatic test, will not be serviced until such system has been subjected to, and passed, the required test.

 (a) A non-compliance tag will not be accepted to meet the requirements of this section.

~~[6.5 Service]~~

 (5) At the time of installation, and during any service, all servicing will be done in accordance with the manufacturers instructions, adopted statutes, and these rules.

 (a) Systems will be placed and remain in an operable condition, free from defects which may cause malfunctions.

 (b) Discharge nozzles and piping will be free of obstructions or substances.

R710-7-[7]9. Adjudicative Proceedings.

~~[7.1]~~ (1) All adjudicative proceedings performed by the agency shall proceed informally as authorized by ~~[UCA]~~ Sections 63G-4-202 and 63G-4-203.

~~[7.2]~~ (2) The issuance, renewal, or continued validity of a license or certificate of registration may be denied, suspended, or revoked, if the SFM finds that the applicant, person employed for, or the person having authority and management of a concern servicing automatic fire suppression systems commits any of the following violations:

~~[7.2.1]~~ (a) ~~[F]~~the person or applicant is not the real person in interest[.];

~~[7.2.2]~~ (b) The person or applicant provides material misrepresentation or false statement on the application[.];

~~[7.2.3]~~ (c) ~~[F]~~the person or applicant refuses to allow inspection by the SFM, his duly authorized deputies[.];

~~[7.2.4]~~ (d) ~~[F]~~the person or applicant for a license or certificate of registration does not have the proper facilities and equipment, to conduct the operations for which application is made[.];

~~[7.2.5]~~ (e) ~~[F]~~the person or applicant for a certificate of registration does not possess the qualifications of skill or competence to conduct the operations for which application was made, as evidenced by failure to pass the examination and practical tests pursuant to Section ~~[4.2 of these rules.]~~ R710-7-6;

~~[7.2.6]~~ (f) ~~[F]~~the person or applicant has been convicted of one or more federal, state or local laws[.];

~~[7.2.7]~~ (g) ~~[F]~~the person or applicant has been convicted of a violation of the adopted rules or been found by a Board administrative proceeding to have violated the adopted rules[.];

~~[7.2.8]~~ (h) ~~[A]~~ny offense or finding of unlawful conduct, or there is or may be, a threat to the public's health or safety if the

applicant or person were granted a license or certificate of registration[.]; or

[7.2.9] (i) [F]t here are other factors upon which a reasonable and prudent person would rely to determine the suitability of the applicant or person to safely and competently engage in the practice of servicing fire suppression systems.

[7.3] (3) A person whose license or certificate of registration is suspended or revoked by the SFM shall have an opportunity for a hearing before the [B]board if requested by that person within 20 days after receiving notice.

[7.4] (4) All adjudicative proceedings, other than criminal prosecution, taken by the SFM to enforce the Utah Fire Prevention and Safety Act, and these rules, shall commence in accordance with [UCA~~7~~] Section 63G-4-201.

[7.5] (5) The [B]board shall act as the hearing authority, and shall convene after timely notice to all parties involved.

(a) The [B]board shall be the final authority on the suspension or revocation of a license or certificate of registration.

[7.6] (6) The [B]board shall direct the SFM to issue a signed order to the parties involved giving the decision of the [B]board within a reasonable time of the hearing pursuant to [UCA~~7~~] Section 63G-4-203.

[7.7] (7) Reconsideration of the [B]board decision may be requested in writing within 20 days of the date of the decision pursuant to [UCA~~7~~] Section 63G-4-302.

[7.8] (8) After a period of three years from the date of revocation, the [B]board shall review the submitted written application of a person whose license or certificate of registration has been revoked.

(a) After timely notice to all parties involved, the [B]board shall convene to review the revoked persons application, and that person shall be allowed to present themselves and their case before the [B]board.

(b) After the hearing, the [B]board shall direct the SFM to allow the person to complete the licensing or certification process or shall direct that the revocation be continued.

[7.9] (9) Judicial review of all final [B]board actions resulting from informal adjudicative proceedings is available pursuant to [UCA~~7~~] Section 63G-4-402.

R710-7-10. Validity.

If any section, subsection, sentence, clause, or phrase of these rules is for any reason held to be unconstitutional, contrary to statute, or exceeding the authority of the SFM, such decision shall not affect the validity of the remaining portion of these rules.

R710-7-[8]11. Fees.

~~[8.1 Fee Schedule. See State Fee Schedule~~

~~[8.1.1 Licenses (New and Renewals)~~

~~8.1.1.1 Type H1 (Marketing and Installation) . . . \$300.00~~

~~If the concern currently is licensed to service portable fire extinguishers the fee is \$150.00.~~

~~8.1.1.2 Type H2 (Service Only) \$150.00~~

~~If the concern currently is licensed to service portable fire extinguishers the fee is \$75.00.~~

~~8.1.1.3 Branch Office License. \$150.00~~

~~8.1.2 Certificates of Registration (New and Renewals)~~

~~8.1.2.1 Certificate of Registration. \$40.00~~

~~If the individual currently is certified as a portable fire extinguisher technician the fee is \$10.00~~

~~8.1.3 License Transfer \$50.00~~

~~8.1.4 Examinations~~

~~8.1.4.1 Initial Examination. \$30.00~~

~~8.1.4.2 Re-Examination \$30.00~~

~~8.1.4.3 Five (5) Year Examination. \$30.00]~~

~~[8.2 Payment of Fees.]~~

~~(1) The required fee will accompany the application for license or certificate of registration.~~

~~(a) License or certificate of registration fees will be refunded if the application is denied.~~

~~[8.3 Late Renewal Fees]~~

~~[8.3.1 Any license or certificate of registration not renewed before January 1 will be subject to an additional fee equal to 10% of the required inspection fee.~~

~~8.3.2] (2) When a certificate of registration has expired for more than one year, an application will be made for an original certificate as if the application was being made for the first time.~~

~~(a) Examinations will be re-taken with initial fees.~~

KEY: fire prevention, systems

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Authorizing, and Implemented or Interpreted Law: 53-7-204