

R710. Public Safety, Fire Marshal.

R710-1. Concerns Servicing Portable Fire Extinguishers.

R710-1-1. Purpose

The purpose of this rule is to establish licensing requirements for business concerns servicing portable fire extinguishers and to establish the requirements for certificates of registration of persons servicing portable fire extinguishers, to establish service tag requirements, to outline adjudicative proceedings and to establish a fee schedule.

R710-1-2. Authority:

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

R710-1-3. Definitions.

- (1) "Annual" means a period of one year or 365 calendar days.
- (2) "Board" means Utah Fire Prevention Board.
- (3) "Branch Office" means any location, other than the primary business location, where business license, telephone, advertising and servicing equipment is utilized.
- (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.
- (5) "Concern" means a person, firm, corporation, partnership, or association, licensed by the SFM.
- (6) "Employee" means those persons who work for a licensed concern, and may include, but shall not be limited to, those persons who work on a contractual basis.
- (7) "License" means a written document issued by the SFM authorizing a concern to engage in the business of servicing portable fire extinguishers.
- (8) "NFPA" means National Fire Protection Association.
- (9) "Repair" means any work performed on, or to, any portable fire extinguisher, and not defined as charging, recharging, or hydrostatic testing.
- (10) "USDOT" means the United States Department of Transportation.

R710-1-4. Licensing.

- (1) License Required.
No person or concern shall engage in the servicing of portable fire extinguishers without a license issued by the SFM, pursuant to these rules, expressly authorizing such concern to perform such acts.
- (2) Application.
 - (a) Application for a license to engage in the business of, or perform the servicing of portable fire extinguishers, shall be made in writing to the SFM on forms provided by the SFM. A separate application for license shall be made for each separate place or business location of the applicant (branch office).
 - (b) The application for a license to engage in the business of, or perform the servicing of portable fire extinguishers, shall be accompanied with proof of public liability insurance. 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. 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) Signature of Application.
The application shall be signed by the applicant. If the application is made by a partnership, it shall be signed by all partners. If the application is made by a corporation or association other than a partnership, it shall be signed by a principal officer.
- (4) Equipment Inspection.
The applicant or licensee shall allow the SFM, and any of his properly authorized deputies to enter, examine, and inspect any premise, building, room, establishment, or vehicle, used by the applicant in servicing portable fire extinguishers to determine compliance with the provisions of these rules. The inspection will be conducted during normal business hours, and the owner or manager will be given a

minimum of 24 hour notice before the appointed inspection. The equipment inspection may be conducted on an annual basis, and consent to inspect will be obtained. 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 portable fire extinguishers.

(5) Issuance.

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

(6) Original License and Inspection.

Original licenses shall be valid for one year from the date of application. Thereafter, each license shall be renewed annually and renewals shall be valid for one year from issuance. No original license shall be issued until the satisfactory completion of a materials, equipment and performance inspection by the SFM.

(7) Renewal License and Inspection.

Application for renewal shall be made as directed by the SFM. The failure to renew the license will cause the license to become invalid. No renewal license will be issued until the satisfactory completion of a materials, equipment and performance inspection by the SFM. Renewal dates for licensed concerns will be based upon the expiration date. Licenses are valid for a one year period of time.

(8) Change of Address.

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

(9) Under Another Name.

No licensee shall conduct his licensed business under a name other than the name or names which appears on his license.

(10) Inspection.

The holder of any license shall submit such license for inspection upon request of the SFM, or any of his properly authorized deputies, or any local fire official.

(11) SFM Notification and Certification of Registration.

Every licensed concern shall, within thirty (30) days of employment, and within thirty (30) days of termination of any employee, report to the SFM in writing, the name, address, and certificate of registration number, of every person performing any act of servicing portable fire extinguishers for such licensed concern.

(12) Type.

(a) Every license shall be identified by type. The type of license issued shall be determined on the basis of the act or acts performed by the licensee or by 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.

(b) Licenses shall authorize any one, or any combination of the following types of activities:

(i) Type 1 - Conducting of all activities, as per (2), (3), and (4) below, or

(ii) Type 2 - Conducting hydrostatic tests of fire extinguisher cylinders using the water jacket or ultrasonic test methods after receiving a Retesters Identification Number (RIN) issued by the United States Department of Transportation (USDOT), or

(iii) Type 3 - Conducting hydrostatic tests of fire extinguisher cylinders using the proof pressure test method after receiving a Retesters Identification Number (RIN) issued by the United States Department of Transportation (USDOT), or

(iv) Type 4 - Servicing, inspecting, and maintaining all types of extinguishers, excluding hydrostatic testing.

(c) No licensed concern shall be prohibited from taking orders for the performance of any act or acts for which the concern has not been licensed to perform. Such orders shall be consigned to another licensed concern that is authorized to perform such act or acts.

(13) Examination.

Every person who performs any act or acts within the scope of the license shall pass an examination

in accordance with the provisions of section 4 of these rules.

(14) Duplicate License.

A duplicate license may be issued by the SFM to replace any previously issued license, which has been lost or destroyed, upon the submission of a written statement from the licensee to the SFM. Such statement shall attest to the fact that the license has been lost or destroyed.

(15) Employer Responsibility.

Every concern shall be responsible for the acts of its employees insofar as such acts apply to the marketing, sale, distribution, and servicing of any portable fire extinguisher.

(16) Minimum Age.

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

(17) Restrictive Use.

(a) No license shall constitute authorization for any licensee, or any of their employees, to enter upon, or into, any property or building other than by consent of the owner or manager.

(b) No license shall constitute authorization for any licensee, or any of their employees, to enforce any provision, or provisions, of this rule, or the International Fire Code.

(18) Non-Transferable.

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

(19) Registration Number.

(a) Every license shall be identified by a number, delineated as E-(number). Such number may be transferred from one concern to another only when approved by the SFM.

(20) Minimum Materials and Equipment Required.

At each business location, or vehicle, of the applicant where servicing work is performed the following minimum material and equipment requirements shall be maintained:

(a) Type 4 license:

(i) Nitrogen tank.

(ii) Nitrogen regulator and hose assembly.

(iii) Minimum of twelve (12) recharge adapters.

(iv) Valve cleaning brush.

(v) Scoop.

(vi) Funnel for A:B:C.

(vii) Funnel for B:C.

(viii) A closed receptacle for dry chemical.

(ix) Fifty pound scale.

(x) A scale for cartridges.

(xi) 'O' Ring lubricant.

(xii) Tag hole Punch.

(xiii) Approved seals maximum 14 pound break strength.

(xiv) A copy of NFPA Standard 10 2010 Edition, statute, and these rules.

(xv) Minimum parts:

(A) A supply of O rings needed for standard service.

(B) A supply of valve stems for standard service.

(C) A supply of nozzles and hoses for standard extinguishers.

(D) Pressure gauges for extinguisher types: 100, 150, 175, 195, 240 lbs.

(E) Carry handles and replacement handles for extinguishers.

(F) Rivets or steel roll pins for handles and levers.

(G) Dry chemical cartridges as required by manufacture specifications, to include 4 lb., 10 lb., 20 lb. and 30 lb.

(H) Inspection light for cylinders.

(J) A variety of pull pins to secure handle.

(K) Carbon Dioxide continuity tester for hoses.

(L) Halon closed recovery system.

- (b) Type 3 License:
 - (i) Approved testing pump with a current calibration certificate for the attached gauges.
 - (ii) Test cage or suitable safety barrier.
 - (iii) Approved hydro test labels.
 - (iv) Hydrostatic test adapters or approved equal.
 - (v) Heater which produces a heated air or dry air for drying cylinders, or other approved dryer not to exceed 150 degrees Far. (66 degrees C).

(c) Type 2 License:

Current registration number from the United States Department of Transportation (USDOT), verifying the concern as a qualified cylinder requalification facility under the provisions of the Code of Federal Regulations, 49 CFR, Section 173.34, shall be maintained for all concerns holding a type 1 or 2 license. A copy of the certification letter must be submitted to the SFM. All equipment required to perform the functions allowed as a qualified cylinder requalification facility, shall be maintained in good working order and available for inspection by the SFM.

(d) Type 1 License:

All of the equipment, provisions, and numbers as required in License types 2, 3, and 4 shall be required for a Type 1 License.

(21) Records.

Accurate records shall be maintained for five (5) years by the licensee of all service work performed. These records shall include the name and address of all servicing locations, and the date and name of the person performing the work. These records shall be made available to the SFM, or authorized deputies, upon request.

R710-1-5. Certificates of Registration.

(1) Required Certificates of Registration.

No person shall service any portable fire extinguisher without a certificate of registration issued by the SFM pursuant to these rules expressly authorizing such person to perform such acts. The provisions of this section apply to the state, universities, a county, city, district, public authority, and any other political subdivision or public corporation in this State.

(2) Exemptions.

The provisions of this section shall not apply to any person servicing any portable fire extinguisher owned by such person, when the portable fire extinguisher is not required by any statute, rule, or ordinance, to be provided or installed.

(3) Application.

Application for a certificate of registration to service portable fire extinguishers shall be made in writing to the SFM on forms provided by him. The application shall be signed by the applicant.

(4) Examination.

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, when deemed necessary, to determine the applicant's knowledge of servicing portable fire extinguishers. Picture identification of the applicant for a certificate of registration may be requested by the SFM or his deputies. Examinations will be given according to the following schedule and requirements:

(a) On the first and third Tuesdays of each month. When holidays conflict with these days, the day immediately following will be used. An appointment shall be made to take an examination at least 24 hours in advance of the examination date.

(b) Examinations may be given at various field locations, or on line, as deemed necessary by the SFM. Appointments for field examinations are required.

(c) All certification examinations given are open book examinations. The applicant is allowed to use the statute, the administrative rule, and the NFPA standard that applies to the certification examination. Any other materials to include cellular telephones, I-Pads, tablets, etc. are prohibited in the examination room unless specifically approved by the SFM.

(d) 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.

(e) Each certification examination taken has a time limit of two hours to completion. To successfully pass the written examination, the applicant must obtain a minimum grade of seventy percent (70%). 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.

(f) 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.

(5) Issuance.

Following receipt of the properly 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.

(6) Original and Renewal Valid Date.

Original certificates of registration shall be valid for one year from the date of application. Thereafter, each certificate of registration shall be renewed annually and renewals shall be valid for one year from issuance. The holder of an invalid certificate of registration shall not perform any work on portable fire extinguishers.

(7) Renewal Date.

Application for renewal shall be made as directed by the SFM. The failure to renew will cause the certificate of registration to become invalid. Renewal dates for certification of registration will be based upon the concern license renewal date and be valid for one year. Renewal certificate of registrations shall be prorated monthly, and monthly fees already paid in that time period shall be credited towards the renewal fee.

(8) Re-examination.

Every holder of a valid certificate of registration shall take a re-examination every five years, from date of original certificate, to comply with the provisions of Section 4.4 of these rules as follows:

(a) The re-examination to comply with the provisions of Section 4.4 of these rules shall consist of one open book examination, to be administered by the SFM at least 60 days before the renewal date.

(b) The re-examination will consist of questions that focus on changes in the last five years to NFPA 10, the statute, or the adopted administrative rules. The re-examination may also consist of questions that focus on practices of concern as noted by the Board or the SFM.

(c) The certificate holder is responsible to complete the re-examination in sufficient time to renew.

(d) The certificate holder is responsible to return to the SFM the correct renewal fees to complete that certificate renewal.

(9) Refusal to Renew.

The SFM may refuse to renew any certificate of registration in the same manner and for any reason that he is authorized, pursuant to Section 10, to deny an original certificate of registration. The applicant shall, upon such refusal, have the same rights as are granted by Section 10 of these rules to an applicant for an original certificate of registration which has been denied by the SFM.

(10) Inspection.

The holder of a certificate of registration shall submit such certificate for inspection, upon request of the SFM, any of his properly authorized deputies, or any local fire official.

(11) Type.

(a) Every certificate of registration shall indicate the type of act or acts to be performed and for which the applicant has qualified.

(b) No person holding a valid certificate of registration shall be authorized to perform any act unless he is a licensee or is employed by a licensed concern.

(12) Change of Address.

Any change in home address of any holder of a valid certificate of registration shall be reported in writing, by the registered person to the SFM within thirty (30) days of such change. Such change shall also be made on the reverse side of the certificate of registration by the holder.

(13) Duplicate.

A duplicate certificate of registration may be issued by the SFM to replace any previously issued certificate which has been lost or destroyed upon the submission of a written statement to the SFM from the certified person. Such statement shall attest to the certificate having been lost or destroyed.

(14) Minimum Age.

No certificate of registration shall be issued to any person who is under 18 years of age.

(15) Restrictive Use.

(a) A certificate of registration may be used for identification purposes only as long as such certificate remains valid and while the holder is employed by a licensed concern.

(b) Regardless of the acts authorized to be performed by a licensed concern, only those acts for which the applicant for a certificate of registration has qualified shall be permissible by such applicant.

(16) Right to Contest.

(a) 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.

(b) Every contention as to the validity of individual questions of an examination shall be made in writing within 48 hours after taking said examination. Contentions shall state the reason for the objection.

(c) The decision as to the action to be taken on the submitted contention shall be by the SFM, and such decision shall be final.

(d) The decision made by the SFM, and the action taken, shall be reflected in all future examinations, but shall not affect the grades established in any past examination.

(17) Non-Transferable.

Certificates of Registration shall not be transferable. Individual certificates of registration shall be carried by the person to whom issued.

(18) New Employees.

New employees of a licensed concern may perform the various acts while under the direct supervision of persons holding a valid certificate of registration for a period not to exceed forty-five (45) days from the initial date of employment. By the end of such period, new employees shall have taken and passed the required examination.

(19) Certificate Identification.

Every certificate shall be identified by a number, delineated as EE-(number). Such number shall not be transferred from one person to another.

R710-1-6. Seal of Registration.

(1) Description.

The official seal of registration of the SFM shall consist of the following:

(a) The image of the State of Utah shall be in the center with an outer ring stating, "Utah State Fire Marshal".

(i) The top portion of the outer ring shall have the wording "Utah State".

(ii) The Bottom portion of the outer ring shall have the wording "Fire Marshal".

(b) Appending above the top portion and in a centered position, shall be a box provided for displaying the type of license.

(c) Appending below the bottom portion and in a centered position, shall be a box provided for the displaying of the license number assigned to the concern.

(2) Use of Seal.

No person or concern shall produce, reproduce, or use this seal in any manner or for any purpose except as herein provided.

(3) Permissive Use.

Licensed concerns shall use the Seal of Registration on every service tag conforming to section 10.

(4) Cease Use Order.

No person or concern shall continue the use of the Seal of Registration in any manner or for any purpose after receipt of a notice in writing from the SFM to that effect, or upon the suspension or revocation

of the concern's license.

(5) Legibility.

Every reproduction of the Seal of Registration and every letter and number placed thereon, shall be of sufficient size to render such seal, letter, and number distinct and clearly legible.

R710-1-7. Service Tags.

(1) Size and Color.

Tags shall be not more than five and one-half inches in height, nor less than four and one-half inches in height, and not more than three inches in width, nor less than two and one-half inches in width.

(2) Attaching Tag.

One service tag shall be attached to each portable fire extinguisher in such a position as to be conveniently inspected.

(3) Tag Information.

(a) Service tags shall bear the following information:

(i) Provisions of Section 6.7.

(ii) Type of license.

(iii) Approved Seal of Registration of the SFM.

(iv) License registration "E" number.

(v) Certificate of registration "EE" number of individual who performed or supervised the service or services performed.

(vi) Signature of individual whose certificate of registration number appears on the tag.

(vii) Concern's name.

(viii) Concern's address.

(ix) Type of service performed.

(x) Type of extinguisher serviced.

(xi) Date service is performed.

(b) The above information shall appear on one side of the service tag. All other desired printing or information shall be placed on the reverse side of the tag.

(4) Legibility.

(a) The certificate of registration number required in Section 7.3(5), and the signature required in Section 7.3(6), shall be printed or written distinctly.

(b) All information pertaining to date, type of servicing, and type of extinguisher serviced shall be indicated on the card by perforations in the appropriate space provided. Each perforation shall clearly indicate the desired information.

(5) Format.

Subject to the use requirements of Section 6.4, the following format shall be used for all service tags:

EXAMPLE OF SERVICE TAG

Exception: Service tags may be printed or otherwise established for any number of years not in excess of five years. ILLUSTRATION ON FILE IN STATE FIRE MARSHAL'S OFFICE

(6) New Tag.

A new service tag shall be attached to the extinguisher each time a service is performed.

(7) Tag Wording.

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".

(8) Removal.

No person or persons shall remove a service tag, hydrostatic test tag or label, 6 year maintenance service tag or label, or verification of service collar, except when further service is performed. At that time the expired tag, label or collar shall be removed and a new tag, label or collar shall replace the expired one. No person or persons shall deface, modify, or alter any service tag, hydrostatic test tag or label, 6 year maintenance service tag or label, or verification of service collar that is required to be attached to any

portable fire extinguisher.

(9) Restrictive Use.

(a) Portable fire extinguishers which do not conform with the minimum rules, shall be permanently removed from service, and shall not be tagged.

(b) Any extinguisher which fails a hydrostatic test shall be condemned, and so stamped or etched into the cylinder or shell.

(c) Extinguishers, other than one which has failed a hydrostatic test, may be provided with a tag stating the extinguisher is "Condemned" or "Rejected". Such tags shall be red in color, and shall be not less, in size, than that of an approved service tag.

(d) Service tags shall only be placed on portable fire extinguishers and wheeled units as allowed in these rules.

R710-1-8. Portable Fire Extinguisher Rated Classification Labels.

(1) Use of Label.

Any label bearing the rated classification and listing shall not be placed upon any extinguisher unless specifically authorized by the manufacturer. Any extinguisher, other than carbon dioxide, without this manufacturer's label shall not be serviced.

(2) Labels Prohibited.

Company labels or advertisement stickers other than those required herein shall not be affixed to fire extinguishers.

R710-1-(9). Amendments and Additions.

(1) Restricted Service.

Any extinguisher requiring a hydrostatic test as required, shall not be serviced until such extinguisher has been subjected to, and passed the required hydrostatic test.

(2) Service.

At the time of installation, and at each annual inspection, all servicing shall be done in accordance with the manufacturer's instructions, adopted statutes, and these rules. Extinguishers shall be placed in an operable condition, free from defects which may cause malfunctions. Nozzles and hoses shall be free of obstructions or substances which may cause an obstruction.

(3) Seals or Tamper Indicator.

Seals or tamper indicators shall be constructed of approved plastic or non-ferrous wire which can be easily broken, and so arranged that removal cannot be accomplished without breakage. Such seals or tamper indicators shall be used to retain the locking pin in a locked position. Seals or tamper indicators shall be removed annually to ensure that the pull pin is free.

(4) New Extinguishers

A new extinguisher that has the date of manufacture printed on the label by the manufacturer, or date of manufacture stamped on the extinguisher by the manufacturer, does not require a service tag attached to the extinguisher until one year after the date of manufacture.

(5) Those existing sodium or potassium bicarbonate dry-chemical portable fire extinguishers, having a minimum rating of 40-B, and specifically placed for protection of commercial food heat-processing equipment, may remain in the kitchen to be used for other applications, except the protection of commercial food heat-processing equipment using vegetable or animal oils or fat cooking media.

R710-1-10. Adjudicative Proceedings.

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

(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 portable fire extinguishers commits any of the

following violations:

- (a) The person or applicant is not the real person in interest.
 - (b) The person or applicant provides material misrepresentation or false statement on the application.
 - (c) The person or applicant refuses to allow inspection by the SFM, or his duly authorized deputies.
 - (d) 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.
 - (e) 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 is made, as evidenced by failure to pass the examination and/or practical tests pursuant to Section 4.15 of these rules.
 - (f) The person or applicant fails to place a verification of service collar when required on the valve assembly of any fire extinguisher when the following occurs:
 - (i) re-charge;
 - (ii) required maintenance.
 - (g) The person or applicant refuses to take the examination required by Section 45.3 and Section 34.14 of these rules.
 - (h) The person or applicant has been convicted of one or more federal, state or local laws.
 - (j) 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.
 - (k) Any 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.
 - (l) There 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 portable fire extinguishers.
- (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 Board if requested by that person within 20 days after receiving notice.
- (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, Section 63G-4-201.
- (5) The Board shall act as the hearing authority, and shall convene after timely notice to all parties involved. The Board shall be the final authority on the suspension or revocation of a license or certificate of registration.
- (6) The Board shall direct the SFM to issue a signed order to the parties involved giving the decision of the Board within a reasonable time of the hearing pursuant to UCA, Section 63G-4-203.
- (7) Reconsideration of the Board decision may be requested in writing within 20 days of the date of the decision pursuant to UCA, Section 63G-4-302.
- (8) After a period of three years from the date of revocation, the Board shall review the submitted written application of a person whose license or certificate of registration has been revoked. After timely notice to all parties involved, the Board shall convene to review the revoked persons application, and that person shall be allowed to present themselves and their case before the Board. After the hearing, the Board shall direct the SFM to allow the person to complete the licensing or certification process or shall direct that the revocation be continued.
- (9) Judicial review of all final Board actions resulting from informal adjudicative proceedings shall be conducted pursuant to UCA, Section 63G-4-402.

R710-1-11. Fees.

- (1) Payment of Fees.

The required fee shall accompany the application for license or certificate of registration. License or certificate of registration fees will be refunded if the application is denied.

- (2) Late Renewal Fees.

(a) Any license or certificate of registration not renewed before the license or certificate of registration expiration date will be subject to an additional fee equal to 10% of the fee.

(b) When a certificate of registration has expired for more than one year, an application shall be made for an original certificate as if the application was being made for the first time. Examinations will be re-taken with initial examination fees.

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