

SECOND REGULAR SESSION

# HOUSE BILL NO. 2233

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES BRUNS (Sponsor) AND ROORDA (Co-sponsor).

3597L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 320, RSMo, by adding thereto five new sections relating to the regulation and licensing of fire equipment distributors.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 320, RSMo, is amended by adding thereto five new sections, to be known as sections 320.500, 320.502, 320.504, 320.506, and 320.508, to read as follows:

**320.500. 1. Sections 320.500 to 320.508 shall be known and may be cited as the "Fire Equipment Distributors Regulation and Licensing Law".**

**2. As used in sections 320.500 to 320.508, the following terms shall mean:**

**(1) "Activity", inspecting, installing, maintaining, and servicing of portable fire extinguishers and fire hoses, and the designing, certifying, inspecting, installing, maintaining, or servicing of fire suppression systems, other than fire sprinkler systems, or engaging in hydrostatic testing of United States Department of Transportation or non-United States Department of Transportation fire protection cylinders;**

**(2) "Board", the fire equipment distributor and employee advisory board;**

**(3) "Certificate of registration" or "certificate", the document issued by the state fire marshal to a distributor authorizing the distributor to engage in such activities as defined by rule;**

**(4) "Certify", to attest to the proper charging, filling, functioning, hydrostatic testing, inspection, installation, maintenance, recharging, refilling, repair, service, testing of portable fire extinguishers, fire hoses, United States Department of Transportation or non-United States Department of Transportation protection cylinders, or fire suppression systems other than fire sprinkler systems in accordance with all applicable engineered**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 specifications, manufacturer's requirements, and per the inspection, testing, and  
19 maintenance chapters as set forth in the applicable NFPA codes and standards and the  
20 manufacturer's installation manuals;

21 (5) "Class A - Portable Fire Extinguisher/Fire Hose Certificate", the certificate  
22 issued by the state fire marshal authorizing a fire equipment distributor to engage in the  
23 activity of certifying, inspecting, installing, maintaining, hydrostatically testing, or  
24 servicing portable or semi-portable fire extinguishers or fire hoses;

25 (6) "Class B - PreEngineered Fire Suppression System Certificate", the certificate  
26 issued by the state fire marshal authorizing a fire equipment distributor to engage in the  
27 designing, certifying, inspecting, installing, maintaining, hydrostatically testing, or  
28 servicing preengineered fire suppression systems, including kitchen fire suppression  
29 systems, containing either dry chemical or wet chemical agents. Such certification does not  
30 include fire sprinkler systems;

31 (7) "Class C - Engineered Fire Suppression Certificate", the certificate issued by  
32 the state fire marshal authorizing a fire equipment distributor to engage in the designing,  
33 certifying, inspecting, installing, maintaining, hydrostatically testing, or servicing  
34 engineered or special hazard fire suppression systems, other than fire sprinkler systems;

35 (8) "Employee", a person who works for a fire department distributor on a full-  
36 time or part-time basis in return for financial or other compensation. For purposes of the  
37 licensing requirements:

38 (a) Employees does not include administrative or sales personnel who do not  
39 certify, inspect, install, maintain, hydrostatically test, or service fire equipment;

40 (b) The distributor's owner or owners shall be deemed employees if they are or will  
41 be physically certifying, inspecting, installing, maintaining, hydrostatically testing, or  
42 servicing fire equipment;

43 (9) "Fire detection system", those assemblies of wiring, electronic transmitting  
44 devices, detection devices, and related equipment for the detection of a fire and for alerting  
45 occupants and fire department personnel of a fire emergency;

46 (10) "Fire equipment distributor", a sole proprietorship, partnership, corporation,  
47 limited liability company, or any other entity that has been granted certification by the  
48 state fire marshal and that designs, services, recharges, hydrostatically tests, inspects,  
49 installs, maintains, alters, repairs, or replaces fire extinguishing devices or systems other  
50 than burglar and fire alarm systems or fire sprinkler systems for customers, clients, or  
51 other third parties;

52           (11) "Fire protection equipment and systems", any system or equipment relating  
53 to portable and semi-portable fire extinguishers, fire hoses, and preengineered or  
54 engineered fire suppression systems;

55           (12) "Hydrostatic testing", pressure testing fire protection cylinders or fire hoses  
56 by approved hydrostatic test methods in accordance with NFPA codes or the United States  
57 Department of Transportation regulations;

58           (13) "Inspection", a visual examination of a fire extinguisher or a fire suppression  
59 system or portion thereof to verify that it is available in its designated place and has not  
60 been actuated or tampered with, appears to be in operating condition, and is free of  
61 physical damage;

62           (14) "Installation", the initial placement of a portable fire extinguisher, fire  
63 suppression equipment or extension, or alteration after initial placement in compliance  
64 with manufacturer's specifications of NFPA codes and standards;

65           (15) "Kitchen fire suppression system", those specific fire suppression systems  
66 designed to protect appliances with commercial cooking operations;

67           (16) "License", the document issued by the state fire marshal to an employee of a  
68 certified firm authorizing the employee to engage in the activities defined by rule;

69           (17) "Maintenance", a determination by a licensed employee of a certified  
70 distributor that a fire extinguisher or fire suppression system will operate effectively and  
71 safely, including a thorough examination and any necessary repair or replacement,  
72 checking the date of manufacture or last hydrostatic test to see if internal inspection of the  
73 cylinder or hydrostatic testing is necessary, and checking for cuts, bulges, dents, abrasions,  
74 corrosion, condition of paint, shell hanger attachment, maintenance of nameplate, weight  
75 of contents, pressure gauge, valve, removal of pull pin, discharge nozzle, hose assembly,  
76 and operating;

77           (18) "NFPA", the National Fire Protection Association which is a nationally  
78 recognized standards' making organization;

79           (19) "Non-DOT fire extinguisher cylinders", fire extinguisher cylinders not  
80 manufactured, tested, or stamped with a specification number as required by the United  
81 States Department of Transportation and which are labeled as "Meets DOT  
82 Requirements";

83           (20) "Office", the office of the state fire marshal;

84           (21) "Preengineered fire suppression systems", packaged fire suppression systems  
85 which consist of system components designed to be installed according to pretested  
86 limitations as approved or listed by a testing laboratory. Preengineered systems may  
87 incorporate special nozzles, flow rates, methods of application, nozzle placement, and

88 pressurization levels which may differ from those detailed elsewhere in NFPA.  
89 Preengineered systems shall be installed to protect hazards within the limitations that have  
90 been established by the testing laboratories where listed;

91 (22) "Portable fire extinguisher", a portable device containing a suppression agent  
92 that can be expelled under pressure for the purpose of suppressing or extinguishing a fire  
93 and shall include semiportable fire extinguishers;

94 (23) "Recharge", the replacement of the suppression agent, the expellant, or both;

95 (24) "Semiportable fire extinguisher", any portable fire extinguisher mounted on  
96 skids or wheels;

97 (25) "Service", the act or repairing or replacement of fire protection equipment or  
98 systems to ensure the proper functioning of the system or equipment;

99 (26) "Special hazards fire suppression system", a system that protects hazards of  
100 unusual design, material, or configuration and requires individual computations regarding  
101 layout, flow rates, the number and types of nozzles, their placement and discharge  
102 pressures, quantities and types of extinguishing agents, and a determination of the  
103 suppressant method by dry or wet chemicals, gaseous agents, or water, and complies with  
104 UL, Factory Mutual, or other test agency protocols;

105 (27) "State fire marshal", the state fire marshal selected under sections 320.200 to  
106 320.270;

107 (28) "Trainee", a person who is licensed to work under the direct supervision and  
108 accompaniment of a licensed employee from the same certified distributor and who holds  
109 a valid license to perform the same acts.

320.502. 1. Every fire equipment distributor and such distributor's employees and  
2 trainees engaged in the activity of certifying, inspecting, installing, maintaining, and  
3 servicing portable and semi-portable fire extinguishers, or fire hoses, or designing,  
4 certifying, inspecting, installing, repairing, recharging, maintaining, or servicing of fire  
5 suppression systems other than fire sprinkler systems, and hydrostatic testing of United  
6 States Department of Transportation (DOT) or non-DOT fire protection cylinders shall  
7 apply to the fire equipment distributor and employee advisory board prior to engaging in  
8 fire protection equipment and systems activities in this state.

9 2. An application for licensure or certification under sections 320.500 to 320.508  
10 shall be on a form prescribed by the board and accompanied by the required application  
11 fee. An application shall be verified and shall include such information as established by  
12 rule.

320.504. 1. There is hereby established within the division of fire safety the "Fire  
2 Equipment Distributors and Employees Advisory Board". The board shall consist of nine

3 members appointed by the governor with the advice and consent of the senate. Six  
4 members shall represent fire equipment distributors in this state subject to sections 320.500  
5 to 320.508. Two members shall be active fire service representatives not licensed under  
6 sections 320.500 to 320.508 or have any connection with any business licensed under  
7 sections 320.500 to 320.508. One member shall represent the general public who is not  
8 licensed under sections 320.500 to 320.508. The state fire marshal shall be an ex officio  
9 member of the board.

10       2. Members of the board shall be citizens of the United States and residents of this  
11 state.

12       3. Each board member shall serve for a term of four years and until his or her  
13 successor is appointed; except that, in making the initial appointments to the board, four  
14 members shall be appointed for a term of three years, three members shall be appointed  
15 for a term of two years, and one member shall be appointed for a term of one year. Any  
16 vacancy on the board shall be filled for the remainder of the unexpired term of such  
17 member.

18       4. Board members shall receive no compensation for their service on the board but  
19 may be reimbursed for their actual and necessary expenses incurred in connection with  
20 their duties as members of the board.

21       5. The board, in consultation with the office of the state fire marshal, shall set the  
22 amount of the fees authorized under sections 320.500 to 320.508 by rule. All moneys  
23 collected under sections 320.500 to 320.508 shall be deposited in the fire equipment  
24 distributor fund.

      320.506. 1. The board shall promulgate rules to implement the provisions of  
2 sections 320.500 to 320.508, including but not limited to certification and regulation of the  
3 following categories: "Class A - Portable Fire Extinguisher/Fire Hose Certificate", "Class  
4 B - PreEngineered Fire Suppression System Certificate", "Class C - Engineered Fire  
5 Suppression Certificate", and special hazards fire suppression system.

6       2. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
7 created under the authority delegated in sections 320.500 to 320.508 shall become effective  
8 only if it complies with and is subject to all of the provisions of chapter 536 and, if  
9 applicable, section 536.028. Sections 320.500 to 320.508 and chapter 536 are nonseverable  
10 and if any of the powers vested with the general assembly pursuant to chapter 536 to  
11 review, to delay the effective date, or to disapprove and annul a rule are subsequently held  
12 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted  
13 after August 28, 2010, shall be invalid and void.

**320.508. Any person aggrieved by an order or act of the board or office of the state  
2 fire marshal under sections 320.500 to 320.508, or any rule promulgated thereunder, may  
3 with fifteen days' notice appeal from such order or act to the board. Upon receipt of a  
4 notice of appeal, the board shall, within fifteen days, issue an appropriate order either  
5 approving or disapproving the order or act. A copy of the order of the board shall be given  
6 to all interested parties. Within thirty days after any order or act of the board, any person  
7 aggrieved by a final order of the board may seek judicial review as provided in chapter  
8 536.**

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