

State Fire Marshal

Permanent Administrative Regulations

Article 10. –INSTALLATION AND CERTIFICATION STANDARDS FOR EXTINGUISHING DEVICES

Editor's Note: This article was formerly entitled "Explosives." Regulation previously numbered 22-10-1 was revoked May 1, 1980, and the number reassigned to the current subject matter.

22-10-1. Certification standards, definitions. (a) "Business" means any person or firm who inspects, services or installs portable fire extinguishers or automatic fire extinguishers for commercial cooking equipment. "Business" does not include any person or authorized agent of the person who installs a portable fire extinguisher for protection of the person's own property or business or any individual acting as a representative or employee of a certified firm.

(b) "Certificate" means a written document issued by the state fire marshal that authorizes a business to perform the act or acts permitted by these regulations.

(c) "Certified firm" means a business having a valid registration certificate issued by the state fire marshal.

(d) "Charge" means to fill and make a portable fire extinguisher or fixed extinguishing system cylinder or container ready for use.

(e) "Class" or "classes" mean the specific function or functions that a business is authorized to perform under these regulations.

(f) "Department of transportation (DOT) cylinder" means a cylinder manufactured and tested in compliance with specifications of the United States department of transportation.

(g) "Engineered system" means a fixed extinguishing system that requires individual calculation and design to determine the flow rates, nozzle pressure, quantities of extinguishing agent, and the number and types of nozzles and their placement in a specific system.

(h) "Firm" means any person, partnership, corporation, association or business which installs, services, charges, recharges or inspects any portable fire extinguisher or fixed extinguishing system, unless otherwise exempted.

(i) "Fixed extinguishing system" means an automatic fire extinguisher for commercial cooking equipment.

(j) "Hydrostatic testing" means the pressure testing of cylinders and containers by approved hydrostatic methods.

(k) "Portable fire extinguisher" means a device that contains chemical fluids, powders, or gases for extinguishing fires and has a label of approval attached by a nationally recognized testing laboratory.

(l) "Pre-engineered system" means a fixed extinguishing system with predetermined flow rates, nozzle pressures, and quantities of extinguisher agents.

(m) "Recognized testing laboratory" means a nationally recognized testing agency, approved by the state fire marshal, which is staffed by qualified personnel, properly equipped to conduct the particular tests in question, and is regularly engaged in conducting tests and furnishing reports on the inspections, examinations and tests of the most recent production of the listed product.

(n) "Self-contained cooking equipment" means a unit of cooking equipment manufactured with a grease collection and vapor removal apparatus as an integral part of the unit and provided with or designed for the installation of a fixed extinguishing system.

(o) "Service" means to conduct a thorough check of a portable fire extinguisher or fixed extinguishing system including charging, maintaining, recharging, repairing, testing or tagging necessary to give maximum assurance that the portable fire extinguisher or fixed extinguishing system will operate effectively and safely.

(p) "Test" means to subject any portable fire extinguisher or fixed extinguishing system to the procedure necessary to assure its proper operation or installation. (Authorized by and implementing K.S.A. 1989 Supp. 31-133, 31-133a as amended by L. 1990, Ch. 135, Sec. 1; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983; amended May 1, 1986; amended Jan. 21, 1991.)

22-10-2. Applicability. (a) These regulations shall apply to:

- (1) any business that services, charges, recharges, installs or inspects portable fire extinguishers;
- (2) any business that is manufacturer-authorized to service, charge, recharge, install or inspect fixed extinguishing systems;
- (3) any business that is not manufacturer-authorized but is state-certified to service, recharge and inspect fixed extinguishing systems;
- (4) any business that conducts hydrostatic testing of portable fire extinguisher or fixed extinguishing system cylinders or containers;
- (5) any combination of (1), (2), (3) or (4); or
- (6) any business that has employees who service, recharge or inspect only the portable fire extinguishers owned and used exclusively by the business.

(b) These regulations shall not apply to:

- (1) any manufacturer who charges a portable fire extinguisher or fixed extinguishing system cylinder or container prior to its initial sale;
- (2) any business engaged in the sale of approved portable fire extinguishers but not engaged in the servicing, charging, recharging, installing or inspecting of portable fire extinguishers; or
- (3) any person or authorized agent of a person who installs a portable fire extinguisher for protection of that person's own property or business. (Authorized by and implementing K.S.A. 1989 Supp. 31-133, 31-133a as amended by L. 1990, Ch. 135, Sec. 1; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; amended, T-83-81, Oct. 25, 1982; amended May 1, 1983; amended Jan. 21, 1991.)

22-10-3. Registration certificate. (a) Each business that services, recharges, installs, or inspects portable fire extinguishers or fixed extinguishing systems or hydrostatically tests these cylinders or any combination of them shall obtain a registration certificate issued by the state fire marshal unless otherwise exempted by these regulations. The registration certificate shall indicate the class or classes that are authorized. A certified business shall provide only the classes listed under its own registration number. A certified business may take orders for a class or classes that are not authorized by its registration certificate if these orders are consigned to a business that is certified to perform the class or classes indicated.

(b) The registration certificate shall indicate one or more of the following classes:

- (1) Class RA, which permits servicing, recharging, installing, or inspecting fixed extinguishing systems by a currently certified manufacturer's distributor;
- (2) class RB, which permits servicing, recharging, installing, or inspecting portable fire extinguishers;
- (3) class RC, which permits hydrostatic testing of non-DOT cylinders, including wet chemical or dry chemical containers; or
- (4) class RD, which permits servicing, recharging, and inspecting fixed extinguishing systems.

(c) Each business that desires a registration certificate shall submit a written application on forms prescribed by the state fire marshal and signed by the sole proprietor, each partner, or an officer of the corporation, as appropriate.

(d) Each applicant shall provide proof that an employee meets one of the following requirements:

(1) Received training from the manufacturer of each fixed extinguishing system whose products are used by the business indicating the type or types of systems the employee has been trained to service; or

(2) meets the following requirements:

(A) Has a notarized affidavit filed with the state fire marshal's office attesting that the employee has at least two years of experience in servicing, recharging, and inspecting fixed extinguishing systems and has access to the tools and service manuals for each fixed extinguishing system that the business services; and

(B) has current certification through the international code council and the national association of fire equipment distributors (ICC/NAFED).

(e) A nonrefundable application fee of \$200 shall accompany each application. No fee shall be charged for any person who is an officer or employee of the state or any political or taxing subdivision if that person is acting on behalf of the state or political or taxing subdivision.

(f)(1) Each applicant for a class RA registration certificate shall provide proof of at least \$500,000 of insurance covering comprehensive general liability, bodily injury, property damage, and completed operations. Written authorization shall be included from each fixed extinguishing system manufacturer whose products are used by the business including the types of systems the business is authorized and has been trained to install or service. The manufacturer's authorization shall remain valid until the employee's training certificate expires or is cancelled for misconduct.

(2) Each applicant for a class RB or RC registration certificate shall provide proof of at least \$100,000 of insurance

covering comprehensive general liability, bodily injury, property damage, and completed operations.

(3) Each applicant for a class RD registration certificate shall provide proof of a at least \$1,000,000 of insurance covering comprehensive general liability, bodily injury, property damage, and completed operations.

(g) If, after reviewing the application, insurance information, record of services, servicing and shop facilities, and methods and procedures of operations, the state fire marshal finds that granting or renewing a registration certificate would be in the interest of public safety and welfare, a certificate for the appropriate classes of registration requested by the business shall be issued or renewed by the state fire marshal. An identifying number shall be assigned by the state fire marshal to each registration certificate.

(h) Each registration certificate shall be valid for one calendar year. Renewal applications shall be submitted to the state fire marshal on or before November 30 of the year of expiration and shall meet the requirements of subsections (d), (e), and (f), as applicable.

(i) Evidence that a registration certificate has been altered shall render the certificate invalid. The altered certificate shall be surrendered to the state fire marshal.

(j) Each change in the location or ownership of a certified business shall be reported in writing to the state fire marshal at least 14 days before the change. Failure to notify the state fire marshal may render the registration certificate invalid. Each change in location or ownership shall be verified by the state fire marshal or an authorized deputy.

(k) Each registration certificate issued by the state fire marshal shall be posted at the certified location and be available for inspection during normal business hours.

(l) A duplicate registration certificate may be issued by the state fire marshal to replace one that has been lost or destroyed if a written statement attesting to the loss or destruction of the original certificate is submitted.

(m) A registration certificate shall not constitute authorization for a registration certificate holder or the holder's employees to perform either of the following:

(1) To enter any property or building; or

(2) to enforce any provision of these regulations. (Authorized by and implementing K.S.A. 2008 Supp. 31-133, 31-133a; effective, E-82-3, Jan. 21, 1981, effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983; amended Aug. 28, 1989; amended Sept. 17, 1990; amended Jan. 21, 1991; amended Feb. 4, 2011.)

22-10-6. Requirements. The requirements for the servicing, charging, recharging, installing or inspecting or hydrostatic testing of portable fire extinguishers or fixed extinguishing systems shall be performed in accordance with these regulations and the manufacturer's recommended procedures at the time of installation. (Authorized by and implementing K.S.A. 1989 Supp. 31-133, 31-133a as amended by L. 1990, Ch. 135, Sec. 1; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983; amended Jan. 21, 1991.)

22-10-7. Sale or lease of portable fire extinguishers. A portable fire extinguisher or fixed extinguishing system shall not be sold, leased, or installed in the state of Kansas unless it carries a label of approval from a recognized testing laboratory. (Authorized by and implementing K.S.A. 31-133 and 31-133a; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982.)

22-10-8. Prohibited extinguishers. The sale, lease, servicing, or recharging of carbon tetrachloride fire extinguishers in the state of Kansas shall be prohibited. (Authorized by and implementing K.S.A. 31-133 and 31-133a; effective, E- 82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982.)

22-10-9. Service tags. (a) A new service tag shall be attached to a portable fire extinguisher or fixed extinguishing system in a position that shall be convenient to inspect, but that shall not hamper its operation or removal.

(b) Each service tag shall contain:

(1) the servicing firm's business name;

(2) the address of the servicing business;

(3) the registration certificate class and number;

(4) the type of service performed;

(5) the date the service is performed;

(6) the label "do not remove by order of the state fire marshal";

(7) the signature of the service person; and

(8) the type of extinguisher.

(c) Service tags shall be printed for a minimum of two years use. Service tags shall be approximately two and one-half inches in width and not more than five and one-half inches in length.

(d) All required information shall appear on one side of the service tag. Any other desired printing or information shall be placed on the reverse side of the tag.

(e) Every tag attached to an extinguisher serviced by a certified business after January 1, 1991 shall conform to these regulations.

(f) No person shall remove a service tag except when further service is performed. No person shall deface, modify, or alter a service tag attached to a portable extinguisher or fixed extinguishing system. (Authorized by and implementing K.S.A. 1989 Supp. 31-133, 31-133a as amended by L. 1990, Ch. 135, Sec. 1; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983; amended Jan. 21, 1991.)

22-10-11. Approval of fixed extinguishing systems. (a) The authority to approve or disapprove any fixed extinguishing system installed in this state shall lie in the state fire marshal or deputy state fire marshal. This determination shall be made pursuant to K.A.R. 22-10-13, 22-10-14 and 22-10-17, or to the manufacturer's installation instructions.

(b) When a fixed extinguishing system is disapproved written notification of this disapproval shall be forwarded to the business making the installation and to the owner or occupant of the premises where the fixed extinguishing system is installed. This written notification shall include the reason or reasons why the fixed extinguishing system was disapproved. (Authorized by and implementing K.S.A. 1989 Supp. 31-133, 31-133a; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983; amended Oct. 29, 1990.)

22-10-12. (Authorized by and implementing K.S.A. 1984 Supp. 31-133, 31-133a; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983; amended May 1, 1986; amended Aug. 28, 1989; revoked May 10, 1993.)

22-10-13. (Authorized by and implementing K.S.A. 1989 Supp. 31-133, 31-133a, as amended by L. 1990, Ch. 135, Sec. 1; effective, T-82-3, Jan. 1981; effective May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1985; amended May 1, 1986; amended Oct. 29, 1990; revoked May 10, 1993.)

22-10-14. (Authorized by and implementing K.S.A. 1989 Supp. 31-133, 31-133a, as amended by L. 1990, Ch. 135, Sec. 1; effective, T-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983; amended May 1, 1986; amended Jan. 21, 1991; revoked May 10, 1993.)

22-10-15. Fire extinguishers. Approved portable fire extinguishers shall be maintained in a fully charged and operable condition, and kept in their designated places at all times when not in use. (Authorized by and implementing K.S.A. 31-133; effective May 1, 1985.)

22-10-16. Automatic extinguishing systems. In addition to the provisions of K.A.R. 22-10-15, each facility maintaining commercial cooking equipment shall have approved automatic extinguishers mounted in the ventilation canopies or directly above such equipment. All equipment shall bear the label of a nationally-recognized testing laboratory and shall contain an approved extinguishing agent. The state fire marshal may exempt a facility from the requirements of this regulation, if in the marshal's opinion, the exemption from this requirement would not present an immediate life safety hazard. (Authorized by and implementing K.S.A. 1985 Supp. 31-133; effective May 1, 1985; amended May 1, 1987.)

22-10-18. Minimum performance standards for holders of class RA registration certificates. (a) Each Class RA registration certificate holder shall insure that the performance of servicing, recharging, installing or inspecting of fixed extinguishing systems in commercial cooking equipment is done in accordance with the Kansas Fire Prevention Code, the appropriate national standards adopted therein and the applicable current design specifications of the manufacturer.

(b) Each Class RA registration certificate holder installing fixed extinguishing systems in commercial cooking equipment shall provide the state fire marshal with written notification within 30 days after installation of each new installation in Kansas. This notification shall contain:

- (1) the business name and location of the installation;

- (2) reference to the section of the manufacturer's installation manual by which it was installed;
- (3) the date of the installation;
- (4) the name, address and certificate number of the business making the installation;
- (5) the make and model of the system; and
- (6) a drawing of the piping layout and nozzle placement as installed.

(c) The performance of servicing, recharging, installing or inspecting of fixed extinguishing systems in commercial cooking equipment conducted after June 30, 1993 shall include the completion of a checklist, in addition to any other required tag. The original checklist will be left with a business representative at the time the servicing, recharging, installation or inspection is completed. A copy of the checklist will be maintained by the Class RA registration certificate holder for at least 24-months during which time it is subject to inspection on demand by a deputy state fire marshal during normal business hours. The checklist shall include:

- (1) the type of system;
- (2) the type of service;
- (3) the business name and location of the system;
- (4) the items checked, repaired or replaced;
- (5) the date of service;
- (6) the starting time and ending time of the work;
- (7) the name of the person completing the work;
- (8) the name, address and certificate number of the Class RA Registration Certificate holder conducting the work;
- (9) a notation of corrective action, modification or any continuing non-complaint items;
- (10) the signature of a representative of the business; and
- (11) a statement notifying the business that the checklist will be kept available for inspection by a deputy state fire marshal or local fire inspector.

(d) A new installation of a fixed extinguishing system may be permitted in an existing range hood for vapor removal not strictly in compliance with NFPA pamphlet no. 96 if the state fire marshal determines that no distinct life safety hazard would result.

(e) The installation of a fixed extinguishing system in self-contained cooking equipment need not comply with NFPA pamphlet no. 17, 17A and 96 if designed and installed according to the manufacturer's specification. (Authorized by and implementing K.S.A. 1991 Supp. 31-133 and 31- 133a, as amended by L. 1992, ch. 220, subsection 1; effective May 10, 1993.)

22-10-19. Minimum performance standards for holders of class RB and RC registration certificates. (a) Each Class RB registration certificate holder shall insure that the performance of servicing, recharging, installing, or inspecting portable fire extinguishers is done in accordance with the Kansas Fire Prevention Code, the appropriate national standards adopted therein and any applicable design specifications of the manufacturer.

(b) Each Class RC registration certificate holder shall insure that the performance of hydrostatic testing of non-DOT fire extinguisher cylinders is done in accordance with the Kansas Fire Prevention Code, the appropriate national standards adopted therein and any applicable design specifications of the manufacturer.

(c) The performance of servicing, recharging, installing or inspecting of portable fire extinguishers or hydrostatic testing of non-DOT fire extinguisher cylinders conducted after June 30, 1993 shall include, in addition to any other required tags or labels, the completion of a checklist or invoice. The original checklist or invoice will be left with a business representative at the time the servicing, recharging, installation or inspection is completed. A copy of the checklist will be maintained by the Class RB or RC registration certificate holder for at least 24 months during which time it is subject to inspection on demand by a deputy state fire marshal during normal business hours. The checklist or invoice shall include:

- (1) the business name and location;
- (2) the date of service;
- (3) the starting time and ending time of the work;
- (4) the name of the person completing the work;
- (5) the name, address and certificate number of the RB or RC registration certificate holder conducting the work;
- (6) the signature of a representative of the business;
- (7) a statement notifying the business that the checklist or invoice will be kept available for inspection by a deputy state fire marshal or local fire inspector; and
- (8) a summary of the number and types of extinguishers serviced and the type of service performed.

(d) Six-year maintenance labels. After June 30, 1993, each six-year maintenance shall be recorded on a record label consisting of a mylar decal or sticker, with dimensions not exceeding 1.5 inches by 2.5 inches, which shall be affixed on the exterior of the extinguisher shell. Any six-year maintenance tags previously attached to an extinguisher shall be removed prior to affixing a new tag. The label shall contain:

- (1) the year and month that the six-year maintenance was performed;
- (2) the name of the firm completing the service;
- (3) the initials of the person performing the maintenance.

(e) After June 30, 1993, whenever a low-pressure hydrostatic test is performed, it shall be recorded on a test label consisting of a mylar decal or sticker, with dimensions not exceeding 1.5 inches by 2.5 inches, which shall be affixed on the exterior of the extinguisher shell. Any test tag previously attached to an extinguisher shall be removed prior to affixing a new tag. The record label shall contain:

- (1) the year and month that the test was performed;
- (2) the test pressure;
- (3) the name of the firm completing the service; and
- (4) the initials of the person performing the maintenance.

(f) Internal service tags. After June 30, 1992, the following requirements shall be met.

(1) In addition to any other label required by these regulations, an internal service tag shall be provided each time an extinguisher is opened for any type of maintenance or for any other purpose. The following types of extinguishers are exempt from this requirement:

- (A) carbon dioxide;
- (B) halogenated agents;
- (C) dry chemical external cartridge-operated types; and
- (D) extinguishers containing water or watertype solutions.

(2) An approved standard internal service label shall be at least 1/2 inch by 3 1/2 inch, on a durable material, either white or yellow in color, with a pressure sensitive adhesive backing conforming to the standards of UL 969, marking and labeling systems.

(3) Internal service labels shall contain:

- (A) The Registration certificate number of the firm conducting the work;
- (B) the month and year the service was performed; and
- (C) the initials of the person conducting the work.

(4) A new internal label shall be provided for an extinguisher each time internal service is performed for any purpose.

(5) Internal service labels shall be affixed in the following manner.

(A) Any label previously attached shall be removed prior to affixing a new tag.

(B) The area to which the tag is to be affixed shall be cleaned to remove all residue of any kind, including old adhesive from a previously attached tag.

(C) The tag shall be placed within 1 inch of the top of the siphon tube below the valve assembly.

(D) The tag shall be pressed and adhered solidly around the tube. The writing must remain visible.

Under no circumstances shall the required information be written directly on the siphon tube. (Authorized by and implementing K.S.A. 1992 Supp. 31-133 and 31-133a, as amended by L. 1992, ch. 220, subsection 1; effective May 10, 1993.)