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Document No. 3217

**DEPARTMENT OF LABOR, LICENSING AND REGULATION**

**office of state fire marshal**

Chapter 71

Statutory Authority: 1976 Code Sections 23-9-40 and 23-9-45

71-8303. Portable Fire Extinguishers and Fixed Fire Extinguishing Systems

**Synopsis:**

 The Office of State Fire Marshal is deleting 71-8303 Service Stations and replacing it with 71-8303 Portable Fire Extinguishers and Fixed Fire Extinguishing Systems. The new SCRR 71-8303 will use a standardized format, simplify wording, remove obsolete language and requirements, and provides for the use of new technologies.

**Instructions**:

 Delete current 71-8303 Service Stations (71-8303.1) in its entirety.

 Replace with new 71-8303 Subarticle 4 Portable Fire Extinguishers and Fixed Fire Extinguishing Systems (71-8303.1 through 71-8303.18) as printed below.

**Text:**

SUBARTICLE 4

PORTABLE FIRE EXTINGUISHERS AND FIXED FIRE EXTINGUISHING SYSTEMS

71-8303. Portable Fire Extinguishers and Fixed Fire Extinguishing Systems.

71-8303.1. General.

 A. The purpose of this subarticle is to regulate the leasing, renting, reselling, servicing and testing of portable fire extinguishers and the installation, testing, and servicing of fixed fire extinguishing systems in the interest of protecting lives and property.

 B. This regulation shall apply to:

 1. The filling, charging, and recharging of all portable fire extinguishers other than the initial filling by the manufacturer.

 2. The testing and servicing of all types of portable fire extinguishers.

 3. The installation, testing, and servicing of all types of fixed fire extinguishing systems.

 C. This regulation shall not apply to the following:

 1. The filling or charging of a portable fire extinguisher by the manufacturer before the initial sale;

 2. The installation or servicing of water-based extinguishing systems addressed by 40-10-240 et seq; and

 3. Firms engaged in the retailing or wholesaling of new portable fire extinguishers.

 D. Definitions

 1. "Citation" means a summons to appear before the State Fire Marshal because of a violation of any part or all of this regulation and may carry a monetary fine of up to $2,000 per violation.

 2. "DOT" means U.S. Department of Transportation.

 3. "Fixed Extinguishing System" means both an Engineered and Pre-Engineered fire extinguishing system.

 4. "Firm" means any person, partnership, corporation, association, or governmental entity.

 5. "Portable Fire Extinguisher" means a portable device containing extinguishing agent that can be expelled under pressure for the purpose of suppressing or extinguishing a fire.

 6. "Servicing" includes maintenance, recharging, or hydrostatic testing of a Portable Fire Extinguisher or a Fixed Extinguishing System.

71-8303.2. Codes and Standards.

 A. All references to NFPA standards found in these regulations refer to the editions adopted in SCRR 71-8300.2 and are modified by the following regulations as shown below.

71-8303.3. Fees for Licensing, Testing, and Inspections.

 A. The Office of State Fire Marshal is responsible for all administrative activities of the licensing program. The State Fire Marshal shall employ and supervise personnel necessary to effectuate the provisions of this article and shall establish fees sufficient but not excessive to cover expenses, including direct and indirect costs to the State for the operation of this licensing program. Fees may be adjusted not more than once each two years, using the method set out in South Carolina Code 40-1-50(D).

 B. Fees shall be established for the following:

 1. Application

 2. Testing

 3. Permitting

 4. Licensing

 5. Inspection

 6. Renewal

 C. All fees are due at time of application for licenses, testing, permits, inspection or renewal.

 D. All fees paid to the Office of State Fire Marshal are nonrefundable.

71-8303.4. Licensing and Permitting Requirements.

 A. General Licensing Requirements.

 1. Each firm testing and servicing portable fire extinguishers; installing, testing, and servicing fixed fire extinguishing systems; or hydrostatic testing portable fire extinguishers or portions of fixed fire extinguishing systems must have a license issued by the Office of State Fire Marshal.

 2. Each firm’s license shall be displayed in a conspicuous location at their place of business.

 3. Each firm shall apply in writing on a form available from the Office of State Fire Marshal, for the license classification the firm is seeking.

 4. Each firm shall furnish a certificate of insurance with their application in the amount required for their license classification. The firm shall list the State of South Carolina and its agents as additional insured. The coverage company must be an insurer which is either licensed by the Department of Insurance in this State or approved by the Department of Insurance as a nonadmitted surplus lines carrier for risks located in this State. In the event the liability insurance is canceled, suspended, or not renewed, the insurer shall give immediate notice to the Office of State Fire Marshal.

 5. Each firm shall possess the equipment required for the class of license sought. The State Fire Marshal shall inspect the firms facilities to verify the firm has the minimum required equipment. The State Fire Marshal shall not license a firm until deficiencies discovered by inspection are corrected.

 6. Licenses issued under this subarticle are not transferable.

 7. All licenses expire when insurance coverage lapses or is cancelled and on the day of expiration shown on the license and shall be renewed biennially.

 8. Expired licenses shall not be renewed. A new license shall be obtained by complying with all requirements and procedures for an original license.

 B. General Permitting Requirements.

 1. Each individual servicing, recharging, repairing, installing, or testing portable fire extinguishers or fixed fire extinguishing systems shall possess a valid permit issued by the Office of State Fire Marshal.

 2. Each individual shall apply in writing on a form available from the Office of State Fire Marshal, for the permit classification they are seeking.

 3. Applicants must provide two current 2" x 2" photographs with their application.

 4. Applicants must be at least 18 years old.

 5. Applicants shall pass a written examination administered by the Office of State Fire Marshal before a permit is issued. The exam will cover the applicable codes, state laws, and regulations and the additional requirements for the specific class of permit for which they are applying.

 6. Any applicant who fails the written examination is allowed one (1) re-test after a minimum seven-day waiting period. Any applicant who fails the re-test shall wait at least six (6) months before reapplying.

 7. Permit holder shall have their permit in their possession while working on equipment or systems covered by their permit.

 8. Permit holders shall show their permits on the request of any authority having jurisdiction.

 9. Permit holders shall be limited to specific type of work allowed by the class of permit they hold and the specific systems covered by their permit.

 10. Permits issued under this subarticle are not transferable.

 11. Permits shall expire on the day of expiration shown on the permit and shall be renewed biennially.

 12. Expired permits shall not be renewed. A new permit shall be obtained by complying with all requirements and procedures for an original permit.

 C. License and Permit Classifications.

 1. Class "A" - may service, recharge, or repair, all types of portable fire extinguishers, including recharging carbon dioxide units; and to conduct hydrostatic tests on all types of fire extinguishers.

 2. Class "B" - may service, recharge, or repair all types of portable fire extinguishers, including recharging carbon dioxide units and conducting hydrostatic tests on water, water chemical, and dry chemical types of extinguishers only.

 3. Class "C" - may service, recharge, or repair all types of portable fire extinguishers, except recharging carbon dioxide units; and to conduct hydrostatic tests of water, water chemical, and dry chemical types of fire extinguishers only.

 4. Class "D" - may service, recharge, repair, or install all types of fixed fire extinguishing systems.

 5. Class "E" is an apprentice permit classification only. Permits in this classification may perform the services only under direct supervision of a person holding a valid permit and who works for the same firm as the apprentice. An apprentice permit is valid for one year from the day of issuance and may not be renewed.

 D. Firms applying for a Class "A", "B", or "C" License must meet all of the general requirements for licensing and provide proof of public liability insurance for an amount not less than $1,000,000.

 E. Firms applying for a Class "D" License must:

 1. Designate on their application for licensing each type of fixed fire-extinguishing system for which they want to be licensed;

 2. Provide proof of public liability insurance for an amount not less than $1,000,000; and

 3. Provide proof of manufacturer's certification for each type of fixed fire extinguishing system shown on their application.

 F. Individuals applying for a Class "A", "B", or "C" Permit must meet all of the general requirements.

 G. Individuals applying for a Class "D" Permit must:

 1. Designate on their application for licensing each type of fixed fire-extinguishing system for which they want to be permitted.

 2. Demonstrate by a manufacturer’s specific training certificate for each type of fixed fire extinguishing system for which permitting is sought.

 3. Provide an affidavit to attest to the applicant's ability to obtain the proper manufacturer's installation, maintenance, and service manuals, and manufacturer's parts, and provide testament that all installations and service shall be performed in complete compliance with the manufacturer's installation, maintenance and service manuals.

 H. Employees applying for a Class "E" Permit must file an application for a Class "E" Permit and provide two current 2" x 2"photographs.

71-8303.5. Renewal of Class "D" Licenses and Permits.

 A. To qualify for biennial renewal of a Class D license, a firm must:

 1. Apply in writing on a form available from the Office of State Fire Marshal, designating each type of fixed fire-extinguishing system for which they wish to be licensed to install, test, or service.

 2. Provide proof of public liability insurance.

 3. Provide a current manufacturer’s training certificate for each type fixed extinguishing system that renewal is sought.

 4. Provide an affidavit to attest to the applicant's ability to obtain the proper manufacturer's installation, maintenance and service manuals and manufacturer's parts and provide testament that all installations and maintenance shall be performed in complete compliance with the manufacturer's installation, maintenance and service manuals.

 B. To qualify for biennial renewal of a Class D permit, an individual must:

 1. Apply in writing on a form available from the Office of State Fire Marshal, designating each type of fixed fire-extinguishing system for which they wish to be permitted to install, test, or service.

 2. Provide an up to date manufacturers training certificate for each type pre engineered system that renewal is sought.

 3. Provide an affidavit to attest to the applicant's ability to obtain the proper manufacturer's installation, maintenance and service manuals and manufacturer's parts and provide testament that all installations and maintenance shall be performed in complete compliance with the manufacturer's installation, maintenance and service manuals.

71-8303.6. Restrictions for Class D Fire Equipment Licenses and Permits.

 A. A firm or person shall not willfully engage in the business of installing, testing or servicing Class D fire equipment or use in any advertisement or on a business card or letterhead, or make any other verbal or written communication that the person is a Class D Fire Equipment Dealer or acquiesce in such a representation, unless that person is licensed as a Class D Fire Equipment Dealer by the Office of State Fire Marshal.

 B. No person shall install or service any type of Class D fire equipment not covered on their permit.

71-8303.7. Licensing Requirements: For Firms Performing Hydrostatic Testing.

 A. Each firm performing hydrostatic testing of fire extinguishers manufactured according to the specifications of the United States Department of Transportation (DOT) shall be required to possess a valid license issued by the DOT. All hydrostatic testing of fire extinguishers shall be performed per the appropriate DOT standards and NFPA standards.

 B. Each employee certified to conduct hydrostatic testing shall attend a DOT certification refresher course every three years and provide a copy of the current certification to the Office of State Fire Marshal upon completion.

71-8303.8. Installation and Maintenance Procedures.

 A. All Portable Fire Extinguishers and Fixed Fire Extinguishing Systems covered by these regulations shall be installed, inspected, tested and serviced per the applicable NFPA standards and the manufacturer's installation, service and maintenance manuals.

 B. Any portable fire extinguisher or fixed fire extinguishing system that cannot be maintained per the manufacturer’s installation, service, and maintenance manuals or the applicable NFPA standards shall be removed from service and replaced.

71-8303.9. Minimum Equipment and Facility Requirements for Fire Equipment Dealer License.

The Office of State Fire Marshal

Minimum Equipment and Facility Requirements for a Fire Equipment Dealer License

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  |  |  |  | Minimum Equipment and Facilities Required |  |  |  |
|  |  |  |  |  |  | YES | NO | N/A |
| 1 | A |  |  | D | Hydrostatic test equipment for high pressure testing and calibrated cylinder. (0-11,000 psi) |  |  |  |
| 2 | A |  |  | D | Equipment for test dating high-pressure cylinders (over 900 psi). Die stamps must be a minimum of  inches. |  |  |  |
| 3 | A |  |  | D | Clock with sweep secondhand on or close to hydrostatic test apparatus. |  |  |  |
| 4 | A | B |  | D | CO2 receiver--cascade system for proper filling of CO2 extinguishers. |  |  |  |
| 5 | A | B |  | D | Supply of metallic labels for CO2 hose conductivity test. Labels attached to the hose must include month and year of testing, name or initials of person performing test, and name of agency performing test.  |  |  |  |
| 6 | A | B | C | D | Scales graduated in 1/8 ounce or 1 gram weight if refilling CO2 cartridges. Minimum of 20 lbs.  |  |  |  |
| 7 | A | B | C | D | All Scales calibrated within the last 12 months. Certification date(s)\_\_\_\_\_\_ Certified by\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |  |  |
| 8 | A | B | C | D | Approved drying method for high and low pressure cylinders. Listed for its use.  |  |  |  |
| 9 | A | B | C | D | Proper wrenches with non-serrated jaws or valve puller (hydraulic or electric). |  |  |  |
| 10 | A | B | C | D | Inspection light. |  |  |  |
| 11 | A | B | C | D | Low-pressure test apparatus.  |  |  |  |
| 12 | A | B | C | D | Low-pressure hydrostatic test labels per NFPA 10.  |  |  |  |
| 13 | A | B | C | D | Scales for weighing extinguisher/system agent bottles during inspection and filling, minimum of 500 lbs. Calibrated and certified annually.  |  |  |  |
| 14 | A | B | C | D | Closed recovery system(s) and storage to remove and store chemicals from fire extinguishers or system cylinders during servicing.  |  |  |  |
| 15 | A | B | C | D | Closed recovery system(s) and storage to remove and store chemicals from halon type fire extinguishers or system cylinders during servicing.  |  |  |  |
| 16 | A | B | C |  | Current installation, maintenance and service manuals from the manufacturer of each make or brand of fire extinguisher or system the company installs, services, recharges, repairs, or maintains.  |  |  |  |
| 17 | A | B | C |  | Supply of extinguisher recharge agents for the type/brands of fire extinguishers the company requests to recharge or service. |  |  |  |
| 18 | A | B | C | D | Vise 6-inch minimum (chain or bench). |  |  |  |
| 19 | A | B | C | D | Facilities for proper storage of extinguishing agents.  |  |  |  |
| 20 | A | B | C | D | Facilities for leak testing of pressurized extinguishers. |  |  |  |
| 21 | A | B | C | D | Nitrogen with regulator and indicator. Regulator not to exceed 1500 psi--minimum 500 psi.  |  |  |  |
| 22 | A | B | C | D | Supply of "Verification of Service" collars containing Month and Year the service was performed.  |  |  |  |
| 23 | A | B | C |  | Adapters, fittings, and tools and equipment for properly servicing and/or recharging all extinguishers being serviced and recharged.  |  |  |  |
| 24 | A | B | C | D | Safety cage (in shop) for hydrostatic testing of low-pressure cylinders. |  |  |  |
| 25 | A | B | C | D | 1/4 pound graduated scales minimum 150 pounds for weighing chemical recharging.  |  |  |  |
| 26 |  |  |  | D | Cable crimping tool (where required). |  |  |  |
| 27 |  |  |  | D | Cocking lever (where required). |  |  |  |
| 28 |  |  |  | D | Pipe vise, dies, reamer, etc.  |  |  |  |
| 29 |  |  |  | D | Stock and supply of fuse links, proper elbows, and nozzles for system which is being installed. |  |  |  |
| 30 |  |  |  | D | Parts from each manufacturer’s system that the permittee is permitted to work on or service, including original service manuals and all up to-date technical bulletins.  |  |  |  |
| 31 |  |  |  | D | Listed links from each manufacturer that the permittee is permitted to service or work on.  |  |  |  |
| 32 |  |  |  | D | Current service manuals from the manufacturer for each model of fixed fire extinguishing system being installed, tested, or serviced by the fire equipment license holder. |  |  |  |
| 33 |  |  |  | D | System Reports – custom or generic. |  |  |  |
| 34 |  |  |  | D | Non-compliance Tags for non compliant systems. |  |  |  |
| 35 | A | B | C | D | Supply of tags with the appropriate company and other related information on them. |  |  |  |
| 36 |  |  |  | D | Thermometer with a minimum of 2ºF or 1ºC increments.  |  |  |  |
| 37 |  |  |  | D | Agent Transfer Pump (for Halon or Clean Agents). |  |  |  |
| 38 |  |  |  | D | Torque Wrench.  |  |  |  |
| 39 |  |  |  | D | Leak test device (for Halon or Clean Agents). |  |  |  |
| 40 |  |  |  | D | Liquid Level detector ("Halon Scanner"). |  |  |  |

71-8303.10. Powers and Duties of the State Fire Marshal.

 A. Powers and duties of the State Fire Marshal are:

 1. To evaluate the applications of firms or individuals for a license and permits to engage in the business of servicing portable fire extinguishers or installing, testing and servicing fixed fire-extinguishing systems;

 2. To administer written examinations to ascertain the competency of applicants for a license to service portable fire extinguishers or install fixed fire extinguishing systems;

 3. To issue licenses, permits, and apprentice permits required by this subarticle;

 4. To suspend or revoke licenses and permits for cause; and

 5. To administer these regulations and supervise personnel in carrying out the requirements of this regulation.

 B. The State Fire Marshal, upon request, shall conduct hearings or proceedings concerning the suspension, revocation, or refusal to issue or renew licenses or permits issued under this subarticle or the application to suspend, revoke, refuse to renew, or refuse to issue the same.

 C. An applicant, licensee, or permit holder whose license or permit has been refused or revoked under this subarticle, except for failure to pass a required written examination, shall not file another application for a license or permit within one year from the effective date of the refusal or revocation. After one year from that date, the applicant may re-apply, and in a public hearing, show good cause why the issuance of a license or permit does not hinder public safety and health.

 D. The State Fire Marshal shall maintain a registry of all applications for licenses or permits and of all firms or persons holding licenses or permits. The State Fire Marshal shall make the roster of Fire Equipment Dealers Licenses or Fire Equipment Permits, with notation concerning the types of fixed fire extinguishing system for which licenses or permits have been granted, available on the State Fire Marshal’s Web site.

 E. At least ninety (90) days before the expiration of a license, the State Fire Marshal shall send written notice of the impending license or permit expiration to the license or permit holder’s last known address. This subsection shall not be construed to prevent the denying or refusing to renew a license under applicable law or regulations of the State Fire Marshal.

71-8303.11. Fitness to practice; Investigation of Complaints.

 A. If the State Fire Marshal has reason to believe that a person licensed under this chapter has become unfit to practice as a Fire Equipment Dealer or if a complaint is filed with the Office of State Fire Marshal alleging a violation of a provision of this chapter by a license or permit holder or if a complaint is filed with the State Fire Marshal alleging that an licensed person is fraudulently holding him or herself out as qualified to engage in business as a Fire Equipment Dealer, the State Fire Marshal shall initiate an investigation per the procedures of Chapter 40, Title 1.

71-8303.12.Administrative Sanctions.

 A. If after an investigation it appears that the license or permit holder under this regulation has become unfit to practice or has violated these regulations, the State Fire Marshal shall file a Petition with the Administrative Law Judge Court stating the facts and the particular statutes and regulations at issue.

 B. The Administrative Law Judge Court may, after opportunity for hearing, order that the license or permit be revoked, suspended, or otherwise disciplined on the grounds that the license or permit holder:

 1. Used a false, fraudulent, or forged statement or document in obtaining a license or permit under this chapter; or

 2. Committed a fraudulent, deceitful, or dishonest act or omitted a material fact in obtaining a license or permit under this chapter; or

 3. Has had an authorization to practice a regulated profession or occupation in another state or jurisdiction canceled, revoked or suspended, or has otherwise been disciplined by another jurisdiction; or

 4. Has intentionally used a fraudulent statement in a document connected with the license or permit or;

 5. Obtained fees or assisted in obtaining fees under fraudulent circumstances; or

 6. Sustained a physical or mental disability or uses alcohol or drugs to such a degree as to render further practice as a Fire Equipment Dealer dangerous to the public; or

 7. Failed to perform all installation, service, and testing in complete compliance with the manufacturer’s manuals.

71-8303.13. Sanctions for Unlawful Practice.

 A. The Administrative Law Judge Court may, after opportunity for hearing, order injunctive relief against a person who, without possessing a valid license or permit under this chapter, practices or offers to practice or uses the title or term Fire Equipment Dealer. For each violation, the administrative law judge may impose a fine of no more than ten thousand ($10,000) dollars.

 B. A person who does not hold a license or permit as required by this Chapter, may not bring any action either at law or in equity to enforce the provisions of any contract for providing services as a Fire Equipment Dealer.

71-8303.14. Certain Acts Prohibited.

 A. No person or firm shall:

 1. Engage in the business of installing or servicing portable fire extinguishers without a valid and current license;

 2. Engage in the business of installing or servicing fixed fire-extinguishing systems without a valid and current license;

 3. Service, test, or install fixed fire-extinguishing systems without a valid and current license;

 4. Perform hydrostatic testing of DOT cylinders for portable fire extinguishers or parts of a fixed fire extinguishing systems without a valid and current hydrostatic license;

 5. Obtain or attempt to obtain a license or permit by fraudulent representation;

 6. Service portable fire extinguishers or test, service, or install fixed fire-extinguishing systems contrary to the provisions of these regulations;

 7. Service or hydrostatic test a fire extinguisher that does not have the proper identifying labels;

 8. Sell, offer for sale, or give any make, type, or model of new or used fire extinguisher, unless extinguisher has first been tested and is currently approved or listed by Underwriters' Laboratories, Inc., Factory Mutual Laboratories, Inc., or other nationally recognized testing laboratory whose testing procedures used for approval in the listing of portable fire extinguishers are acceptable to the State Fire Marshal, and unless such extinguisher carries an Underwriters' Laboratories, Inc., or manufacturer's serial number. The serial number shall be permanently stamped on the manufacturer's identification and instruction plate;

 9. Permit an individual who works for the firm to engage in installation, repair, recharge, maintenance or servicing fire extinguishers or fixed fire extinguishing systems without a valid permit or license.

71-8303.15. Cease and Desist Orders; Notice to Correct Hazardous Conditions.

When the State Fire Marshal shall have reason to believe that any person is or has been violating any provisions of this regulation or any rules or regulations adopted and promulgated pursuant thereto, he or his designated agent may issue and deliver to such person an order to cease and desist such violation or to correct such hazardous condition.

71-8303.16. Suspension or Revocation of License or Permit.

 A. The license of any company or individual may be suspended or revoked because of failure to comply with the terms of any order to correct violations within the specified abatement period or for failure to comply with any cease and desist orders. A license may be suspended for a period not to exceed one year from the date of license suspension. A license may be revoked for a period not to exceed two years from the date of license revocation.

 B. In addition, a license may be suspended or revoked where the license or permit holder is found to have:

 1. Rendered inoperative a fire extinguisher or fixed system, which is required by any rule of the State Fire Marshal, except during such time as the extinguisher, or fixed system is being inspected, serviced, or tested;

 2. Falsified any records required to be maintained by this chapter or rules adopted thereto;

 3. Improperly serviced, tested, or inspected a fire extinguisher or fixed fire extinguishing system;

 4. Allowed another person to use his permit or license number or use a license or permit number other than the license or permit holder’s valid license or permit number; or

 5. Obliterated the serial number on a fire extinguisher for purposes of falsifying service records.

71-8303.17. Responsibility of Equipment Manufacturer.

All manufacturers of portable fire extinguishers and fixed fire extinguishing systems doing business in South Carolina shall provide the State Fire Marshal with all technical information as well as installation instructions that apply to their systems and equipment sold, installed, serviced or tested in South Carolina. This technical information shall include design revisions and updating information on systems sold in South Carolina.

71-8303.18. Penalties.

The State Fire Marshal authorizes any Deputy State Fire Marshal to issue a citation for each offense to any person, firm, or corporation licensed under these regulations who has violated any provision of this subarticle. The State Fire Marshal may assess fines for each charge to both the fire equipment company and the permit holder. Citations shall be assessed by the State Fire Marshal at not more than two thousand ($2000.00) per violation.

**Fiscal Impact Statement:**

 There will be no additional cost incurred by the State or any political subdivision.

**Statement of Rationale:**

 The guidelines for Portable Fire Extinguishers and Fixed Fire Extinguishing Systems are amended to conform with national guidelines in order to ensure public safety.