



Mike A. Hagar
Secretary

State of Arkansas
Governor Sarah Huckabee Sanders



Mike A. Hagar
Director

ARKANSAS STATE POLICE

1 State Police Plaza Drive Little Rock, Arkansas 72209-4822 www.asp.arkansas.gov

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Mike Akin
Monticello

ARKANSAS STATE POLICE 2024 RULE CHANGE

RULES FOR ARKANSAS FIRE PREVENTION CODE

- Request for Governor's approval
- Questionnaire for filing proposed Rules and Regulations with the Arkansas Legislative Council and Fiscal Impact Statement
- Rule Change Summary
- Rules – Clean
- Rules - Markup
- Act 841 of 2023

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STATE OF ARKANSAS
SARAH HUCKABEE SANDERS
GOVERNOR

Request for Governor's Approval of Proposed Rule or Regulation

Department /Agency: _____

Short Title of Rule: _____

New Rule: ☐ Yes ☐ No

Amendment to Existing Rule: ☐ Yes ☒ No

State Mandate: ☐ Yes ☐ No

Federal Mandate: ☐ Yes ☐ No

If yes, please provide the legal citation of the mandate: _____

Legal Authority for Rule: _____

Proposed Effective Date: _____

Emergency Rule: ☐ Yes ☐ No

Expedited Rule Requested: ☐ Yes ☐ No

Summary of Proposed New Rule or Proposed Amendment to Existing Rule:

Financial Impact: ☐ Yes ☐ No ☐ Unknown; If yes or unknown, please explain:

Public Hearing Occurred on Rule: ☐ Yes ☐ No

Controversial: ☐ Yes ☐ No

If yes, please explain and provide detail of expected opposition.

Two Rules Repealed:

Exception from the Governor:

First Rule Repealed:

Brief explanation of why repeal is appropriate:

Second Rule Repealed:

Brief explanation of why repeal is appropriate:

Documents Required for Approval Process

Please note that the Governor's office will not begin the approval process if any of the following applicable documents are not enclosed with the approval request.

- ☐ BLR Questionnaire
- ☐ BLR Financial Impact Statement
- ☐ Proposed Rule - clean version
- ☐ Mark-Up of Rule, if amended from previous version
- ☐ Copy of Act or Regulation, if Rule is pursuant to State or Federal mandate

Contact Information

Department POC for Rules Process:

Department POC for this Rule:

NOTE: All documents must be returned to the Governor's Counsel as a single PDF file.

**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH
THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT _____
BOARD/COMMISSION _____
BOARD/COMMISSION DIRECTOR _____
CONTACT PERSON _____
ADDRESS _____
PHONE NO. _____ EMAIL _____
NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING _____
PRESENTER EMAIL(S) _____

INSTRUCTIONS

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, miller-ricer@blr.arkansas.gov, for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, garritym@blr.arkansas.gov, for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

1. What is the official title of this rule?

2. What is the subject of the proposed rule? _____
3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes No

4. Is this rule being filed for permanent promulgation? Yes No

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, what was the effective date of the emergency rule? _____

On what date does the emergency rule expire? _____

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes No

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? Yes No

If yes, please provide the state statute and/or rule citation.

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes No

If yes, please list the rules being repealed.

If no, please explain.

8. Is this a new rule? Yes No

Does this repeal an existing rule? Yes No

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes No

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?
Yes No

If yes, please provide the year of the act(s) and act number(s).

11. What is the reason for this proposed rule? Why is it necessary?

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

13. Will a public hearing be held on this proposed rule? Yes No

If yes, please complete the following:

Date: _____

Time: _____

Place: _____

Please be sure to advise Bureau Staff if this information changes for any reason.

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. _____

15. What is the proposed effective date for this rule? _____

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

19. Is the rule expected to be controversial? Yes No

If yes, please explain.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT _____
BOARD/COMMISSION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ EMAIL _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE _____

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes No

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes No

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:
(a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

Summary and Basis for Rule Promulgation

Pursuant to Act 841 of 2023, the Arkansas State Fire Marshal within the Office of Fire Protection Services shall adopt rules for the administration of the Arkansas Comprehensive Fire Protection Act of 1993. The State Fire Marshal shall adopt rules for the keeping, storing, using, manufacture, selling, handling, transportation, or other disposition of highly inflammable materials and rubbish, gunpowder, dynamite, crude petroleum or any of its products, explosives or compounds, or any other explosive, including fireworks, and firecrackers, and he or she may prescribe the materials and construction of receptacles and buildings to be used for any of those purposes. The rules initially promulgated by the Division of Arkansas State Police regarding fire enforcement, the Fire Prevention Act, § 12-13-101 et seq. or the Arkansas Fire Code remain in effect until adopted by the State Fire Marshal as rules of the Office of Fire Protection Services.

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Red-Lined Version

**State of Arkansas
Arkansas Fire Prevention Code Rules**



MIKE HAGAR
SECRETARY

STATE OF ARKANSAS
GOVERNOR SARAH HUCKABEE SANDERS

DEPARTMENT OF PUBLIC SAFETY
DIVISION OF EMERGENCY MANAGEMENT



A.J. GARY
DIRECTOR



TO THE PEOPLE OF THE STATE OF ARKANSAS:

The *Arkansas Fire Prevention Code* ("AFPC" or "Fire Code" or "Code") 2021 edition, which supersedes the 2012 edition, has been developed to assist in preventing and controlling fires in and outside of structures in the State of Arkansas. The proper use of this Code can result in saving lives and property through the prevention of fires in our state.

The State Fire Marshal's Office encourages Arkansas cities and counties to join with the Arkansas State Fire Marshal's Office in our effort to enforce the AFPC by adopting the Fire Code as a local ordinance. The adoption of the AFPC 2021 edition is important, and it is my the hope that every citizen will use this Code to their fullest advantage in fire prevention.

ORDER

Pursuant to the authority vested in the State Fire Marshal by Act 841 of 2023 (§20-22-1010), these rules are promulgated as originally adopted by the Director of the Division of Arkansas State Police by Section 6 of Act 254 of 1955 (A.C.A. §12-13-105), as amended, ~~I promulgate these rules for the prevention of fire hazards in the State of Arkansas. The rules are set out in detail in the copy attached hereto. These Rules become effective ten days after the date of final filing with the Secretary of State's Office.~~

~~IT IS THEREFORE ORDERED that said rules are to become effective January 1, 2023, in compliance with the Administrative Procedure Act of the State of Arkansas (A.C.A. §25-15-201 through §25-15-214) and shall be known as the Arkansas Fire Prevention Code, 2021 edition.~~

~~IN WITNESS WHEREOF, I have hereto affixed my signature as Director of the
Department of Arkansas State Police this June 20, 2022.~~

Colonel William J. Bryant

Director, Arkansas State Police and

Arkansas Department of Public Safety

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FOREWORD

The *Arkansas Fire Prevention Code* was developed using the nationally and internationally recognized and accepted *International Fire Code*, *International Building Code* and *International Residential Code*, with revisions based on recommendations from Arkansas-based subject matter experts.

There are countless individuals who contributed to the 2021 successful revision of the *Arkansas Fire Prevention Code*. The following Arkansans unselfishly devoted their time and expertise to serve on the informal Arkansas Fire Prevention Code Revision Committee. The State Fire Marshal's Office extends its heartfelt thanks to everyone who participated in the revision process:

Wally Bailey, Director of Community Development, City of Fort Smith
James Birchfield, Senior Manager, Fire Code Compliance, Walmart
Barry Burke, Inspector, State Fire Marshal's Office
Brian Cotton, Associate Vice Chancellor of Operations, UAMS, Design and Construction
Charles Covington, Chief State Electrical Inspector, AR Department of Labor
Jimmie Deer, Building Official, City of Fort Smith
Roderick Edwards, President, Triple-S Alarm Co., Inc.
James Engstrom, President, H. James Engstrom and Associates, Inc.
Jake Feemster, Fire Marshal, Bentonville Fire Department
Steven Ferren, Executive Vice President, Arkansas Oil Marketers Association
Dennis Free, Inspector, State Fire Marshal's Office
Dustin Free, Captain, North Little Rock Fire Department
(William) Guy Grady, Fire Inspector, Searcy Fire Department
Paul Hankins, Area Supervisor, Arkansas Department of Human Services Child Care Licensing Division
J.D. Harper, Executive Director, Arkansas Manufactured Housing Association
Jimmy Hart, Judge, Conway County Judge
Joe Hillard, Director of Engineering, Cromwell Architects & Engineers
Lorel Hoffman, President, Austin Permit Services
Joseph Jerabeck, Captain, Rogers Fire Department
Kevin Lang, Fire Chief, Paragould Fire Department
Chris A. Lorton, Commercial Building Inspector, City of Rogers
Robert Medford, Fire Chief, Camden Fire Department
Duane Miller, Fire Marshal, Springdale Fire Department
Robert Morgan, Inspector Supervisor, Arkansas Department of Environmental Quality
Michael Moyer, Captain, ASP/Regulatory and Building Operations
Kevin Pfalser, Director, Liquefied Petroleum Gas Board
Tim Quetsch, Engineer, Arkansas Department of Environmental Quality
Jerry Robinson, Fire Marshal, North Little Rock Fire Department
Bill Rumsey, Captain, Rogers Fire Department, Community Risk Reduction Division
Mike Scott, Chief Building Official, City of Hot Springs
Brian Sloat, Fire Marshal, Fayetteville Fire Department
Matthew Swaim, Architect, WER Architects/Planners
Darrell Tessman, Assistant Director, ADE Facilities and Transportation

Clayton Vaden, Architect, Lewis Architects Engineers
Phil Watkins, Building Official, City of Searcy
Mark Wheeler, Vice President/District Manager, VSC Fire and Security
Mark Whitaker, Plan Reviewer, State Fire Marshal's Office
Jason Wills, Fire Marshal, Jonesboro Fire Department
Keith Wingfield, President, River Rock Builders

The intent of the *Arkansas Fire Prevention Code* is to reduce the number of fires in Arkansas and reduce the number of other hazard-related concerns. The *Arkansas Fire Prevention Code* establishes minimum rules dealing with fire and building safety.

Written communications for the State Fire Marshal's Office should be directed to:

State Fire Marshal's Office
~~Division of Arkansas State Police~~
~~Arkansas Department of Public Safety-~~
~~1 State Police Plaza Drive-~~
~~Little Rock, AR 72209~~
Office of Fire Protection Services
Arkansas Division of Emergency Management
Building 9501
Camp Robinson
North Little Rock, AR 72199

The State Fire Marshal's Office can be contacted by telephone at (501)-683-6740. ~~501-618-8624 (until further notice). The fax number for the State Fire Marshal's Office is (501)-618-8621 (until further notice).~~

~~Major Lindsey Williams——~~
~~State Fire Marshal's Office~~
~~Division of Arkansas State Police—~~
~~Arkansas Department of Public Safety~~

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STATE OF ARKANSAS
ARKANSAS FIRE PREVENTION CODE RULES
2021 EDITION
DEFINITIONS

Pursuant to the authority vested in the State Fire Marshal by Act 841 of 2023 (§20-22-1010), these rules are promulgated as originally adopted by the Director of the Division of Arkansas State Police pursuant to by Section 6 of Act 254 of 1995 (A.C.A. §12-13-105). These Rules are promulgated by the Director of the Division of Arkansas State Police, who serves by operation of law as the Arkansas State Fire Marshal under the authority granted by Arkansas Act 254 of 1995, codified at A.C.A. § 12-13-101 to A.C.A. §12-13-116, as amended. The purpose of these Rules is to aid in the implementation, interpretation and enforcement of the *Arkansas Fire Prevention Code* (AFPC), 2021 edition.

The *International Fire Code*, 2021 edition, the *International Building Code*, 2021 edition, and the *International Residential Code*, 2021 edition, as published by the International Code Council and the rules, as amended and adopted by the Arkansas State Fire Marshal, shall constitute the *Arkansas Fire Prevention Code*, 2021 edition. These Rules become effective ten days after the date of final filing with the Secretary of State's Office. These Rules shall be effective January 1, 2023.

The following shall be defined as:

INTERNATIONAL PLUMBING CODE shall mean the *Arkansas State Plumbing Code*.

INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE is replaced by "Arkansas Department of Health Rules and Regulations Pertaining to Onsite Wastewater Systems."

INTERNATIONAL MECHANICAL CODE shall mean the *mechanical code for Arkansas*.

INTERNATIONAL FUEL GAS CODE shall mean the *Arkansas State Gas Code*.

INTERNATIONAL ENERGY CONSERVATION CODE shall mean the *Arkansas Energy Code*.

INTERNATIONAL FIRE CODE shall mean the *Arkansas Fire Prevention Code*, Volume I.

INTERNATIONAL BUILDING CODE shall mean the *Arkansas Fire Prevention Code*, Volume II.

INTERNATIONAL RESIDENTIAL CODE shall mean the *Arkansas Fire Prevention Code*, Volume II.

NATIONAL ELECTRICAL CODE shall mean the *electrical code for the State of Arkansas*.

BUILDING OFFICIAL shall mean any governmental official having authority to enforce that aspect of the code.

Dotted lines in the margin indicate Arkansas Revisions.

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Solid stars in the margin indicate Arkansas deletions.

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STATE OF ARKANSAS
ARKANSAS FIRE PREVENTION CODE RULES
2021 EDITION

Volume 1: <https://codes.iccsafe.org/content/ARFPCVIF2021P1>
Volume 2: <https://codes.iccsafe.org/content/ARFPCVIIB2021P1>
Volume 3: <https://codes.iccsafe.org/content/ARFPCVIIB2021P1>

Clean Version

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Arkansas Fire Prevention Code Rules**

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MIKE HAGAR
SECRETARY

**STATE OF ARKANSAS
GOVERNOR SARAH HUCKABEE SANDERS
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF EMERGENCY MANAGEMENT**



A.J. GARY
DIRECTOR

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The State Fire Marshal's Office encourages Arkansas cities and counties to join with the Arkansas State Fire Marshal's Office in our effort to enforce the AFPC by adopting the Fire Code as a local ordinance. The adoption of the AFPC 2021 edition is important, and it is the hope that every citizen will use this Code to their fullest advantage in fire prevention.

Pursuant to the authority vested in the State Fire Marshal by Act 841 of 2023 (§20-22-1010), these rules are promulgated as originally adopted by the Director of the Division of Arkansas State Police by Section 6 of Act 254 of 1955 (A.C.A. §12-13-105). These Rules become effective ten days after the date of final filing with the Secretary of State's Office.

FOREWORD

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There are countless individuals who contributed to the 2021 successful revision of the *Arkansas Fire Prevention Code*. The following Arkansans unselfishly devoted their time and expertise to serve on the informal Arkansas Fire Prevention Code Revision Committee. The State Fire Marshal's Office extends its heartfelt thanks to everyone who participated in the revision process:

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Jake Feemster, Fire Marshal, Bentonville Fire Department
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Dennis Free, Inspector, State Fire Marshal's Office
Dustin Free, Captain, North Little Rock Fire Department
(William) Guy Grady, Fire Inspector, Searcy Fire Department
Paul Hankins, Area Supervisor, Arkansas Department of Human Services Child Care Licensing Division
J.D. Harper, Executive Director, Arkansas Manufactured Housing Association
Jimmy Hart, Judge, Conway County Judge
Joe Hillard, Director of Engineering, Cromwell Architects & Engineers
Lorel Hoffman, President, Austin Permit Services
Joseph Jerabeck, Captain, Rogers Fire Department
Kevin Lang, Fire Chief, Paragould Fire Department
Chris A. Lorton, Commercial Building Inspector, City of Rogers
Robert Medford, Fire Chief, Camden Fire Department
Duane Miller, Fire Marshal, Springdale Fire Department
Robert Morgan, Inspector Supervisor, Arkansas Department of Environmental Quality
Michael Moyer, Captain, ASP/Regulatory and Building Operations
Kevin Pfalser, Director, Liquefied Petroleum Gas Board
Tim Quetsch, Engineer, Arkansas Department of Environmental Quality
Jerry Robinson, Fire Marshal, North Little Rock Fire Department
Bill Rumsey, Captain, Rogers Fire Department, Community Risk Reduction Division
Mike Scott, Chief Building Official, City of Hot Springs
Brian Sloat, Fire Marshal, Fayetteville Fire Department
Matthew Swaim, Architect, WER Architects/Planners
Darrell Tessman, Assistant Director, ADE Facilities and Transportation

Clayton Vaden, Architect, Lewis Architects Engineers
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Office of Fire Protection Services
Arkansas Division of Emergency Management
Building 9501
Camp Robinson
North Little Rock, AR 72199

The State Fire Marshal's Office can be contacted by telephone at (501)-683-6740.

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STATE OF ARKANSAS
ARKANSAS FIRE PREVENTION CODE RULES
2021 EDITION

DEFINITIONS

Pursuant to the authority vested in the State Fire Marshal by Act 841 of 2023 (§20-22-1010), these rules are promulgated as originally adopted by the Director of the Division of Arkansas State Police pursuant to by Section 6 of Act 254 of 1.955 (A.C.A. §12-13-105).

The *International Fire Code*, 2021 edition, the *International Building Code*, 2021 edition, and the *International Residential Code*, 2021 edition, as published by the International Code Council and the rules, as amended and adopted by the Arkansas State Fire Marshal, shall constitute the *Arkansas Fire Prevention Code*, 2021 edition. These Rules become effective ten days after the date of final filing with the Secretary of State's Office.

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ARKANSAS FIRE PREVENTION CODE RULES
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State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H4/3/23

A Bill

HOUSE BILL 1766

By: Representative L. Johnson
By: Senator K. Hammer

For An Act To Be Entitled

AN ACT TO ABOLISH THE STATE FIRE PREVENTION
COMMISSION; TO AMEND THE DUTIES AND MEMBERSHIP OF THE
ARKANSAS FIRE PROTECTION SERVICES BOARD; TO CREATE
THE POSITION OF STATE FIRE MARSHAL; TO CREATE THE
ARKANSAS FIRE PROTECTION SERVICES GRANT PROGRAM; TO
DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO ABOLISH THE STATE FIRE PREVENTION
COMMISSION; TO AMEND THE DUTIES AND
MEMBERSHIP OF THE ARKANSAS FIRE
PROTECTION SERVICES BOARD; TO CREATE THE
POSITION OF STATE FIRE MARSHAL; AND TO
DECLARE AN EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Abolition of State Fire Prevention
Commission.

(a) The State Fire Prevention Commission is abolished, and its
authority, duties, functions, records, contracts, personnel, property, and
unexpended balances of appropriations, allocations, and other funds,
including the functions of budgeting or purchasing, are transferred to the
Arkansas Fire Protection Services Board.

(b) The State Fire Prevention Commission's statutory powers, duties,
and functions, including the functions of budgeting or purchasing, records,



1 contracts, personnel, property, and unexpended balances of appropriations,
2 allocations, and other funds are transferred to the Arkansas Fire Protection
3 Services Board.

4 (c)(1) The abolishment of the State Fire Prevention Commission does
5 not affect the orders, rules, directives, registration, licensing, or
6 standards made or promulgated by the State Fire Prevention Commission before
7 the effective date of this act.

8 (2) The orders, rules, directives, registration, licensing, or
9 standards of the State Fire Prevention Commission shall continue to be in
10 effect until they are amended or repealed under authority given by law.

11
12 SECTION 2. Arkansas Code § 6-20-1407(f), concerning the approval of
13 public school building plans, is amended to read as follows:

14 (f)(1) For additions or renovations, a copy of final construction
15 documents shall be submitted to the ~~State Fire Marshal Enforcement Section~~
16 State Fire Marshal within the Office of Fire Protection Services for review
17 in regard to compliance with the Arkansas-adopted Americans with Disabilities
18 Act Accessibility Guidelines, 42 U.S.C. § 12101 et seq.

19 (2) All review comments received from the ~~State Fire Marshal~~
20 ~~Enforcement Section~~ State Fire Marshal within the Office of Fire Protection
21 Services shall be in writing.

22 (3) Corrected construction documents shall be received and
23 approved by the ~~State Fire Marshal Enforcement Section~~ State Fire Marshal
24 within the Office of Fire Protection Services.

25 (4) No additions or renovation project shall be released for
26 bidding or construction until the requirements of this subsection are met.

27
28 SECTION 3. Arkansas Code § 6-21-106(d)(3), concerning fire hazards
29 inspection before closing for breaks, is amended to read as follows:

30 (3) If the inspection report of the fire department includes
31 deficiencies that require a response or other action, the local official for
32 the school district shall also file the report required by this subsection
33 with the State Fire Marshal ~~Enforcement Section~~ within the Office of Fire
34 Protection Services.

35
36 SECTION 4. Arkansas Code § 6-21-106(e)(1)(A)(i), concerning fire

1 hazards inspection before closing for breaks, is amended to read as follows:

2 (i) ~~The State Fire Marshal Enforcement Section~~ State
3 Fire Marshal within the Office of Fire Protection Services; and

4
5 SECTION 5. Arkansas Code § 6-21-106(e)(3), concerning fire hazards
6 inspection before closing for breaks, is amended to read as follows:

7 (3) If the required inspection is subsequently performed, the
8 fire department shall file the report required under subsection (b) of this
9 section with the local official and the ~~State Fire Marshal Enforcement~~
10 Section State Fire Marshal within the Office of Fire Protection Services.

11
12 SECTION 6. Arkansas Code § 6-21-106(g), concerning fire hazards
13 inspection before closing for breaks, is amended to read as follows:

14 (g) The chief executive officer of the fire department shall notify
15 the ~~State Fire Marshal Enforcement Section~~ State Fire Marshal within the
16 Office of Fire Protection Services and the Division of Elementary and
17 Secondary Education if:

18 (1) The chief executive officer of the fire department does not
19 receive the local official's report required under subsection (d) of this
20 section, within seven (7) days of the date the report was due; or

21 (2) The school district does not correct all deficiencies noted
22 in the inspection report by the completion date indicated in the local
23 official's report.

24
25 SECTION 7. Arkansas Code § 8-7-802(a)(2)(C)(ii), concerning the
26 Arkansas Pollution Control and Ecology Commission and the Division of
27 Environmental Quality duties regarding above-ground storage tank monitoring,
28 is amended to read as follows:

29 (ii) The fee shall be used by the Division of
30 Environmental Quality for administrative and program costs, and ten dollars
31 (\$10.00) of the fee collected by the Division of Environmental Quality shall
32 be remitted to the State Treasury, there to be deposited as special revenues
33 to the credit of the ~~Division of Arkansas State Police~~ Fire Services Fund to
34 be used for the purposes of above-ground storage tank monitoring and
35 regulation by the ~~Division of Arkansas State Police~~ State Fire Marshal within
36 the Office of Fire Protection Services.

1
2 SECTION 8. Arkansas Code § 12-8-106(d), concerning the powers and
3 duties of the Division of Arkansas State Police related to the State Fire
4 Marshal, is amended to read as follows:

5 (d) The police officers shall ~~have all the power and authority of the~~
6 ~~State Fire Marshal and shall assist in making investigations of arson, § 5-~~
7 ~~38-301, and other such offenses~~ fire investigations as the director may
8 direct and shall be subject to the call of the circuit courts of the state
9 and the Governor.

10
11 SECTION 9. Arkansas Code § 12-13-102 is repealed.

12 ~~12-13-102. Definitions.~~

13 ~~As used in this subchapter:~~

14 ~~(1) "Building" means any structure, framework, or housing,~~
15 ~~public or private;~~

16 ~~(2) [Repealed.]~~

17 ~~(3) "Fire hazard" means any building, premises, place, or thing~~
18 ~~which by reason of its nature, location, occupancy, condition, or use may~~
19 ~~cause loss, damage, or injury to persons or property by reason of fire,~~
20 ~~explosion, or action of the elements;~~

21 ~~(4) "Members of fire departments" includes the personnel of all~~
22 ~~departments supported wholly or partially by public funds;~~

23 ~~(5) "Officer" means an officer of the Division of Arkansas State~~
24 ~~Police whom the Director of the Division of Arkansas State Police may appoint~~
25 ~~or designate to execute the powers and perform the duties specified in this~~
26 ~~subchapter and also includes all peace officers as defined in subdivision (7)~~
27 ~~of this section;~~

28 ~~(6)(A) "Owner" shall be given its ordinary meaning and includes~~
29 ~~any trustee or any person having a freehold interest in property.~~

30 ~~(B) However, a lessee or mortgagee of property shall not~~
31 ~~be deemed the owner thereof;~~

32 ~~(7) "Peace officer" includes every type of law enforcement~~
33 ~~officer commissioned and active within this state;~~

34 ~~(8) "Person" means any individual, copartnership, corporation,~~
35 ~~or voluntary association; and~~

36 ~~(9) "Premises" means any parcel of land, exclusive of buildings~~

1 ~~thereon, and includes parking lots, tourist camps, trailer camps, airports,~~
2 ~~stockyards, junkyards, and other places or enclosures, however owned, used,~~
3 ~~or occupied.~~

4
5 SECTION 10. Arkansas Code § 12-13-103 is repealed.

6 ~~12-13-103. Officer's neglect of duty—Penalty.~~

7 ~~(a) Any officer referred to in this subchapter who neglects to comply~~
8 ~~with any requirement of this subchapter shall be guilty of a violation.~~

9 ~~(b) Upon conviction, the officer shall be punished by a fine of not~~
10 ~~less than twenty five dollars (\$25.00) nor more than one hundred dollars~~
11 ~~(\$100) for each neglect or violation.~~

12
13 SECTION 11. Arkansas Code § 12-13-104 is repealed.

14 ~~12-13-104. Administration and enforcement.~~

15 ~~(a) The administration and enforcement of this subchapter are vested~~
16 ~~in the Division of Arkansas State Police.~~

17 ~~(b) The Director of the Division of Arkansas State Police is empowered~~
18 ~~to create and maintain a State Fire Marshal Enforcement Section in the~~
19 ~~Division of Arkansas State Police and to appoint such personnel with such~~
20 ~~duties, powers, and titles as he or she may deem necessary for the proper~~
21 ~~administration and enforcement of this subchapter.~~

22
23 SECTION 12. Arkansas Code § 12-13-105 is repealed.

24 ~~12-13-105. Duties of State Fire Marshal Enforcement Section.~~

25 ~~The State Fire Marshal Enforcement Section shall have the~~
26 ~~responsibility to:~~

27 ~~(1) Provide sufficient training to the several deputy fire~~
28 ~~marshals in the State of Arkansas to enable them to better understand their~~
29 ~~duties and their authority and to motivate them to perform their duties in an~~
30 ~~effective and efficient manner;~~

31 ~~(2) Coordinate fire prevention efforts with other agencies and~~
32 ~~groups;~~

33 ~~(3) Develop and present public awareness programs in fire~~
34 ~~prevention and protection;~~

35 ~~(4) Develop and disseminate fire prevention information and~~
36 ~~material;~~

1 ~~(5) Enforce the Arkansas Fire Prevention Code and periodically~~
2 ~~revise and update the Arkansas Fire Prevention Code;~~

3 ~~(6) Investigate fires of a suspicious nature in the state;~~

4 ~~(7) Do and perform such other functions as will promote an~~
5 ~~efficient and effective fire prevention and control program in the state;~~

6 ~~(8) Review fire protection class code determinations by an~~
7 ~~advisory organization and determine if the evaluation of fire protection~~
8 ~~services is reasonable and appropriate; and~~

9 ~~(9) Upon request, make recommendations to the Insurance~~
10 ~~Commissioner concerning filings made to the commissioner concerning fire~~
11 ~~protection standards.~~

12
13 SECTION 13. Arkansas Code § 12-13-106 is repealed.

14 ~~12-13-106. Section personnel.~~

15 ~~The members or heads of the State Fire Marshal Enforcement Section of~~
16 ~~the Division of Arkansas State Police shall be appointed and serve in the~~
17 ~~same manner as provided by law for the operation of other divisions of the~~
18 ~~Division of Arkansas State Police.~~

19
20 SECTION 14. Arkansas Code § 12-13-107 is repealed.

21 ~~12-13-107. Director of the Division of Arkansas State Police—Duties~~
22 ~~generally.~~

23 ~~(a) It shall be the duty of the Director of the Division of Arkansas~~
24 ~~State Police and his or her officers and deputies to enforce all laws and~~
25 ~~ordinances with regard to the following:~~

26 ~~(1) The prevention of fires;~~

27 ~~(2) The storage, sale, and use of combustibles and explosives;~~

28 ~~(3) The installation and maintenance of automatic or other fire~~
29 ~~alarm systems and fire extinguishing equipment;~~

30 ~~(4) The construction, maintenance, and regulation of fire~~
31 ~~escapes;~~

32 ~~(5) The means and adequacy of exits in case of fire from~~
33 ~~factories, asylums, hospitals, churches, schools, halls, theaters, and all~~
34 ~~other places in which numbers of people work, live, or congregate from time~~
35 ~~to time, for any purpose; and~~

36 ~~(6) The suppression of arson and the investigation of the cause,~~

1 ~~origin, and circumstances of fires.~~

2 ~~(b) The director is empowered to adopt reasonable rules for the~~
3 ~~effective administration of this subchapter to accomplish its intent and~~
4 ~~purposes, and to safeguard the public from fire hazards.~~

5 ~~(c) The director shall make reasonable rules for the keeping, storing,~~
6 ~~using, manufacture, selling, handling, transportation, or other disposition~~
7 ~~of highly inflammable materials and rubbish, gunpowder, dynamite, crude~~
8 ~~petroleum or any of its products, explosives or compounds or any other~~
9 ~~explosive, including fireworks, and firecrackers, and he or she may prescribe~~
10 ~~the materials and construction of receptacles and buildings to be used for~~
11 ~~any of those purposes.~~

12 ~~(d) Nothing in this subchapter shall apply to the inspection of~~
13 ~~boilers, § 20-23-101 et seq., the administration and enforcement of which is~~
14 ~~now vested in the Division of Labor.~~

15
16 SECTION 15. Arkansas Code § 12-13-108 is amended to read as follows:

17 12-13-108. Ex officio deputies.

18 All mayors, members of fire departments, and peace officers shall be ex
19 officio deputies to the Director of the Division of Arkansas State Police.
20 They shall be subject to the duties and obligations imposed by ~~this~~
21 subchapter law in fire prevention and in the investigation of the cause,
22 origin, and circumstances of fires within their jurisdiction.

23
24 SECTION 16. Arkansas Code § 12-13-109 is repealed.

25 ~~12-13-109. Fire drills.~~

26 ~~It shall be the duty of the Director of the Division of Arkansas State~~
27 ~~Police, his or her officers, and deputies to require teachers of public and~~
28 ~~private schools and all educational institutions to have one (1) fire drill~~
29 ~~each month and to keep all doors and exits unlocked during school hours.~~

30
31 SECTION 17. Arkansas Code § 12-13-110 is repealed.

32 ~~12-13-110. Inspection of buildings.~~

33 ~~(a)(1) Upon complaint of any person or on their own motion, the~~
34 ~~Director of the Division of Arkansas State Police and his or her officers or~~
35 ~~deputies may inspect all buildings and premises within their jurisdiction and~~
36 ~~issue an order for the compliance with the director's rules.~~

1 ~~(2) Failure or refusal to comply with an order of the director~~
2 ~~in the enforcement of the rules shall be a Class A misdemeanor.~~

3 ~~(b)(1) The director and his or her officers and deputies shall inspect~~
4 ~~all places of public assembly, including factories or industrial plants~~
5 ~~normally employing ten (10) or more persons, where hazards to the lives and~~
6 ~~safety of citizens might be present.~~

7 ~~(2) If upon completion of the inspection an unsafe or hazardous~~
8 ~~condition is found to exist, then the director shall promptly notify the~~
9 ~~owner or operator of the public assembly in writing.~~

10 ~~(3) Upon the receipt of the written notice, the owner or~~
11 ~~operator shall remove the hazardous or unsafe condition.~~

12 ~~(4)(A) On failure to remedy the condition, the director may file~~
13 ~~injunction proceedings in the circuit court of the jurisdiction to abate the~~
14 ~~condition as being a nuisance.~~

15 ~~(B) The suit shall be filed in the name of the director~~
16 ~~for the use and benefit of the State of Arkansas without bond for costs.~~

17
18 SECTION 18. Arkansas Code § 12-13-115 is repealed.

19 ~~12-13-115. Annual report to Governor.~~

20 ~~Annually on or before July 1, the Director of the Division of Arkansas~~
21 ~~State Police shall transmit to the Governor a full report of his or her~~
22 ~~proceedings under this subchapter, including statistics and recommendations~~
23 ~~he or she may deem advisable.~~

24
25 SECTION 19. Arkansas Code § 12-13-116 is repealed.

26 ~~12-13-116. Disposition of penalties, fees, and forfeitures.~~

27 ~~All penalties, fees, or forfeitures collected under the provisions of~~
28 ~~this subchapter shall be deposited into the State Treasury to the credit of~~
29 ~~the Department of Arkansas State Police Fund.~~

30
31 SECTION 20. Arkansas Code § 12-13-117 is repealed.

32 ~~12-13-117. Temporary door barricade devices.~~

33 ~~A person may install and use a temporary door barricade device or~~
34 ~~security lockdown device for security purposes to protect individuals during~~
35 ~~active shooter events or other similar situations.~~

SECTION 21. Arkansas Code § 12-13-118 is repealed.

~~12-13-118. Americans with Disabilities Act compliance.~~

~~When the Arkansas Fire Prevention Code conflicts with the 2010 Americans with Disabilities Act Standards for Accessible Design, the conflicting provisions of the 2010 Americans with Disabilities Act Standards for Accessible Design shall control.~~

SECTION 22. Arkansas Code § 12-13-119 is repealed.

~~12-13-119. Review of fire protection class code determinations by advisory organizations—Recommendations to Insurance Commissioner.~~

~~(a) The State Fire Marshal Enforcement Section may review fire protection standards filings filed by an advisory organization with the Insurance Commissioner if:~~

~~(1) The filing is based on the effectiveness of fire protection services; and~~

~~(2) Upon request of the commissioner or a person affected by a rate filing.~~

~~(b) The section shall review a fire protection class code determination by:~~

~~(1) Reassessing the fire protection services of each area of the state under approved standards to determine whether or not the analysis of the area's fire protection services were graded accurately considering the area's concerns, characteristics, and equipment and support available for fire protection services;~~

~~(2) Advising the commissioner if the fire protection class code determination is reasonable and appropriate; and~~

~~(3) Recommending further review or action by the commissioner concerning the fire protection class code determination.~~

~~(c) A recommendation by the section is not binding on the commissioner.~~

~~(d) The section shall make its recommendations under this section to the commissioner within thirty (30) days after receipt of a request to review a fire protection standards filing.~~

~~(e) The section shall draw upon the experience and knowledge of different individuals in this state to make an informed recommendation to the commissioner.~~

1
2 SECTION 23. Arkansas Code § 14-284-304(4), concerning the power and
3 duties of the Rural Fire Protection Service and the State Fire Marshal's
4 Office, is amended to read as follows:

5 (4) To provide leadership and to cooperate with the Division of
6 Emergency Management, the State Fire Marshal ~~Marshal's office~~, the Office of
7 Fire Protection Services, and the Arkansas Fire Training Academy in
8 coordinating the efforts of these agencies with the efforts and services of
9 rural fire protection districts for the purpose of coordinating and making
10 maximum use of the services and resources of this state in providing rural
11 fire protection services in this state;

12
13 SECTION 24. Arkansas Code Title 19, Chapter 5, Subchapter 12, is
14 amended to add an additional section to read as follows:

15 19-5-1277. Fire Services Fund.

16 (a) There is created on the books of the Treasurer of State, the
17 Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous
18 fund to be known as the "Fire Services Fund".

19 (b) The fund shall consist of:

20 (1) Special revenues collected under § 8-7-802;

21 (2) Special revenues from the license fee for fireworks, under
22 §§ 20-22-701 – 20-22-715;

23 (3) Special revenues from the Fire Protection Premium Tax Fund §
24 19-6-468.

25 (4) Any other funds authorized or provided by law; and

26 (5) Any remaining fund balances carried forward from year to
27 year.

28 (c) The fund shall be used by the Division of Emergency Management and
29 the Office of Fire Protection Services to provide fire protection services.

30 (d) Moneys remaining in the fund at the end of each fiscal year shall
31 carry forward and be made available for the purposes stated in this section
32 in the next fiscal year.

33
34 SECTION 25. Arkansas Code § 19-6-301(164), concerning the enumeration
35 of special revenues, is amended to read as follows:

36 (164) Those additional insurance premium taxes as specified in §

1 26-57-614, the portion of premium tax designated in § 26-57-603(d), and the
2 amount of insurance premium taxes transferred due to the provisions of §§ 24-
3 11-301 and 24-11-809;

4
5 SECTION 26. Arkansas Code § 19-6-468 is amended to read as follows:

6 19-6-468. Fire Protection Premium Tax Fund.

7 (a) There is created on the books of the Treasurer of State, the
8 Auditor of State, and the Chief Fiscal Officer of the State a special revenue
9 fund to be known as the "Fire Protection Premium Tax Fund", which shall
10 consist of those special revenues as specified in § 19-6-301(164), there to
11 be used for fire protection services as set out in § 26-57-614 and § 14-284-
12 401 et seq.

13 (b)(1) The Insurance Commissioner shall immediately deposit all moneys
14 collected under § 26-57-614 and § 14-284-401 et seq. into the Revenue Holding
15 Fund Account as provided in § 19-5-204. On the last business day of each
16 quarter, the Chief Fiscal Officer of the State shall determine the amount of
17 net special revenues to be transferred to the Fire Protection Premium Tax
18 Fund by the Treasurer of State.

19 (2) By the last business day of the quarter after July 1, 2023,
20 and by the last business day of each following quarter, the Chief Fiscal
21 Officer of the State shall:

22 (A) Determine the amount of collections deposited into the
23 Fire Protection Premium Tax Fund during the current quarter and the amount of
24 collections deposited into the Fire Protection Premium Tax Fund during the
25 same quarter of the immediately preceding year; and

26 (B) Certify the amount by which the collections deposited
27 into the Fire Protection Premium Tax Fund for the current quarter exceed the
28 amount of collections deposited into the Fire Protection Premium Tax Fund
29 during the same quarter of the immediately preceding year;

30 (C) Transfer fifty percent (50%) of the amount certified
31 under subdivision (b)(2)(B) of this section to the Fire Services Fund.

32 (3) The Chief Fiscal Officer of the State shall be the
33 disbursing officer for the Fire Protection Premium Tax Fund, and shall
34 distribute the moneys as provided in § 26-57-614 and § 14-284-401 et seq.

35 (c) The Insurance Commissioner shall disburse any refunds which may be
36 due insurance carriers from the Miscellaneous Revolving Fund after certifying

1 to the Chief Fiscal Officer of the State the amount to be refunded. The Chief
2 Fiscal Officer of the State shall direct that the certified amount be
3 transferred from the Revenue Holding Fund Account to the Miscellaneous
4 Revolving Fund as provided in § 19-5-106(a)(3).

5 (d) Beginning January 1, 2024, any funds that remain unclaimed in the
6 Fire Protection Premium Tax Fund for over two (2) of the immediately prior
7 calendar years shall be transferred to a cash fund and deposited into the
8 State Treasury as determined by the Chief Fiscal Officer of the State to be
9 used exclusively by the Arkansas Fire Protection Services Board for Fire
10 Protection Services grants.

11
12 SECTION 27. Arkansas Code Title 20, Chapter 22, Subchapter 2, is
13 repealed.

14 ~~Subchapter 2 — State Fire Prevention Commission~~

15
16 ~~20-22-201. Legislative findings.~~

17 ~~The General Assembly finds and declares that:~~

18 ~~(1) A significant part of the population of this state needs~~
19 ~~improved fire prevention;~~

20 ~~(2) The establishment and maintenance of a coordinated program~~
21 ~~for fire prevention for the entire state is necessary to protect the safety~~
22 ~~and wellbeing of the citizens and residents of this state;~~

23 ~~(3) Adequate fire prevention is more likely to become a reality~~
24 ~~when certain provisions are enacted by law; and~~

25 ~~(4) Fire prevention is a public purpose and a responsibility of~~
26 ~~government for which public funds may be spent.~~

27
28 ~~20-22-202. State Fire Prevention Commission established — Members.~~

29 ~~(a)(1) The State Fire Prevention Commission shall be composed of~~
30 ~~eleven (11) residents of the State of Arkansas.~~

31 ~~(2) Membership of the State Fire Prevention Commission shall~~
32 ~~consist of the following members by virtue of their office:~~

33 ~~(A) The State Fire Marshal or his or her designee;~~

34 ~~(B) The Director of the Arkansas Fire Training Academy or~~
35 ~~his or her designee; and~~

36 ~~(C) The Chair of the Arkansas Forestry Commission or his~~

1 ~~or her designee.~~

2 ~~(3) The following members of the State Fire Prevention~~
3 ~~Commission shall be appointed by the Governor:~~

4 ~~(A) One (1) volunteer firefighter below the rank of chief;~~

5 ~~(B) One (1) volunteer fire chief or chief officer of a~~
6 ~~voluntary municipal fire department;~~

7 ~~(C) One (1) full-time fire chief or chief officer of a~~
8 ~~municipality having a population of more than sixty thousand (60,000)~~
9 ~~residents;~~

10 ~~(D) One (1) full-time firefighter or fire department~~
11 ~~officer of a municipality having a population of less than sixty thousand~~
12 ~~(60,000) residents;~~

13 ~~(E) Two (2) members at large active in fire protection or~~
14 ~~safety; and~~

15 ~~(F) Two (2) persons representing the general public.~~

16 ~~(b) Appointed members shall be appointed to three-year terms. All~~
17 ~~appointed members shall serve until their respective successors are appointed~~
18 ~~and qualify.~~

19 ~~(c) Vacancies shall be filled by appointment by the Governor for the~~
20 ~~unexpired terms.~~

21 ~~(d) The members of the State Fire Prevention Commission shall serve~~
22 ~~without compensation but may receive expense reimbursement in accordance with~~
23 ~~§ 25-16-901 et seq.~~

24
25 ~~20-22-203. Staff, offices, and supplies provided.~~

26 ~~The Department of Public Safety shall provide staff, office space and~~
27 ~~supplies, and other assistance as may be necessary for the day-to-day~~
28 ~~operation of the State Fire Prevention Commission and its activities.~~

29
30 ~~20-22-204. Powers and duties.~~

31 ~~(a) The State Fire Prevention Commission may:~~

32 ~~(1)(A) Obtain all necessary information from fire departments,~~
33 ~~police or sheriffs' departments, the Division of Arkansas State Police, other~~
34 ~~state agencies, clinics, insurance companies, or any other person with regard~~
35 ~~to fire, its causes, and its methods of prevention.~~

36 ~~(B)(i) Notwithstanding any provision of law to the~~

1 ~~contrary, information furnished under this subsection shall be confidential~~
2 ~~and maintained as such if so requested by the persons providing the~~
3 ~~information.~~

4 ~~(ii) Nothing in this subsection shall prohibit the~~
5 ~~use of confidential information to prepare statistics or other general data~~
6 ~~when it is presented so as to prevent identification of the source of~~
7 ~~information; and~~

8 ~~(2) Receive and expend funds obtained from the United States~~
9 ~~Government or other sources by means of contracts, grants, awards, gifts, and~~
10 ~~other devices in support of fire prevention related scientific and technical~~
11 ~~programs, studies, or other operations beneficial to the state.~~

12 ~~(b) The State Fire Prevention Commission shall have the following~~
13 ~~duties and responsibilities:~~

14 ~~(1) Develop a plan for statewide fire prevention, including~~
15 ~~plans for urban and rural fire prevention;~~

16 ~~(2) Develop and maintain a fire prevention database upon which~~
17 ~~decisions concerning fire prevention and policy may intelligently be made;~~

18 ~~(3) Identify state needs relative to fire prevention, including~~
19 ~~specific needs of urban and rural areas;~~

20 ~~(4) Recommend actions to meet identified state needs relative to~~
21 ~~fire prevention;~~

22 ~~(5) Monitor and review the effectiveness of existing and~~
23 ~~proposed fire prevention programs;~~

24 ~~(6) Maintain an awareness of fire prevention research and~~
25 ~~development of importance to the state in order to promote information~~
26 ~~exchange and coordination of efforts;~~

27 ~~(7) Recommend legislative and executive action to encourage~~
28 ~~development of fire prevention resources and the efficient utilization of the~~
29 ~~resources;~~

30 ~~(8) Administer a public fire prevention awareness program to~~
31 ~~inform the public of the importance and methods of fire prevention;~~

32 ~~(9) Advise the General Assembly, the Governor, the State Fire~~
33 ~~Marshal, the Arkansas Forestry Commission, the Director of the Arkansas Fire~~
34 ~~Training Academy, the Director of the Division of Arkansas State Police, and~~
35 ~~the Insurance Commissioner on fire prevention and program matters of~~
36 ~~importance to each;~~

1 ~~(10) Advise on the delegation of responsibilities to state~~
2 ~~agencies responsible for fire prevention and policy and recommend resolution~~
3 ~~of conflicts between the various agencies on fire prevention matters;~~

4 ~~(11) Develop an annual report on the activities of the State~~
5 ~~Fire Prevention Commission and transmit the report to the Secretary of the~~
6 ~~Department of Public Safety and the General Assembly on or before November 30~~
7 ~~annually; and~~

8 ~~(12) Coordinate activities with the Federal Emergency Management~~
9 ~~Agency and any of the other federal or state agencies involved with fire~~
10 ~~prevention matters.~~

11
12 ~~20-22-205. Cooperation by other agencies.~~

13 ~~All other state agencies shall cooperate and coordinate with the State~~
14 ~~Fire Prevention Commission to the utmost degree within the range of action~~
15 ~~permissible within statutory authority.~~

16
17 SECTION 28. Arkansas Code § 20-22-701(5), concerning the definition of
18 "license" under the law concerning fireworks, is amended to read as follows:

19 (5) "License" means the written authority of the ~~Director of the~~
20 ~~Division of Arkansas State Police~~ State Fire Marshal issued under the
21 authority of this subchapter to a distributor, jobber, wholesaler,
22 manufacturer, importer, or retailer for a fee as provided in § 20-22-707;

23
24 SECTION 29. Arkansas Code § 20-22-701(7), concerning the definition of
25 "permit" under the law concerning fireworks, is amended to read as follows:

26 (7) "Permit" means the written authority of the ~~director~~ State
27 Fire Marshal issued for a public fireworks display under the authority of
28 this subchapter;

29
30 SECTION 30. Arkansas Code § 20-22-702(a), concerning public displays
31 of fireworks and exceptions, is amended to read as follows:

32 (a) Nothing in this subchapter shall be construed as applying to the
33 shipping, sale, possession, and use of fireworks for public displays by
34 holders of a permit for a public display to be conducted in accordance with
35 the rules promulgated by the ~~Director of the Division of Arkansas State~~
36 ~~Police~~ State Fire Marshal. Such items of fireworks which are to be used for

1 public display only and which are otherwise prohibited for sale and use
2 within the state shall include display shells designed to be fired from
3 mortars and display set pieces of fireworks classified by the regulations of
4 the United States Surface Transportation Board as Class B special fireworks
5 and shall not include such items of commercial fireworks as cherry bombs,
6 tubular salutes, repeating bombs, aerial bombs, and torpedoes.

7
8 SECTION 31. Arkansas Code § 20-22-702(b)(1), concerning public
9 displays of fireworks and exceptions, is amended to read as follows:

10 (b)(1) Public displays shall be performed only under competent
11 supervision and after the persons or organizations making the displays have
12 applied for and received a permit for the displays issued by the ~~director~~
13 State Fire Marshal.

14
15 SECTION 32. Arkansas Code § 20-22-702(d)(1), concerning public
16 displays of fireworks and exceptions, is amended to read as follows:

17 (d)(1) The ~~Division of Arkansas State Police~~ Office of Fire Protection
18 Services may charge a fee not to exceed fifty dollars (\$50.00) for each
19 permit issued under this section.

20
21 SECTION 33. Arkansas Code § 20-22-702(d)(3), concerning public
22 displays of fireworks and exceptions, is amended to read as follows:

23 (3) All permit fees shall be remitted to the division and shall
24 be deposited into the State Treasury as special revenues to the credit of the
25 ~~Division of Arkansas State Police~~ Fire Services Fund.

26
27 SECTION 34. Arkansas Code § 20-22-703(a)(1)(D), concerning exceptions
28 from fireworks licensing law, is amended to read as follows:

29 (D) Transportation, sale, or use of permissible fireworks
30 as defined in § 20-22-708 or special fireworks as defined in § 20-22-701
31 solely for agricultural or industrial purposes, provided that the purchaser
32 first secures a written permit to purchase and use the fireworks for
33 agricultural or industrial purposes from the ~~Director of the Division of~~
34 ~~Arkansas State Police~~ State Fire Marshal.

35
36 SECTION 35. Arkansas Code § 20-22-703(a)(2), concerning exceptions

1 from fireworks licensing law, is amended to read as follows:

2 (2) No permit for use of fireworks for agricultural purposes
3 shall be issued by the ~~director~~ State Fire Marshal except after approval of
4 the county agricultural agent of the county in which the fireworks are to be
5 used.

6
7 SECTION 36. Arkansas Code § 20-22-707 is amended to read as follows:
8 20-22-707. License – Application and issuance.

9 (a)(1)(A) To be licensed as a manufacturer, importer, distributor,
10 jobber, retailer, retailer all-year, or shooter of fireworks, a first-time
11 applicant shall submit to the ~~Director of the Division of Arkansas State~~
12 ~~Police~~ State Fire Marshal an application on a form provided by the ~~director~~
13 State Fire Marshal setting forth the information that the ~~director~~ State Fire
14 Marshal determines necessary to ensure public health, safety, and welfare.

15 (B) The license for a manufacturer, importer, distributor,
16 jobber, retailer, or retailer all-year shall be effective from the date of
17 issuance through the next April 30.

18 (C) The license for a shooter shall be valid for five (5)
19 years from the date of issuance.

20 (D) Upon approval of the application by the ~~director~~ State
21 Fire Marshal and before the issuance of the license, the applicant shall pay
22 to the ~~director~~ State Fire Marshal a license fee for each type of business
23 conducted based on the following schedule:

- 24 (i) Manufacturer..... \$1,000.00
25 (ii) Importer..... 750.00
26 (iii) Distributor..... 500.00
27 (iv) Jobber..... 100.00
28 (v) Retailer..... 25.00
29 (vi) Shooter..... 50.00
30 (vii) Retailer All-Year..... 500.00

31 (E) The fee for a shooter shall be waived if the applicant
32 verifies that he or she is a professional or volunteer firefighter.

33 (2)(A) A retailer may purchase a license from its vendor if the
34 vendor is a licensed importer, distributor, or jobber or from the ~~State Fire~~
35 ~~Marshal Enforcement Section~~ Office of Fire Protection Services. The
36 retailers' licenses shall be made available by the ~~Division of Arkansas State~~

1 Office of Fire Protection Services to the vendor in books of twenty (20)
2 licenses to a book.

3 (B) The vendor shall record the sales of the licenses to
4 retailers and submit its records to the ~~director~~ State Fire Marshal
5 semiannually on January 31 and July 31 of each year. Each semiannual report
6 shall cover the preceding six-month period.

7 (3) A person that does not obtain a required license commits a
8 violation of this subchapter.

9 (b)(1) A person may renew a license as a manufacturer, importer,
10 distributor, jobber, retailer, or shooter by payment of the fee under
11 subsection (a) of this section to the ~~director~~ State Fire Marshal.

12 (2) A license renewal application received by the ~~director~~ State
13 Fire Marshal after May 1 of each year shall be assessed a late penalty in an
14 amount equal to two (2) times the renewal fee, under subsection (a) of this
15 section.

16 (c) All funds collected under this subchapter by the ~~director~~ State
17 Fire Marshal, including license fees and penalties, shall be deposited into
18 the State Treasury to the credit of the ~~Division of Arkansas State Police~~
19 Fire Services Fund.

20 (d) The ~~director~~ State Fire Marshal shall assign a license number to
21 each license issued. This number shall be affixed by the person to whom such
22 a license is issued to all invoices issued or used by each manufacturer,
23 importer, distributor, or jobber.

24 (e)(1) It shall be unlawful for a jobber licensed under this
25 subchapter or for an Arkansas-domiciled retailer to purchase fireworks from a
26 distributor, importer, or manufacturer domiciled outside the State of
27 Arkansas unless the distributor, manufacturer, or importer can show proof
28 that the distributor, manufacturer, or importer holds a valid license under
29 this subchapter to perform functions of the distributor, importer, or
30 manufacturer, or all of them, as the case may be.

31 (2) In the event of a violation of this section, if the
32 distributor, importer, or manufacturer cannot show valid proof of being
33 properly and currently licensed under this subchapter and if purchase of
34 fireworks is consummated by a wholesale jobber licensed under this subchapter
35 or by an Arkansas retailer from the distributor, importer, or manufacturer,
36 then the jobber or retailer shall become liable, as a civil penalty, for the

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Red-Lined Version

**State of Arkansas
Arkansas Fire Prevention Code Rules**



MIKE HAGAR
SECRETARY

STATE OF ARKANSAS
GOVERNOR SARAH HUCKABEE SANDERS

DEPARTMENT OF PUBLIC SAFETY
DIVISION OF EMERGENCY MANAGEMENT



A.J. GARY
DIRECTOR



TO THE PEOPLE OF THE STATE OF ARKANSAS:

The *Arkansas Fire Prevention Code* ("AFPC" or "Fire Code" or "Code") 2021 edition, which supersedes the 2012 edition, has been developed to assist in preventing and controlling fires in and outside of structures in the State of Arkansas. The proper use of this Code can result in saving lives and property through the prevention of fires in our state.

The State Fire Marshal's Office encourages Arkansas cities and counties to join with the Arkansas State Fire Marshal's Office in our effort to enforce the AFPC by adopting the Fire Code as a local ordinance. The adoption of the AFPC 2021 edition is important, and it is my the hope that every citizen will use this Code to their fullest advantage in fire prevention.

ORDER

Pursuant to the authority vested in the State Fire Marshal by Act 841 of 2023 (§20-22-1010), these rules are promulgated as originally adopted by the Director of the Division of Arkansas State Police by Section 6 of Act 254 of 1955 (A.C.A. §12-13-105), as amended, ~~I promulgate these rules for the prevention of fire hazards in the State of Arkansas. The rules are set out in detail in the copy attached hereto. These Rules become effective ten days after the date of final filing with the Secretary of State's Office.~~

~~IT IS THEREFORE ORDERED that said rules are to become effective January 1, 2023, in compliance with the Administrative Procedure Act of the State of Arkansas (A.C.A. §25-15-201 through §25-15-214) and shall be known as the Arkansas Fire Prevention Code, 2021 edition.~~

~~IN WITNESS WHEREOF, I have hereto affixed my signature as Director of the
Department of Arkansas State Police this June 20, 2022.~~

~~_____

_____ Colonel William J. Bryant
Director, Arkansas State Police and
Arkansas Department of Public Safety~~

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FOREWORD

The *Arkansas Fire Prevention Code* was developed using the nationally and internationally recognized and accepted *International Fire Code*, *International Building Code* and *International Residential Code*, with revisions based on recommendations from Arkansas-based subject matter experts.

There are countless individuals who contributed to the 2021 successful revision of the *Arkansas Fire Prevention Code*. The following Arkansans unselfishly devoted their time and expertise to serve on the informal Arkansas Fire Prevention Code Revision Committee. The State Fire Marshal's Office extends its heartfelt thanks to everyone who participated in the revision process:

Wally Bailey, Director of Community Development, City of Fort Smith
James Birchfield, Senior Manager, Fire Code Compliance, Walmart
Barry Burke, Inspector, State Fire Marshal's Office
Brian Cotton, Associate Vice Chancellor of Operations, UAMS, Design and Construction
Charles Covington, Chief State Electrical Inspector, AR Department of Labor
Jimmie Deer, Building Official, City of Fort Smith
Roderick Edwards, President, Triple-S Alarm Co., Inc.
James Engstrom, President, H. James Engstrom and Associates, Inc.
Jake Feemster, Fire Marshal, Bentonville Fire Department
Steven Ferren, Executive Vice President, Arkansas Oil Marketers Association
Dennis Free, Inspector, State Fire Marshal's Office
Dustin Free, Captain, North Little Rock Fire Department
(William) Guy Grady, Fire Inspector, Searcy Fire Department
Paul Hankins, Area Supervisor, Arkansas Department of Human Services Child Care Licensing Division
J.D. Harper, Executive Director, Arkansas Manufactured Housing Association
Jimmy Hart, Judge, Conway County Judge
Joe Hillard, Director of Engineering, Cromwell Architects & Engineers
Lorel Hoffman, President, Austin Permit Services
Joseph Jerabeck, Captain, Rogers Fire Department
Kevin Lang, Fire Chief, Paragould Fire Department
Chris A. Lorton, Commercial Building Inspector, City of Rogers
Robert Medford, Fire Chief, Camden Fire Department
Duane Miller, Fire Marshal, Springdale Fire Department
Robert Morgan, Inspector Supervisor, Arkansas Department of Environmental Quality
Michael Moyer, Captain, ASP/Regulatory and Building Operations
Kevin Pfalser, Director, Liquefied Petroleum Gas Board
Tim Quetsch, Engineer, Arkansas Department of Environmental Quality
Jerry Robinson, Fire Marshal, North Little Rock Fire Department
Bill Rumsey, Captain, Rogers Fire Department, Community Risk Reduction Division
Mike Scott, Chief Building Official, City of Hot Springs
Brian Sloat, Fire Marshal, Fayetteville Fire Department
Matthew Swaim, Architect, WER Architects/Planners
Darrell Tessman, Assistant Director, ADE Facilities and Transportation

Clayton Vaden, Architect, Lewis Architects Engineers
Phil Watkins, Building Official, City of Searcy
Mark Wheeler, Vice President/District Manager, VSC Fire and Security
Mark Whitaker, Plan Reviewer, State Fire Marshal's Office
Jason Wills, Fire Marshal, Jonesboro Fire Department
Keith Wingfield, President, River Rock Builders

The intent of the *Arkansas Fire Prevention Code* is to reduce the number of fires in Arkansas and reduce the number of other hazard-related concerns. The *Arkansas Fire Prevention Code* establishes minimum rules dealing with fire and building safety.

Written communications for the State Fire Marshal's Office should be directed to:

State Fire Marshal's Office
~~Division of Arkansas State Police~~
~~Arkansas Department of Public Safety-~~
~~1 State Police Plaza Drive-~~
~~Little Rock, AR 72209~~
Office of Fire Protection Services
Arkansas Division of Emergency Management
Building 9501
Camp Robinson
North Little Rock, AR 72199

The State Fire Marshal's Office can be contacted by telephone at (501)-683-6740. ~~501-618-8624 (until further notice). The fax number for the State Fire Marshal's Office is (501)-618-8621 (until further notice).~~

~~Major Lindsey Williams——~~
~~State Fire Marshal's Office~~
~~Division of Arkansas State Police—~~
~~Arkansas Department of Public Safety~~

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STATE OF ARKANSAS
ARKANSAS FIRE PREVENTION CODE RULES
2021 EDITION
DEFINITIONS

Pursuant to the authority vested in the State Fire Marshal by Act 841 of 2023 (§20-22-1010), these rules are promulgated as originally adopted by the Director of the Division of Arkansas State Police pursuant to by Section 6 of Act 254 of 1995 (A.C.A. §12-13-105). These Rules are promulgated by the Director of the Division of Arkansas State Police, who serves by operation of law as the Arkansas State Fire Marshal under the authority granted by Arkansas Act 254 of 1995, codified at A.C.A. § 12-13-101 to A.C.A. §12-13-116, as amended. The purpose of these Rules is to aid in the implementation, interpretation and enforcement of the *Arkansas Fire Prevention Code* (AFPC), 2021 edition.

The *International Fire Code*, 2021 edition, the *International Building Code*, 2021 edition, and the *International Residential Code*, 2021 edition, as published by the International Code Council and the rules, as amended and adopted by the Arkansas State Fire Marshal, shall constitute the *Arkansas Fire Prevention Code*, 2021 edition. These Rules become effective ten days after the date of final filing with the Secretary of State's Office. These Rules shall be effective January 1, 2023.

The following shall be defined as:

INTERNATIONAL PLUMBING CODE shall mean the *Arkansas State Plumbing Code*.

INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE is replaced by "Arkansas Department of Health Rules and Regulations Pertaining to Onsite Wastewater Systems."

INTERNATIONAL MECHANICAL CODE shall mean the *mechanical code for Arkansas*.

INTERNATIONAL FUEL GAS CODE shall mean the *Arkansas State Gas Code*.

INTERNATIONAL ENERGY CONSERVATION CODE shall mean the *Arkansas Energy Code*.

INTERNATIONAL FIRE CODE shall mean the *Arkansas Fire Prevention Code*, Volume I.

INTERNATIONAL BUILDING CODE shall mean the *Arkansas Fire Prevention Code*, Volume II.

INTERNATIONAL RESIDENTIAL CODE shall mean the *Arkansas Fire Prevention Code*, Volume II.

NATIONAL ELECTRICAL CODE shall mean the *electrical code for the State of Arkansas*.

BUILDING OFFICIAL shall mean any governmental official having authority to enforce that aspect of the code.

Dotted lines in the margin indicate Arkansas Revisions.

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Solid stars in the margin indicate Arkansas deletions.

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STATE OF ARKANSAS
ARKANSAS FIRE PREVENTION CODE RULES
2021 EDITION

Volume 1: <https://codes.iccsafe.org/content/ARFPCVIF2021P1>
Volume 2: <https://codes.iccsafe.org/content/ARFPCVIIB2021P1>
Volume 3: <https://codes.iccsafe.org/content/ARFPCVIIB2021P1>

State of Arkansas

As Engrossed: H4/3/23

94th General Assembly

A Bill

Regular Session, 2023

HOUSE BILL 1766

By: Representative L. Johnson

By: Senator K. Hammer

For An Act To Be Entitled

AN ACT TO ABOLISH THE STATE FIRE PREVENTION
COMMISSION; TO AMEND THE DUTIES AND MEMBERSHIP OF THE
ARKANSAS FIRE PROTECTION SERVICES BOARD; TO CREATE
THE POSITION OF STATE FIRE MARSHAL; TO CREATE THE
ARKANSAS FIRE PROTECTION SERVICES GRANT PROGRAM; TO
DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO ABOLISH THE STATE FIRE PREVENTION
COMMISSION; TO AMEND THE DUTIES AND
MEMBERSHIP OF THE ARKANSAS FIRE
PROTECTION SERVICES BOARD; TO CREATE THE
POSITION OF STATE FIRE MARSHAL; AND TO
DECLARE AN EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Abolition of State Fire Prevention
Commission.

(a) The State Fire Prevention Commission is abolished, and its
authority, duties, functions, records, contracts, personnel, property, and
unexpended balances of appropriations, allocations, and other funds,
including the functions of budgeting or purchasing, are transferred to the
Arkansas Fire Protection Services Board.

(b) The State Fire Prevention Commission's statutory powers, duties,
and functions, including the functions of budgeting or purchasing, records,



1 contracts, personnel, property, and unexpended balances of appropriations,
2 allocations, and other funds are transferred to the Arkansas Fire Protection
3 Services Board.

4 (c)(1) The abolishment of the State Fire Prevention Commission does
5 not affect the orders, rules, directives, registration, licensing, or
6 standards made or promulgated by the State Fire Prevention Commission before
7 the effective date of this act.

8 (2) The orders, rules, directives, registration, licensing, or
9 standards of the State Fire Prevention Commission shall continue to be in
10 effect until they are amended or repealed under authority given by law.

11
12 SECTION 2. Arkansas Code § 6-20-1407(f), concerning the approval of
13 public school building plans, is amended to read as follows:

14 (f)(1) For additions or renovations, a copy of final construction
15 documents shall be submitted to the ~~State Fire Marshal Enforcement Section~~
16 State Fire Marshal within the Office of Fire Protection Services for review
17 in regard to compliance with the Arkansas-adopted Americans with Disabilities
18 Act Accessibility Guidelines, 42 U.S.C. § 12101 et seq.

19 (2) All review comments received from the ~~State Fire Marshal~~
20 ~~Enforcement Section~~ State Fire Marshal within the Office of Fire Protection
21 Services shall be in writing.

22 (3) Corrected construction documents shall be received and
23 approved by the ~~State Fire Marshal Enforcement Section~~ State Fire Marshal
24 within the Office of Fire Protection Services.

25 (4) No additions or renovation project shall be released for
26 bidding or construction until the requirements of this subsection are met.

27
28 SECTION 3. Arkansas Code § 6-21-106(d)(3), concerning fire hazards
29 inspection before closing for breaks, is amended to read as follows:

30 (3) If the inspection report of the fire department includes
31 deficiencies that require a response or other action, the local official for
32 the school district shall also file the report required by this subsection
33 with the State Fire Marshal ~~Enforcement Section~~ within the Office of Fire
34 Protection Services.

35
36 SECTION 4. Arkansas Code § 6-21-106(e)(1)(A)(i), concerning fire

1 hazards inspection before closing for breaks, is amended to read as follows:

2 (i) ~~The State Fire Marshal Enforcement Section~~ State
3 Fire Marshal within the Office of Fire Protection Services; and

4
5 SECTION 5. Arkansas Code § 6-21-106(e)(3), concerning fire hazards
6 inspection before closing for breaks, is amended to read as follows:

7 (3) If the required inspection is subsequently performed, the
8 fire department shall file the report required under subsection (b) of this
9 section with the local official and the ~~State Fire Marshal Enforcement~~
10 Section State Fire Marshal within the Office of Fire Protection Services.

11
12 SECTION 6. Arkansas Code § 6-21-106(g), concerning fire hazards
13 inspection before closing for breaks, is amended to read as follows:

14 (g) The chief executive officer of the fire department shall notify
15 the ~~State Fire Marshal Enforcement Section~~ State Fire Marshal within the
16 Office of Fire Protection Services and the Division of Elementary and
17 Secondary Education if:

18 (1) The chief executive officer of the fire department does not
19 receive the local official's report required under subsection (d) of this
20 section, within seven (7) days of the date the report was due; or

21 (2) The school district does not correct all deficiencies noted
22 in the inspection report by the completion date indicated in the local
23 official's report.

24
25 SECTION 7. Arkansas Code § 8-7-802(a)(2)(C)(ii), concerning the
26 Arkansas Pollution Control and Ecology Commission and the Division of
27 Environmental Quality duties regarding above-ground storage tank monitoring,
28 is amended to read as follows:

29 (ii) The fee shall be used by the Division of
30 Environmental Quality for administrative and program costs, and ten dollars
31 (\$10.00) of the fee collected by the Division of Environmental Quality shall
32 be remitted to the State Treasury, there to be deposited as special revenues
33 to the credit of the ~~Division of Arkansas State Police~~ Fire Services Fund to
34 be used for the purposes of above-ground storage tank monitoring and
35 regulation by the ~~Division of Arkansas State Police~~ State Fire Marshal within
36 the Office of Fire Protection Services.

1
2 SECTION 8. Arkansas Code § 12-8-106(d), concerning the powers and
3 duties of the Division of Arkansas State Police related to the State Fire
4 Marshal, is amended to read as follows:

5 (d) The police officers shall ~~have all the power and authority of the~~
6 ~~State Fire Marshal and shall assist in making investigations of arson, § 5-~~
7 ~~38-301, and other such offenses~~ fire investigations as the director may
8 direct and shall be subject to the call of the circuit courts of the state
9 and the Governor.

10
11 SECTION 9. Arkansas Code § 12-13-102 is repealed.

12 ~~12-13-102. Definitions.~~

13 ~~As used in this subchapter:~~

14 ~~(1) "Building" means any structure, framework, or housing,~~
15 ~~public or private;~~

16 ~~(2) [Repealed.]~~

17 ~~(3) "Fire hazard" means any building, premises, place, or thing~~
18 ~~which by reason of its nature, location, occupancy, condition, or use may~~
19 ~~cause loss, damage, or injury to persons or property by reason of fire,~~
20 ~~explosion, or action of the elements;~~

21 ~~(4) "Members of fire departments" includes the personnel of all~~
22 ~~departments supported wholly or partially by public funds;~~

23 ~~(5) "Officer" means an officer of the Division of Arkansas State~~
24 ~~Police whom the Director of the Division of Arkansas State Police may appoint~~
25 ~~or designate to execute the powers and perform the duties specified in this~~
26 ~~subchapter and also includes all peace officers as defined in subdivision (7)~~
27 ~~of this section;~~

28 ~~(6)(A) "Owner" shall be given its ordinary meaning and includes~~
29 ~~any trustee or any person having a freehold interest in property.~~

30 ~~(B) However, a lessee or mortgagee of property shall not~~
31 ~~be deemed the owner thereof;~~

32 ~~(7) "Peace officer" includes every type of law enforcement~~
33 ~~officer commissioned and active within this state;~~

34 ~~(8) "Person" means any individual, copartnership, corporation,~~
35 ~~or voluntary association; and~~

36 ~~(9) "Premises" means any parcel of land, exclusive of buildings~~

1 ~~thereon, and includes parking lots, tourist camps, trailer camps, airports,~~
2 ~~stockyards, junkyards, and other places or enclosures, however owned, used,~~
3 ~~or occupied.~~

4
5 SECTION 10. Arkansas Code § 12-13-103 is repealed.

6 ~~12-13-103. Officer's neglect of duty—Penalty.~~

7 ~~(a) Any officer referred to in this subchapter who neglects to comply~~
8 ~~with any requirement of this subchapter shall be guilty of a violation.~~

9 ~~(b) Upon conviction, the officer shall be punished by a fine of not~~
10 ~~less than twenty five dollars (\$25.00) nor more than one hundred dollars~~
11 ~~(\$100) for each neglect or violation.~~

12
13 SECTION 11. Arkansas Code § 12-13-104 is repealed.

14 ~~12-13-104. Administration and enforcement.~~

15 ~~(a) The administration and enforcement of this subchapter are vested~~
16 ~~in the Division of Arkansas State Police.~~

17 ~~(b) The Director of the Division of Arkansas State Police is empowered~~
18 ~~to create and maintain a State Fire Marshal Enforcement Section in the~~
19 ~~Division of Arkansas State Police and to appoint such personnel with such~~
20 ~~duties, powers, and titles as he or she may deem necessary for the proper~~
21 ~~administration and enforcement of this subchapter.~~

22
23 SECTION 12. Arkansas Code § 12-13-105 is repealed.

24 ~~12-13-105. Duties of State Fire Marshal Enforcement Section.~~

25 ~~The State Fire Marshal Enforcement Section shall have the~~
26 ~~responsibility to:~~

27 ~~(1) Provide sufficient training to the several deputy fire~~
28 ~~marshals in the State of Arkansas to enable them to better understand their~~
29 ~~duties and their authority and to motivate them to perform their duties in an~~
30 ~~effective and efficient manner;~~

31 ~~(2) Coordinate fire prevention efforts with other agencies and~~
32 ~~groups;~~

33 ~~(3) Develop and present public awareness programs in fire~~
34 ~~prevention and protection;~~

35 ~~(4) Develop and disseminate fire prevention information and~~
36 ~~material;~~

1 ~~(5) Enforce the Arkansas Fire Prevention Code and periodically~~
2 ~~revise and update the Arkansas Fire Prevention Code;~~

3 ~~(6) Investigate fires of a suspicious nature in the state;~~

4 ~~(7) Do and perform such other functions as will promote an~~
5 ~~efficient and effective fire prevention and control program in the state;~~

6 ~~(8) Review fire protection class code determinations by an~~
7 ~~advisory organization and determine if the evaluation of fire protection~~
8 ~~services is reasonable and appropriate; and~~

9 ~~(9) Upon request, make recommendations to the Insurance~~
10 ~~Commissioner concerning filings made to the commissioner concerning fire~~
11 ~~protection standards.~~

12
13 SECTION 13. Arkansas Code § 12-13-106 is repealed.

14 ~~12-13-106. Section personnel.~~

15 ~~The members or heads of the State Fire Marshal Enforcement Section of~~
16 ~~the Division of Arkansas State Police shall be appointed and serve in the~~
17 ~~same manner as provided by law for the operation of other divisions of the~~
18 ~~Division of Arkansas State Police.~~

19
20 SECTION 14. Arkansas Code § 12-13-107 is repealed.

21 ~~12-13-107. Director of the Division of Arkansas State Police—Duties~~
22 ~~generally.~~

23 ~~(a) It shall be the duty of the Director of the Division of Arkansas~~
24 ~~State Police and his or her officers and deputies to enforce all laws and~~
25 ~~ordinances with regard to the following:~~

26 ~~(1) The prevention of fires;~~

27 ~~(2) The storage, sale, and use of combustibles and explosives;~~

28 ~~(3) The installation and maintenance of automatic or other fire~~
29 ~~alarm systems and fire extinguishing equipment;~~

30 ~~(4) The construction, maintenance, and regulation of fire~~
31 ~~escapes;~~

32 ~~(5) The means and adequacy of exits in case of fire from~~
33 ~~factories, asylums, hospitals, churches, schools, halls, theaters, and all~~
34 ~~other places in which numbers of people work, live, or congregate from time~~
35 ~~to time, for any purpose; and~~

36 ~~(6) The suppression of arson and the investigation of the cause,~~

1 ~~origin, and circumstances of fires.~~

2 ~~(b) The director is empowered to adopt reasonable rules for the~~
3 ~~effective administration of this subchapter to accomplish its intent and~~
4 ~~purposes, and to safeguard the public from fire hazards.~~

5 ~~(c) The director shall make reasonable rules for the keeping, storing,~~
6 ~~using, manufacture, selling, handling, transportation, or other disposition~~
7 ~~of highly inflammable materials and rubbish, gunpowder, dynamite, crude~~
8 ~~petroleum or any of its products, explosives or compounds or any other~~
9 ~~explosive, including fireworks, and firecrackers, and he or she may prescribe~~
10 ~~the materials and construction of receptacles and buildings to be used for~~
11 ~~any of those purposes.~~

12 ~~(d) Nothing in this subchapter shall apply to the inspection of~~
13 ~~boilers, § 20-23-101 et seq., the administration and enforcement of which is~~
14 ~~now vested in the Division of Labor.~~

15
16 SECTION 15. Arkansas Code § 12-13-108 is amended to read as follows:

17 12-13-108. Ex officio deputies.

18 All mayors, members of fire departments, and peace officers shall be ex
19 officio deputies to the Director of the Division of Arkansas State Police.
20 They shall be subject to the duties and obligations imposed by ~~this~~
21 subchapter law in fire prevention and in the investigation of the cause,
22 origin, and circumstances of fires within their jurisdiction.

23
24 SECTION 16. Arkansas Code § 12-13-109 is repealed.

25 ~~12-13-109. Fire drills.~~

26 ~~It shall be the duty of the Director of the Division of Arkansas State~~
27 ~~Police, his or her officers, and deputies to require teachers of public and~~
28 ~~private schools and all educational institutions to have one (1) fire drill~~
29 ~~each month and to keep all doors and exits unlocked during school hours.~~

30
31 SECTION 17. Arkansas Code § 12-13-110 is repealed.

32 ~~12-13-110. Inspection of buildings.~~

33 ~~(a)(1) Upon complaint of any person or on their own motion, the~~
34 ~~Director of the Division of Arkansas State Police and his or her officers or~~
35 ~~deputies may inspect all buildings and premises within their jurisdiction and~~
36 ~~issue an order for the compliance with the director's rules.~~

1 ~~(2) Failure or refusal to comply with an order of the director~~
2 ~~in the enforcement of the rules shall be a Class A misdemeanor.~~

3 ~~(b)(1) The director and his or her officers and deputies shall inspect~~
4 ~~all places of public assembly, including factories or industrial plants~~
5 ~~normally employing ten (10) or more persons, where hazards to the lives and~~
6 ~~safety of citizens might be present.~~

7 ~~(2) If upon completion of the inspection an unsafe or hazardous~~
8 ~~condition is found to exist, then the director shall promptly notify the~~
9 ~~owner or operator of the public assembly in writing.~~

10 ~~(3) Upon the receipt of the written notice, the owner or~~
11 ~~operator shall remove the hazardous or unsafe condition.~~

12 ~~(4)(A) On failure to remedy the condition, the director may file~~
13 ~~injunction proceedings in the circuit court of the jurisdiction to abate the~~
14 ~~condition as being a nuisance.~~

15 ~~(B) The suit shall be filed in the name of the director~~
16 ~~for the use and benefit of the State of Arkansas without bond for costs.~~

17
18 SECTION 18. Arkansas Code § 12-13-115 is repealed.

19 ~~12-13-115. Annual report to Governor.~~

20 ~~Annually on or before July 1, the Director of the Division of Arkansas~~
21 ~~State Police shall transmit to the Governor a full report of his or her~~
22 ~~proceedings under this subchapter, including statistics and recommendations~~
23 ~~he or she may deem advisable.~~

24
25 SECTION 19. Arkansas Code § 12-13-116 is repealed.

26 ~~12-13-116. Disposition of penalties, fees, and forfeitures.~~

27 ~~All penalties, fees, or forfeitures collected under the provisions of~~
28 ~~this subchapter shall be deposited into the State Treasury to the credit of~~
29 ~~the Department of Arkansas State Police Fund.~~

30
31 SECTION 20. Arkansas Code § 12-13-117 is repealed.

32 ~~12-13-117. Temporary door barricade devices.~~

33 ~~A person may install and use a temporary door barricade device or~~
34 ~~security lockdown device for security purposes to protect individuals during~~
35 ~~active shooter events or other similar situations.~~

SECTION 21. Arkansas Code § 12-13-118 is repealed.

~~12-13-118. Americans with Disabilities Act compliance.~~

~~When the Arkansas Fire Prevention Code conflicts with the 2010 Americans with Disabilities Act Standards for Accessible Design, the conflicting provisions of the 2010 Americans with Disabilities Act Standards for Accessible Design shall control.~~

SECTION 22. Arkansas Code § 12-13-119 is repealed.

~~12-13-119. Review of fire protection class code determinations by advisory organizations—Recommendations to Insurance Commissioner.~~

~~(a) The State Fire Marshal Enforcement Section may review fire protection standards filings filed by an advisory organization with the Insurance Commissioner if:~~

~~(1) The filing is based on the effectiveness of fire protection services; and~~

~~(2) Upon request of the commissioner or a person affected by a rate filing.~~

~~(b) The section shall review a fire protection class code determination by:~~

~~(1) Reassessing the fire protection services of each area of the state under approved standards to determine whether or not the analysis of the area's fire protection services were graded accurately considering the area's concerns, characteristics, and equipment and support available for fire protection services;~~

~~(2) Advising the commissioner if the fire protection class code determination is reasonable and appropriate; and~~

~~(3) Recommending further review or action by the commissioner concerning the fire protection class code determination.~~

~~(c) A recommendation by the section is not binding on the commissioner.~~

~~(d) The section shall make its recommendations under this section to the commissioner within thirty (30) days after receipt of a request to review a fire protection standards filing.~~

~~(e) The section shall draw upon the experience and knowledge of different individuals in this state to make an informed recommendation to the commissioner.~~

1
2 SECTION 23. Arkansas Code § 14-284-304(4), concerning the power and
3 duties of the Rural Fire Protection Service and the State Fire Marshal's
4 Office, is amended to read as follows:

5 (4) To provide leadership and to cooperate with the Division of
6 Emergency Management, the State Fire Marshal ~~Marshal's office~~, the Office of
7 Fire Protection Services, and the Arkansas Fire Training Academy in
8 coordinating the efforts of these agencies with the efforts and services of
9 rural fire protection districts for the purpose of coordinating and making
10 maximum use of the services and resources of this state in providing rural
11 fire protection services in this state;

12
13 SECTION 24. Arkansas Code Title 19, Chapter 5, Subchapter 12, is
14 amended to add an additional section to read as follows:

15 19-5-1277. Fire Services Fund.

16 (a) There is created on the books of the Treasurer of State, the
17 Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous
18 fund to be known as the "Fire Services Fund".

19 (b) The fund shall consist of:

20 (1) Special revenues collected under § 8-7-802;

21 (2) Special revenues from the license fee for fireworks, under
22 §§ 20-22-701 – 20-22-715;

23 (3) Special revenues from the Fire Protection Premium Tax Fund §
24 19-6-468.

25 (4) Any other funds authorized or provided by law; and

26 (5) Any remaining fund balances carried forward from year to
27 year.

28 (c) The fund shall be used by the Division of Emergency Management and
29 the Office of Fire Protection Services to provide fire protection services.

30 (d) Moneys remaining in the fund at the end of each fiscal year shall
31 carry forward and be made available for the purposes stated in this section
32 in the next fiscal year.

33
34 SECTION 25. Arkansas Code § 19-6-301(164), concerning the enumeration
35 of special revenues, is amended to read as follows:

36 (164) Those additional insurance premium taxes as specified in §

1 26-57-614, the portion of premium tax designated in § 26-57-603(d), and the
2 amount of insurance premium taxes transferred due to the provisions of §§ 24-
3 11-301 and 24-11-809;

4
5 SECTION 26. Arkansas Code § 19-6-468 is amended to read as follows:

6 19-6-468. Fire Protection Premium Tax Fund.

7 (a) There is created on the books of the Treasurer of State, the
8 Auditor of State, and the Chief Fiscal Officer of the State a special revenue
9 fund to be known as the "Fire Protection Premium Tax Fund", which shall
10 consist of those special revenues as specified in § 19-6-301(164), there to
11 be used for fire protection services as set out in § 26-57-614 and § 14-284-
12 401 et seq.

13 (b)(1) The Insurance Commissioner shall immediately deposit all moneys
14 collected under § 26-57-614 and § 14-284-401 et seq. into the Revenue Holding
15 Fund Account as provided in § 19-5-204. On the last business day of each
16 quarter, the Chief Fiscal Officer of the State shall determine the amount of
17 net special revenues to be transferred to the Fire Protection Premium Tax
18 Fund by the Treasurer of State.

19 (2) By the last business day of the quarter after July 1, 2023,
20 and by the last business day of each following quarter, the Chief Fiscal
21 Officer of the State shall:

22 (A) Determine the amount of collections deposited into the
23 Fire Protection Premium Tax Fund during the current quarter and the amount of
24 collections deposited into the Fire Protection Premium Tax Fund during the
25 same quarter of the immediately preceding year; and

26 (B) Certify the amount by which the collections deposited
27 into the Fire Protection Premium Tax Fund for the current quarter exceed the
28 amount of collections deposited into the Fire Protection Premium Tax Fund
29 during the same quarter of the immediately preceding year;

30 (C) Transfer fifty percent (50%) of the amount certified
31 under subdivision (b)(2)(B) of this section to the Fire Services Fund.

32 (3) The Chief Fiscal Officer of the State shall be the
33 disbursing officer for the Fire Protection Premium Tax Fund, and shall
34 distribute the moneys as provided in § 26-57-614 and § 14-284-401 et seq.

35 (c) The Insurance Commissioner shall disburse any refunds which may be
36 due insurance carriers from the Miscellaneous Revolving Fund after certifying

1 to the Chief Fiscal Officer of the State the amount to be refunded. The Chief
2 Fiscal Officer of the State shall direct that the certified amount be
3 transferred from the Revenue Holding Fund Account to the Miscellaneous
4 Revolving Fund as provided in § 19-5-106(a)(3).

5 (d) Beginning January 1, 2024, any funds that remain unclaimed in the
6 Fire Protection Premium Tax Fund for over two (2) of the immediately prior
7 calendar years shall be transferred to a cash fund and deposited into the
8 State Treasury as determined by the Chief Fiscal Officer of the State to be
9 used exclusively by the Arkansas Fire Protection Services Board for Fire
10 Protection Services grants.

11
12 SECTION 27. Arkansas Code Title 20, Chapter 22, Subchapter 2, is
13 repealed.

14 ~~Subchapter 2 — State Fire Prevention Commission~~

15
16 ~~20-22-201. Legislative findings.~~

17 ~~The General Assembly finds and declares that:~~

18 ~~(1) A significant part of the population of this state needs~~
19 ~~improved fire prevention;~~

20 ~~(2) The establishment and maintenance of a coordinated program~~
21 ~~for fire prevention for the entire state is necessary to protect the safety~~
22 ~~and wellbeing of the citizens and residents of this state;~~

23 ~~(3) Adequate fire prevention is more likely to become a reality~~
24 ~~when certain provisions are enacted by law; and~~

25 ~~(4) Fire prevention is a public purpose and a responsibility of~~
26 ~~government for which public funds may be spent.~~

27
28 ~~20-22-202. State Fire Prevention Commission established — Members.~~

29 ~~(a)(1) The State Fire Prevention Commission shall be composed of~~
30 ~~eleven (11) residents of the State of Arkansas.~~

31 ~~(2) Membership of the State Fire Prevention Commission shall~~
32 ~~consist of the following members by virtue of their office:~~

33 ~~(A) The State Fire Marshal or his or her designee;~~

34 ~~(B) The Director of the Arkansas Fire Training Academy or~~
35 ~~his or her designee; and~~

36 ~~(C) The Chair of the Arkansas Forestry Commission or his~~

1 ~~or her designee.~~

2 ~~(3) The following members of the State Fire Prevention~~
3 ~~Commission shall be appointed by the Governor:~~

4 ~~(A) One (1) volunteer firefighter below the rank of chief;~~

5 ~~(B) One (1) volunteer fire chief or chief officer of a~~
6 ~~voluntary municipal fire department;~~

7 ~~(C) One (1) full-time fire chief or chief officer of a~~
8 ~~municipality having a population of more than sixty thousand (60,000)~~
9 ~~residents;~~

10 ~~(D) One (1) full-time firefighter or fire department~~
11 ~~officer of a municipality having a population of less than sixty thousand~~
12 ~~(60,000) residents;~~

13 ~~(E) Two (2) members at large active in fire protection or~~
14 ~~safety; and~~

15 ~~(F) Two (2) persons representing the general public.~~

16 ~~(b) Appointed members shall be appointed to three-year terms. All~~
17 ~~appointed members shall serve until their respective successors are appointed~~
18 ~~and qualify.~~

19 ~~(c) Vacancies shall be filled by appointment by the Governor for the~~
20 ~~unexpired terms.~~

21 ~~(d) The members of the State Fire Prevention Commission shall serve~~
22 ~~without compensation but may receive expense reimbursement in accordance with~~
23 ~~§ 25-16-901 et seq.~~

24
25 ~~20-22-203. Staff, offices, and supplies provided.~~

26 ~~The Department of Public Safety shall provide staff, office space and~~
27 ~~supplies, and other assistance as may be necessary for the day-to-day~~
28 ~~operation of the State Fire Prevention Commission and its activities.~~

29
30 ~~20-22-204. Powers and duties.~~

31 ~~(a) The State Fire Prevention Commission may:~~

32 ~~(1)(A) Obtain all necessary information from fire departments,~~
33 ~~police or sheriffs' departments, the Division of Arkansas State Police, other~~
34 ~~state agencies, clinics, insurance companies, or any other person with regard~~
35 ~~to fire, its causes, and its methods of prevention.~~

36 ~~(B)(i) Notwithstanding any provision of law to the~~

1 ~~contrary, information furnished under this subsection shall be confidential~~
2 ~~and maintained as such if so requested by the persons providing the~~
3 ~~information.~~

4 ~~(ii) Nothing in this subsection shall prohibit the~~
5 ~~use of confidential information to prepare statistics or other general data~~
6 ~~when it is presented so as to prevent identification of the source of~~
7 ~~information; and~~

8 ~~(2) Receive and expend funds obtained from the United States~~
9 ~~Government or other sources by means of contracts, grants, awards, gifts, and~~
10 ~~other devices in support of fire prevention related scientific and technical~~
11 ~~programs, studies, or other operations beneficial to the state.~~

12 ~~(b) The State Fire Prevention Commission shall have the following~~
13 ~~duties and responsibilities:~~

14 ~~(1) Develop a plan for statewide fire prevention, including~~
15 ~~plans for urban and rural fire prevention;~~

16 ~~(2) Develop and maintain a fire prevention database upon which~~
17 ~~decisions concerning fire prevention and policy may intelligently be made;~~

18 ~~(3) Identify state needs relative to fire prevention, including~~
19 ~~specific needs of urban and rural areas;~~

20 ~~(4) Recommend actions to meet identified state needs relative to~~
21 ~~fire prevention;~~

22 ~~(5) Monitor and review the effectiveness of existing and~~
23 ~~proposed fire prevention programs;~~

24 ~~(6) Maintain an awareness of fire prevention research and~~
25 ~~development of importance to the state in order to promote information~~
26 ~~exchange and coordination of efforts;~~

27 ~~(7) Recommend legislative and executive action to encourage~~
28 ~~development of fire prevention resources and the efficient utilization of the~~
29 ~~resources;~~

30 ~~(8) Administer a public fire prevention awareness program to~~
31 ~~inform the public of the importance and methods of fire prevention;~~

32 ~~(9) Advise the General Assembly, the Governor, the State Fire~~
33 ~~Marshal, the Arkansas Forestry Commission, the Director of the Arkansas Fire~~
34 ~~Training Academy, the Director of the Division of Arkansas State Police, and~~
35 ~~the Insurance Commissioner on fire prevention and program matters of~~
36 ~~importance to each;~~

1 ~~(10) Advise on the delegation of responsibilities to state~~
2 ~~agencies responsible for fire prevention and policy and recommend resolution~~
3 ~~of conflicts between the various agencies on fire prevention matters;~~

4 ~~(11) Develop an annual report on the activities of the State~~
5 ~~Fire Prevention Commission and transmit the report to the Secretary of the~~
6 ~~Department of Public Safety and the General Assembly on or before November 30~~
7 ~~annually; and~~

8 ~~(12) Coordinate activities with the Federal Emergency Management~~
9 ~~Agency and any of the other federal or state agencies involved with fire~~
10 ~~prevention matters.~~

11
12 ~~20-22-205. Cooperation by other agencies.~~

13 ~~All other state agencies shall cooperate and coordinate with the State~~
14 ~~Fire Prevention Commission to the utmost degree within the range of action~~
15 ~~permissible within statutory authority.~~

16
17 SECTION 28. Arkansas Code § 20-22-701(5), concerning the definition of
18 "license" under the law concerning fireworks, is amended to read as follows:

19 (5) "License" means the written authority of the ~~Director of the~~
20 ~~Division of Arkansas State Police~~ State Fire Marshal issued under the
21 authority of this subchapter to a distributor, jobber, wholesaler,
22 manufacturer, importer, or retailer for a fee as provided in § 20-22-707;

23
24 SECTION 29. Arkansas Code § 20-22-701(7), concerning the definition of
25 "permit" under the law concerning fireworks, is amended to read as follows:

26 (7) "Permit" means the written authority of the ~~director~~ State
27 Fire Marshal issued for a public fireworks display under the authority of
28 this subchapter;

29
30 SECTION 30. Arkansas Code § 20-22-702(a), concerning public displays
31 of fireworks and exceptions, is amended to read as follows:

32 (a) Nothing in this subchapter shall be construed as applying to the
33 shipping, sale, possession, and use of fireworks for public displays by
34 holders of a permit for a public display to be conducted in accordance with
35 the rules promulgated by the ~~Director of the Division of Arkansas State~~
36 ~~Police~~ State Fire Marshal. Such items of fireworks which are to be used for

1 public display only and which are otherwise prohibited for sale and use
2 within the state shall include display shells designed to be fired from
3 mortars and display set pieces of fireworks classified by the regulations of
4 the United States Surface Transportation Board as Class B special fireworks
5 and shall not include such items of commercial fireworks as cherry bombs,
6 tubular salutes, repeating bombs, aerial bombs, and torpedoes.

7
8 SECTION 31. Arkansas Code § 20-22-702(b)(1), concerning public
9 displays of fireworks and exceptions, is amended to read as follows:

10 (b)(1) Public displays shall be performed only under competent
11 supervision and after the persons or organizations making the displays have
12 applied for and received a permit for the displays issued by the ~~director~~
13 State Fire Marshal.

14
15 SECTION 32. Arkansas Code § 20-22-702(d)(1), concerning public
16 displays of fireworks and exceptions, is amended to read as follows:

17 (d)(1) ~~The Division of Arkansas State Police~~ Office of Fire Protection
18 Services may charge a fee not to exceed fifty dollars (\$50.00) for each
19 permit issued under this section.

20
21 SECTION 33. Arkansas Code § 20-22-702(d)(3), concerning public
22 displays of fireworks and exceptions, is amended to read as follows:

23 (3) All permit fees shall be remitted to the division and shall
24 be deposited into the State Treasury as special revenues to the credit of the
25 ~~Division of Arkansas State Police~~ Fire Services Fund.

26
27 SECTION 34. Arkansas Code § 20-22-703(a)(1)(D), concerning exceptions
28 from fireworks licensing law, is amended to read as follows:

29 (D) Transportation, sale, or use of permissible fireworks
30 as defined in § 20-22-708 or special fireworks as defined in § 20-22-701
31 solely for agricultural or industrial purposes, provided that the purchaser
32 first secures a written permit to purchase and use the fireworks for
33 agricultural or industrial purposes from the ~~Director of the Division of~~
34 ~~Arkansas State Police~~ State Fire Marshal.

35
36 SECTION 35. Arkansas Code § 20-22-703(a)(2), concerning exceptions

1 from fireworks licensing law, is amended to read as follows:

2 (2) No permit for use of fireworks for agricultural purposes
3 shall be issued by the ~~director~~ State Fire Marshal except after approval of
4 the county agricultural agent of the county in which the fireworks are to be
5 used.

6
7 SECTION 36. Arkansas Code § 20-22-707 is amended to read as follows:
8 20-22-707. License – Application and issuance.

9 (a)(1)(A) To be licensed as a manufacturer, importer, distributor,
10 jobber, retailer, retailer all-year, or shooter of fireworks, a first-time
11 applicant shall submit to the ~~Director of the Division of Arkansas State~~
12 ~~Police~~ State Fire Marshal an application on a form provided by the ~~director~~
13 State Fire Marshal setting forth the information that the ~~director~~ State Fire
14 Marshal determines necessary to ensure public health, safety, and welfare.

15 (B) The license for a manufacturer, importer, distributor,
16 jobber, retailer, or retailer all-year shall be effective from the date of
17 issuance through the next April 30.

18 (C) The license for a shooter shall be valid for five (5)
19 years from the date of issuance.

20 (D) Upon approval of the application by the ~~director~~ State
21 Fire Marshal and before the issuance of the license, the applicant shall pay
22 to the ~~director~~ State Fire Marshal a license fee for each type of business
23 conducted based on the following schedule:

- 24 (i) Manufacturer..... \$1,000.00
25 (ii) Importer..... 750.00
26 (iii) Distributor..... 500.00
27 (iv) Jobber..... 100.00
28 (v) Retailer..... 25.00
29 (vi) Shooter..... 50.00
30 (vii) Retailer All-Year..... 500.00

31 (E) The fee for a shooter shall be waived if the applicant
32 verifies that he or she is a professional or volunteer firefighter.

33 (2)(A) A retailer may purchase a license from its vendor if the
34 vendor is a licensed importer, distributor, or jobber or from the ~~State Fire~~
35 ~~Marshal Enforcement Section~~ Office of Fire Protection Services. The
36 retailers' licenses shall be made available by the ~~Division of Arkansas State~~

1 Office of Fire Protection Services to the vendor in books of twenty (20)
2 licenses to a book.

3 (B) The vendor shall record the sales of the licenses to
4 retailers and submit its records to the ~~director~~ State Fire Marshal
5 semiannually on January 31 and July 31 of each year. Each semiannual report
6 shall cover the preceding six-month period.

7 (3) A person that does not obtain a required license commits a
8 violation of this subchapter.

9 (b)(1) A person may renew a license as a manufacturer, importer,
10 distributor, jobber, retailer, or shooter by payment of the fee under
11 subsection (a) of this section to the ~~director~~ State Fire Marshal.

12 (2) A license renewal application received by the ~~director~~ State
13 Fire Marshal after May 1 of each year shall be assessed a late penalty in an
14 amount equal to two (2) times the renewal fee, under subsection (a) of this
15 section.

16 (c) All funds collected under this subchapter by the ~~director~~ State
17 Fire Marshal, including license fees and penalties, shall be deposited into
18 the State Treasury to the credit of the ~~Division of Arkansas State Police~~
19 Fire Services Fund.

20 (d) The ~~director~~ State Fire Marshal shall assign a license number to
21 each license issued. This number shall be affixed by the person to whom such
22 a license is issued to all invoices issued or used by each manufacturer,
23 importer, distributor, or jobber.

24 (e)(1) It shall be unlawful for a jobber licensed under this
25 subchapter or for an Arkansas-domiciled retailer to purchase fireworks from a
26 distributor, importer, or manufacturer domiciled outside the State of
27 Arkansas unless the distributor, manufacturer, or importer can show proof
28 that the distributor, manufacturer, or importer holds a valid license under
29 this subchapter to perform functions of the distributor, importer, or
30 manufacturer, or all of them, as the case may be.

31 (2) In the event of a violation of this section, if the
32 distributor, importer, or manufacturer cannot show valid proof of being
33 properly and currently licensed under this subchapter and if purchase of
34 fireworks is consummated by a wholesale jobber licensed under this subchapter
35 or by an Arkansas retailer from the distributor, importer, or manufacturer,
36 then the jobber or retailer shall become liable, as a civil penalty, for the

1 full amount of the license fee required by this subchapter from the
2 distributor, importer, or manufacturer. The amount of the license fee is
3 payable immediately, or in the event of failure to pay the penalty within
4 thirty (30) days of the violation, the distributor, importer, or manufacturer
5 shall be subject to the criminal penalties provided by this subchapter.

6 (3) Furthermore, unless the out-of-state distributor, importer,
7 or manufacturer pays the license fee required under the provisions of this
8 subchapter within a period of thirty (30) days after being so notified by
9 registered mail, the person shall thereafter be prohibited from engaging in
10 the business defined in this subchapter in the State of Arkansas.

11 (f)(1) No permit or license provided for in this subchapter shall be
12 transferable, nor shall a person be permitted to operate under a permit or
13 license issued to any other person.

14 (2) No permit or license shall be issued to a person under
15 twenty-one (21) years of age.

16 (3)(A) Each retailer and holder of a license under the
17 provisions of this subchapter shall keep an accurate record of each shipment
18 received.

19 (B) Each distributor, importer, jobber, or wholesaler
20 shall keep a record of each shipment received and each sale, delivery, or
21 out-shipment of fireworks.

22 (C) The records shall be clear, legible, and accurate,
23 showing the name and address of the seller or purchaser, item, and quantity
24 received or sold.

25 (D) The records are to be kept at each place of business
26 and shall be subject to examination by the ~~director~~ State Fire Marshal or his
27 or her agents who shall have the authority at any time to require any
28 manufacturer, importer, distributor, wholesaler, jobber, or retailer to
29 produce records for the current year and the immediately preceding full
30 license year.

31 (E) Each shooter shall keep a record of the date,
32 location, and type of display conducted within the State of Arkansas.

33 (g) Mail-order sales of fireworks to consumers through any medium of
34 interstate or intrastate commerce are prohibited. Sales of fireworks to
35 consumers may be made only at properly licensed retail locations within the
36 State of Arkansas. Any person violating this subsection shall be guilty of a

1 Class C misdemeanor.

2 (h) The ~~director~~ State Fire Marshal may revoke or deny an application
3 for any license or permit at any time for violating any provision of this
4 subchapter or for falsifying any information provided to the division as part
5 of an application for a license or permit.

6 (i) The ~~director~~ State Fire Marshal may promulgate rules necessary to
7 enforce this subchapter.

8
9 SECTION 37. Arkansas Code § 20-22-710(e), location, display, sale of
10 fireworks, is amended to read as follows:

11 (e) All licensees under this subchapter shall have a fire extinguisher
12 of a type approved by the ~~Director of the Division of Arkansas State Police~~
13 State Fire Marshal in an area readily accessible to any point of storage or
14 sale of fireworks. In lieu of such an extinguisher, retailers may maintain a
15 common type of water hose, charged and connected to a water system, which is
16 readily available to any area where fireworks are stored or sold.

17
18 SECTION 38. Arkansas Code § 20-22-714 is amended to read as follows:
19 20-22-714. Seizure of contraband fireworks.

20 (a) The ~~Director of the Division of Arkansas State Police~~ State Fire
21 Marshal within the Office of Fire Protection Services shall seize as
22 contraband any fireworks other than Class C common fireworks defined in § 20-
23 22-708 or special fireworks for public displays as provided in § 20-22-702 or
24 for agricultural or industrial purposes as provided in § 20-22-703, which are
25 sold, displayed, used, or possessed in violation of this subchapter.

26 (b) The ~~director~~ State Fire Marshal may destroy fireworks so seized.

27
28 SECTION 39. Arkansas Code § 20-22-7015(a), concerning a notice of
29 violation of the fireworks licensing law, is amended to read as follows:

30 (a) With reference to the administrative and civil penalties
31 imposed by this subchapter, the ~~Director of the Division of Arkansas State~~
32 ~~Police~~ State Fire Marshal shall notify the person accused of a violation,
33 setting a time and place for hearing to be held by the ~~director~~ State Fire
34 Marshal or his or her designated agent.

35
36 SECTION 40. Arkansas Code § 20-22-803(a)(2), concerning the creation

1 and membership of the Arkansas Fire Protection Services Board, is amended to
2 read as follows:

3 (2) The board shall be composed of ~~fifteen (15)~~ seventeen (17)
4 members to be appointed by the Governor subject to confirmation by the Senate
5 as follows:

6 (A)(i) Four (4) members shall be fire chiefs appointed by
7 the Governor after consulting the Arkansas Association of Fire Chiefs.

8 (ii) ~~Two (2) of the fire chiefs under this~~
9 ~~subdivision (a)(2)(A) shall be full paid fire chiefs, one~~ One (1) shall be a
10 volunteer fire chief, ~~and one (1) shall be a retired fire chief or a~~
11 ~~volunteer fire chief;~~

12 (B) Two (2) members shall be appointed after consulting
13 the Arkansas Rural and Volunteer Firefighters Association;

14 (C) Four (4) members shall be appointed after consulting
15 the Arkansas State Firefighters Association, Inc. ~~all of whom shall be~~
16 ~~volunteer firefighters of which:~~

17 (i) Two (2) members shall be full paid firefighters;
18 and

19 (ii) Two (2) members shall be volunteer
20 firefighters;

21 (D) Four (4) members shall be appointed by the Governor
22 after consulting the Arkansas Professional Fire Fighters Association; ~~and~~

23 (E) The State Forester of the Arkansas Forestry Commission
24 or his or her designee; and

25 (F) Two (2) members shall be appointed after consulting
26 the Arkansas Fire Marshal's Association.

27
28 SECTION 41. Arkansas Code § 20-22-804 is amended to read as follows:

29 20-22-804. Arkansas Fire Protection Services Board – Duties and powers.

30 (a) The Arkansas Fire Protection Services Board shall:

31 (1)(A) Prescribe by rule minimum standards for the certification
32 of fire departments and standards for the classification of fire departments
33 as to their level of service, including, but not limited to, standards for
34 training levels for firefighters of fire departments, minimum levels of
35 equipment, and minimum performance standards.

36 (B) A fire department shall be certified when it meets the

1 minimum standards, training, and equipment set forth for each classification;

2 (2) Establish a system of identification for firefighters of
3 certified fire departments for the purpose of assisting firefighters to carry
4 out their duties;

5 (3) Assist fire departments with training programs and assist
6 with the establishment and upgrading of fire departments;

7 (4) Promote the exchange of information among fire departments
8 and state agencies;

9 (5) Serve in ~~an advisory~~ a governing capacity ~~to~~ with the
10 Director of the Division of Emergency Management with respect to the:

11 (i) operation ~~operation~~ Operation of fire services; and

12 (ii) the-matters ~~the-matters~~ Matters concerning certification and
13 standards related to fire services in the state;

14 (6) Periodically review and evaluate current and proposed
15 national and international activities related to the improvement and
16 upgrading of fire services to ensure that the state maintains acceptable
17 standards of fire protection for its citizens and standards for training its
18 firefighters;

19 ~~Advise~~ Provide oversight for the Director of the Arkansas
20 Fire Training Academy in matters related to the:

21 (i) training ~~training~~ Training and certification of fire services
22 personnel in Arkansas; and

23 (ii) curriculum ~~curriculum~~ Curriculum and instructional content of
24 the curriculum offered by the Arkansas Fire Training Academy;

25 (8)(A) Advise the President of Southern Arkansas University in
26 matters regarding the appointment and retention of the Director of the
27 Arkansas Fire Training Academy, including without limitation:-

28 ~~(B)(i)~~ The Arkansas Fire Protection Services Board shall
29 ~~review~~ Reviewing the applications for the position of Director of the
30 Arkansas Fire Training Academy submitted to the president; and

31 (ii) recommend three ~~(3)~~ Ranking the candidates for
32 the position in a descending order for ~~to~~ the president.

33 ~~(C)(B)~~ The president shall appoint the Director of the
34 Arkansas Fire Training Academy from the Arkansas Fire Protection Services
35 Board's top three (3) recommended candidates; and

36 (9)(A) Advise the president in the creation and maintenance of

1 the job description of the Director of the Arkansas Fire Training Academy.

2 (B) The job description for the Director of the Arkansas
3 Fire Training Academy shall define the Director of the Arkansas Fire Training
4 Academy's:

5 (i) Job duties and directions; and

6 (ii) Expectations;

7 (9)(10) Establish other reasonable rules as may be necessary for
8 the purposes of this subchapter;

9 (11)(A) Advise the Director of the Division of Emergency
10 Management in matters regarding the employment and retention of the
11 Coordinator of the Office of Fire Protection Services including without
12 limitation:

13 (i) Reviewing the applications for the Coordinator
14 of the Office of Fire Protection Services and submitted to the Division of
15 Emergency Management; and

16 (ii) Ranking the candidates for Coordinator of the
17 Office of Fire Protection Services in a descending order for the Director of
18 the Division of Emergency Management.

19 (B)(i) The Director of the Division of Emergency
20 Management shall employ the Coordinator of Fire Protection Services from the
21 top three (3) recommended candidates; and

22 (ii) If a candidate removes his or her application
23 from consideration, the rank of the candidates shall be adjusted to fill that
24 numerical rank to ensure the Director of the Division of Emergency Management
25 considers the top three (3) remaining recommended candidates; and

26 (12)(A) Advise the Director of the Division of Emergency
27 Management in the creation and maintenance of the job description for the
28 Coordinator of the Office of Fire Protection Services.

29 (B) The job description for the Coordinator of the Office
30 of Fire Protection Services shall define the Coordinator of the Office of
31 Fire Protection Services':

32 (i) Job duties and directions; and

33 (ii) Expectations.

34 (12)(A) Advise the Director of the Division of Emergency
35 Management in matters regarding the employment and retention of the State
36 Fire Marshal, including without limitation:

1 (i) Reviewing the applications for the State Fire
2 Marshal and submitted to the Division of Emergency Management; and

3 (ii) Ranking the candidates for State Fire Marshal in
4 a descending order for the Director of the Division of Emergency Management.

5 (B) The Director of the Division of Emergency Management
6 shall employ the State Fire Marshal from the top three (3) recommended
7 candidates; and

8 (13)(A) Advise the Director of the Division of Emergency
9 Management in the creation and maintenance of the job description for the
10 State Fire Marshal.

11 (B) The job description for the State Fire Marshal shall
12 define the State Fire Marshal's:

13 (i) Job duties and directions; and

14 (ii) Expectations.

15 (14) Provide oversight for the Director of the Division of
16 Emergency Management for the Office of Fire Protection Services;

17 (15)(A) Provide guidance to fire departments concerning
18 compliance with rules or orders of the Arkansas Fire Protection Services
19 Board.

20 (B) The Office of Fire Protection Services shall be
21 responsible for oversight of the fire coordinators of each county to ensure
22 the information, guidance, rules, and orders of the Arkansas Fire Protection
23 Services Board are complied with by the fire departments;

24 (16) Adopt rules to create the form and allowable rates for
25 insurance reimbursement;

26 (17) Develop a Uniform Fire Department Insurance Reimbursement
27 Billing Form;

28 (18) Develop the Arkansas Fire Protection Services Grant
29 Program.

30 (b) The Arkansas Fire Protection Services Board shall have the
31 following duties and responsibilities:

32 (1) Develop a plan for statewide fire prevention, including
33 plans for urban and rural fire prevention;

34 (2) Develop and maintain a fire prevention database upon which
35 decisions concerning fire prevention and policy may intelligently be made;

36 (3) Identify state needs relative to fire prevention, including

1 specific needs of urban and rural areas;

2 (4) Recommend actions to meet identified state needs relative to
3 fire prevention;

4 (5) Monitor and review the effectiveness of existing and
5 proposed fire prevention programs;

6 (6) Maintain an awareness of fire prevention research and
7 development of importance to the state to promote information exchange and
8 coordination of efforts;

9 (7) Recommend legislative and executive action to encourage
10 development of fire prevention resources and the efficient utilization of the
11 resources;

12 (8) Administer a public fire prevention awareness program to
13 inform the public of the importance and methods of fire prevention;

14 (9) Advise the General Assembly, the Governor, the State Fire
15 Marshal, the Arkansas Forestry Commission, the Director of the Arkansas Fire
16 Training Academy, the Director of the Division of Arkansas State Police, and
17 the Insurance Commissioner on fire prevention and program matters of
18 importance to each;

19 (10) Advise on the delegation of responsibilities to state
20 agencies responsible for fire prevention and policy and recommend resolution
21 of conflicts between the various agencies on fire prevention matters;

22 (11) Develop an annual report on the activities of the Arkansas
23 Fire Protection Services Board and transmit the report to the Secretary of
24 the Department of Public Safety and the General Assembly on or before
25 November 30 annually;

26 (12) Coordinate activities with the Federal Emergency Management
27 Agency and any other federal or state agencies involved with fire prevention
28 matters;

29 (13) Establish, maintain, and update a list of all the following
30 in the state:

31 (A) Volunteer fire fighters; and

32 (B) Professional fire fighters.

33 ~~(b) As of March 1, 2003, the Arkansas Fire Training Academy Board~~
34 ~~created by § 12-13-202 [repealed] and the Arkansas Fire Advisory Board~~
35 ~~created by § 20-22-1005 [repealed] are transferred by a Type 3 transfer under~~
36 ~~§ 25-2-106 to the Arkansas Fire Protection Services Board created by § 20-22-~~

1 ~~803.~~

2 (c)(1) The Arkansas Fire Protection Services Board may revoke the
3 certification of any firefighter who has been convicted of a felony under §
4 17-3-102.

5 (2) Before the Arkansas Fire Protection Services Board revokes
6 the certification of a firefighter under this subsection, the firefighter may
7 request a hearing in accordance with the Arkansas Administrative Procedure
8 Act, § 25-15-201 et seq.

9 (3) If the Arkansas Fire Protection Services Board revokes the
10 firefighter's certification under this subsection, the firefighter may appeal
11 the Arkansas Fire Protection Services Board's decision to the Pulaski County
12 Circuit Court in accordance with the Arkansas Administrative Procedure Act, §
13 25-15-201 et seq.

14 (4) The Arkansas Fire Training Academy shall be the custodian of
15 all records on the decertification of firefighters under this subsection.
16

17 SECTION 42. Arkansas Code § 20-22-1004(a), concerning the Office of
18 Fire Protection Services, is amended to add an additional subdivision to read
19 as follows:

20 (7) To assist the State Fire Marshal.
21

22 SECTION 43. Arkansas Code § 20-22-1004(c)(1), concerning the Office of
23 Fire Protection Services, is amended to read as follows:

24 (1) ~~The State Fire Marshal~~ Arkansas law enforcement officers,
25 who ~~is~~ are responsible for providing the services and functions related to
26 the investigation of arson and enforcement of arson laws, ~~fire safety, public~~
27 ~~awareness~~, and other functions as may be specified by law ~~for the office~~;
28

29 SECTION 44. Arkansas Code Title 20, Chapter 22, Subchapter 10, is
30 amended to add an additional section to read as follows:

31 20-22-1009. State Fire Marshal.

32 (a) There is created the position of State Fire Marshal within the
33 Office of Fire Protection Services of the Division of Emergency Management.

34 (b) The State Fire Marshal shall be under the supervision and
35 direction of the Director of the Division of Emergency Management.

36 (c) The State Fire Marshal shall work in coordination with the

1 Coordinator of the Office of Fire Protection Services, the Arkansas Fire
2 Protection Services Board and the Director of the Division of Emergency
3 Management.

4 (d) The State Fire Marshal, who shall be employed by the Director of
5 the Division of Emergency Management, in consultation with the Secretary of
6 the Department of Public Safety, shall have the responsibility to carry out
7 the administrative functions and directives assigned to the State Fire
8 Marshal.

9 (e) The State Fire Marshal may delegate administrative and
10 investigative duties to the qualified personnel of the Office of Fire
11 Protection Services.

12
13 20-22-1010. Duties of State Fire Marshal.

14 (a) The State Fire Marshal of the Office of Fire Protection Services
15 shall have the responsibility to:

16 (1) Provide sufficient training to the several deputy fire
17 marshals in the State of Arkansas to enable them to better understand their
18 duties and their authority and to motivate them to perform their duties in an
19 effective and efficient manner;

20 (2) Coordinate fire prevention efforts with the State Fire
21 Marshal Enforcement Section and other agencies and groups;

22 (3) Develop and present public awareness programs in fire
23 prevention and protection;

24 (4) Develop and disseminate fire prevention information and
25 material;

26 (5) Enforce the Arkansas Fire Prevention Code and periodically
27 revise and update the Arkansas Fire Prevention Code;

28 (6) Do and perform such other functions as will promote an
29 efficient and effective fire prevention and control program in the state;

30 (7) Review fire protection class code determinations by an
31 advisory organization and determine if the evaluation of fire protection
32 services is reasonable and appropriate;

33 (8) Upon request, make recommendations to the Insurance
34 Commissioner concerning filings made to the commissioner concerning fire
35 protection standards;

36 (b) The State Fire Marshal, in conjunction with the appropriate law

1 enforcement agency, enforce all laws and ordinances with regard to the
2 following, including without limitation:

3 (1) The prevention of fires;

4 (2) The storage, sale, and use of combustibles and explosives;

5 (3) The installation and maintenance of automatic or other fire
6 alarm systems and fire extinguishing equipment;

7 (4) The construction, maintenance, and regulation of fire
8 escapes;

9 (5) The means and adequacy of exits in case of fire from
10 factories, asylums, hospitals, churches, schools, halls, theaters, and all
11 other places in which numbers of people work, live, or congregate from time
12 to time, for any purpose; and

13 (6) The suppression of arson and the investigation of the cause,
14 origin, and circumstances of fires.

15 (c)(1) The State Fire Marshal within the Office of Fire Protection
16 Services shall adopt reasonable rules for the effective administration of
17 this subchapter to accomplish its intent and purposes, and to safeguard the
18 public from fire hazards.

19 (d) The State Fire Marshal within the Office of Fire Protection
20 Services shall make reasonable rules for the keeping, storing, using,
21 manufacture, selling, handling, transportation, or other disposition of
22 highly inflammable materials and rubbish, gunpowder, dynamite, crude
23 petroleum or any of its products, explosives or compounds, or any other
24 explosive, including fireworks, and firecrackers, and he or she may prescribe
25 the materials and construction of receptacles and buildings to be used for
26 any of those purposes.

27 (e) Nothing in this subchapter shall apply to the inspection of
28 boilers, § 20-23-101 et seq., the administration and enforcement of which is
29 now vested in the Division of Labor.

30
31 20-22-101l. Fire drills.

32 It shall be the duty of the State Fire Marshal, or his or her designee,
33 to require teachers of public and private schools and all educational
34 institutions to have one (1) fire drill each month and to keep all doors and
35 exits unlocked during school hours.

20-22-1012. Inspection of buildings.

(a)(1) Upon complaint of any person or on their own motion, the State Fire Marshal, or his or her designee, may inspect all buildings and premises within their jurisdiction and issue an order for the compliance with the State Fire Marshal's rules.

(2) Failure or refusal to comply with an order of the State Fire Marshal in the enforcement of the rules shall be a Class A misdemeanor.

(b)(1) The State Fire Marshal, or his or her designee, shall inspect all places of public assembly, including factories or industrial plants normally employing ten (10) or more persons, where hazards to the lives and safety of citizens might be present.

(2) If upon completion of the inspection an unsafe or hazardous condition is found to exist, then the State Fire Marshal, or his or her designee, shall promptly notify the owner or operator of the public assembly in writing.

(3) Upon the receipt of the written notice, the owner or operator shall remove the hazardous or unsafe condition.

(4)(A) On failure to remedy the condition, the State Fire Marshal, or his or her designee, may file injunction proceedings in the circuit court of the jurisdiction to abate the condition as being a nuisance.

(B) The suit shall be filed in the name of the State Fire Marshal for the use and benefit of the State of Arkansas without bond for costs.

20-22-1013. Disposition of penalties, fees, and forfeitures.

All penalties, fees, or forfeitures collected under the provisions of this subchapter shall be deposited into the State Treasury to the credit of the Fire Services Fund.

20-22-1014. Temporary door barricade devices.

A person may install and use a temporary door barricade device or security lockdown device for security purposes to protect individuals during active shooter events or other similar situations.

20-22-1015. Americans with Disabilities Act compliance.

When the Arkansas Fire Prevention Code conflicts with the 2010

1 Americans with Disabilities Act Standards for Accessible Design, the
2 conflicting provisions of the 2010 Americans with Disabilities Act Standards
3 for Accessible Design shall control.

4
5 20-22-1016. Review of fire protection class code determinations by
6 advisory organizations – Recommendations to Insurance Commissioner.

7 (a) The State Fire Marshal, or his or her designee, may review fire
8 protection standards filings filed by an advisory organization with the
9 Insurance Commissioner if:

10 (1) The filing is based on the effectiveness of fire protection
11 services; and

12 (2) Upon request of the commissioner or a person affected by a
13 rate filing.

14 (b) The section shall review a fire protection class code
15 determination by:

16 (1) Reassessing the fire protection services of each area of the
17 state under approved standards to determine whether or not the analysis of
18 the area's fire protection services were graded accurately considering the
19 area's concerns, characteristics, and equipment and support available for
20 fire protection services;

21 (2) Advising the commissioner if the fire protection class code
22 determination is reasonable and appropriate; and

23 (3) Recommending further review or action by the commissioner
24 concerning the fire protection class code determination.

25 (c) A recommendation by the section is not binding on the
26 commissioner.

27 (d) The section shall make its recommendations under this section to
28 the commissioner within thirty (30) days after receipt of a request to review
29 a fire protection standards filing.

30 (e) The section shall draw upon the experience and knowledge of
31 different individuals in this state to make an informed recommendation to the
32 commissioner.

33
34 SECTION 45. Arkansas Code § 25-43-1402(16), concerning the state
35 entities transferred to the Department of Public Safety by a cabinet-level
36 department transfer, is repealed.

1 ~~(16) The State Fire Prevention Commission, created under § 20-~~
2 ~~22-202, and~~

3 SECTION 46. Arkansas Code § 26-57-614(a), concerning an additional tax
4 and fire protection services, is amended to read as follows:

5 (a)(1) It is found and determined by the General Assembly that
6 additional funding is needed to improve the fire protection services in this
7 state.

8 (2) It is further found and determined that the public policy of
9 this state is to provide adequate fire protection services for property of
10 citizens through the use of properly trained and equipped firefighters, the
11 effective administration of fire protection services through the Office of
12 Fire Protection Services and the State Fire Marshal, and that the provisions
13 of this section and §§ 14-284-401 – 14-284-409 are necessary in furtherance
14 of the public health and safety.

15
16 SECTION 47. DO NOT CODIFY. Transfer of duties and personnel from the
17 State Fire Marshal Enforcement Section of the Division of State Police to the
18 Office of Fire Protection Services within the Division of Emergency
19 Management.

20 (a)(1) The administrative duties and certain personnel of the State
21 Fire Marshal Enforcement Section of the Division of Arkansas State Police are
22 transferred to the Office of Fire Protection Services within the Division of
23 Emergency Management.

24 (2) The administrative duties transferred under subdivision
25 (a)(1) of this section includes all authority, powers, duties, functions,
26 records, and property, including the functions of budgeting or purchasing as
27 established by law.

28 (3) The State Fire Marshal Enforcement Section of the Division
29 of Arkansas State Police and the Office of Fire Protection Services within
30 the Division of Emergency Management shall jointly determine the personnel to
31 be transferred.

32 (b) All rules promulgated by the Division of Arkansas State Police
33 concerning fire enforcement or the Fire Prevention Act, § 12-13-101 et seq.
34 or the Arkansas Fire Code shall continue to be in effect and shall be adopted
35 by the State Fire Marshal as rules of the Office of Fire Protection Services.
36

1 SECTION 48. EMERGENCY CLAUSE.

2 It is found and determined by the General Assembly of the State of
3 Arkansas that it is important to the citizens of Arkansas that state
4 government services be provided in an efficient and cost-effective manner;
5 that the consolidation of state boards that perform similar functions and
6 serve similar constituencies is an effective way to achieve both operational
7 efficiencies and economies of scale; that this act abolishing and
8 transferring the duties of the State Fire Prevention Commission to the
9 Arkansas Fire Protection Services Board will increase the effectiveness of
10 fire protection for all citizens and protect the citizens' health, safety,
11 and property; that fire protection services and fire prevention programs
12 benefit Arkansans and preserve the public peace, health and safety by
13 preventing the devastation caused by fire and providing fire prevention
14 services to rural and urban communities in Arkansas is exceptionally
15 beneficial; that this act abolishing and transferring the duties of the State
16 Fire Prevention Commission to the Arkansas Fire Protection Services Board
17 should become effective on July 1, 2023, to coincide with the appropriation
18 bill of the Department of Public Safety, and the beginning of the state's
19 fiscal year, as it provides its expanded vital services as the transfer of
20 duties is implemented and does not experience any issues with funding under
21 the transfer of duties. Therefore, an emergency is declared to exist, and
22 this act being necessary for the preservation of the public peace, health,
23 and safety shall become effective on July 1, 2023.

24
25 /s/L. Johnson
26

27
28 **APPROVED: 4/13/23**
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