

**RULES
OF
DEPARTMENT OF COMMERCE AND INSURANCE
DIVISION OF FIRE PREVENTION**

**CHAPTER 0780-02-14
FIRE EXTINGUISHERS**

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0780-02-14-.01 DEFINITIONS.

- (1) For purposes of this Chapter, unless the context otherwise requires, the definitions of terms contained in Tenn. Code Ann. § 62-32-203 are applicable. In addition:
- (a) "Authorization" means authorization issued by the Division (and noted on a firm's certificate of registration) to perform hydrostatic testing.
 - (b) "Business" means the installation or service of portable fire extinguishers or fixed fire extinguisher systems.
 - (c) "Certificate" means a certificate of registration issued by the Division to a firm, or to a branch office of a firm.
 - (d) "Impairment" means a condition which would not permit a portable fire extinguisher or fixed fire extinguisher system to operate in a manner consistent with its original design and installation.
 - (e) "Inspection" means the act of checking portable fire extinguishers or fixed fire extinguisher systems against the applicable specifications, standards, and manufacturer's installation manuals. An inspection shall not include items required to be inspected at thirty (30) day intervals as indicated by Standard for Portable Fire Extinguishers (NFPA 10-2007), published by the National Fire Protection Association (NFPA).
 - (f) "License" means a license issued by the Division to an extinguisher specialist.
 - (g) "Manufacturer's examination" means an examination on the business which is either:
 - 1. administered by a manufacturer or portable fire extinguishers and/or fixed fire extinguisher systems and approved by the Division; or
 - 2. administered or sanctioned by the Division.
 - (h) "NFPA" means the National Fire Protection Association, Inc., a nationally recognized standards making organization.
 - (i) "Permit" means a permit issued by the Division to an extinguisher technician.

(Rule 0780-02-14-.01, continued)

- (j) "School" means a course of instruction or study on the business.
- (k) "Standards" means the standards for the installation and service of portable fire extinguishers and fixed fire extinguisher systems established by Tenn. Comp. R & Regs. 0780-02-14-.02.

Authority: T.C.A. §§ 62-32-202 and 62-32-211. **Administrative History:** Original rule filed November 17, 1986, effective January 1, 1987. Amendment filed April 30, 2009; effective July 14, 2009.

0780-02-14-.02 STANDARDS

- (1) Unless otherwise provided by applicable law or the provisions of this Chapter, the standards for the installation and service of portable fire extinguishers and fixed fire extinguisher systems in the State of Tennessee shall be those prescribed in:
 - (a) Standard for Portable Fire Extinguishers (NFPA 10-2007), published by the National Fire Protection Association (NFPA), Batterymarch Park, Quincy, MA 02269.
 - (b) Standard on Carbon Dioxide Extinguishing Systems (NFPA 12-2008), published by the NFPA.
 - (c) Standard on Halon 1301 Fire Extinguishing Systems (NFPA 12A-2004), published by the NFPA.
 - (d) Standard for Dry Chemical Extinguishing Systems (NFPA 17-2002), published by the NFPA.
 - (e) Standard for Wet Chemical Extinguishing Systems (NFPA 17A-2002), published by the NFPA.
 - (f) Standard on Wetting Agents (NFPA 18-2006), published by the NFPA.
 - (g) Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations (NFPA 96-2008), published by the NFPA.
 - (h) Standard for Aircraft Hand Portable Fire Extinguishers (NFPA 408-2004), published by the NFPA.
 - (i) Standard on Clean Agent Fire Extinguishing Systems (NFPA 2001-2008), published by the NFPA.
 - (j) Standard for Fixed Aerosol Fire-Extinguishing Systems (NFPA 2010-2006), published by the NFPA.
- (2) This rule shall not be construed as adopting any provision of the cited publications which establishes:
 - (a) An optional or recommended, rather than mandatory, standard or practice; or
 - (b) Any agency, procedures, fees, or penalties for administration or enforcement purposes.

Authority: T.C.A. §§62-32-202 and 62-32-211. **Administrative History:** Original rule filed November 17, 1986, effective January 1, 1987. Amendment filed April 30, 2009; effective July 14, 2009.

0780-02-14-.03 CERTIFICATE OF REGISTRATION.

- (1) An application for a certificate of registration as a firm must be signed by the sole proprietor, by each partner of a partnership, or by the president and secretary of a corporation or organization. The application shall include:
 - (a) Written consent for representatives of the Division to enter, examine, and inspect any premises, building, room, or establishment used by the applicant while engaged in the business to determine compliance with the provisions of T.C.A. Title 62, Chapter 32, Part 2, and this chapter; and
 - (b) A statement detailing the applicant's qualifications (including education and experience) to engage in the business.
- (2) Before granting a certificate, the Division (or an individual or agency approved by the Division) must determine that the applicant maintains a shop sufficiently equipped to enable the firm to service adequately the portable fire extinguishers and/or fixed fire extinguisher systems which it sells and installs.
- (3) Every firm shall maintain a specific business location, which shall be indicated on the certificate.
- (4) Each certificate shall be conspicuously posted on the premises of the firm office for which it is issued.
- (5) A change of ownership of a registered firm, or branch office thereof, invalidates the current certificate. To assure continuation of the business, an application for a new certificate should be submitted to the Division, not less than fourteen (14) days prior to such change.
- (6) A change of name, location, or mailing address requires a revised certificate. In the event of such change, the certificate holder shall, within fourteen (14) days thereafter, send to the Division:
 - (a) Written notice of the change; and
 - (b) The current certificate.

Authority: T.C.A. §§62-32-202, 62-32-204 and 62-32-211. **Administrative History:** Original rule filed November 17, 1986, effective January 1, 1987.

0780-02-14-.04 AUTHORIZATION.

If an applicant for a certificate of registration as a firm seeks authorization to perform hydrostatic testing, the applicant shall demonstrate to the Division's satisfaction that at least one (1) employee of the firm is qualified to provide such service.

Authority: T.C.A. §§ 62-32-202, 62-32-204 and 62-32-211. **Administrative History:** Original rule filed November 17, 1986, effective January 1, 1987.

0780-02-14-.05 EXTINGUISHER SPECIALIST LICENSE.

- (1) An application for a license as an extinguisher specialist shall include:
 - (a) A written statement from the firm for which the applicant works, supporting the applicant's competency to act as an extinguisher specialist; and

(Rule 0780-02-14-.05, continued)

- (b) Satisfactory proof of the applicant's successful completion of a manufacturer's examination and school.
- (2) A change of firm affiliation, name, home address, or mailing address requires a revised license. In the event of such change, the licensee shall, within fourteen (14) days thereafter, send to the Division:
 - (a) Written notice of the change;
 - (b) The current license.
- (3) No holder of an extinguisher specialist license shall:
 - (a) Permit the use of such license by other persons;
 - (b) Engage in the business unless such licensee is an employee, agent, or servant of a registered firm, or
 - (c) Perform any act of business which is beyond the limitations of his firm's certificate.

Authority: T.C.A. §§ 62-32-202, 62-32-204 and 62-32-211. **Administrative History:** Original rule filed November 17, 1986, effective January 1, 1987. Amendment filed April 30, 2009; effective July 14, 2009.

0780-02-14-.06 EXTINGUISHER TECHNICIAN PERMIT.

- (1) An application for an extinguisher technician permit shall include satisfactory proof of the applicant's successful completion of a manufacturer's examination and school. Such examination may be less comprehensive and rigorous than that required by an applicant for an extinguisher specialist license.
- (2) A change of firm affiliation, name, home address, or mailing address requires a revised permit. In the event of such change, the permit holder shall, within fourteen (14) days thereafter, send to the Division:
 - (a) Written notice of the change; and
 - (b) The current permit.

Authority: T.C.A. §§ 62-32-202, 62-32-204 and 62-32-211. **Administrative History:** Original rule filed November 17, 1986, effective January 1, 1987. Amendment filed April 30, 2009; effective July 14, 2009.

0780-02-14-.07 TEMPORARY APPROVAL.

- (1) Pending the Department's consideration of an applicant's qualifications for a certificate, authorization, license, or permit, the Department may grant the applicant temporary approval to act as a firm, extinguisher specialist, or extinguisher technician upon receipt of the required application (accompanied by the proper fee).
- (2) Any temporary approval granted pursuant to this rule shall expire when the application has been finally determined by the Department.

Authority: T.C.A. §§ 62-32-202 and 62-32-211. **Administrative History:** Original rule filed November 17, 1986, effective January 1, 1987.

0780-02-14-.08 ALTERATION OF CERTIFICATE, LICENSE, OR PERMIT.

A certificate, license, or permit shall become void if it is in any way altered.

Authority: T.C.A. §§ 62-32-202 and 62-32-211. **Administrative History:** Original rule filed November 17, 1986, effective January 1, 1987.

0780-02-14-.09 RESTRICTIONS.

- (1) No certificate or license will be issued to any person who is under eighteen (18) years of age.
- (2) If the Division determines that an applicant for a certificate, license, or permit is qualified to engage only in the installation and service of portable fire extinguishers, the Division shall limit the terms of the certificate, license, or permit accordingly.
- (3) If an applicant qualifies for a license or permit by passing a test administered by a manufacturer, the Division may limit the business which may be conducted under such license or permit to installation or service of that manufacturer's equipment.
- (4) A certificate or license does not authorize the holder to:
 - (a) Enforce the provisions of this chapter;
 - (b) Enter any building without the owner's consent; or
 - (c) Perform hydrostatic testing without complying with all applicable regulations of the United States Department of Transportation.
- (5) Nothing in this chapter shall:
 - (a) Preclude a manufacturer from limiting its authorization to install or service its portable fire extinguishers or fixed fire extinguisher systems to those persons who meet criteria established by the manufacturer; or
 - (b) Relieve a firm from the responsibility to comply with any applicable local law requiring notification to local authorities whenever a portable fire extinguisher or fixed fire extinguisher system becomes inoperable.

Authority: T.C.A. §§ 62-32-202 and 62-32-211. **Administrative History:** Original rule filed November 17, 1986, effective January 1, 1987.

0780-02-14-.10 INSPECTION AND SERVICE.

Inspection and service, where required, shall be performed by a registered firm.

Authority: T.C.A. §§ 62-32-202 and 62-32-211. **Administrative History:** Original rule filed November 17, 1986, effective January 1, 1987.

0780-02-14-.11 SERVICE TAGS.

- (1) Whenever a firm performs an installation, service, or inspection, the firm shall:
 - (a) Indicate on an external "service tag" or internal service marking (as appropriate) the following information:

(Rule 0780-02-14-.11, continued)

1. **"DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL"** (all capital letters at least 10-point boldface type);
2. Firm's name, address and certificate number;
3. Extinguisher specialist's name, license number, and signature;
4. Date;
5. Type of work performed;
6. Date of last hydrostatic test performed; and
7. Owner's name and address.

AND

- (b) Attach the service tag to (or imprint the service marking on) the portable fire extinguisher or fixed fire extinguisher system.
- (2) (a) Service tags shall be approximately 5 1/4 inches in height and 2 5/8 inches in width, and shall not be red in color. They shall be attached in such a position as to permit convenient inspection and not hamper actuation or operation of the equipment.
- (b) Service markings shall be indelibly imprinted on the inside of the equipment.
- (3) Only authorized employees of a firm, authorized representatives of the Division, or local officials having jurisdiction may remove a service tag.

Authority: T.C.A. §§ 62-32-202 and 62-32-211. **Administrative History:** Original rule filed November 17, 1986, effective January 1, 1987.

0780-02-14-.12 RED TAGS.

- (1) A firm shall securely attach a red tag to:
 - (a) A portable fire extinguisher when conditions described in 5-1.3 of NFPA 10 are found; and
 - (b) A fixed fire extinguisher system if:
 1. The system met the applicable standards at the time of installation, but does not meet the current standards;
 2. The system must, in the course of installation or service, be left unattended in any condition other than automatic operation in all required appurtenant devices; and
 3. An impairment or hazard extension (modification) is found.
- (2) Whenever action is taken under paragraph (1) of this rule, the firm shall promptly:
 - (a) Transmit written notice (with appropriate recommendations) to the owner (or his representative); or
 - (b) Furnish copies of the notice to the Division and the local officials having jurisdiction.

(Rule 0780-02-14-.12, continued)

- (3) If a portable fire extinguisher is red-tagged, it shall be removed from service and replaced with an approved substitute.
- (4) A service tag shall not be installed on a red-tagged portable fire extinguisher or fixed fire extinguisher system until it has been re-inspected and found to be in compliance with the standards.
- (5) Red tags shall be the same size as service tags.
- (6) Red tags shall bear the following information:
 - (a) **"DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL"** (all capital letters at least 10-point boldface type);
 - (b) Firm's name, address, and certificate number;
 - (c) Extinguisher specialist's name, license number, and signature;
 - (d) Date;
 - (e) Impairment; and
 - (f) Owner's name and address.
- (7) Only authorized employees of a firm, authorized representatives of the Division, or local officials having jurisdiction may remove a red tag.

Authority: T.C.A. §§ 62-32-202 and 62-32-211. **Administrative History:** Original rule filed November 17, 1986, effective January 1, 1987.

0780-02-14-.13 ENFORCEMENT.

The Division may make or cause to be made inspections from time to time to assure compliance with the provisions of T.C.A., Title 62, Chapter 32, Part 2, and this chapter. Where any such inspection discloses violation(s) of the law or this chapter, the Division may order the correction of the violation(s) upon such terms as may be deemed appropriate.

Authority: T.C.A. §§ 62-32-202 and 62-32-211. **Administrative History:** Original rule filed November 17, 1986, effective January 1, 1987.

0780-02-14-.14 FEES.

- (1) Fees will be charged in accordance with the following schedule:
 - (a) Certificate.
 - 1. Main Office
 - (i) Application \$ 50
 - (ii) Initial \$300
 - (iii) Renewal \$200
 - 2. Branch Office
 - (i) Application \$ 50

(Rule 0780-02-14-.14, continued)

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|---------------|-------|
| (ii) Initial | \$ 50 |
| (iii) Renewal | \$ 50 |
- (b) Authorization to perform hydrostatic testing of fire extinguishers.
- | | |
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| 1. Initial | \$ 50 |
| 2. Renewal | \$ 25 |
- (c) License.
- | | |
|----------------|-------|
| 1. Application | \$ 25 |
| 2. Initial | \$ 50 |
| 3. Renewal | \$ 50 |
- (d) Permit.
- | | |
|--|-------|
| | \$ 30 |
|--|-------|
- (e) Duplicates.
- | | |
|----------------|-------|
| 1. Certificate | \$ 50 |
| 2. License | \$ 30 |
| 3. Permit | \$ 20 |
- (f) Changes.
- | | |
|----------------|-------|
| 1. Certificate | \$ 50 |
| 2. License | \$ 30 |
| 3. Permit | \$ 20 |
- (g) Changes of Ownership.
- | | |
|------------------|-------|
| 1. Main Office | \$300 |
| 2. Branch Office | \$ 50 |
- (2) Every fee charged under this rule shall be paid by check or money order payable to the Tennessee Department of Commerce and Insurance.
- (3) A renewal application accompanied by the required fee is deemed to be timely filed if it received before or on the expiration date of the license or registration for which renewal is sought.
- (4) The Division, or its designee, administering the examination may charge an appropriate fee to be paid by the applicant for each examination or reexamination for portable or fixed extinguisher specialist license, or portable or fixed extinguisher technician permit.

Authority: T.C.A. §§ 62-32-202, 62-32-204, 62-32-210, and 62-32-211. **Administrative History:** Original rule filed November 17, 1986, effective January 1, 1987. Amendment filed April 30, 2009; effective July 14, 2009.

0780-02-14-.15 SEVERABILITY.

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or applications, and to that end the provisions of this chapter are declared to be severable.

Authority: T.C.A. §§ 62-32-202 and 62-32-211. **Administrative History:** Original rule filed November 17, 1986, effective January 1, 1987.

0780-02-14-.16 EFFECTIVE DATE.

The provisions of this chapter shall take effect on January 1, 1987; except, however that the information required by paragraph (3)(a) of Rule 0780-02-14-.11 SERVICE TAGS and paragraph (6)(a) of Rule 0780-02-14-.12 RED TAGS shall not be mandatory until July 1, 1987.

Authority: the agency will fill out the authority for this one. **Administrative History:** Original rule filed November 17, 1986, effective January 1, 1987.