

**R710. Public Safety, Fire Marshal.**

**R710-5. Automatic Fire Sprinkler System Inspecting and Testing.**

**R710-5-1. Purpose.**

The purpose of this rule is to establish the minimum rules to provide regulation to those who inspect and test Automatic Fire Sprinkler Systems.

**R710-5-2. Authority.**

This rule is authorized by Section 53-7-204.

**R710-5-3 Definitions.**

- (1) "Annual" means a period of one year or 365 calendar days.
- (2) "Authority Having Jurisdiction (AHJ)" means the State Fire Marshal, his duly authorized deputies, or the local fire enforcement authority.
- (3) "Board" means Utah Fire Prevention Board.
- (4) "Certificates of Registration" means a written document issued by the SFM to any person for the purpose of granting permission to such person to perform any act or acts for which authorization is required.
- (5) "NFPA" means National Fire Protection Association.
- (6) "NICET" means National Institute for Certification in Engineering Technologies.
- (7) "SFM" means State Fire Marshal or authorized deputy.

**R710-5-4. Certificates of Registration.**

- (1) No person shall engage in the inspecting and testing of automatic fire sprinkler systems without first receiving a certificate of registration issued by the SFM as required in Section 53-7-225.5.
- (2) The following groups are exempted from the requirements of this part:
  - (a) the AHJ that is performing the initial installation acceptance testing of the automatic fire sprinkler system or ongoing inspections to verify compliance with the adopted NFPA standards and these rules; or
  - (b) the building owner or designee that performs additional periodic inspections beyond the annual inspection required in Section R710-5-7(2), to satisfy requirements set by company policy, insurance, or risk management.
- (3) Application for a certificate of registration to inspect and test automatic fire sprinkler systems shall be made in writing to the SFM on forms provided the SFM and signed by the applicant.
  - (a) The SFM or his deputies may request picture identification of the applicant for a certificate of registration.
  - (b) The applicant shall indicate on the application which of the four technician levels the applicant will apply for:
    - (i) Technician I;
    - (ii) Technician II;
    - (iii) Technician III; or
    - (iv) Master Technician.
  - (c) The application for a certificate of registration shall be accompanied with proof of public liability insurance from the certificate holder or employing concern.
    - (i) A public liability insurance carrier showing coverage of at least \$100,000 for each incident, and \$300,000 in total coverage shall issue the

public liability insurance.

(ii) The certificate of registration holder shall notify the SFM within 30 days after the public liability insurance coverage required is no longer in effect for any reason.

(4) The SFM shall require all applicants for a certificate of registration as a technician to complete the following:

(a) Technician I shall:

(i) pass a written examination on wet pipe sprinkler systems, antifreeze sprinkler systems, and standpipes; and

(ii) complete the manipulative skills task book;

(b) Technician II shall:

(i) pass all the requirements listed for Technician I;

(ii) pass a written examination on dry pipe sprinkler systems, deluge sprinkler systems, preaction sprinkler systems, combined dry pipe-preaction systems, fire pumps, and water storage tanks; and (iii) complete the manipulative skills task book;

(c) Technician III shall:

(i) pass all the requirements listed for Technician I and II;

(ii) pass a written examination on water spray fixed systems, foam-water sprinkler systems, and foam-water spray systems; and

(iii) complete the manipulative skills task book; and

(d) Master Technician shall:

(i) have successfully completed and be certified as NICET III in Inspection and Testing of Water-based Systems; and

(ii) complete the manipulative skills task book.

(5) Examinations will be given according to the following requirements:

(a) all certification examinations given are open book examinations, the applicant is allowed to use the statute, the administrative rule, and the NFPA standard that applies to the certification examination. Any other materials to include cellular telephones are prohibited in the examination room;

(b) completion of the certification examination will not be allowed if it appears to the test administrator that the applicant has not prepared to take the examination;

(c) each certification examination taken has a time limit of two hours to completion;

(d) to successfully pass the written examination, the applicant must obtain a minimum grade of 70%;

(e) leaving the office or testing location before the completion of the examination voids the examination and will require the examination to be retaken by the applicant;

(f) if there are different levels of proficiency in the subject matter, the lower proficiency level will be fully completed before the next higher proficiency will be administered; and

(g) to successfully complete the manipulative skills task book, all required skill tasks shall be signed as completed by a person duly qualified or certified in that skill.

(6) As required in Subsection R710-5-4(4)(d), those applicants that have successfully completed the requirements of NICET III, in Inspection and Testing of Water-based Systems, and that corresponds to the work to be performed by the applicant, shall have the requirement for initial

written examination waived, after appropriate documentation is provided to the SFM by the applicant.

(7) Following receipt of the properly completed application and successful completion of required testing, the SFM shall issue a certificate of registration.

(8) Original certificates of registration shall be valid for one year from the date of application. Thereafter, each certificate of registration shall be renewed annually and renewals shall be valid for one year from issuance.

(9) Application for renewal shall be made as directed by the SFM.

(10) Every holder of a valid certificate of registration shall take a re-examination every three years, from date of original certificate, to comply with the provisions of Section R710-5-4 as follows:

(a) the re-examination to comply with the provisions of Section 3.3 of these rules shall consist of an open book examination for each level of certification, to be mailed to the certificate holder at least 60 days before the renewal date;

(b) the re-examination will consist of questions that focus on changes in the last three years to the adopted NFPA standards, the statute, and the adopted administrative rules. The re-examination may also consist of questions that focus on practices of concern as noted by the board or the SFM;

(c) the certificate holder is responsible to complete the re-examination and return it to the SFM in sufficient time to renew; and

(d) the certificate holder is responsible to return to the SFM the correct renewal fees to complete that certificate renewal.

(11) The SFM may refuse to renew any certificate of registration pursuant to R710-5-8(2). The applicant shall, upon such refusal, have the same rights as are granted by Section R710-5-8.

(12) The holder of a certificate of registration shall submit such certificate for inspection, upon request of the AHJ.

(13) Every certificate of registration shall indicate the type of act or acts to be performed and for which the applicant has qualified as follows:

(a) Technician I: A person who is engaged in the inspection and testing of wet pipe sprinkler systems, antifreeze sprinkler systems, and standpipes;

(b) Technician II: A person who is engaged in the inspection and testing of dry pipe sprinkler systems, deluge sprinkler systems, preaction sprinkler systems, combined dry pipe-preaction systems, fire pumps and water storage tanks;

(c) Technician III: A person who is engaged in the inspection and testing of foam-water sprinkler systems, foam-water spray systems, and water spray fixed systems; and

(d) Master Technician: A person who has obtained NICET III certification in Inspection and Testing of Water-based Systems.

(14) Any change in home address of any holder of a valid certificate of registration shall be reported in writing, by the registered person to the SFM within 30 days of such change.

(15) A duplicate certificate of registration may be issued by the SFM to replace any previously issued certificate, which has been lost or destroyed.

(16) No certificate of registration shall be issued to any person who is under 18 years of age.

(17) Restrictive Use.

(a) A certificate of registration may be used for identification purposes only as long as such certificate remains valid.

(b) Regardless of the acts authorized to be performed by a licensed concern, only those acts for which the applicant for a certificate of registration has qualified shall be permissible by such applicant.

(18) Right to Contest.

(a) Every person who takes an examination for a certificate of registration shall have the right to contest the validity of individual questions of such examination.

(b) Every contention as to the validity of individual questions of an examination shall be made within 48 hours after taking said examination.

(c) The decision as to the action to be taken on the submitted contention shall be made by the SFM, and such decision shall be final.

(d) The decision made by the SFM, and the action taken, shall be reflected in all future examinations, but shall not affect the grades established in any past examination.

(19) Certificates of Registration shall not be transferable. The person to whom issued shall carry individual certificates of registration.

(20) Every certificate shall be identified by a number, delineated as AFS-(number). Such number shall not be transferred from one person to another.

(21) New or existing employees desiring to attain a Certificate of Registration may perform the various acts required while under the constant direct supervision of a person holding a valid certificate of registration for a period not to exceed 60 days from the initial date of employment or beginning service in the field.

#### **R710-5-5. Service Tags.**

(1) Size and Color.

(a) Tags shall be not more than five and one-half inches in height, nor less than four and one-half inches in height, and not more than three inches in width, nor less than two and one-half inches in width.

(b) Tags may be produced in any color except red or a variation of red.

(c) A red tag shall be used to indicate the system fails to ensure a reasonable degree of protection for life and property from fire through inspecting and testing of automatic fire sprinkler systems as required in NFPA, Standard 25, and the requirements of these rules.

(i) After placing the red tag on the system, the certified person shall notify the AHJ and provide the AHJ with a written copy of the noted deficiencies.

(2) The service tag shall be attached at the sprinkler riser for each system inspected or at other locations s needed to show compliance. The service tag shall be attached to the riser in such a position as to be conveniently inspected by the AHJ.

(3) Service tags shall bear the following information:

(a) provisions of Section 4.7;

(b) approved Seal of Registration of the SFM;

(c) certificate of registration "AFS" number of individual who

performed or supervised the service or services performed;

(d) signature of individual whose certificate of registration number appears on the tag;

(e) concern's name;

(f) concern's address;

(g) type of service performed;

(h) type of system serviced; and

(i) date service is performed.

(4) The above information shall appear on one side of the service tag. All other desired printing or information shall be placed on the reverse side of the tag.

(5) Legibility.

(a) The certificate of registration number required in Section R710-5-5(3)(c), and the signature required in Section R710-5-5(3)(d), shall be printed or written distinctly.

(b) All information pertaining to date and type of service shall be indicated on the card by perforations in the appropriate space provided. Each perforation shall clearly indicate the desired information.

(6) A sample service tag is on file in the State Fire Marshal's Office for review.

(7) A new service tag shall be attached to a system each time a service is performed.

(8) The following wording shall be placed at the top or reinforced ring end of every tag: "DO NOT REMOVE, BY ORDER OF THE STATE FIRE MARSHAL".

(9) Removal.

(a) No person or persons shall remove a service tag except when further service is performed.

(b) No person shall deface, modify, or alter any service tag that is required to be attached to the system.

(c) A red tag can only be removed by written authority from the AHJ.

(10) Service tags may be printed for any number of years not to exceed eight years.

#### **R710-5-6. Seal of Registration.**

(1) The official seal of registration of the SFM shall consist of the following:

(a) the image of the State of Utah shall be in the center with an outer ring stating, "Utah State Fire Marshal;

(i) the top portion of the outer ring shall have the wording "Utah State";

(ii) the bottom portion of the outer ring shall have the wording "Fire Marshal"; and

(b) appending below the bottom portion and in a centered position, shall be a box provided for the displaying of the certification number assigned to the person.

(2) No person shall produce, reproduce, or use this seal in any manner or for any purpose except as herein provided.

(3) Certificate holders or concerns shall use the Seal of Registration on every service tag.

(4) No person or concern shall continue the use of the Seal of Registration in any manner or for any purpose after receipt of a notice in writing from the SFM to that effect, or upon the suspension or revocation

of the certificate of registration.

(5) Every reproduction of the Seal of Registration and every letter and number placed thereon, shall be of sufficient size to render such seal, letter, and number distinct and clearly legible.

#### **R710-5-7. Amendments and Additions.**

(1) At the time of service, all servicing shall be done in accordance with the adopted NFPA standard, adopted statutes, and these rules.

(2) NFPA 25, Chapter 5, Section 5.1, Table 5.1 is amended as follows: On line 16 of the "Inspection" section, the "Obstruction Reference" is changed from 14.2.2 to 14.2.1.

(3) NFPA 25, Chapter 5, Section 5.1, Table 5.1 is amended as follows: On line one of the "Investigation" section, the "Obstruction Reference" is changed from 14.2.1 to 14.2.2.

(4) Frequency and Labels.

(a) Automatic fire sprinkler systems, standpipes, and fire pumps shall be inspected annually by a person holding a certificate of registration as required in Section 3.1 of these rules.

(b) Automatic fire sprinkler systems that pass the three-year and five-year inspection requirements as required in NFPA 25, Tables 5.1 and 13.1, shall have a label affixed to the riser indicating the specific inspection or inspections that was completed, the month and year those inspections was performed, the person who performed the inspection, and the person performing the inspections certificate of registration number.

(c) The label shall be affixed to the riser using a heatless process, shall be 3 in. X 5 in., shall have the official seal of registration of the SFM affixed to the label, shall be constructed of durable material, and shall be the self-destructive type when removal is attempted.

(5) Accepted Inspection Forms.

(a) Inspection forms listed in NFPA 25, Annex B, Section B.2, shall be used as the accepted inspection forms.

(b) Inspection form format shall be as required in NFPA 25, Annex B, Section B.1(4).

(c) A similar equivalent inspection form approved by the SFM may be used as the accepted forms for inspection, testing, and maintenance of water-based fire protection systems.

(d) A copy of the completed inspection forms shall be left in a water proof container affixed to the riser.

(6) Newly installed automatic fire sprinkler systems, standpipes, and fire pumps are exempt from the annual testing requirement required in Section 6.2 of these rules, for one year from the approval date of the initial installation acceptance testing.

#### **R710-5-8. Adjudicative Proceedings.**

(1) All adjudicative proceedings performed by the agency shall proceed informally as authorized by Sections 63G-4-202 and 63G-4-203.

(2) The issuance, renewal, or continued validity of a certificate of registration may be denied, suspended, or revoked, if the SFM finds that the applicant or the person has committed any of the following violations:

(a) the applicant or person is not the real person in interest;

(b) the applicant or person provides material misrepresentation or false statements on the application;

(c) the applicant or person refuses to allow inspection by the SFM, or his duly authorized deputies;

(d) the applicant or person for a certificate of registration does not have the proper equipment to conduct the operations for which application is made;

(e) the applicant or person for a certificate of registration does not possess the qualifications of skill or competence to conduct the operations for which application is made, as evidenced by failure to pass the examination pursuant to Section 3.3 of these rules;

(f) the applicant or person refuses to take the examination required by Section 3.3 of these rules;

(g) the applicant or person fails to pay the certification of registration, examination or other required fees as required in Section 8 of these rules;

(h) the applicant or person has been convicted of one or more federal, state or local laws;

(i) the applicant or person has been convicted of a violation of the adopted rules or been found by a board administrative proceeding to have violated the adopted rules;

(j) any offense or finding of unlawful conduct, or there is or may be, a threat to the public's health or safety if the applicant or person were granted a certificate of registration; or

(k) there are other factors upon which a reasonable and prudent person would rely to determine the suitability of the applicant or person to safely and competently engage in the practice of servicing fire sprinkler system equipment.

(3) A person whose certificate of registration is suspended or revoked by the SFM shall have an opportunity for a hearing before the board if requested by that person within 20 days after receiving notice.

(4) All adjudicative proceedings, other than criminal prosecution, taken by the SFM to enforce the Utah Fire Prevention and Safety Act, and these rules, shall commence in accordance with Section 63G-4-201.

(5) The board shall act as the hearing authority, and shall convene after timely notice to all parties involved. The board shall be the final authority on the suspension or revocation of a certificate of registration.

(6) The board shall direct the SFM to issue a signed order to the parties involved giving the decision of the board within a reasonable time of the hearing pursuant to Section 63G-4-203.

(7) Reconsideration of the board decision may be requested in writing within 20 days of the date of the decision pursuant to Section 63G-4-302.

(8) After a period of three years from the date of revocation, the board shall review the submitted written application of a person whose certificate of registration has been revoked. After timely notice to all parties involved, the board shall convene to review the revoked persons application, and that person shall be allowed to present themselves and their case before the board. After the hearing, the board shall direct the SFM to allow the person to complete the certification process or shall direct that the revocation be continued.

(9) Judicial review of all final board actions resulting from informal adjudicative proceedings shall be conducted pursuant to Section 63G-4-402.

**R710-5- Fees.**

(1) The required fee shall accompany the application for certificate of registration.

(a) Certificate of registration fees will be refunded if the application is denied.

(2) When a certificate of registration has expired for more than one year, an application shall be made for an original certificate as if the application was being made for the first time.

**KEY: automatic fire sprinklers**

**Date of Enactment or Last Substantive Amendment: September 7, 2010**

**Notice of Continuation: March 28, 2008**

**Authorizing, and Implemented or Interpreted Law: 53-7-204**