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4 **SENATE BILL No. 625**

5  
6 By Committee on Federal and State Affairs

7  
8 2-19

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10 AN ACT concerning fire safety and prevention; relating to the powers  
11 and duties of the state fire marshal; amending K.S.A. 2001 Supp. 31-  
12 133a and repealing the existing section.

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14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 2001 Supp. 31-133a is hereby amended to read as  
16 follows: 31-133a. (a) No business shall:

17 (1) Inspect, install, *construct, maintain, modify, repair* or service  
18 portable fire extinguishers, *fire sprinkler systems, fire detection systems,*  
19 *fire alarm systems* or automatic fire extinguishers for commercial cooking  
20 equipment without first being certified by the state fire marshal;

21 (2) *manufacture, purchase, inventory, store, transport or use any*  
22 *classification of explosives or blasting agents without first being certified*  
23 *by the state fire marshal or without obtaining a storage site permit or*  
24 *user permit from the state fire marshal;*

25 (3) *manufacture, purchase, inventory, store, transport, detonate or*  
26 *otherwise use fireworks without first being certified by the state fire*  
27 *marshal;*

28 (4) *store, use or sell flammable or combustible liquids nor install, in-*  
29 *spect or maintain tanks, piping, valves or dispensers of such flammable*  
30 *or combustible liquids without the approval of the fire marshal;*

31 (5) *engage in the manufacturing, assembling, fabricating, installing*  
32 *or selling of any system, container or apparatus for the transportation,*  
33 *storage, distribution or utilization of ~~liquid~~ **liquified** propane gas without*  
34 *first being certified by the state fire marshal; or*

35 (6) *transport, distribute or store ~~liquid~~ **liquified** petroleum gas in any*  
36 *system, container or apparatus without first obtaining a permit from the*  
37 *fire marshal.*

38 (b) (1) The state fire marshal shall adopt rules and regulations as  
39 provided in K.S.A. 31-134, and amendments thereto, establishing stan-  
40 dards for inspection, installation, *constructing, approving,* servicing and  
41 testing procedures and minimum insurance requirements of businesses  
42 inspecting, installing or servicing portable fire extinguishers or automatic  
43 fire extinguishers for commercial cooking equipment *specified in subsec-*

1 *tion (a)*. The rules and regulations ~~shall~~ also *shall* provide for qualifications  
2 and training of any person or persons designated by such business as the  
3 person or persons upon whose qualifications and training the certification  
4 of the business is based ~~and, on and after January 1, 1991~~. *The state fire*  
5 *marshal* shall require submission of proof, satisfactory to the state fire  
6 marshal, that such qualifications and training have been met.

7 (2) The rules and regulations shall ~~further~~ provide for annual certi-  
8 fication of such businesses for a fee of not less than \$25 or more than  
9 ~~\$200~~ \$500 for each certification, ~~but~~. No fee shall be charged for any  
10 person who is an officer or employee of the state or political or taxing  
11 subdivision thereof when that person is acting on behalf of the state or  
12 political or taxing subdivision. If the person ~~or persons~~ upon whose qual-  
13 ifications and training the certification of the business is based leave such  
14 business, the certification of that business is void.

15 (3) The state fire marshal shall remit all moneys received for fees  
16 under this section to the state treasurer in accordance with the provisions  
17 of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
18 remittance, the state treasurer shall deposit the entire amount in the state  
19 treasury. *Subject to the limitations of subsection (c) of K.S.A. 75-3170a,*  
20 *and amendments thereto,* the state treasurer shall credit 20% of each such  
21 deposit to the state general fund and shall credit the remainder of each  
22 such deposit to the fire marshal fee fund.

23 (4) *In addition to any rules and regulations specifically required to*  
24 *be adopted by this section, the state fire marshal may adopt any other*  
25 *rules and regulations deemed necessary to implement the provisions of*  
26 *this section.*

27 (c) ~~Inspection or service of any portable fire extinguisher or automatic~~  
28 ~~fire extinguisher for commercial cooking equipment by~~ *In addition to any*  
29 *other civil or criminal penalty provided by law,* any business who ~~is not~~  
30 ~~certified by the state fire marshal as required by this section shall consti-~~  
31 ~~tute violates the provision of this section or any rules and regulations~~  
32 ~~adopted pursuant thereto shall be deemed to have committed~~ a deceptive  
33 act or practice under the Kansas consumer protection act and shall be  
34 subject to the remedies and penalties provided by such act.

35 (d) As used in this section:

36 (1) “Automatic fire extinguisher for commercial cooking equipment”  
37 means any automatic fire extinguisher mounted directly above or in the  
38 ventilation canopy of commercial cooking equipment.

39 (2) “Business” means any person who inspects, services or installs  
40 portable fire extinguishers or automatic fire extinguishers for commercial  
41 cooking equipment but does not include (A) any person or authorized  
42 agent of the person who installs a portable fire extinguisher for protection  
43 of the person’s own property or business or (B) any individual acting as

1 a representative or employee of a certified business.

2 (2) (A) **“Business” means any person, other than an individual**  
3 **or the agent of an individual, who installs a portable fire extin-**  
4 **guisher for the protection of such individual’s own property.**

5 (B) **“Business” shall not mean a motor carrier, as defined in**  
6 **K.S.A. 66-1,108, and amendments thereto, which is properly regis-**  
7 **tered with the state corporation commission except for a motor car-**  
8 **rier who is a liquified petroleum gas marketer.**

9 (3) **“Liquified petroleum gas marketer” means any person en-**  
10 **gaged directly in the retail sale and transport delivery of liquified**  
11 **petroleum gas.**

12 **New Sec. 2. Prior to adopting or modifying any rules and reg-**  
13 **ulations relating to the transportation, distribution or storage of**  
14 **liquified petroleum gas as authorized by K.S.A. 31-133a, and**  
15 **amendments thereto, the state fire marshal shall appoint a liquified**  
16 **propane gas advisory committee to assist in the adoption and mod-**  
17 **ification of such rules and regulations. Members of any such advi-**  
18 **sory committee shall serve without compensation. The membership**  
19 **of any such advisory committee shall be selected on the basis of the**  
20 **expertise and knowledge of the individual.**

21 Sec. ~~2~~ 3. K.S.A. 2001 Supp. 31-133a is hereby repealed.

22 Sec. ~~3~~ 4. This act shall take effect and be in force from and after its  
23 publication in the statute book.

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