

HOUSE BILL No. 2150

By Committee on Appropriations

1-22

9 AN ACT concerning fire prevention and safety products and services;
10 requiring registration with the state fire marshal, requiring certain fire
11 sprinkler businesses to be certified by the state fire marshal.
12

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

14 Section 1. (a) On and after October 1, 2008, no person shall sell or
15 offer for sale fire prevention or fire safety products or services unless the
16 person and the product or service is first registered with the state fire
17 marshal except that businesses that sell, alter, maintain, repair, install or
18 inspect fire sprinklers or fire sprinkler systems shall be subject to the
19 provisions of section 2, and amendments thereto.

20 (b) The state fire marshal shall adopt rules and regulations as pro-
21 vided in K.S.A. 31-134, and amendments thereto, establishing procedures
22 for registration as required by this section. Such rules and regulations
23 shall provide for an annual registration fee of not more than \$25. The
24 state fire marshal shall remit all moneys received for such fees to the state
25 treasurer in accordance with the provisions of K.S.A. 75-4215, and
26 amendments thereto. Upon receipt of each such remittance, the state
27 treasurer shall deposit the entire amount in the state treasury. The state
28 treasurer shall credit 20% of each such deposit to the state general fund
29 and shall credit the remainder of each such deposit to the fire marshal
30 fee fund.

31 (c) The state fire marshal shall publish and provide to the public a
32 list of persons registered pursuant to this section and businesses certified
33 pursuant to K.S.A. 31-133a, and amendments thereto.

34 (d) A business holding a current certificate issued by the state fire
35 marshal pursuant to K.S.A. 31-133a, and amendments thereto, shall not
36 be required to register pursuant to this section.

37 (e) (1) Failure to register as required by this section shall constitute
38 a deceptive act or practice under the Kansas consumer protection act and
39 shall be subject to the remedies and penalties provided by such act.

40 (2) The state fire marshal, upon finding that any person has violated
41 this section by failing to register as required by this section or failing to
42 register a product or service as required by this section, may impose upon
43 such person a penalty of not to exceed \$150 for each violation. No such

1 penalty shall be imposed except upon the written order of the state fire
2 marshal stating the violation, the penalty imposed and the right to appeal
3 to the state fire marshal. Any such person, within 30 days after service of
4 such order, may make written request to the fire marshal for a hearing
5 thereon. The fire marshal shall conduct a hearing in accordance with the
6 provisions of the Kansas administrative procedure act within 30 days after
7 receipt of such request. Any person aggrieved by any order issued pur-
8 suant to this subsection may appeal such order in accordance with the
9 provisions of the act for judicial review and civil enforcement of agency
10 actions.

11 (3) All moneys received from penalties imposed pursuant to this sub-
12 section shall be remitted to the state treasurer in accordance with the
13 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
14 each such remittance, the state treasurer shall deposit the entire amount
15 in the state treasury to the credit of the state general fund.

16 Sec. 2. (a) On and after October 1, 2008, no business shall sell, install,
17 repair, alter, maintain or inspect fire sprinklers or fire sprinkler systems
18 without first being certified by the state fire marshal.

19 (b) (1) The state fire marshal shall adopt rules and regulations as
20 provided in K.S.A. 31-134, and amendments thereto, establishing stan-
21 dards for selling, installing, repairing, altering, maintaining and inspecting
22 fire sprinklers or fire sprinkler systems. The rules and regulations shall
23 also provide for qualifications and training of any person or persons des-
24 ignated by such business as the person or persons upon whose qualifi-
25 cations and training the certification of the business is based and, on and
26 after October 1, 2008, shall require submission of proof, satisfactory to
27 the state fire marshal, that such qualifications and training have been met.

28 (2) The rules and regulations shall further provide for annual certi-
29 fication of such businesses for a fee of not less than \$25 or more than
30 \$200 for each certification, but no fee shall be charged for any person
31 who is an officer or employee of the state or political or taxing subdivision
32 thereof when that person is acting on behalf of the state or political or
33 taxing subdivision. If the person or persons upon whose qualifications and
34 training the certification of the business is based leave such business, the
35 certification of that business is void.

36 (3) The state fire marshal shall remit all moneys received for fees
37 under this section to the state treasurer in accordance with the provisions
38 of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
39 remittance, the state treasurer shall deposit the entire amount in the state
40 treasury. The state treasurer shall credit 20% of each such deposit to the
41 state general fund and shall credit the remainder of each such deposit to
42 the fire marshal fee fund.

43 (c) Installation, repair, alteration, sale, maintenance or inspection of

1 any fire sprinkler or fire sprinkler system by any business which is not
2 certified by the state fire marshal as required by this section shall consti-
3 tute a deceptive act or practice under the Kansas consumer protection
4 act and shall be subject to the remedies and penalties provided by such
5 act.

6 (d) As used in this section, "business" means any person who installs,
7 repairs, alters, sells, maintains or inspects fire sprinklers or fire sprinkler
8 systems but does not include:

9 (1) Any person or authorized agent of the person who sells, installs,
10 repairs, alters, maintains or inspects fire sprinklers or fire sprinkler sys-
11 tems of the person's own business or property; or

12 (2) any individual acting as a representative or employee of a certified
13 business.

14 Sec. 3. This act shall take effect and be in force from and after its
15 publication in the statute book.