

Approved 4-29-89
Date

MINUTES OF THE Senate COMMITTEE ON Federal & State Affairs

The meeting was called to order by Senator Edward F. Reilly at
Chairperson

11:07 a.m. ~~xxx~~ on April 28, 1989 in room 254-E of the Capitol.

All members were present except:

Senators Daniels, Anderson, and Strick who were excused.

Committee staff present:

Mary Ann Torrence, Revisor of Statutes Office
Mary Galligan, Legislative Research Department
Marty Robison, Secretary

Conferees appearing before the committee:

Representative Anthony Hensley
Randy Weis, Am. Fire Equipment Co., Salina
Marion Bartlett, State Fire Marshal's Office
David Hanson, E-Kan
Pat Powers, E-Kan

Chairman Reilly called the meeting to order.

A hearing was held on Sub. for HB 2223 which deals with liability insurance to inspect, install, service or test fire extinguishers.

Representative Hensley appeared before the committee to address a problem in the fire extinguisher industry. This bill would remove the provision requiring individuals in this business to complete the most current training program conducted by the manufacturer of the extinguishers. He distributed a letter from the State Fire Marshal stating the problem (Attachment 1).

Randy Weiss, as an installer, told members that the current law helps protect the consumer. Their main concern centers with manufacturers who won't recertify installers if quotas set by the manufacturer are not met.

Marion Bartlett has administered the program since 1981 and said the Fire Marshal's Office has no problem with the removal of Section c. There would be no impact upon his Department unless they are required to examine and certify each individual workman. In that case, the impact would be considerable.

David Hanson appeared in opposition to this bill and distributed documents from ANSUL relative to training of service and maintenance personnel and regulations from other states (Attachment 2). While he would have no objection to leaving Section c in the bill, he would recommend striking "have completed the most current training programs", page 2, line 3, and replacing it with "a current training certificate from". He also suggested adding "which shall not be arbitrarily or unreasonably withheld by the manufacturer" after the word "equipment" on page 2, line 5.

Pat Powers also appeared in opposition and said the only change needed is wording other than requiring attendance at the "most recent school" (Attachment 3).

Senator Yost requested that staff be instructed to draft language which would require "a valid training certificate".

The meeting was recessed at 12:05.

The meeting was resumed at the railing on Saturday, April 29, at 10:00 a.m.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Federal & State Affairs,
room 254-E, Statehouse, at 11:07 a.m./~~p.m.~~ on April 28, 19 89

The proposed Senate Substitute for Sub. for HB 2223 was discussed (Attachment 4). Senator Bond moved Sub. for HB 2223 be requested as an interim study. Senator Strick seconded and the motion passed.

A request from Senator Kerr declaring the Norwich hospital district no. 1 of Kingman county, Kansas, to be a health care facilities and services hospital district was presented. Senator Ehrlich moved the proposal be introduced. Senator Bond seconded and the motion carried.

The meeting was adjourned at 10:15.



Kansas State Fire Marshal Department
700 Jackson, Suite 600
Topeka, Kansas 66603-3714
Phone (913) 296-3401

"Where Fire Safety Is A Way Of Life"

April 6, 1989

Honorable James D. Braden
Speaker of the House
State House, Room 380-W
Topeka, Kansas

Dear Representative Braden:

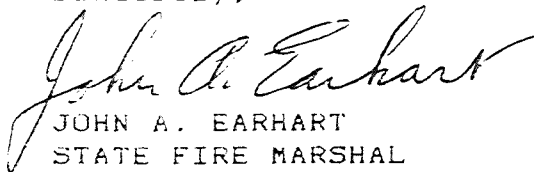
Representative Ginger Barr, the Chairperson for the House Federal and State Affairs Committee will be introducing a proposed Substitute for House Bill 2223 for action.

The bill as offered by Representative Barr has my approval.

The original statute, specifically paragraph (c) had allowed the manufacturers of the extinguishing equipment to exert unnecessary pressure on the dealers in the state by the strict training requirements required for the dealers to become certified. The pressure had taken the form of requiring minimum dollar purchases of equipment that in most cases exceeded the need for the area they served. Non-compliance with the minimum purchases meant the loss of their dealership and state decertification, thus the wording in paragraph (c) allowed the dealers to become involved in the regulatory arena instead of the State Fire Marshal.

The Administrative Regulations will be re-written by January 1, 1990 to require reasonable proof of competency for the dealers and their employees to be certified to perform the installation and servicing of the equipment.

Sincerely,


JOHN A. EARHART
STATE FIRE MARSHAL

JAE:mr

cc: Representative Ginger Barr

An Equal Opportunity Employer

SF&SA
4-28-89
Attachment 1

ANSUL

GENERAL BULLETIN

ANSUL FIRE PROTECTION
ONE STANTON STREET
MARINETTE, WI 54143-2542

General Bulletin No. 2337
December 13, 1988

TO: All R-101/102 Distributors

FROM: Mike Schmidt

SUBJECT: NFPA Recommendations/Ansul Requirements for Service Personnel
Training

The attached document has been prepared by Ansul Training Services Department and is intended for your use in explaining to your customers both the National Fire Protection Association's recommendations and Ansul Fire Protection's requirements relative to training of service and maintenance personnel.

MS/wh

enclosure

SFSA
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Attachment 2

Frequently restaurant owners request information relating to the training requirements for individuals charged with the inspection, maintenance, and service of their Ansul fire protection systems. Although the question of who provides the required service and inspection is ultimately the decision of the end user, the National Fire Protection Association (NFPA) has established standards and Ansul Fire Protection has established training requirements of its authorized distributors to better ensure that the work is performed by qualified personnel.

The National Fire Protection Association has addressed the need for trained, qualified individuals to provide inspection, maintenance and service of fire protection systems and has outlined its recommendations in the Standards as follows:

NFPA-17 STANDARD FOR DRY CHEMICAL EXTINGUISHING SYSTEMS

2.11 INSPECTION, MAINTENANCE AND RECHARGE

...a trained person who has undergone the instructions necessary to reliably perform the maintenance and recharge service and has the manufacturer's service manual shall service the dry chemical extinguishing system at intervals not more than six (6) months apart as outlined in Section 2-11.3.

NFPA-17A STANDARD FOR WET CHEMICAL EXTINGUISHING SYSTEMS (1986 EDITION)

3.1 GENERAL

...a person who has been trained by the extinguishing system manufacturer and has the manufacturer's listed installation and maintenance manual shall service the wet chemical fire extinguishing system at intervals not more than six (6) months apart as outlined in Section 3.3.

APPENDIX A

A-1-4.1 TRAINED

a trained person is one who has been trained by and is currently authorized by the manufacturer to design, install and service his equipment.

NFPA-96 STANDARD FOR REMOVAL OF SMOKE AND GREASE LADEN VAPORS FROM COMMERCIAL COOKING EQUIPMENT

8-2.1 An inspection and servicing of the fire extinguishing system by properly trained and qualified persons shall be made at least every six (6) months)

Ansul Fire Protection makes efforts to better ensure that installation and service work is completed by trained personnel of authorized distributors possessing up-to-date product information through the following actions:

1. AUTHORIZED ANSUL DISTRIBUTOR UPDATES

Ansul periodically upgrades and refines the capabilities of the existing product line. As changes of the product line occur, our authorized distributors are informed of the changes as well as any new maintenance and service requirements through technical product bulletins. Only by virtue of being an authorized distributor would an organization reliably receive these product updates.

2. ANSUL TRAINING REQUIREMENTS

In order to better ensure quality installation, maintenance, and service work for our customers, Ansul Fire Protection requires the following training for its authorized distributors of a particular product line:

Upon authorizing a company to become a distributor, Ansul requires that the distributor make an individual (or individuals) available for training conducted by Ansul personnel. The individual is required to attend the complete course of instruction and pass a final exam with a minimum grade of 75% before the distributorship is considered to have met Ansul's initial training requirements.

Individual employees of the Ansul authorized distributor that attend the required Ansul training sessions receive certificates of completion. To maintain a current status in training, the individual must take an exam every two (2) years, and at least once every six (6) years attend another Ansul training school. All certificates of completion carry the product type, the name of the individual, the expiration date, and the name of the individual distributorship. A distributorship is required by Ansul to maintain on staff employees with current training in the product lines it handles.

IN SUMMARY

Both Ansul Fire Protection and the NFPA recognize the importance of proper training and support of those technicians charged with inspecting and maintaining fire protection systems. Ansul authorized distributors have assumed a serious commitment in time and resources to meet the recommendations of NFPA and the requirements of Ansul in order to better assure quality installation and reliable service work of Ansul R-101 and R-102 restaurant systems.

For the address and telephone number of the authorized Ansul distributor in your area, look in the yellow pages under the heading "Fire Extinguishers" caption "Restaurant Fire Protection."

MFS/wh

STATE REGULATIONS GOVERNING THE SALE, INSTALLATION, INSPECTION, SERVICING AND TESTING OF PORTABLE AND FIXED FIRE PROTECTION EQUIPMENT (June 1, 1983)

ALABAMA – No license required for persons or organizations who sell, inspect, service, test or install fire protection equipment, but the general requirements of NFPA 10, 13, 14 and 96 must be complied with.

ALASKA – Permit from the State Fire Marshal required for persons who commercially install, service, repair or refill portable fire extinguishers or fixed extinguishing systems – also, State Fire Marshal approval required for all fixed systems prior to installation. (13AAC 50.010, 50.030; AS 18.70)

ARIZONA – No regulation of individuals or firms, but all fixed fire suppression systems must be “designed by registered engineers.” The Uniform Fire Code, 1982 edition, applies together with referenced NFPA standards. (A.F.P.C.)

ARKANSAS – Comprehensive regulations for all persons or organizations that commercially install or service fire suppression equipment, including portables and fixed systems. Proof of competency and license required. A special state board provides oversight. (AA 743,744)

CALIFORNIA – Comprehensive regulations governing the sale, installation, servicing, inspection and testing of portable extinguishers. Proof of competency and license required. In 1982 bill SB 2504 was passed, authorizing the State Fire Marshal to institute the same type regulations for fixed systems, including Halon, CO₂, dry chemical, and foam. The development of specific regulations covering such systems is underway as this document is being prepared. (California Administrative Code, Title 19)

COLORADO – This state has no fire marshal and has no regulations covering fire equipment servicing.

CONNECTICUT – No specific regulations governing fire equipment service companies but the State Fire Marshal is empowered by state law to assure that “testing and servicing” is performed in accordance with NFPA standards. (C.F.S.C. – Sec. 29-41)

DELAWARE – Proof of competency and a license required of persons or firms who inspect or service fire extinguishers and fire suppression systems, and testing must conform to NFPA standards. (D.S.S. Title 16, Sec. 6603)

DISTRICT OF COLUMBIA – No specific regulations for fire equipment service companies, but all fire suppression equipment must be installed in accordance with the D.C. Building Code, Title 5A-1, Section 1111.10, Fire Extinguishing Equipment.

FLORIDA – Comprehensive regulations governing the sale, installation, servicing, inspection and testing of all types of fire protection equipment, including proof of competency and licenses. (Florida Statutes – Chapter 633)

GEORGIA – No specific regulation of persons or firms who sell, install or service fire protection equipment but the State Fire Marshal is empowered to require that fire equipment installation, servicing and testing is performed in accordance with NFPA standards. (Georgia Safety Fire Law, Title 25; Safety Fire Commission Rules, Chapter 120-3-3)

HAWAII – No state rules applicable to fire protection service companies. The office of state fire marshal was abolished several years ago and responsibility for the regulation of the fire equipment servicing industry was relegated to the individual municipalities.

IDAHO – No regulations governing fire protection service companies but the provisions of the 1982 edition of the Uniform Fire Code minimum standards are enforced. Legislation to require proof of competency and licensing of persons or firms who install and/or service fire protection equipment is in the development stage and is expected to be introduced in the near future.

STATE REGULATIONS GOVERNING THE SALE, INSTALLATION, INSPECTION, SERVICING AND TESTING OF PORTABLE AND FIXED FIRE PROTECTION EQUIPMENT (June 1, 1983) (Continued)

ILLINOIS – No state regulations for the sale, installation or servicing of FX equipment but state statutes give individual municipalities authority to regulate persons engaged in the “business of servicing, repairing or refilling fire extinguishers.” Check local ordinances.

INDIANA – No statewide regulation of fire equipment service companies, except that Marion County (Indianapolis) has an ordinance that requires that any person who services fire equipment must be licensed by the County.

IOWA – No specific regulation of fire equipment service companies but the State Fire Marshal is empowered to enforce NFPA minimum standards for the installation and testing of fire protection equipment.

KANSAS – Comprehensive regulations covering persons or firms who install, service, recharge, test or inspect all types of fire protection equipment, including proof of competency and licensing. (K.S.A. 77-421; Reg. 22-10-1 to 22-10-14)

KENTUCKY – State fire marshal’s office failed to respond to repeated requests for information regarding the state’s regulatory situation.

LOUISIANA – At present there are no state regulations for fire equipment service companies but the State Fire Marshal is drafting legislation for introduction in 1984 “to certify and regulate the fire extinguisher and equipment sales and service industry” in that state.

MAINE – No state regulation of fire equipment servicing companies, but the State Fire Marshal is empowered to require compliance with NFPA standards in the installation, servicing and testing of fire equipment.

MARYLAND – A “permit” must be obtained by persons or firms who install, test, recharge or repair portable fire extinguishers. All portable extinguisher servicing, repairing, filling, refilling, recharging, installing and testing must meet NFPA 10 minimum standards. (State Fire Prevention Commission 12.03.01.16)

MASSACHUSETTS – Proof of competency and license required of all persons or firms who install, service, repair, inspect, test, charge or recharge portable extinguishers and/or fixed systems. (527 CMR 23.00; 801 CMR 4.00)

MICHIGAN – Proof of competency and certification required of all firms who install or modify any type of fixed fire suppression or alarm system. All new system installations and system modifications must be submitted to the State Fire Marshal in advance for approval. (Act No. 144 of 1982 – SFSB R 29.28-29)

MINNESOTA – No regulation of fire equipment servicing companies, and no legislation in sight.

MISSISSIPPI – No regulation of fire equipment service companies, and no legislation in sight.

MISSOURI – No regulation of fire equipment service companies, and no legislation in sight.

MONTANA – Proof of competency and license and/or certificate required of persons or firms who install or service fire extinguishers or fire extinguishing systems; also, a sales permit is required of those who sell fire extinguishing or alarm equipment. (Montana Fire Codes 50-39-101 through 105)

NEBRASKA – No regulation of fire equipment service companies, except that extinguishing systems for restaurant cooking facilities must be installed and serviced in accordance with NFPA 96.

STATE REGULATIONS GOVERNING THE SALE, INSTALLATION, INSPECTION, SERVICING AND TESTING OF PORTABLE AND FIXED FIRE PROTECTION EQUIPMENT (June 1, 1983) (Continued)

NEVADA – Proof of competency and license required of all persons or firms who install or service portable extinguishers or “fixed hood extinguishing systems.” All fire equipment must be installed and serviced in accordance with NFPA standards. (NRS Chapter 479; Nevada State Fire Marshal Regulations)

NEW HAMPSHIRE – No regulation of fire equipment service companies, except that all fire equipment must be installed and serviced in accordance with NFPA standards.

NEW JERSEY – The state fire marshal’s office failed to respond to repeated requests for information regarding the state’s regulatory situation.

NEW MEXICO – No regulation of fire equipment service companies, except that extinguishing systems for restaurant cooking facilities must meet the requirements of the state’s Commerce and Industry Department insofar as installation and servicing is concerned.

NEW YORK – No regulation of fire equipment service companies, except that the State Fire Marshal requires that extinguishing equipment be installed, maintained, inspected and tested in accordance with NFPA standards.

NORTH CAROLINA – No state regulation of fire equipment service companies, but individual cities and counties are empowered to regulate the “sales, annual inspection, maintenance and testing” of fire equipment. Installation and servicing of fire equipment is subject to the rules of the state building code.

NORTH DAKOTA – No state regulations now, but enabling legislation has been passed and the State Fire Marshal is developing a set of regulations, which it hopes to implement within the next few months, which will be similar to those applying in the State of Montana. (see above)

OHIO – Proof of competency and certificate required of any person or organization who installs, repairs, services or tests fire protection or fire fighting equipment. (ORC Section 3737.65; Ohio Fire Marshal Rule 1301:7-5-09, 10, 11)

OKLAHOMA – No state regulation of fire equipment service companies and no legislation contemplated.

OREGON – No state regulation of fire equipment service companies and no legislation contemplated.

PENNSYLVANIA – At present, no state regulation of fire equipment service companies. Recently a bill which would have required proof of competency and licensing for fire protection contractors who design, install, alter or repair fire protection systems failed to pass the State Legislature. Nothing pending now.

RHODE ISLAND – Proof of competency and license required of persons or organizations who service portable fire extinguishers. Efforts to extend coverage to fixed systems have not been successful. (Rhode Island General Laws, Section 23-28.32)

SOUTH CAROLINA – No statewide regulation of fire equipment service companies. However, state law authorizes individual political subdivisions to regulate “persons or organizations who sell, inspect, service, test or install fire protection equipment.” Check local ordinances or codes.

SOUTH DAKOTA – At present, no regulation of fire equipment service companies. Attempts by the State Fire Marshal to obtain enabling legislation have failed and there is nothing pending at this time.

STATE REGULATIONS GOVERNING THE SALE, INSTALLATION, INSPECTION, SERVICING AND TESTING OF PORTABLE AND FIXED FIRE PROTECTION EQUIPMENT (June 1, 1983) (Continued)

TENNESSEE – No specific regulation of fire equipment service companies. However, the State Fire Marshal is empowered to assure that fire protection equipment is installed and serviced in accordance with NFPA Standards 1, 10, 15, 16, 17, 18 and 96.

TEXAS – Proof of competency and responsibility, and license, required of persons or organizations who install, fill, maintain, recharge, refill, repair or test portable or fixed fire suppression equipment. (Texas Insurance Code, Article 5.43-1)

UTAH – Proof of competency and license required of persons or organizations who service, test or recharge portable extinguishers. No regulations for fixed systems. (Utah Code, Section 15, Chapter 29, Title 63)

VERMONT – Proof of competency and license required of persons who sell, install or service fire detection devices or systems. No other regulations. (9 V.S.A. Chapter 85, Section 3202)

VIRGINIA – No regulation of fire equipment service companies. The State Fire Services Commission is studying the problem with a view toward recommending legislation some time in the future.

WASHINGTON – Proof of competency and license required of persons or firms who install or service fire alarm devices or systems (R.C. of W. Chapter 19.28.120). Legislation will be introduced in 1984 that will enable the State Fire Marshal to develop rules and regulations for persons or firms engaged in the "sale, distribution and installation of fire protection equipment and/or systems."

WEST VIRGINIA – No specific regulation of fire equipment service companies but the State Fire Marshal is empowered to require that all fire protection equipment be installed, maintained and tested in accordance with NFPA Standards 10, 13, 96 and others.

WISCONSIN – No regulation of fire equipment service companies as such. Recently enacted major fire prevention and safety legislation provides only for compliance with NFPA 13 and 1A with regard to the installation and maintenance of sprinkler systems.

WYOMING – No regulation of fire equipment service companies, except that all fire equipment must be installed and maintained in accordance with the Uniform Fire Code.

NOTE: This summary is provided to you as our evaluation of the regulations as we believe them to exist in the various states. Any specific questions you may have regarding these regulations should be addressed to your own legal counsel since he is the only one who will be able to advise you as to the applicability of the laws in your particular state.

Why did Kansas want the law:

- a) Dealing with every technical equipment each manufacturers pipe style/parts/chemicals compositions/coverages are all very, very different. To know one is not to know all.

Example:

Plain extinguishers may all look the alike but can be filled with: water, water and anti freeze, loaded stream charges (achalic^{metal}-metal-salt solution) foam types (protien) AFFF solid AFFF liquid, carbon dioxide, combination halogenated gases, fromotri-fluoromethane (1211), fromotrifluoromethane (1301), dry types - sodium bicabinate, potassium bicarbonate, potassium bicabinate area base, potassium chloride base, ammonium phosphate base, metal-X, monex.

All those agents are best in different fire situations they are not interchangeable. Even different nozzles cause different flow patterns of the chemical.

As I said it really is a very , very technical business but entry is easy and cheap and the consumer suffer by not getting technically, professionally and compentantly trained people selling and servicing their equipment.

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Attachment 3

2

Yet fire suppression systems are many times more varied and complex than little red extinguishers.

Kansas law is described by Ansul Co. "comprehensive regulations covering persons or firms who install, service, recharge list or inspect all types of fire protection equipment, including proof of competency and licensing.

Our law is not perfect but is one of the best in the country. We're considering taking the national trend we helped set and move it backwards or eliminate it.

b) We are dealing with life safety equipment.

c) Fire kills nationally more people than hand guns each year.

d) At the time enacted 90% of restuarants who had fires never reopened

e) Enacted the law to protect the consumer; there were many unethical and dishonest practices perpatrated upon unsuspecting public in Kansas known in the industry as "rag & tag" boys. Before our law entry into this business was a scoop, a bucket of chemical, and a station wagon or small truck.

2. Asking today to take ^{manufacturer} ~~maufacurers~~ certifications out of law pertaining to systems equipment, we believe we should not because:

- a) Should equipment fail, all are sued, but people look for deep pockets i.e. mfg. and insurance companies.
- b) Unlike cars and most hard goods a mfg. warrants equipment not for 1-5 years but forever if:

Some believe just make the fire equipment distributor carry enough insurance and go forth again ans service whatever he wants this will:

A) Cause insurance rates in Kansas to rise dramatically, since mfg has ~~greatly~~ ^{greatly} reduced liability when not installed and serviced by their trained technicians.

B) May go as far as in 79-82 made it impossible for many fire companies (a high risk catagory) to get insurance or saw rates increased by 100-500 % causing many companies to chose to operate without insurance that carried product liability much less completed operates coverage.

- 1) Mfg. ^{stays} in business
- 2) Equipment is stilled U.L. listed
- 3) Equipment was installed and serviced twice a year by mfg. trained/schooled active distributor.

That a great benefit you would be taking from Kansas consumers with
without their knowing what they had or what they are about to lose.

3. What is happening nationally in fire protection? First there is no
Federal regulations! Why? Because there is NFPA (National Fire
Protection Assoc.) an organization consisting of membership from
Fire Marshall, Fire Chief, Fire Equipment Mfg. , Fire Equipment
Service companies , industry and users - this independent group made
up of anyone who wants to join. They write fire protection
regulations pertaining to everything from restuarants, mines,
railroads, hand portable ext. , exit lights, fire escapes, forrestry
etc. Everything and anything to do with fire protection. It's
people with common fire problems along with people who try to solve
and regulate solutions.

NFPA is writing stricter & stricter regulations tying technical
training to mfg. and their authorized representatives.

Fire chief insepctors and Fire Marshalls are in more and more states
going to legislatures to enact regulations that adopt NFPA Standards.

4. In closing I beleive if Kansas removes the mfg. connection from the
law - the state will assume the liability of certifying fire
equipment companies and be drawn in the lawsuits risk being
laible.

Further, it will take many, many more fire authorities to teach,

train, artify and regulate the law ultimatly costing the taxpayers
a great deal of money.

i. e. State such as Florida that have regulations written by enforced
by F.M. have escallated the size of that department by hundreds
and hundereds

Kansas would have to do the same, in my opinion.

PROPOSED SENATE SUBSTITUTE FOR SUBSTITUTE FOR HOUSE BILL NO. 2223

By Committee on Federal and State Affairs

AN ACT concerning fire safety and prevention; relating to businesses inspecting, installing, servicing or testing certain fire extinguishers; amending K.S.A. 31-133a and repealing the existing section.

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

Section 1. K.S.A. 31-133a is hereby amended to read as follows: 31-133a. (a) No business shall inspect, install or service portable fire extinguishers or automatic fire extinguishers for commercial cooking equipment without first being certified by the state fire marshal.

(b) The state fire marshal shall adopt rules and regulations as provided in K.S.A. 31-134 and amendments thereto establishing standards for inspection, installation, servicing and testing procedures and minimum insurance requirements of businesses inspecting, installing or servicing portable fire extinguishers or automatic fire extinguishers for commercial cooking equipment. The rules and regulations shall also provide for qualifications and training of any person or persons designated by such business as the person or persons upon whose qualifications and training the certification of the business is based. The rules and regulations shall further provide for annual certification of such businesses for a fee of not less than \$25 or more than \$50 for each certification, but no fee shall be charged for any person who is an officer or employee of the state or political or taxing subdivision thereof when that person is acting on behalf of the state or political or taxing subdivision. If the person or persons upon whose qualifications and training the certification of the business is based leave such business, the certification of that business is void.

SF & SA
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Attachment 4

(c) No business which inspects, installs or services automatic fire extinguishers for commercial cooking equipment shall be certified until that business submits to the state fire marshal satisfactory evidence, as determined by the state fire marshal, that ~~the person or persons~~ each person designated by the business upon whose qualifications and training the certification of the business is based ~~have completed the most current training programs conducted by~~ holds a valid training certificate from the manufacturer of the automatic fire extinguisher for commercial cooking equipment.

(d) Inspection or service of any portable fire extinguisher or automatic fire extinguisher for commercial cooking equipment by any business who is not certified by the state fire marshal as required by this section shall constitute a deceptive act or practice under the Kansas consumer protection act and shall be subject to the remedies and penalties provided by such act.

(e) As used in this section:

(1) "Automatic fire extinguisher for commercial cooking equipment" means any automatic fire extinguisher mounted directly above or in the ventilation canopy of commercial cooking equipment.

(2) "Business" means any person who inspects, services or installs portable fire extinguishers or automatic fire extinguishers for commercial cooking equipment but does not include (A) any person or authorized agent of the person who installs a portable fire extinguisher for protection of the person's own property or business or (B) any individual acting as a representative or employee of a certified business.

Sec. 2. K.S.A. 31-133a is hereby repealed.

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