

(a) "Average fuel economy" shall have the meaning assigned to that term in 40 C.F.R. 600.002-85(a)(14), as in effect on July 1, 2007, which is hereby adopted by reference.

(b)(1) "Life-cycle cost-effective," when used to describe a motor vehicle that is being compared to another motor vehicle, shall mean the motor vehicle with a lower life-cycle cost, as determined according to this subsection.

(2) To determine the life-cycle cost of each motor vehicle, the following formula shall be used: (Average annual fuel cost of the motor vehicle x 6.67) + purchase price of the motor vehicle.

The multiplier 6.67 reflects 100,000 miles divided by 15,000 miles per year.

(3) If the motor vehicles being compared have identical life-cycle costs as computed in accordance with this subsection, then these motor vehicles shall be deemed to be equally life-cycle cost-effective.

(c) "Motor vehicle" shall have the meaning assigned to "automobile" in 40 C.F.R. 600.002-85(a)(4), as in effect on July 1, 2007, which is hereby adopted by reference. As used in that federal regulation, "secretary" shall mean the U.S. secretary of transportation or that person's authorized representative.

(d) "State agency" has the meaning specified in K.S.A. 75-3701, and amendments thereto. (Authorized by and implementing K.S.A. 2009 Supp. 75-4618; effective Feb. 4, 2011.)

1-68-2. Purchase of a new motor vehicle during fiscal year 2011. (a) Each state agency that seeks to purchase a new motor vehicle during fiscal year 2011 shall be subject to the provisions of K.S.A. 75-3739 through K.S.A. 75-3740a, K.S.A. 75-37,102, and K.S.A. 75-4618 and amendments thereto.

(b) Each state agency that seeks to purchase a new motor vehicle without complying with subsection (a) shall meet the following requirements before the purchase of the new motor vehicle:

(1) Submit a written motor vehicle purchase request to the department of administration, division of budget, on a form authorized by the division of budget; and

(2) obtain approval to purchase the new motor vehicle from the department of administration, division of budget.

(c) The director of the division of purchases in the department of administration shall obtain the average fuel economy for each motor vehicle on contract and ensure that each motor vehicle purchased as specified in subsection (a) is life-cycle cost-effective. (Authorized by and implementing K.S.A. 2009 Supp. 75-4618; effective Feb. 4, 2011.)

Carol Foreman
Acting Secretary of Administration

Doc. No. 039064

State of Kansas

State Fire Marshal

Permanent Administrative
Regulations

Article 1.—KANSAS FIRE PREVENTION CODE

22-1-1. Municipal compliance with Kansas fire prevention code. (a) When a municipality adopts one of the nationally recognized fire codes or the fire protection segment of a nationally recognized building code and modifies a section of that code, a summary of the modifications shall be submitted to the state fire marshal's office. The modifications shall be reviewed and either approved or rejected by the state fire marshal. The municipality shall be notified of the action within 30 days from receipt of the summary.

(b) Each alternate method of fire protection that has been approved by a local board of appeals as a substitute for strict compliance with code requirements shall be deemed to be in compliance with the Kansas fire prevention code.

(c) Each question arising as to whether another state statute or an enactment of a municipality is inconsistent with the provisions of the fire prevention code shall be resolved by the state fire marshal after a hearing with all interested parties. Each decision of the state fire marshal made under authority of this subsection shall be appealable in accordance with the provisions of K.S.A. 31-142 and amendments thereto. (Authorized by and implementing K.S.A. 2008 Supp. 31-133 and 31-134; effective May 1, 1981; amended May 1, 1985; amended Aug. 28, 1989; amended Sept. 17, 1990; amended Feb. 4, 2011.)

22-1-2. Compliance with certain building codes. A building shall be deemed to comply with the Kansas fire prevention code if the building conforms to one of the following building codes and to any additional special requirements of the Kansas fire prevention code and if the building has been issued a certificate of occupancy:

(a) The 1997 edition of the uniform building code (UBC); or

(b) the 2006 edition of the international building code (IBC). (Authorized by and implementing K.S.A. 31-134a; effective May 1, 1985; amended Aug. 28, 1989; amended May 10, 1993; amended July 9, 2004; amended Feb. 4, 2011.)

22-1-3. Adopted codes and standards. The following codes and national fire protection association (NFPA) standards are adopted by reference:

(a) International building code (IBC), international code council, 2006 edition, including the appendices but excluding the references in chapter 35 to NFPA 13, 13D, 13R, 14, 30, 72, 101, and 110;

(b) international fire code (IFC), international code council, 2006 edition, including the appendices but excluding the following:

(1) Chapters 22, 30, 33, 34, 35, 36, and 38; and

(2) the references in chapter 45 to NFPA 10, 13, 13D, 13R, 14, 25, 30, 30A, 52, 72, 101, 110, and 385;

(c) portable fire extinguishers. NFPA standard no. 10, including annexes A, B, C, D, E, F, G, H, I, J, and K, 2007

edition. The provisions of section 4.4.1 shall be effective only on and after January 1, 2014;

(d) installation of sprinkler systems. NFPA standard no. 13, including annexes A, B, C, and E, 2007 edition;

(e) installation of sprinkler systems in one- and two-family dwellings and manufactured homes. NFPA standard no. 13D, including annexes A and B, 2007 edition;

(f) installation of sprinkler systems in residential occupancies up to and including four stories in height. NFPA standard no. 13R, including annexes A and B, 2007 edition;

(g) installation of standpipe and hose systems. NFPA standard no. 14, including annexes A and B, 2007 edition;

(h) dry chemical extinguishing systems. NFPA standard no. 17, including annexes A and B, 2002 edition;

(i) wet chemical extinguishing systems. NFPA standard no. 17A, including annexes A and B, 2002 edition;

(j) water-based fire protection systems. NFPA standard no. 25, including annexes A, B, C, D, and E, 2008 edition;

(k) flammable and combustible liquids. NFPA standard no. 30, including annexes A, B, C, D, E, F, and H, 2008 edition;

(l) motor fuel-dispensing facilities. NFPA standard no. 30A, including annexes A, B, and D, 2008 edition;

(m) vehicular fuel systems. NFPA standard no. 52, including annexes A, C, D, and E, 2006 edition;

(n) national electric code. NFPA standard no. 70, including annexes A, B, C, D, E, F, G, and H, 2008 edition;

(o) NFPA standard no. 72, including annexes A, B, C, E, F, G, and H, 2007 edition;

(p) vapor removal from cooking equipment. NFPA standard no. 96, including annexes A and B, 2008 edition;

(q) life safety code. NFPA standard no. 101, including annexes A and B, 2006 edition;

(r) alternative approaches to life safety. NFPA standard no. 101A, including annexes A and B, 2007 edition;

(s) assembly seating, tents, and membrane structures. NFPA standard no. 102, including annexes A and B, 2006 edition;

(t) emergency and standby power systems. NFPA standard no. 110, including annexes A, B, and C, 2005 edition;

(u) fire safety symbols. NFPA standard no. 170, including annexes A, B, C, and D, 2006 edition; and

(v) tank vehicles for flammable and combustible liquids. NFPA standard no. 385, including annexes A, B, and C 2007 edition. (Authorized by and implementing K.S.A. 2008 Supp. 31-133; effective May 10, 1993; amended Feb. 4, 2011.)

Article 8.—LIQUEFIED PETROLEUM GASES

22-8-13. Adoption of national codes. The following national fire protection association standards, including the annexes, are hereby adopted by reference: (a) Standard no. 54, "national fuel gas code," 2006 edition; and

(b) standard no. 58, "liquefied petroleum gas code," 2008 edition, except that the provisions of chapter 6.25 shall be effective only on and after January 1, 2012. (Authorized by and implementing K.S.A. 2008 Supp. 55-1812; effective March 31, 2006; amended Feb. 4, 2011.)

Article 10.—INSTALLATION AND CERTIFICATION STANDARDS FOR EXTINGUISHING DEVICES

22-10-3. Registration certificate. (a) Each business that services, recharges, installs, or inspects portable fire extinguishers or fixed extinguishing systems or hydrostatically tests these cylinders or any combination of them shall obtain a registration certificate issued by the state fire marshal unless otherwise exempted by these regulations. The registration certificate shall indicate the class or classes that are authorized. A certified business shall provide only the classes listed under its own registration number. A certified business may take orders for a class or classes that are not authorized by its registration certificate if these orders are consigned to a business that is certified to perform the class or classes indicated.

(b) The registration certificate shall indicate one or more of the following classes:

(1) Class RA, which permits servicing, recharging, installing, or inspecting fixed extinguishing systems by a currently certified manufacturer's distributor;

(2) class RB, which permits servicing, recharging, installing, or inspecting portable fire extinguishers;

(3) class RC, which permits hydrostatic testing of non-DOT cylinders, including wet chemical or dry chemical containers; or

(4) class RD, which permits servicing, recharging, and inspecting fixed extinguishing systems.

(c) Each business that desires a registration certificate shall submit a written application on forms prescribed by the state fire marshal and signed by the sole proprietor, each partner, or an officer of the corporation, as appropriate.

(d) Each applicant shall provide proof that an employee meets one of the following requirements:

(1) Received training from the manufacturer of each fixed extinguishing system whose products are used by the business indicating the type or types of systems the employee has been trained to service; or

(2) meets the following requirements:

(A) Has a notarized affidavit filed with the state fire marshal's office attesting that the employee has at least two years of experience in servicing, recharging, and inspecting fixed extinguishing systems and has access to the tools and service manuals for each fixed extinguishing system that the business services; and

(B) has current certification through the international code council and the national association of fire equipment distributors (ICC/NAFED).

(e) A nonrefundable application fee of \$200 shall accompany each application. No fee shall be charged for any person who is an officer or employee of the state or any political or taxing subdivision if that person is acting on behalf of the state or political or taxing subdivision.

(f)(1) Each applicant for a class RA registration certificate shall provide proof of at least \$500,000 of insurance covering comprehensive general liability, bodily injury, property damage, and completed operations.

Written authorization shall be included from each fixed extinguishing system manufacturer whose products are used by the business including the types of systems the

(continued)

Proposed

STATE FIRE MARSHAL

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 9 a.m. Wednesday, June 3, in the Senate Room of Jayhawk Tower, 700 S.W. Jackson, Topeka, to consider revisions to K.A.R. 22-1-1, 22-1-2, 22-1-3, 22-8-13, 22-10-3, 22-11-6, 22-11-8, 22-15-7, and 22-18-3.

This 60-day notice of public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to the Kansas State Fire Marshal's Office, 700 S.W. Jackson, Suite 600, Topeka, 66603. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Debra Courtney at (785) 293-3401 or debra.courtney@ksfm.ks.gov.

The proposed regulation amendments are for adoption on a permanent basis. A summary of the proposed amendments and the economic impact follows:

22-1-1. Municipal compliance with Kansas fire prevention code. The change removes the requirement for building code packages adopted by municipalities to reference the National Electric Code.

22-1-2. Compliance with certain building codes. This change removes the references to the Building Officials and Code Administrators (BOCA) basic building code and the Standard (or Southern) Building Code (SBC). It also adds the option of complying with the Building Construction and Safety Code, NFPA 5000, 2006 edition.

22-1-3. Adopted national standards. This change updates the editions of NFPA documents adopted by reference.

22-8-13. Adoption of national codes. This change updates the editions of NFPA documents adopted by reference.

22-10-3. Registration certificate. This change increases the amount of fees required to register as a business that services, recharges, installs, or inspects portable fire extinguishers or fixed extinguishing systems, or hydrostatically tests the cylinders.

22-11-6. Maternity centers. This change updates the edition of NFPA standard no. 101 applicable to maternity centers.

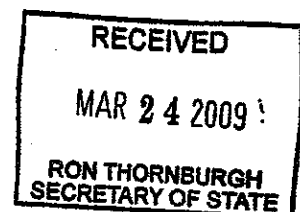
22-11-8. Adult and boarding care homes. This change updates the edition of NFPA standard no. 101 applicable to one- and two-bed adult care homes, one- and two-bed adult family homes, three- and four-bed boarding care adult care homes, and boarding care homes for the mentally retarded.

22-15-7. This change would revoke the regulation.

22-18-3. Construction requirements for school buildings. This change removes the requirement of compliance with the National Plumbing Code and updates the referenced edition of the National Electric Code and Life Safety Code.

Copies of the regulation and the economic impact statement may be obtained by contacting the Kansas State Fire Marshal's Office or by accessing the agency's Web site at <http://www.accesskansas.org/firemarshal>.

Brenda McNorton
Chief, Fire Prevention Division



22-1-1. Municipal compliance with Kansas fire prevention code. (a) When a municipality adopts one of the nationally recognized fire codes or the fire protection segment of a ~~nationally recognized~~ nationally recognized building code and modifies a section of that code, a summary of ~~such~~ the modifications shall be submitted to the state fire marshal ~~marshal's~~ office. ~~Such~~ The modifications shall be reviewed and either approved or rejected by the state fire marshal. The municipality shall be notified of the action within 30 days from receipt of the summary.

(b) ~~Any building code package adopted by a municipality shall reference the 1990 edition of the National Electrical Code.~~

(e) ~~Any~~ Each alternate method of fire protection ~~which~~ that has been approved by a local board of appeals as a substitute for strict compliance with code requirements shall be deemed to be in compliance with the Kansas fire prevention code.

(d)(c) ~~Any~~ Each question arising as to whether another state statute or an enactment of a municipality is inconsistent with the provisions of the fire prevention code shall be resolved by the state fire marshal after a hearing with all interested parties. ~~Any decisions~~ Each decision of the state fire marshal made under authority of this subsection shall be appealable in accordance with the provisions of K.S.A. 31-142 and amendments thereto. (Authorized by and implementing K.S.A. ~~1989~~ 2008 Supp. 31-133 and 31-134; effective May 1, 1981; amended May 1, 1985; amended Aug. 28, 1989; amended Sept. 17, 1990; amended P-_____.)

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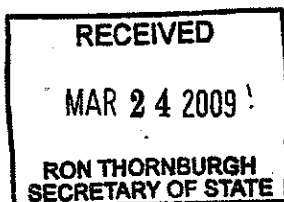
22-1-2. Compliance with certain building codes. A building shall be deemed to comply with the Kansas fire prevention code if the building conforms to ~~one~~ either of the following building codes and to any additional special requirements of the Kansas fire prevention code and if the building has been issued a certificate of occupancy:

(a) ~~The 1997 edition of the uniform building code (UBC)~~ "building construction and safety code," national fire protection association standard no. 5000, 2006 edition, except the references in section 2.2 to NFPA 11, 24, 30B, 31, 32, 35, 36, 37, 40, 42, 51, 51A, 52, 61, 69, 82, 85, 88A, 90A, 90B, 91, 120, 140, 150, 211, 214, 303, 318, 407, 409, 415, 418, 423, 432, 434, 490, 495, 501, 502, 655, 704, 750, 801, 804, 805, 820, 853, 900, 909, 1124, 1125, 1144, 1221, and 2001;

~~(b) the 1999 edition of the building officials and code administrators (BOCA) basic building code;~~

~~(c) the 1997 edition of the standard building code, which is also known as the southern building code (SBC); or~~

~~(d)~~(b) the 2000 edition of the international building code (IBC). (Authorized by and implementing K.S.A. 31-134a; effective May 1, 1985; amended Aug. 28, 1989; amended May 10, 1993; amended July 9, 2004; amended P-_____.)



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22-1-3. Adopted national codes standards. The following national fire protection association pamphlets (NFPA) standards are adopted by reference:

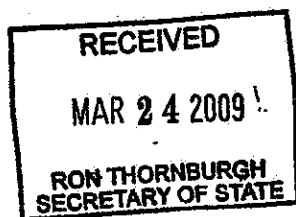
(a) Portable fire extinguishers. National fire protection association pamphlet NFPA standard no. 10, including appendices annexes A, B, C, D, E, F, and G, H, I, J, and K, 1990 2007 edition, except the references in section 2.2 to NFPA 32, 86, 120, 122, 302, 303, 407, 408, 410, 418, 1192, and 1194. The provisions of section 4.4.1 shall be effective only on and after January 1, 2014;

(b) installation of sprinkler systems. National fire protection association pamphlet NFPA standard no. 13, including appendices annexes A, B, and C, and E, 1991 2007 edition, except the references in section 2.2 to NFPA 11, 22, 30B, 40, 42, 51, 51A, 51B, 86, 170, 214, 409, 432, 780, and 1963;

(c) installation of sprinkler systems in one- and two-family dwellings and manufactured homes. NFPA standard no. 13D, including annexes A and B, 2007 edition;

(d) installation of sprinkler systems in residential occupancies up to and including four stories in height. NFPA standard no. 13R, including annexes A and B, 2007 edition, except the reference in section 2.2 to NFPA 22;

(e) installation of standpipe and hose systems. National fire protection association pamphlet NFPA standard no. 14, including appendices annexes A, and B, e, 1990 2007 edition, except the references in section 2.2 to NFPA 22, 24, 51B, 170, and 1963;



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(d)(f) dry chemical extinguishing systems. National fire protection association pamphlet NFPA standard no. 17, chapters 1, 2, 3, 6, and 7 including appendices annexes A and B, excluding sections 2-11.2, 6-4, 6-5, and 6-6, 1990 2002 edition;

(e)(g) wet chemical extinguishing systems. National fire protection association pamphlet NFPA standard no. 17A, chapters 1 through 4, and appendices including annexes A and B, excluding sections 3-1 and 3-2 and section A-1-4 of Appendix A, 1990 2002 edition;

(f)(h) water-based fire protection systems. National fire protection association pamphlet NFPA standard no. 25, including appendices annexes A, B, and C, D, and E, 1992 2008 edition;, except the references in section 2.2 to NFPA 11, 22, 24, 409, 750, and 1962;

(g)(i) flammable and combustible liquids. National fire protection association pamphlet NFPA standard no. 30, including appendices annexes A, B, C, D, E, F, and G H, 1990 2008 edition;, except the references in section 2.2 to NFPA 11, 24, 30B, 31, 32, 35, 36, 37, 68, 69, 85, 91, 303, 505, 704, and 2001;

(h)(j) automotive and marine service stations motor fuel-dispensing facilities. National fire protection association pamphlet NFPA standard no. 30A, chapter 1 through 9, except section 4-4, 1990 including annexes A, B, and D, 2008 edition;, except the references in section 2.2 to NFPA 31, 51, 51B, 52, 82, 85, 86, 90A, 91, and 211;

(i)(k) compressed natural gas (CNG) vehicular fuel systems. National fire protection association pamphlet NFPA standard no. 52, including appendix annexes A, C,

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D. and E. 1992 2006 edition., except the references in section 2.2 to NFPA 37, 51B, 69, 302, 303, 496, and 704;

~~(j) Liquefied petroleum gases. National fire protection association pamphlet no. 58, including appendices a, b, c, d, e, f, g, h, i, and j, except section 1-6 shall be applicable January 1, 1994, 1992 edition.~~

(l) national electric code. NFPA standard no. 70, including annexes A, B, C, D, E, F, G, and H, 2008 edition;

~~(k) Signaling systems for central station service. National fire protection association pamphlet no. 71, including appendices a and b, 1989 edition.~~

(l)(m) Installation, maintenance and use of protective signaling systems fire alarms. National fire protection association pamphlet NFPA standard no. 72, including appendices annexes A, B, and C, E, F, G, and H, 1990 2007 edition., except the references in section 2.2 to NFPA 11, 37, 90A, 780, and 1221;

~~(m) Automatic fire detectors. National fire protection association pamphlet no. 72E, including appendices a, b, c, and d, 1990 edition.~~

~~(n) Testing procedures for signaling systems. National fire protection association pamphlet no. 72H, 1988 edition.~~

(e)(n) vapor removal from cooking equipment. National fire protection association pamphlet NFPA standard no. 96, including appendix annexes A and B, 1991 2008 edition., except the reference in section 2.2 to NFPA 211;

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~~(p)~~(o) life safety code. National fire protection association pamphlet NFPA standard no. 101, including appendices annexes A and B, 2006 edition, except chapter 21, sections 10-7.1.1.1 and 11-7.1.1.1 and the first sentence of section 11-8.1.1.1 and 11-9.1.1.1, 1991 edition. the following:

(1) In section 2.2, the references to NFPA 11, 30B, 31, 40, 82, 88A, 90A, 90B, 91, 92B, 160, 211, 260, 261, 415, 418, 432, 434, 750, 1124, 1126, and 2001;

(2) section 16.6.1.7;

(3) section 17.6.1.7; and

(4) chapter 24;

~~(e)~~(p) alternative approaches to life safety. National fire protection association pamphlet NFPA standard no. 101M, 1992 101A, including annexes A and B, 2007 edition. except the references in section 2.2 to NFPA 90A and 92B;

~~(r)~~(q) assembly seating, tents, and membrane structures. National fire protection association pamphlet NFPA standard no. 102, including appendices annexes A and B, 1992 2006 edition. except the references in section 2.2 to NFPA 31, 90A, 90B, 91, 211, 1124, and 1126;

~~(s)~~(r) emergency and standby power systems. National fire protection association pamphlet NFPA standard no. 110, including appendices annexes A, B, and C, 1988 2005 edition. except the reference in section 2.2 to NFPA 37;

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~~(s)~~ fire safety symbols. National fire protection association pamphlet NFPA standard no. 170, including appendices annexes A, B, and C, and D, 1991 2006 edition, except the reference in section 2.2 to NFPA 704; and

~~(t)~~ tank vehicles for flammable and combustible liquids. National fire protection association pamphlet NFPA standard no. 385, including appendices annexes A, and B, and C 1990 2007 edition, except the reference in section 2.2 to NFPA 407.

~~(v)~~ Explosive materials code. National fire protection association pamphlet no. 495, including appendices a, b, c, and d except sections 1-1.3 and 2-1.8, and chapter 10, 1992 edition.

~~(w)~~ Fire Safety criteria for manufactured home installations, sites and communities. National fire protection association pamphlet no. 501A, including appendices a, b, c, and d, 1992 edition.

~~(x)~~ Outdoor display of fireworks. National fire protection association pamphlet no. 1123, including appendices a, b, c, d, and e, 1990 edition.

~~(y)~~ Manufacture, transportation, and storage of fireworks. National fire protection association pamphlet 1124, including appendices a, b, and c, 1988 edition.

(Authorized by and implementing K.S.A. 1991 2008 Supp. 31-133; effective May 10, 1993; amended P-_____.)

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22-8-13. Adoption of national codes. The following national fire protection association standards, including the annexes, are hereby adopted by reference: (a) Standard no. 54, "national fuel gas code," 2002 2006 edition, except the references in section 2.2 to NFPA 37, 51, 52, 82, 88A, 90A, 90B, 211, 409, 853, and 1192; and

(b) standard no. 58, "liquefied petroleum gas code," 2004 2008 edition, except that the references in section 2.2 to NFPA 51B and 1192. The provisions of chapter 6.23 6.25 shall be effective only on and after January 1, 2012. (Authorized by and implementing K.S.A. 2008 Supp. 55-1812; effective March 31, 2006; amended P- _____.)

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22-10-3. Registration certificate. (a) Each business that services, recharges, installs, or inspects portable fire extinguishers or fixed extinguishing systems or hydrostatically tests these cylinders or any combination of them shall obtain a registration certificate issued by the state fire marshal unless otherwise exempted by these regulations. The registration certificate shall indicate the class or classes that are authorized. A certified business shall only provide only the classes listed under its own registration number. A certified business may take orders for a class or classes that are not authorized by its registration certificate if these orders are consigned to a business that is certified to perform these the class or classes indicated.

(b) The registration certificate shall indicate one or more of the following class-er classes:

(1) Class RA, which permits servicing, recharging, installing, or inspecting fixed extinguishing systems by a currently certified manufacturer's distributor;

(2) class RB, which permits servicing, recharging, installing, or inspecting portable fire extinguishers;

(3) class RC, which permits hydrostatic testing of non-DOT cylinders, such as including wet chemical or dry chemical containers; or

(4) class RD, which permits servicing, recharging, and inspecting fixed extinguishing systems.

(c) Each business that desires a registration certificate shall ~~make~~ submit a written application on forms prescribed by the state fire marshal and signed by the

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proprietor, each partner, or an officer of the corporation, as appropriate.

(d) ~~Class RA registration certificate application requirements.~~

(1) The Each applicant for a class RA registration certificate shall show provide proof of ~~a minimum of~~ at least \$500,000 of insurance covering comprehensive general liability, bodily injury, property damage, and completed operations.

(2) A ~~\$50~~ nonrefundable application fee of \$200 shall accompany the application.

(3) Written authorization shall be included from each fixed extinguishing system manufacturer whose products are used by the business including the types of systems the business is authorized and has been trained to install or service. The manufacturer's authorization shall remain valid until the employee's training certificate expires or is cancelled for misconduct.

(e) ~~Class RB or RC registration certificate application requirements.~~

(1) The Each applicant for a class RB or RC registration certificate shall show provide proof of ~~a minimum of~~ at least \$100,000 of insurance covering comprehensive general liability, bodily injury, property damage, and completed operations.

(2) A ~~\$25~~ nonrefundable application fee of \$200 shall accompany the application. No fee shall be charged for any person who is an officer or employee of the state or any political or taxing subdivision ~~when~~ if that person is acting on behalf of the state or political or taxing subdivision.

(f) ~~Class RD registration certificate application requirements.~~

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(1) The Each applicant for a class RD registration certificate shall show provide proof of ~~a minimum of~~ at least \$1,000,000 of insurance covering comprehensive general liability, bodily injury, property damage, and completed operations.

(2) A ~~\$50 non-refundable~~ nonrefundable application and test fee of \$200 shall accompany the application. No fee shall be charged for any person who is an officer or employee of the state or any political or taxing subdivision of the state ~~when~~ if that person is acting on behalf of the state or political or taxing subdivision.

(3) Each applicant shall provide proof that an employee ~~has either~~ meets one of the following requirements:

(A) Received training from the manufacturer of each fixed extinguishing system whose products are used by the business indicating the type or types of systems the employee has been trained to service; or

(B) meets the following requirements:

(i) Has a notarized affidavit filed with the state fire marshal's office attesting that the employee has ~~a minimum of~~ at least two years of experience in servicing, recharging, and inspecting fixed extinguishing systems and has access to the tools and service manuals for each fixed extinguishing system that the business services; and

(ii) has, within the current calendar year, passed the state fire marshal's written examination with a grade of at least 70 percent.

(g) If, after reviewing the application, insurance information, record of services, servicing and shop facilities, and methods and procedures of operations, the state fire

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marshal finds that granting or renewing a registration certificate would be in the interest of public safety and welfare, a certificate for the appropriate classes of registration requested by the business shall be issued or renewed by the state fire marshal. An identifying number shall be assigned by the state fire marshal to each registration certificate.

(h) Each registration certificate shall be valid for one calendar year. Renewal applications shall be submitted to the state fire marshal by on or before November 30 of the year of expiration and shall meet the requirements of subsections (d), (e), and (f) of this regulation, as applicable.

(i) Evidence that a registration certificate has been altered shall render the certificate invalid, ~~and~~ The altered certificate shall be surrendered to the state fire marshal.

(j) ~~Any~~ Each change in the location or ownership of a certified business shall be reported in writing to the state fire marshal at least 14 days before the change. Failure to notify the state fire marshal may render the registration certificate invalid. ~~Every~~ Each change in location or ownership ~~change~~ shall be verified by the state fire marshal or an authorized deputy.

(k) ~~Every~~ Each registration certificate issued by the state fire marshal shall be posted at the certified location and be available for inspection during normal business hours.

(l) A duplicate registration certificate may be issued by the state fire marshal to

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replace one which that has been lost or destroyed if a written statement attesting to the loss or destruction of the original certificate is submitted.

(m) A registration certificate shall not constitute authorization for a registration certificate holder or the holder's employees; to perform either of the following:

(1) To enter any property or building; or

(2) to enforce any provision of these regulations. (Authorized by and implementing K.S.A. ~~1989~~ 2008 Supp. 31-133, 31-133a as amended by L. 1990, Ch. 135, Sec. 4; effective, E-82-3, Jan. 21, 1981, effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983; amended Aug. 28, 1989; amended Sept. 17, 1990; amended Jan. 21, 1991; amended P-_____.)

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22-11-6. Maternity centers. (a) Definitions Each facility that is licensed by the Kansas department of health and environment as a maternity hospital and provides delivery services for normal, uncomplicated pregnancies for not more than three women at any one time shall meet the requirements of national fire protection association standard no. 101, which is adopted by reference in K.A.R. 22-1-3.

(1) ~~"Code" means the 1988 edition of the national fire protection association pamphlet no. 101, the life safety code.~~

(2) ~~"Maternity center" means a facility licensed as a maternity hospital which provides delivery services for normal, uncomplicated pregnancies for not more than three women at any one time.~~

(3) ~~"Grade level" means a floor which is level with the surrounding ground and from which it is not necessary to traverse over stairs to exit.~~

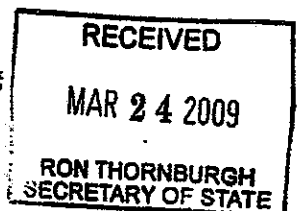
~~(b) Location.~~

(1) ~~The labor and delivery room or rooms of a maternity center shall be located on the grade level floor of a building.~~

(2) ~~If the state fire marshal determines that sufficient additional precautions have been taken, the location of labor and delivery rooms on floors above grade level may be permitted. Such additional precautions shall include:~~

~~(A) Fire resistive or protected non-combustible noncombustible building construction;~~

~~(B) a properly installed and maintained sprinkler system;~~



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~~(C) properly designed ramp access from the floor on which labor and delivery rooms are located, to grade level;~~

~~(D) a one hour fire rated wall separating the maternity center from other occupants when located in a building with mixed occupants; and~~

~~(E) other precautions necessary to provide a reasonable degree of life safety.~~

~~(e) The interior finish of the maternity center shall have a flame spread of 75 or less, class B.~~

~~(d) The maternity center shall provide fire extinguishers in accordance with K.A.R. 22-10-12.~~

~~(e) The maternity center shall have a supervised manual and automatic fire alarm system. Properly installed smoke detectors which are interconnected to the fire alarm system shall be strategically placed throughout the maternity center.~~

~~(f) The maternity center shall have an emergency lighting system which automatically provides illumination in the event of an interruption of electrical service.~~

~~(g) The maternity center shall have at least two approved exits from each floor. Each exit that is not obvious shall be provided with an approved, lighted exit sign.~~

~~(h) Each maternity center shall have a written evacuation plan. Each staff member shall be informed of, and shall have access to, the plan. (Authorized by and implementing K.S.A. 1989 2008 Supp. 31-133; effective May 1, 1981; amended May 1, 1985; amended May 1, 1986; amended Sept. 17, 1990; amended P-_____.)~~

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~~22-11-8. Life safety code adopted; one and two bed adult care homes, one and two bed adult family homes, three and four bed boarding care adult care homes, and boarding care homes for the mentally retarded~~ Adult and boarding care homes.

(a) ~~National fire protection association, life safety code, pamphlet no. 101, 1988 edition, effective February 2, 1988, chapter 21, pertaining to residential board and care occupancies,~~ is hereby adopted by reference. The provisions requirements of chapter 21 NFPA standard no. 101, which is adopted in K.A.R. 22-1-3, shall apply to one- and two-bed adult care homes, one- and two-bed adult family homes, three- and four-bed boarding care adult care homes, and boarding care homes for the mentally retarded.

(b) A life safety code inspection of a home shall be performed by the state fire marshal or an authorized representative under K.S.A. 31-137, and amendments thereto, upon request from the Kansas department of health and environment.

(c) As used in this ~~paragraph subsection,~~ "ambulatory" means shall mean having the physical and mental capability of getting in and out of bed and walking in a normal path to safety in a reasonable period of time without the aid of another person. "~~Non-ambulatory Nonambulatory~~" means shall mean not having the physical or mental ~~incapability~~ capability of getting in and out of bed and walking a normal path to safety without the aid of another person.

(1) Ambulatory residents who are able to walk without the aid of another person but are unable to move from place to place without the use of a device such as including a

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walker, crutches, ~~wheel chair~~ wheelchair, or wheeled platform shall be housed on the ground level of a home, ~~provided if~~ handicap accommodations for exiting are present.

(2) Fully ambulatory residents who do not require the use of a device such as including a walker, crutches, ~~wheel chair~~ wheelchair, or wheeled platform may be housed on any level of a home.

(3) ~~Non-ambulatory~~ Nonambulatory persons shall not be allowed as residents.

(d) The following ~~fundamental fire and life safety~~ requirements shall be imposed in apply to all one- and two-bed adult care homes, one- and two-bed adult family homes, three- and four-bed boarding care adult care homes, and boarding care homes for the mentally retarded, in addition to ~~chapter 21 of the life safety code~~ NFPA standard no. 101, which is adopted in K.A.R. 22-1-3:

(1) Emergency lighting shall be provided to ~~insure~~ ensure illumination for evacuation in case of a power failure.

(2) Fire alarms, smoke detectors, and fire extinguishers shall be maintained in an operable condition at all times.

(3) Fire drills shall be conducted as frequently as necessary, and at least once every three months, to ~~insure~~ ensure orderly egress in case of an emergency.

(4) Each exit, and each route to each exit, shall be clearly marked so that all residents will readily know the direction of egress from any point within the building.

(5) Each exit shall be arranged and maintained to provide free, unobstructed egress. Locks or fastening devices shall not be installed to prevent free escape from inside the

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building.

(6) Each building shall be constructed, arranged, equipped, maintained, and operated to avoid danger to the lives and safety of its residents from fire, smoke, fumes, and panic during emergency situations. (Authorized by and implementing K.S.A. 1989 2008 Supp. 31-133 and K.S.A. 31-147; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended Sept. 17, 1990; amended P-
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22-15-7. (Authorized by and implementing K.S.A. 1989 Supp. 31-133; effective May 1, 1979; amended May 1, 1986; amended Sept. 17, 1990; revoked P-_____.)

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22-18-3. Construction requirements for school buildings, construction requirements. (a)

~~From and after July 1, 1993 and except as provided in subsection (b);~~ The construction of school buildings shall ~~comply with~~ meet the requirements of the ~~1991 edition of the uniform building code, volume 1, and the 1991 edition of the uniform mechanical code, of the international conference of building officials~~ international building code, as specified in K.S.A. 31-134a and amendments thereto. All electric wiring shall conform to the requirements of the ~~1990 edition of the national electric code of the national fire protection association adopted by K.A.R. 22-1-3.~~ Minimum plumbing requirements shall meet the 1991 edition of the uniform plumbing code issued by the international association of plumbing and mechanical officials.

(b) The construction of mobile, modular, portable, or relocatable school buildings shall ~~conform to~~ meet the requirements of the ~~1991 edition of the life safety code as adopted by K.A.R. 22-1-3.~~ Minimum plumbing requirements shall meet the 1991 edition of the uniform plumbing code issued by the international association of plumbing and mechanical officials. (Authorized by and implementing K.S.A. ~~1991~~ 2008 Supp. 31-133, 31-150, ~~as amended by L. 1992, ch. 208, § 4;~~ effective Sept. 17, 1990; amended May 10, 1993; amended P-_____.)

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**KANSAS STATE FIRE MARSHAL'S OFFICE
ECONOMIC IMPACT STATEMENT**

K.A.R. 22-1-1 through 22-1-3, 22-8-13, 22-10-3, 22-11-6, 22-11-8, 22-15-7, and 22-18-3

I. Summary of Amended Regulations, Including its Purpose.

The proposed amendments to existing regulations include updates to previously adopted national standards and building codes. They also eliminate duplicate language and increase the fees collected to license businesses that service, recharge, install, or inspect portable fire extinguishers or fixed extinguishing systems, or businesses that hydrostatically test the extinguishing cylinders.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or Not the Regulation Is Mandated by Federal Law.

The proposed changes are needed to keep current with federal standards and nationally recognized codes. They are not mandated by federal law but by state statutes.

III. Anticipated Economic Impact upon the Kansas State Fire Marshal's Office.

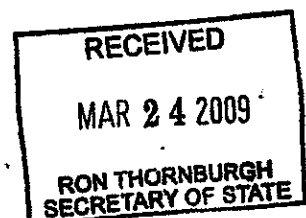
The Kansas State Fire Marshal will receive additional revenues from the increased licensing fees but will continue to bear all expenses for the administration of the license program. These activities will include testing of individuals and providing certificates to licensed companies and individuals. These functions will be performed by KSFM staff of the Fire Prevention Division at an estimated cost of \$22,000 annually. We anticipate that some businesses will choose not to relicense with the new fee schedule, so we anticipate revenues to be approximately \$38,000.

IV. Anticipated Financial Impact upon Other Governmental Agencies.

The Kansas State Fire Marshal does not anticipate any economic impact upon other governmental agencies.

V. Anticipated Financial Impact upon Private Business or Individuals.

The private businesses and individuals outlined in K.A.R. 22-10-3 will have to pay the appropriate fees for licensing.



VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.

National codes and standards are living documents that change to reflect new technologies and hazards. The Kansas State Fire Marshal's Office is currently enforcing adopted standards that are nearly 20 years old. By adopting current standards that speak to more recent advances in fire protection and safety, we are better able to protect the citizens of Kansas from the hazards of fire and explosion.

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