

## SENATE BILL No. 42

By Committee on Federal and State Affairs

1-22

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AN ACT concerning fire safety and prevention; concerning the powers and duties of the state fire marshal; amending K.S.A. 2002 Supp. 31-133a and repealing the existing section.

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

Section 1. K.S.A. 2002 Supp. 31-133a is hereby amended to read as follows: 31-133a. (a) (1) No business shall inspect, install, *construct, maintain, modify, repair* or service portable fire extinguishers, *fire sprinkler systems, fire detection systems, fire alarm systems* or automatic fire extinguishers for commercial cooking equipment without first being certified by the state fire marshal.

(2) *No business shall manufacture, purchase, inventory, store, transport or use any classification of explosives or blasting agents without first being licensed by the state fire marshal or without obtaining a storage site permit or user permit from the state fire marshal.*

(3) *No business shall manufacture, purchase, inventory, store, transport, detonate or otherwise use fireworks without first being licensed by the state fire marshal.*

(b) (1) 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, *construction, approval*, 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 *specified in subsection (a)*. The rules and regulations ~~shall~~ also *shall* 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 and, ~~on and after January 1, 1991,~~ shall require submission of proof, satisfactory to the state fire marshal, that such qualifications and training have been met.

(2) The rules and regulations shall ~~further~~ provide for annual certification of such businesses for a fee of not less than ~~\$25~~ \$10 or more than ~~\$200~~ \$500 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

1 political or taxing subdivision. If the person or persons upon whose qual-  
2 ifications and training the certification of the business is based leave such  
3 business, the certification of that business is void.

4 (3) The state fire marshal shall remit all moneys received for fees  
5 under this section to the state treasurer in accordance with the provisions  
6 of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
7 remittance *and subject to the limitations prescribed by subsection (c) of*  
8 *K.S.A. 75-3170a, and amendments thereto*, the state treasurer shall de-  
9 posit the entire amount in the state treasury. The state treasurer shall  
10 credit 20% of each such deposit to the state general fund and shall credit  
11 the remainder of each such deposit to the fire marshal fee fund.

12 ~~Inspection or service of any portable fire extinguisher or automatic~~  
13 ~~fire extinguisher for commercial cooking equipment~~ *Performance of any*  
14 *act specified in subsection (a) by any business who is not certified by the*  
15 *state fire marshal as required by this section shall constitute a deceptive*  
16 *act or practice under the Kansas consumer protection act and shall be*  
17 *subject to the remedies and penalties provided by such act and any other*  
18 *civil or criminal penalties provided by law.*

19 (d) As used in this section:

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

23 (2) “Business” means any person ~~who inspects, services or installs~~  
24 ~~portable fire extinguishers or automatic fire extinguishers for commercial~~  
25 ~~cooking equipment, partnership, corporation, limited liability company~~  
26 ~~or association~~ but does not include (A) any person or authorized agent of  
27 the person who installs a portable fire extinguisher for protection of the  
28 person’s own property or business or (B) any individual acting as a rep-  
29 ~~resentative or employee of a certified business.~~

30 Sec. 2. K.S.A. 2002 Supp. 31-133a is hereby repealed.

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

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