

SUBARTICLE 4
PORTABLE FIRE EXTINGUISHERS AND FIXED FIRE EXTINGUISHING SYSTEMS

71-8303. PORTABLE FIRE EXTINGUISHERS AND FIXED FIRE EXTINGUISHING SYSTEMS.

(Statutory Authority: 1976 Code Sections [23-9-40](#), [23-9-45](#))

71-8303.1. General.

- A. The purpose of this subarticle is to regulate the leasing, renting, reselling, *servicing* and testing of *portable fire extinguishers* and the installation, testing, and *servicing* of *fixed fire extinguishing systems* in the interest of protecting lives and property.
- B. This regulation shall apply to:
 - 1. The filling, charging, and recharging of all *portable fire extinguishers* other than the initial filling by the manufacturer.
 - 2. The testing and *servicing* of all types of *portable fire extinguishers*.
 - 3. The installation, testing, and *servicing* of all types of *fixed fire extinguishing systems*.
- C. This regulation shall not apply to the following:
 - 1. The filling or charging of a *portable fire extinguisher* by the manufacturer before the initial sale;
 - 2. The installation or *servicing* of water-based extinguishing systems addressed by S.C. Code Ann. Section [40-10-240](#) et seq; and
 - 3. *Firms* engaged in the retailing or wholesaling of new *portable fire extinguishers*.

71-8303.2. Codes and Standards.

- A. All references to codes and standards found in these regulations refer to the editions adopted in R.71-8300.2 and are modified by the following regulations as shown below.
- B. The building code shall define occupancy classifications referenced in these regulations.

71-8303.3. Fees for Licensing, Testing, and Inspections.

- A. The *OSFM* is responsible for all administrative activities of the licensing program. The *OSFM* shall employ and supervise personnel necessary to effectuate the provisions of this article and shall establish fees sufficient but not excessive to cover expenses, including direct and indirect costs to the State for the operation of this licensing program. Fees may be adjusted not more than once each two years, using the method set out in S.C. Code Ann. Section [40-1-50\(D\)](#), 1976, as amended.
- B. Fees shall be established for the following:
 - 1. Application
 - 2. Testing
 - 3. Permitting
 - 4. Licensing
 - 5. Inspection
 - 6. Renewal
- C. All fees are due at time of application for licenses, testing, permits, inspection or renewal.
- D. All fees paid to the *OSFM* are nonrefundable.

71-8303.4. Licensing and Permitting Requirements.**A. General Licensing Requirements.**

1. Each *firm* testing and *servicing portable fire extinguishers*; installing, testing, and *servicing fixed fire extinguishing systems*; or hydrostatic testing *portable fire extinguishers* or portions of *fixed fire extinguishing systems* must have a license issued by the *OSFM*.
2. Each *firm's* license shall be displayed in a conspicuous location at their place of business.
3. Each *firm* shall apply in writing on a form available from the *OSFM*, for the license classification the *firm* is seeking.
4. Each *firm* shall furnish a certificate of insurance with their application in the amount required for their license classification. The *firm* shall list the State of South Carolina and its agents as a certificate holder. The coverage company must be an insurer which is either licensed by the *DOI* in this State or approved by the *DOI* as a nonadmitted surplus lines carrier for risks located in this State. In the event the liability insurance is canceled, suspended, or not renewed, the insurer shall give immediate notice to the *OSFM*.
5. Each *firm* shall possess or have access to the equipment necessary for the class of license sought. The *OSFM* shall inspect the *firm's* facilities, fixed or mobile, to verify the *firm* has the necessary required equipment. The *OSFM* shall not license a *firm* until deficiencies discovered by inspection are corrected.
6. Licenses issued under this subarticle are not transferable.
7. All licenses expire when insurance coverage lapses or is cancelled and on the day of expiration shown on the license and shall be renewed biennially.
8. Expired licenses shall not be renewed. A new license shall be obtained by complying with all requirements and procedures for an original license.

B. General Permitting Requirements.

1. Each individual *servicing, recharging, repairing, installing, or testing portable fire extinguishers or fixed fire extinguishing systems* shall possess a valid permit issued by the *OSFM*.
2. Each individual shall apply in writing on a form available from the *OSFM*, for the permit classification they are seeking.
3. Applicants must provide a current color photograph in an approved electronic format as specified by *OSFM* on the application form.
4. Applicants must be at least eighteen (18) years old.
5. Applicants shall pass a written examination administered by the *OSFM* before a permit is issued. The exam will cover the applicable codes, state laws, and regulations and the additional requirements for the specific class of permit for which they are applying. Completed applications must be received by *OSFM* prior to scheduling an examination.
6. Any applicant who fails the written examination is allowed one (1) re-test after a minimum seven-day waiting period. Any applicant who fails the re-test shall wait at least six (6) months before reapplying.
7. Permit holders shall have their permits in their possession while working on equipment or systems covered by their permit.
8. Permit holders shall show their permits on the request of any *AHJ*.
9. Permit holders shall be limited to specific type of work allowed by the class of permit they hold and the specific systems covered by their permit.
10. Permits issued under this subarticle are not transferable and specifically identify the affiliated company. Upon leaving the employ of the specifically identified company, the permit immediately becomes invalid and must be surrendered to the *OSFM* within 15 business days.
11. Permits shall expire on the day of expiration shown on the permit and shall be renewed biennially.
12. Expired permits shall not be renewed. A new permit shall be obtained by complying with all requirements and procedures for an original permit.

C. License and Permit Classifications.

1. Class "A" - may service, recharge, or repair, all types of *portable fire extinguishers*, including recharging carbon dioxide units; and to conduct hydrostatic tests on all types of fire extinguishers.
 2. Class "B" - may service, recharge, or repair all types of *portable fire extinguishers*, including recharging carbon dioxide units and conducting hydrostatic tests on water, water chemical, and dry chemical types of extinguishers only.
 3. Class "C" - may service, recharge, or repair all types of *portable fire extinguishers*, except recharging carbon dioxide units; and to conduct hydrostatic tests of water, water chemical, and dry chemical types of fire extinguishers only.
 4. Class "D" - may service, recharge, repair, or install all types of *fixed fire extinguishing systems*.
 5. Class "E" is an apprentice permit classification only. Permits in this classification may perform the services only under direct supervision of a *person* holding a valid permit and who works for the same *firm* as the apprentice. An apprentice permit is valid for one (1) year from the day of issuance and may not be renewed.
- D. *Firms* applying for a Class "A", "B", or "C" License must meet all of the general requirements for licensing and provide proof of public liability insurance for an amount not less than one million (\$1,000,000) dollars.
- E. *Firms* applying for a Class "D" License must:
1. Designate on their application for licensing each type of *fixed fire extinguishing system* for which they want to be licensed;
 2. Provide proof of public liability insurance for an amount not less than one million (\$1,000,000) dollars; and
 3. Provide proof of manufacturer's certification for at least one type of *fixed fire extinguishing system*.
 4. For each additional type of pre-engineered fire extinguishing system, the applicant may submit proof of a manufacturer's certification or an affidavit which shall attest to the ability to obtain the proper manufacturer's installation, maintenance and service manuals and manufacturer's parts or alternative components that are listed for use with the specific extinguishing system and provide testament that all installations and maintenance shall be performed in complete compliance with the manufacturer's installation, maintenance and service manuals and *NFPA* standards.
- F. Individuals applying for a Class "A", "B", or "C" Permit must meet all of the general requirements.
- G. Individuals applying for a Class "D" Permit must:
1. Designate on their application for licensing each type of *fixed fire extinguishing system* for which they want to be permitted.
 2. Provide proof of manufacturer's certification for at least one type of *fixed fire extinguishing system*.
 3. For each additional type of pre-engineered fire extinguishing system, the applicant may submit proof of a manufacturer's certification or an affidavit which shall attest to the ability to obtain the proper manufacturer's installation, maintenance and service manuals and manufacturer's parts or alternative components that are listed for use with the specific extinguishing system and provide testament that all installations and maintenance shall be performed in complete compliance with the manufacturer's installation, maintenance and service manuals and *NFPA* standards.
- H. Employees applying for a Class "E" Permit must file an application for a Class "E" Permit and provide a current photograph.

71-8303.5. Renewal of Licenses and Permits.

- A. To qualify for biennial renewal of a Class "A", "B" or "C" license, a *firm* must:
1. Apply in writing on a form available from the *OSFM* designating the Class of license sought;
 2. Provide proof of public liability insurance.
- B. To qualify for biennial renewal of a Class "A", "B" or "C" permit, an individual must:
1. Apply in writing on a form available from the *OSFM*, designating the permit classification they are seeking.

- C. To qualify for biennial renewal of a Class D license, a *firm* must:
1. Apply in writing on a form available from the *OSFM*, designating each type of *fixed fire extinguishing system* for which they wish to be licensed to install, test, or service;
 2. Provide proof of public liability insurance;
 3. Provide proof of manufacturer's certification for at least one type of *fixed fire extinguishing system*;
 4. For each additional type of *fixed fire extinguishing system*, the applicant may submit proof of a manufacturer's certification or an affidavit which shall attest to the ability to obtain the proper manufacturer's installation, maintenance and service manuals and manufacturer's parts or alternative components that are listed for use with the specific extinguishing system and provide testament that all installations and maintenance shall be performed in complete compliance with the manufacturer's installation, maintenance and service manuals and *NFPA* standards.
- D. To qualify for biennial renewal of a Class D permit, an individual must:
1. Apply in writing on a form available from the *OSFM*, designating each type of *fixed fire extinguishing system* for which they wish to be permitted to install, test, or service;
 2. Provide an up to date manufacturers training certificate for each type *fixed fire extinguishing system* that renewal is sought;
 3. Provide an affidavit to attest to the applicant's ability to obtain the proper manufacturer's installation, maintenance and service manuals and manufacturer's parts or alternative components that are listed for use with the specific extinguishing system and provide testament that all installations and maintenance shall be performed in complete compliance with the manufacturer's installation, maintenance and service manuals.

71-8303.6. Restrictions for Class D Fire Equipment Licenses and Permits.

- A. A *firm* or *person* shall not willfully engage in the business of installing, testing or *servicing* Class D fire equipment or use in any advertisement or on a business card or letterhead, or make any other verbal or written communication that the *person* is a Class D Fire Equipment Dealer or acquiesce in such a representation, unless that *person* is licensed as a Class D Fire Equipment Dealer by the *OSFM*.
- B. No *person* shall install or service any type of Class D fire equipment not covered on their permit.

71-8303.7. Licensing Requirements: For Firms Performing Hydrostatic Testing.

- A. Each *firm* performing hydrostatic testing of fire extinguishers manufactured according to the specifications of the *USDOT* shall be required to possess a valid license issued by the *USDOT*. All hydrostatic testing of fire extinguishers shall be performed per the appropriate *USDOT* standards and *NFPA* standards.
- B. Each employee certified to conduct hydrostatic testing shall attend a *USDOT* certification refresher course every three years and provide a copy of the current certification to the *OSFM* upon completion.

71-8303.8. Installation and Maintenance Procedures.

- A. All *portable fire extinguishers* and *fixed fire extinguishing systems* covered by these regulations shall be installed, inspected, tested and serviced per the applicable *NFPA* standards and the manufacturer's installation, service and maintenance manuals.
- B. Any *portable fire extinguisher* or *fixed fire extinguishing system* that cannot be maintained per the manufacturer's installation, service, and maintenance manuals or the applicable *NFPA* standards shall be removed from service and replaced.
- C. Tamper seals on all *portable fire extinguishers* and *fixed fire extinguishing systems* shall be imprinted with the year. Handwritten dates are not acceptable. The year imprinted on the tamper seal shall match the date on the maintenance tag affixed to the *portable fire extinguisher* or *fixed fire extinguishing system*.

71-8303.9. Recommended Equipment and Facilities for Fire Equipment Dealer License.

						YES	NO	N/A
1	A			D	Hydrostatic test equipment for high pressure testing and calibrated cylinder. (0-11,000 psi)			
2	A			D	Equipment for test dating high-pressure cylinders (over 900 psi). Die stamps must be a minimum of one-quarter inches.			
3	A			D	Clock with sweep secondhand on or close to hydrostatic test apparatus.			
4	A	B		D	Carbon dioxide receiver--cascade system for proper filling of carbon dioxide extinguishers.			
5	A	B		D	Supply of metallic labels for carbon dioxide hose conductivity test. Labels attached to the hose must include month and year of testing, name or initials of <i>person</i> performing test, and name of agency performing test.			
6	A	B	C	D	Scales graduated in one-eighth ounce or 1 gram weight if refilling carbon dioxide cartridges. Minimum of 20 lbs.			
7	A	B	C	D	All scales calibrated within the last 12 months. Certification date(s)_____ Certified by_____			
8	A	B	C	D	Approved drying method for high and low pressure cylinders. Listed for its use.			
9	A	B	C	D	Proper wrenches with non-serrated jaws or valve puller (hydraulic or electric).			
10	A	B	C	D	Inspection light.			
11	A	B	C	D	Low-pressure test apparatus.			
12	A	B	C	D	Low-pressure hydrostatic test labels per <i>NFPA 10</i> .			
13	A	B	C	D	Scales for weighing extinguisher/system agent bottles during inspection and filling, minimum of 500 lbs. Calibrated and certified annually.			
14	A	B	C	D	Closed recovery system(s) and storage to remove and store chemicals from fire extinguishers or system cylinders during <i>servicing</i> .			
15	A	B	C	D	Closed recovery system(s) and storage to remove and store chemicals from halon type fire extinguishers or system cylinders during <i>servicing</i> .			

16	A	B	C		Current installation, maintenance and service manuals from the manufacturer of each make or brand of fire extinguisher or system the company installs, services, recharges, repairs, or maintains.			
17	A	B	C		Supply of extinguisher recharge agents for the type/brands of fire extinguishers the company requests to recharge or service.			
18	A	B	C	D	Vise 6-inch minimum (chain or bench).			
19	A	B	C	D	Facilities for proper storage of extinguishing agents.			
20	A	B	C	D	Facilities for leak testing of pressurized extinguishers.			
21	A	B	C	D	Nitrogen with regulator and indicator. Regulator not to exceed 1500 psi--minimum 500 psi.			
22	A	B	C	D	Supply of "Verification of Service" collars containing month and year the service was performed.			
23	A	B	C		Adapters, fittings, and tools and equipment for properly <i>servicing</i> and/or recharging all extinguishers being serviced and recharged.			
24	A	B	C	D	Safety cage (in shop) for hydrostatic testing of low-pressure cylinders.			
25	A	B	C	D	One-quarter pound graduated scales minimum 150 pounds for weighing chemical recharging.			
26				D	Cable crimping tool (where required).			
27				D	Cocking lever (where required).			
28				D	Pipe vise, dies, reamer, etc.			
29				D	Stock and supply of fuse links, proper elbows, and nozzles for system which is being installed.			
30				D	Parts from each manufacturer's system that the permittee is permitted to work on or service, including original service manuals and all up to-date technical bulletins.			
31				D	Listed links from each manufacturer that the permittee is permitted to service or work on.			
32				D	Current service manuals from the manufacturer for each model of <i>fixed fire extinguishing system</i> being installed, tested, or serviced by the fire equipment license holder.			
33				D	System reports - custom or generic.			

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34				D	Non-compliance tags for non compliant systems.			
35	A	B	C	D	Supply of tags with the appropriate company and other related information on them.			
36				D	Thermometer with a minimum of 2 degrees Fahrenheit or 1 degree Celsius increments.			
37				D	Agent transfer pump (for halon or clean agents).			
38				D	Torque wrench.			
39				D	Leak test device (for halon or clean agents).			
40				D	Liquid level detector ("halon scanner").			

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71-8303.10. Powers and Duties of the Office of State Fire Marshal.

- A. Powers and duties of the *OSFM* are:
1. To evaluate the applications of *firms* or individuals for a license and permits to engage in the business of *servicing portable fire extinguishers* or installing, testing and *servicing fixed fire extinguishing systems*;
 2. To administer written examinations to ascertain the competency of applicants for a license to service *portable fire extinguishers* or install *fixed fire extinguishing systems*;
 3. To issue licenses, permits, and apprentice permits required by this subarticle;
 4. To suspend or revoke licenses and permits for cause; and
 5. To administer these regulations and supervise personnel in carrying out the requirements of this regulation.
- B. The *OSFM*, upon request, may conduct hearings or proceedings concerning the suspension, revocation, or refusal to issue or renew licenses or permits issued under this subarticle or the application to suspend, revoke, refuse to renew, or refuse to issue the same.
- C. An applicant, licensee, or permit holder whose license or permit has been refused or revoked under this subarticle, except for failure to pass a required written examination, shall not file another application for a license or permit within one year from the effective date of the refusal or revocation. After one year from that date, the applicant may re-apply, and in a public hearing, show good cause why the issuance of a license or permit does not hinder public safety and health.
- D. The *OSFM* shall maintain a registry of all applications for licenses or permits and of all *firms* or *persons* holding licenses or permits. The *OSFM* shall make the roster of Fire Equipment Dealers Licenses or Fire Equipment Permits available on the *OSFM* website.

71-8303.11. Fitness to Practice; Investigation of Complaints.

If the *OSFM* has reason to believe that a *person* licensed under this chapter has become unfit to practice as a Fire Equipment Dealer or if a complaint is filed with the *OSFM* alleging a violation of a provision of this chapter by a license or permit holder or if a complaint is filed with the *OSFM* alleging that an licensed *person* is fraudulently holding him or herself out as qualified to engage in business as a Fire Equipment Dealer, the *OSFM* may initiate an investigation per the procedures of [Title 40, Chapter 1](#).

71-8303.12. Administrative Sanctions.

- A. If after an investigation it appears that the license or permit holder under this regulation has become unfit to practice or has violated these regulations, the *OSFM* may file a Petition with the [Administrative Law Court](#) stating the facts and the particular statutes and regulations at issue.
- B. The [Administrative Law Court](#) may, after opportunity for hearing, order that the license or permit be revoked, suspended, or otherwise disciplined on the grounds that the license or permit holder:
1. Used a false, fraudulent, or forged statement or document in obtaining a license or permit under this chapter; or
 2. Committed a fraudulent, deceitful, or dishonest act or omitted a material fact in obtaining a license or permit under this chapter; or
 3. Has had an authorization to practice a regulated profession or occupation in another state or jurisdiction canceled, revoked or suspended, or has otherwise been disciplined by another jurisdiction; or
 4. Has intentionally used a fraudulent statement in a document connected with the license or permit; or
 5. Obtained fees or assisted in obtaining fees under fraudulent circumstances; or
 6. Sustained a physical or mental disability or uses alcohol or drugs to such a degree as to render further practice as a Fire Equipment Dealer dangerous to the public; or
 7. Failed to perform all installation, service, and testing in complete compliance with the manufacturer's manuals.

71-8303.13. Sanctions for Unlawful Practice.

- A. The [Administrative Law Court](#) may, after opportunity for hearing, order injunctive relief against a *person* who, without possessing a valid license or permit under this chapter, practices or offers to practice or uses the title or term Fire Equipment Dealer. For each violation, the administrative law judge may impose a fine of no more than ten thousand (\$10,000) dollars.
- B. A *person* who does not hold a license or permit as required by this Chapter, may not bring any action either at law or in equity to enforce the provisions of any contract for providing services as a Fire Equipment Dealer.

71-8303.14. Certain Acts Prohibited.

- A. No *person* or *firm* shall:
1. Engage in the business of installing or *servicing portable fire extinguishers* without a valid and current license;
 2. Engage in the business of installing or *servicing fixed fire extinguishing systems* without a valid and current license;
 3. Service, test, or install *fixed fire extinguishing systems* without a valid and current license;
 4. Perform hydrostatic testing of *USDOT* cylinders for *portable fire extinguishers* or parts of a *fixed fire extinguishing systems* without a valid and current hydrostatic license;
 5. Obtain or attempt to obtain a license or permit by fraudulent representation;
 6. Service *portable fire extinguishers* or test, service, or install *fixed fire extinguishing systems* contrary to the provisions of these regulations;
 7. Service or hydrostatic test a fire extinguisher that does not have the proper identifying labels;
 8. Sell, offer for sale, or give any make, type, or model of new or used fire extinguisher, unless extinguisher has first been tested and is currently approved or listed by [UL, LLC.](#), [FM Approvals LLC.](#), or other nationally recognized testing laboratory whose testing procedures used for approval in the listing of *portable fire extinguishers* are acceptable to the *OSFM*, and unless such extinguisher carries an [UL, LLC.](#), or manufacturer's serial number. The serial number shall be permanently stamped on the manufacturer's identification and instruction plate;
 9. Permit an individual who works for the *firm* to engage in installation, repair, recharge, maintenance or *servicing* fire extinguishers or *fixed fire extinguishing systems* without a valid permit or license.

71-8303.15. Cease and Desist Orders; Notice to Correct Hazardous Conditions.

When the *OSFM* shall have reason to believe that any *person* is or has been violating any provisions of this regulation or any rules or regulations adopted and promulgated pursuant thereto, the *OSFM* may issue and deliver to such *person* an order to cease and desist such violation or to correct such hazardous condition.

71-8303.16. Suspensions or Revocation of License or Permit.

- A. The license of any company or individual may be suspended or revoked because of failure to comply with the terms of any order to correct violations within the specified abatement period or for failure to comply with any cease and desist orders. A license may be suspended for a period not to exceed one year from the date of license suspension. A license may be revoked for a period not to exceed two years from the date of license revocation.
- B. In addition, a license may be suspended or revoked where the license or permit holder is found to have:
1. Rendered inoperative a fire extinguisher or *fixed fire extinguishing system*, which is required by any rule of the *OSFM*, except during such time as the extinguisher, or *fixed fire extinguishing system* is being inspected, serviced, or tested;
 2. Falsified any records required to be maintained by this chapter or rules adopted thereto;
 3. Improperly serviced, tested, or inspected a fire extinguisher or *fixed fire extinguishing system*;
 4. Allowed another *person* to use his permit or license number or use a license or permit number other than the license or permit holder's valid license or permit number; or

5. Obliterated the serial number on a fire extinguisher for purposes of falsifying service records.

71-8303.17. Responsibility of Equipment Manufacturer.

All manufacturers of *portable fire extinguishers* and *fixed fire extinguishing systems* doing business in South Carolina shall provide the *OSFM* with all technical information as well as installation instructions that apply to their systems and equipment sold, installed, serviced or tested in South Carolina. This technical information shall include design revisions and updating information on systems sold in South Carolina.

71-8303.18. Penalties.

The *OSFM* may issue a *citation* for each offense to any *person, firm, or corporation* licensed under these regulations who has violated any provision of this subarticle. The *OSFM* may assess fines for each charge to both the fire equipment company and the permit holder. *Citations* may be assessed by the *OSFM* at not more than two thousand (\$2000.00) per violation.