

By: Representative Martinson

To: Insurance

## HOUSE BILL NO. 59

1 AN ACT TO REQUIRE THE LICENSING OF COMMERCIAL FIRE  
2 SUPPRESSION SYSTEMS FOR COOKING OPERATIONS AND PORTABLE FIRE  
3 EXTINGUISHERS; TO PROVIDE FOR THE ADMINISTRATION OF SUCH LICENSING  
4 BY THE STATE FIRE MARSHAL; TO ESTABLISH A PENALTY FOR VIOLATING  
5 THE LICENSING PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** In the interest of public safety, any person,  
8 company or corporation who engages in the sale, installation or  
9 service of commercial fire suppression systems for cooking  
10 operations and portable fire extinguishers shall comply with all  
11 appropriate standards of the National Fire Protection Association  
12 and the requirements of the International Fire Code as published  
13 by the International Code Council in corporation with the Southern  
14 Building Code Congress International, Inc., Birmingham, Alabama,  
15 as revised or amended.

16 **SECTION 2.** The State Fire Marshal shall promulgate such  
17 rules and regulations as are necessary to carry out the provisions  
18 and licensure requirements for all persons, company or  
19 corporations for commercial fire suppression systems for cooking  
20 operations and portable fire extinguishers.

21 **SECTION 3.** (1) After July 1, 2004, every person, company or  
22 corporation who engages in the sale, installation and service of  
23 commercial fire suppression systems for cooking operations and  
24 portable fire extinguishers within the State of Mississippi shall  
25 apply for and obtain a license from the State Fire Marshal. All  
26 funds received by the State Fire Marshal shall be deposited in a  
27 special fund account in the State Treasury to be credited to the  
28 Department of Insurance.

29           (2) The applicant shall certify in the application to the  
30 State Fire Marshal that the applicant is able to comply with all  
31 requirements of the National Fire Protection Association Standards  
32 as they relate to the installation, service and maintenance of  
33 commercial fire suppression systems for cooking operations and  
34 portable fire extinguishers.

35           (3) License shall be issued to persons, companies or  
36 corporations who have satisfactorily met the minimum experience  
37 requirements and completed and passed a competency test  
38 administered by the State Fire Marshal.

39           (4) The State Fire Marshal shall administer this act and may  
40 set or charge the amount of the license fee as may be necessary  
41 for the administration and enforcement of this act. Such fee  
42 shall not exceed One Hundred Dollars (\$100.00).

43           **SECTION 4.** The State Fire Marshal may issue and deliver an  
44 order to cease and desist to any persons, companies or  
45 corporations who he has reason to believe is or has been in  
46 violation of this act. Whoever fails to comply with any order  
47 issued under this section shall be assessed a civil fine of not  
48 more than One Thousand Dollars (\$1,000.00) for each day of such  
49 violation. Violation of this act or failure to comply with an  
50 order to cease and desist shall also constitute cause for  
51 revocation of the license.

52           Any persons, companies or corporations that knowingly and  
53 willfully fail to obtain the applicable license under this act and  
54 who are required to obtain such license under this act and who may  
55 knowingly and willfully violate any provision of this act or any  
56 rules and regulations made hereafter with respect to the  
57 commercial fire suppression systems for cooking operations and  
58 portable fire extinguishers are guilty of a misdemeanor and, upon  
59 conviction thereof, shall be fined not more than One Thousand  
60 Dollars (\$1,000.00) or imprisoned not more than one (1) year, or  
61 both.

62           **SECTION 5.** This act shall take effect and be in force from  
63 and after July 1, 2004.