
FIRE PREVENTION LICENSING PROGRAM RULES

AS OF JUNE 30, 2021

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DEPARTMENT OF LABOR AND INDUSTRY

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Subchapter 3

Definitions

24.144.301 DEFINITIONS The following definitions apply to the use of the listed terms in Title 50, chapter 39, part 1, MCA, and in these rules:

(1) "Commercial general liability insurance" means insurance that covers bodily injury and property damage, personal and advertising injury and medical payments resulting from, but not limited to, premises/operations claims and products/completed operations claims.

(2) "ESA/NTS" means the Electronic Security Association/National Training School.

(3) "Fire protection equipment" means the components of any fire alarm system, special agent fire suppression system, or fire extinguishing system.

(4) "Fire sprinkler system" means a fire extinguishing system.

(5) "National testing agency" means a certifying organization that has been approved by the department as having qualifications that are at least substantially equivalent to the requirements of this state for licensing.

(6) "NICET" means national institute for certification in engineering technologies. (History: 50-39-107, MCA; IMP, 50-39-101, 50-39-102, 50-39-103, 50-39-108, MCA; NEW, 1996 MAR p. 748, Eff. 3/22/96; AMD, 1998 MAR p. 458, Eff. 2/13/98; TRANS, from Commerce, 2005 MAR p. 261; AMD, 2021 MAR p. 565, Eff. 5/15/21.)

Subchapter 4

General Provisions

Rule 24.144.401 reserved

24.144.402 DUTY TO REPORT NAME, ADDRESS, AND OWNERSHIP CHANGES (1) An entity licensed or individual endorsed shall report a change of name or address to the department within 15 days of the change. The entity or person shall also record the new name or address on the reverse side of the license and endorsement.

(2) An entity licensed shall report a change of ownership to the department within 15 days of the change. (History: 50-39-107, MCA; IMP, 50-39-101, 50-39-102, MCA; NEW, Eff. 10/5/75; AMD, 1983 MAR p. 15, Eff. 1/14/83; AMD, 1993 MAR p. 2953, Eff. 12/10/93; TRANS, 1996 MAR p. 748, Eff. 3/22/96; TRANS, from Commerce, 2005 MAR p. 261; AMD, 2021 MAR p. 565, Eff. 5/15/21.)

24.144.403 PROOF OF INSURANCE (1) Prior to issuance of a license and annually thereafter the entity shall obtain, maintain in full force and file with the department a full term commercial general liability insurance policy from an insurance company authorized to do business in the state of Montana and except as provided in (5), submit verification of workers' compensation insurance.

(2) An entity engaging in the business of servicing fire extinguishers shall submit a copy of commercial general liability insurance with a minimum limit per occurrence of \$500,000 that includes premises/operations and products/completed operations coverage.

(3) An entity engaging in the business of selling, servicing or installing fire alarm systems, special agent fire suppression systems or fire extinguisher systems shall submit a copy of commercial general liability insurance with a minimum limit per occurrence of \$1,000,000 that includes premises/operations and products/completed operations coverage.

(4) Failure to maintain liability insurance required under this chapter constitutes grounds for denial, suspension or revocation of a license.

(5) Sole proprietors or working members of a partnership who are on file with the Department of Labor and Industry as independent contractors, with no employees, need not submit workers' compensation but shall submit independent contractor exemption verification to the department. (History: 50-39-107, MCA; IMP, 50-39-102, MCA; NEW, 1993 MAR p. 2953, Eff. 12/10/93; TRANS, 1996 MAR p. 748, Eff. 3/22/96; TRANS, from Commerce, 2005 MAR p. 261; AMD, 2021 MAR p. 565, Eff. 5/15/21.)

24.144.404 DUPLICATE LICENSE OR ENDORSEMENT (REPEALED)
(History: 50-3-102, MCA; IMP, 37-1-134, 50-3-102, MCA; NEW, Eff. 10/5/75; AMD, Eff. 12/4/76; AMD, 1983 MAR p. 15, Eff. 1/14/83; AMD, 1993 MAR p. 2953, Eff. 12/10/93; TRANS, 1996 MAR p. 748, Eff. 3/22/96; TRANS, from Commerce, 2005 MAR p. 261; AMD, 2006 MAR p. 1583, Eff. 7/1/06; REP, 2021 MAR p. 565, Eff. 5/15/21.)

FIRE PROTECTION
AND FIREWORKS WHOLESALERS

24.144.415

Rules 24.144.405 through 24.144.410 reserved

<u>24.144.411 FEES</u> (1) Endorsement to sell, service, or install fire alarm systems	\$100
(2) Endorsement to sell, service, or install special agent fire suppression systems	100
(3) Endorsement to sell, service, or install fire extinguishing systems	100
(4) Business entity license	200
(5) Fireworks wholesaler permit	45
(6) Renewal of endorsement(s), regardless of the number of endorsements held by an individual	100
(7) Renewal of business entity license	200

(History: 50-37-104, 50-39-107, MCA; IMP, 50-37-104, 50-39-102, MCA; Eff. 10/5/75; AMD, 1983 MAR p. 15, Eff. 1/14/83; AMD, 1985 MAR p. 936, Eff. 7/12/85; AMD, 1993 MAR p. 2953, Eff. 12/10/93; TRANS, AMD, 1996 MAR p. 748, Eff. 3/22/96; TRANS, from Commerce, 2005 MAR p. 261; AMD, 2006 MAR p. 224, Eff. 1/27/06; AMD, 2021 MAR p. 565, Eff. 5/15/21.)

Rules 24.144.412 through 24.144.414 reserved

24.144.415 APPRENTICES-APPROVED PROGRAMS (REPEALED)
(History: 50-39-107, MCA; IMP, 50-39-101, MCA; NEW, 1996 MAR p. 748, Eff. 3/22/96; AMD, 1998 MAR p. 458, Eff. 2/13/98; TRANS, from Commerce, 2005 MAR p. 261; REP, 2021 MAR p. 565, Eff. 5/15/21.)

Subchapter 5

Licensing

24.144.501 WHO MUST OBTAIN AN ENDORSEMENT (1) Except as provided in (2), a person must obtain an endorsement from the department prior to selling, servicing or installing fire alarm systems, special agent fire suppression systems or fire extinguishing systems.

(2) The following persons need not obtain an endorsement:

(a) a manufacturer filling or charging a fire extinguisher prior to its initial sale.

(b) an apprentice, so long as the person performs the installation or service of fire protection equipment under the immediate personal supervision of a person holding an endorsement.

(c) an owner, manager or maintenance personnel making monthly inspections on their own facilities of fire extinguishers.

(d) an owner or occupant of a single family residence performing installation of fire protection equipment as long as the authority having jurisdiction approves the installation.

(3) Persons or entities that engage only in the routine visual inspection of fire alarm systems, special agent fire suppression systems or fire extinguishing systems owned by the person or entity and installed on property under their control are exempt from obtaining a license or endorsement from the department; however, these persons or entities are not exempt if they service or install fire protection equipment. (History: 50-39-107, MCA; IMP, 50-39-101, 50-39-102, MCA; NEW, Eff. 10/5/75; AMD, Eff. 12/4/76; AMD, 1983 MAR p. 15, Eff. 1/14/83; AMD, 1985 MAR p. 936, Eff. 7/12/85; AMD, 1991 MAR p. 1839, Eff. 9/27/91; AMD, 1993 MAR p. 2953, Eff. 12/10/93; TRANS, AMD, 1996 MAR p. 748, Eff. 3/22/96; AMD, 1998 MAR p. 458, Eff. 2/13/98; TRANS, from Commerce, 2005 MAR p. 261; AMD, 2021 MAR p. 565, Eff. 5/15/21.)

24.144.502 EXAMINATION FOR ENDORSEMENT (1) The department shall issue an endorsement for both non-pre-engineered and pre-engineered fire alarm systems, special fire agent suppression systems, or fire extinguishing systems to an individual who pays the required fee and submits satisfactory documentation that the applicant satisfies one of the following:

(a) currently holds the equivalent of endorsement in another jurisdiction (state, territory, federal government, federally recognized tribe, country or local government), provided that the applicant meets or exceeds the qualifications for endorsement in this state;

(b) has been issued a letter of certification, specific to the endorsement being sought:

(i) of NICET Level II or higher, or is a candidate for certification from NICET Level II or higher;

(ii) from ESA/NTS as a certified alarm technician level II or higher for a fire alarm systems endorsement; or

(iii) from any national testing agency approved by the department per ARM 24.144.301; or

(c) is currently licensed as an engineer in any jurisdiction (state, territory, federal government, federally recognized tribe, country or local government), that has licensure standards as stringent as or more stringent than those for licensure as an engineer in the state of Montana; or

(d) has successfully completed an apprenticeship program approved by the department.

(2) The department shall issue an endorsement for pre-engineered fire alarm systems, or special fire agent suppression systems to an individual who submits proof of manufacturer training on the specific brand and model of such pre-engineered system for which the applicant seeks endorsement. An endorsement granted under this rule shall be valid only for the brand and model number specified on the endorsement. Those extinguisher system endorsements issued under this rule prior to February, 1998, will remain valid until or unless the endorsement is not renewed by the renewal date or is revoked. (History: 50-39-107, MCA; IMP, 50-39-101, 50-39-102, MCA; NEW, Eff. 10/5/75; AMD, Eff. 12/4/76; AMD, 1983 MAR p. 15, Eff. 1/14/83; AMD, 1985 MAR p. 936, Eff. 7/12/85; AMD, 1991 MAR p. 1839, Eff. 9/27/91; AMD, 1993 MAR p. 2953, Eff. 12/10/93; TRANS, AMD, 1996 MAR p. 748, Eff. 3/22/96; AMD, 1998 MAR p. 458, Eff. 2/13/98; TRANS, from Commerce, 2005 MAR p. 261; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2021 MAR p. 565, Eff. 5/15/21.)

24.144.503 APPLICATION PROCEDURE (REPEALED) (History: 50-39-107, MCA; IMP, 50-39-102, 50-39-103, 50-39-105, MCA; NEW, 1996 MAR p. 748, Eff. 3/22/96; AMD, 1998 MAR p. 458, Eff. 2/13/98; TRANS, from Commerce, 2005 MAR p. 261; REP, 2021 MAR p. 565, Eff. 5/15/21.)

Subchapter 6 reserved

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Subchapter 7

Fireworks Wholesalers

24.144.701 FIREWORKS WHOLESALER PERMIT (1) Applicants for fireworks wholesaler permits must submit an application, pay the appropriate fee, and meet the qualifications of 50-37-104, MCA. (History: 50-37-104, MCA; IMP, 50-37-104, MCA; NEW, 1985 MAR p. 916, Eff. 7/12/85; AMD, 1988 MAR p. 171, Eff. 1/29/88; TRANS, from 8.70.1401, 1995 MAR p. 1934, Eff. 9/29/95; TRANS, from Commerce, 2005 MAR p. 261; AMD, 2021 MAR p. 565, Eff. 5/15/21.)

24.144.702 CONTENTS OF FIREWORKS WHOLESALE PERMIT (REPEALED) (History: 50-37-104, MCA; IMP, 50-37-104, MCA; NEW, 1985 MAR p. 916, Eff. 7/12/85; TRANS, from 8.70.1402, 1995 MAR p. 1934, Eff. 9/29/95; TRANS, from Commerce, 2005 MAR p. 261; REP, 2021 MAR p. 565, Eff. 5/15/21.)

Subchapters 8 through 20 reserved

Subchapter 21

Continuing Education

24.144.2101 CONTINUING EDUCATION (1) Continuing education (CE) is education required in addition to the educational requirements for endorsement.

(2) The department will not pre-approve CE programs or sponsors. It is the responsibility of the endorsee to select quality programs that are related to the practice of installing or servicing fire protection equipment.

(3) Endorsees shall obtain a minimum of four hours (60 minutes per hour) annually and affirm an understanding of their recurring duty to comply with CE requirements as a part of license renewal. The CE requirement does not apply until an endorsee's first full year of endorsement.

(4) The department may randomly audit up to 50 percent of renewed endorsees.

(5) Endorsees shall retain documentation of CE completion for three years from the date of completion and provide such documentation to the department upon request.

(6) Continuing education hours or credits may not be carried over to any subsequent reporting period.

(7) Endorsees found to be in noncompliance with CE requirements may be subject to administrative suspension.

(8) The department accepts the following CE programs for CE credit:

(a) workshops, seminars and educational conferences sponsored by fire protection equipment manufacturers or trade associations;

(b) courses in specialized programs;

(c) correspondence course work;

(d) electronic or online instruction or course work;

(e) any CE which has been obtained in another state that meets the requirements of Montana;

(f) college or vocational school course work which is germane to the profession and contributes directly to the professional competence of the endorsed individual, subject to the following limitations:

(i) the endorsed individual must pass the course;

(ii) one semester credit shall equal 15 hours of CE; and

(iii) one quarter credit shall equal 10 hours of CE.

(g) teaching courses that are germane to the profession. Credit units may be applied in this category based on a report by the endorsed individual. For a one-hour presentation, the presenter will be awarded two hours of CE. The following limitations shall apply to credit under this section:

(i) documentation must be submitted showing the endorsee as the instructor of the course;

(ii) the course must be addressed to endorsed individuals in order to qualify for credit;

(iii) a course outline must be provided to the department; and

(iv) instruction of any course may be submitted for CE only once. (History: 50-39-107, MCA; IMP, 37-1-141, 37-1-321, 37-1-420, 50-39-102, MCA; NEW, 1993 MAR p. 2953, Eff. 12/10/93; TRANS, AMD, 1996 MAR p. 748, Eff. 3/22/96; AMD, 1998 MAR p. 458, Eff. 2/13/98; TRANS, from Commerce, 2005 MAR p. 261; AMD, 2021 MAR p. 565, Eff. 5/15/21.)

24.144.2102 RENEWALS (REPEALED) (History: 37-1-141, 50-39-107, MCA; IMP, 37-1-141, 50-39-102, MCA; NEW, 1991 MAR p. 1839, Eff. 9/27/91; AMD, 1993 MAR p. 2953, Eff. 12/10/93; TRANS, AMD, 1996 MAR p. 748, Eff. 3/22/96; TRANS, from Commerce, 2005 MAR p. 261; AMD, 2006 MAR p. 224, Eff. 1/27/06; AMD, 2006 MAR p. 1583, Eff. 7/1/06; REP, 2021 MAR p. 565, Eff. 5/15/21.)