

**557.1. "A" Definitions.**

(d) Advertise. As used herein includes, but not by way of limitation, the issuance of any card, sign, or device to any person, the causing, permitting, or allowing of any sign or marking on or in any building or structure, or in any newspaper, magazine, or by airwave or any electronic transmission, or in any directory under a listing for inspection testing, maintenance or service covered by this Chapter, with or without any limiting qualifications.

*CALSAFE Comment:*

**With this definition of Advertise it tightens the ability to insure that a separate license is acquired for each "Advertised" Location. You cannot maintain a license in one city and have an individual operate under that license in another city where you "advertise" that 2nd location in any way. A separate license is required.**

*H&S 13170 "Advertisements; prima facie evidence of business location. Any advertisement of the servicing, charging, or testing of portable fire extinguishers constitutes prima facie evidence that the premises, business, building, room, shop, store or establishment in or upon which it appears, or to which it refers, is a separate place of business location."*

**557.3. "C" Definitions.**

(c) Category 1, 2 or 3 violation means the failure of a person to comply with any regulation, information request or order that directly affects the public safety or results in fraudulently obtained economic benefit.

(d) Category A or B violation means the failure of a person to comply with any administrative or non public safety regulation.

*CALSAFE Comment:*

**These Categories will be used in classifying and defining lengths of time for suspensions assigned to the various regulation sections. These are defined later in the package.**

**1,2 or 3 are the more serious violations that will carry the more severe penalty while A and B are defined as administrative and do not affect public safety.**

(k)Conviction. Means being found guilty of any felony, misdemeanor or administrative offense in California or in any other State or place, including entering a plea of nolo contendere or no contest and, including any conviction which has been expunged.

*CALSAFE Comment:*

**A new definition of conviction is proposed and the word is used later in the proposed regulation.**

### 557.5. "E" Definitions

(g) Exchange. The placement of a portable fire extinguisher that has all of the required services in place of a portable fire extinguisher that requires service.

*CALSAFE Comment:*

**Exchange becomes a key definition in that the proposed regulations will address “exchanges”.**

### 557.19 “S” Definitions

(d) Service Vehicle. A properly equipped vehicle used for the inspection, maintenance, service, or test of portable fire extinguishers.

*CALSAFE Comment:*

**The description “properly equipped” has been added to the definition of Service Vehicle. Properly equipped will be defined by the FE-4 list of equipment available on the OFSM website (copy included). Remember that in addition to being properly equipped a service vehicle must also be properly marked as defined in 560.4 (requires business name, license # and phone number on each side of the vehicle).**

### 560.6. ~~Condemned Extinguisher~~ Portable Fire Extinguisher Exchanges

Exchanges of portable fire extinguishers as defined in Section 557.5 are not allowed. Exception: As allowed in Section 575.1 and 591.5

*CALSAFE Comment:*

**560.6 is one of the more significant proposed changes. It clearly states that Exchanges (as defined above) ARE NOT ALLOWED. The exceptions in 575.1 and 591.5 allow extinguishers to be left as loaners where the customer’s original extinguisher taken away for service will be brought back.**

### 563.1. Instruction Manual.

An extinguisher instruction manual shall be provided to the owner or the owner's agent giving condensed instructions and cautions necessary to its installation, operation, inspection and maintenance. This manual shall be provided upon the sale or transfer of the extinguisher. The manual ~~may~~ shall be specific to the extinguisher involved or it may cover many types.

*CALSAFE Comment:*

**This is a wording correction to clarify the intent of the section. It is intended that the manual include the type extinguisher that is being sold. The word “may” was too optional. While all manufactures provide manuals with their extinguishers not everyone is diligent about passing it onto the buyer. It is worthwhile reminding everyone that this manual is required during any sale or transfer weather the extinguisher is new or reconditioned.**

### 575.1 Maintenance and Required Service Intervals

(i) Exchanges of portable fire extinguishers in lieu of completing the required maintenance or repair are not allowed. Portable fire extinguishers shall not be removed from the premises for internal maintenance or repair without being temporarily replaced by a fire extinguisher suitable for the type of hazard being protected and shall be of at least equal rating and size. *The replacement extinguisher shall be* labeled as “LOANER” on the back of the Annual Maintenance tag. The owner’s original unit shall be returned within 60 calendar days. Documentation must be left with the customer that contains the following:

- (1) Specific reason for removal
- (2) Date of removal
- (3) Serial number of extinguisher removed
- (4) Signature by the owner or owner’s representative
- (5) Concern name
- (6) License number
- (7) Technician’s name
- (8) Certificate of Registration number

### 591.5. Replacement Extinguishers

Portable fire extinguishers shall not be removed from the premises for hydrostatic testing or any other purpose, without first temporarily replacing the with a fire extinguisher suitable for the type of hazard being protected and shall be at least equal rating and size replacing the extinguisher with a unit rated for the hazard being protected. Exchanges of portable fire extinguishers as defined in Sec 557.5 are not allowed as an alternative to performing the required hydrostatic testing. The replacement extinguisher shall be....*(the rest of the wording is the same as above)*

*CALSAFE Comment:*

**This wording restates the fact that exchanges are not allowed in lieu of performing maintenance or repair. An extinguisher that is removed for service is to be temporarily replaced by an extinguisher suitable for the type of hazard being protected and must be the same size and at least rated the same as the removed extinguisher. Note the other new requirements for this “loaner” extinguisher:**

**The word “Loaner” must appear on the back of its service tag**

**The owner’s “original” extinguisher returned within 60 days**

**A document left with owner that includes these 8 items**

**This “replacement extinguisher” wording is repeated in 591.5 under hydrostatic testing Article 7. In 595.5 it again states that exchanges are not allowed as an alternative to performing the hydrostatic test.**

**So if your customer does not want to pay for the maintenance or service then the alternative would be to sell them a new or reconditioned extinguisher. Recognizing this, the original package had language to regulate the sale of “used extinguishers”. That wording was pulled and may be addressed in a later package.**

**595.4. Duplicate Issuance.**

... A fee ~~equal to fifty percent (50%) of the original fee as prescribed in Section 560~~ shall be submitted for the issuance of a duplicate certificate of registration.

**595.7. Business location.**

... A licensed concern shall notify the State Fire Marshal of a change of location on a Fire Extinguisher Concern License Status/Change application form and submit a fee of ~~\$125.00~~ as prescribed in Section 560.

*CALSAFE Comment:*

**The changes in 595.4 & 595.7 are editorial corrections to refer fees to list of fees defined in Section 560.**

**596. General.**

(e) All recorded dates and pressures on Annual Maintenance Tags, Verification of Service Collars and Hydrostatic Test Labels shall be indicated by perforation such as is done by a hand punch.

*CALSAFE Comment:*

**596 (e) was added because of practices like blotting out the selection with a pin. This change makes it mandatory to actually “punch” the selection so the choice is very clearly evident.**

**596.3. Attaching Tag.**

(a) One Annual Maintenance Tag shall be attached only after completing required service to each portable fire extinguisher and in such a position as to be conveniently inspected...

*CALSAFE Comment:*

**This additional wording makes it clear at what point the annual maintenance tag is to be attached. It is only after completing the required service. This spells out another “common sense” action that now has to be spelled out because of how some have abused what they see as a loop hole.**

**596.12. Permissive Use.**

Licensed concerns shall use the Seal of Registration on every Annual Maintenance tag required by this chapter, ~~and may use such seal for any of the following purposes:~~

- ~~(1) Labels for containers of approved portable fire extinguishers.~~
- ~~(2) Labels for portable fire extinguishers not otherwise prohibited by this chapter.~~
- ~~(3) Printed matter including advertising matter and copy for publication.~~
- ~~(4) Letterhead, personal cards and similar stationery.~~
- ~~(5) Stencils for any of the above.~~

*CALSAFE Comment:*

**The ONLY permissive use for the seal would be on the Annual Maintenance tag. NOTE: It will no longer be permissible to use the OSFM seal in any of your advertising!**

**Article 14. WATER TYPE EXTINGUISHERS [REPEALED] Enforcement of Licensing and Certificate of Registration Requirements.**

*CALSAFE Comment:*

**Article 14 will be a completely new Article (recycled from a repealed usage) that focuses on Chapter 3 (Fire Extinguisher) enforcement items.**

**600. Inspection.**

During normal business hours, the State Fire Marshal or designee or the local fire authority may examine or inspect any materials, tools, or documentation of the fire extinguisher concern or service vehicle as required by this chapter to ensure compliance with all applicable laws and regulations.

*CALSAFE Comment:*

**This will establish in regulation the right of either the OFSM or the Local Fire Authority to examine or inspect materials, tools or documentation of a concern's location or service vehicle. No "search warrant" is required.**

**603. Fraudulent Impersonation.**

Any licensee, or employee thereof, who willfully wears, exhibits, or uses the authorized uniform, insignia, emblem, device, label, certificate, card, or writing of an officer or member of a fire department or a deputy state fire marshal, with the intent of fraudulently impersonating an officer or member of a fire department or the Office of the State Fire Marshal, or of fraudulently inducing the belief that he or she is an officer or member of a fire department or the Office of the State Fire Marshal as prohibited in Sections 538(e) of the Penal Code shall be subject to license denial, revocation, or suspension.

*CALSAFE Comment:*

**This is a major concern of the OSFM and local fire enforcement. In many complaint cases the end user has complained that the fraudulent company has been perceived to be in some official capacity because of the way they were dressed and represented themselves. It is always important to represent yourself and the service you are there to perform properly.**

**604. Assessment of Violation.**

When a fire extinguisher concern or certificate of registration holder is found to be in violation of any section of the Health and Safety Code or regulation, the licensee or certificate of registration holder shall be suspended or assessed an administrative penalty in lieu of suspension in accordance with Chapter 12.

*CALSAFE Comment:*

**This is beginning of the new language associated with the legislative authority to allow a fine in lieu of suspension. Chapter 12 is the new chapter to bring into regulation the language allowed by the law which applies to all programs, not just the fire extinguisher program.**

**605 Category of Violation.**

When determining category of violation and days of suspension refer to Tables 6 and 7.

**Table 6**  
**Days of Suspension**

Rating \_\_\_\_\_ Day of Suspension:

(1) Category 1	6 - 10 days
(2) Category 2	4 - 7 days
(3) Category 3	3 - 5 days
(4) Category A	2 - 4 days
(5) Category B	1 - 3 days

*CALSAFE Comment:*

**Table 6 assigns the range of days of suspension that each category is subject to. The range allows the OSFM discursion when assessing a penalty. You can see that Categories 1-3 are the most severe and A & B the least. A & B are administrative and non safety related issues. Table 7 that starts on the next page, assigns a category for each section of Chapter 3.**

**Table 7 Fire Extinguisher Violation**

<u>Section Number</u>	<u>Title of Section</u>	<u>Category</u>
<u>560.2.</u>	<u>Deceptive Practices</u>	<u>1</u>
<u>560.3.</u>	<u>Employer Responsibilities</u>	<u>2</u>
<u>560.4.</u>	<u>Vehicle Marking</u>	<u>2</u>
<u>560.6</u>	<u>Portable Fire Extinguisher Exchanges</u>	<u>1</u>
<u>563.</u>	<u>Operating Instructions</u>	<u>A</u>
<u>563.1.</u>	<u>Instruction Manual</u>	<u>B</u>
<u>565.</u>	<u>Selection of Fire Extinguishers</u>	<u>B</u>
<u>565.1.</u>	<u>Classification of Hazards</u>	<u>B</u>
<u>565.2.</u>	<u>Selection by Hazard</u>	<u>B</u>
<u>566.</u>	<u>Application for Specific Hazards</u>	<u>A</u>
<u>567.</u>	<u>Distribution of Fire Extinguishers</u>	<u>B</u>
<u>567.2.</u>	<u>Cabinets</u>	<u>A</u>
<u>567.3.</u>	<u>Installation</u>	<u>3</u>
<u>567.4.</u>	<u>Brackets</u>	<u>3</u>
<u>567.5.</u>	<u>Physical Damage Protection</u>	<u>3</u>
<u>567.6.</u>	<u>Mounting</u>	<u>A</u>
<u>567.7.</u>	<u>Sealed Cabinets</u>	<u>B</u>
<u>567.8.</u>	<u>Installation Temperatures</u>	<u>3</u>
<u>568.</u>	<u>Fire Extinguisher Size and Placement for Class A Hazards</u>	<u>3</u>
<u>569.</u>	<u>Fire Extinguisher Size and Placement for Class B Fires other than for Fires in Flammable Liquids of Appreciable Depth</u>	<u>3</u>
<u>570.</u>	<u>Fire Extinguisher Size and Placement for Class B Fires in Flammable Liquids of Appreciable Depth Mounting</u>	<u>3</u>

**PROPOSED REGULATION**  
**NOT YET SUBMITTED FOR PUBLIC COMMENT**

<u>571.</u>	<u>Fire Extinguisher Size and Placement for Class C Hazards</u>	<u>3</u>
<u>572.</u>	<u>Size and Placement for Class D Hazards</u>	<u>3</u>
<u>573.</u>	<u>Fire Extinguisher Size and Placement for Commercial Cooking Operations</u>	<u>3</u>
<u>574.</u>	<u>General</u>	<u>B</u>
<u>574.1</u>	<u>Frequency of Inspection</u>	<u>B</u>
<u>574.2.</u>	<u>Inspection Procedures</u>	<u>1</u>
<u>574.3.</u>	<u>Corrective Action</u>	<u>1</u>
<u>574.4.</u>	<u>Nonrechargeable Extinguishers</u>	<u>1</u>
<u>574.5.</u>	<u>Inspection Recordkeeping</u>	<u>B</u>
<u>575.</u>	<u>Servicing, General</u>	<u>2</u>
<u>575.1.</u> <u>(a/b/c/d)</u>	<u>Maintenance and Required Service Intervals</u>	<u>1</u>
<u>575.1.</u> <u>(e)</u>	<u>Maintenance and Required Service Intervals</u>	<u>A</u>
<u>575.1.</u> <u>(f/g/h/i)</u>	<u>Maintenance and Required Service Intervals</u>	<u>1</u>
<u>575.1. (i)</u>	<u>Exchanges of portable fire extinguishers</u>	<u>A</u>
<u>575.2.</u>	<u>Maintenance Requirements</u>	<u>1</u>
<u>575.3.</u>	<u>Maintenance Procedures</u>	<u>1</u>
<u>575.4.</u>	<u>Dry Chemical and Dry Powder Portable Fire Extinguishers</u>	<u>1</u>
<u>575.5.</u>	<u>Carbon Dioxide Extinguishers</u>	<u>1</u>
<u>575.6.</u>	<u>Halogenated Agent Extinguisher</u>	<u>1</u>
<u>575.7.</u>	<u>Stored Pressure Water Type Extinguishers.</u>	<u>1</u>
<u>575.8.</u>	<u>AFFF and FFFP Extinguishers</u>	<u>1</u>
<u>575.9.</u>	<u>Pump-Tank Extinguishers</u>	<u>1</u>
<u>575.10.</u>	<u>Out of Service</u>	<u>2</u>
<u>575.11.</u>	<u>Safety Pins</u>	<u>1</u>
<u>575.12.</u>	<u>Seal or Tamper Indicators</u>	<u>1</u>
<u>575.13.</u>	<u>Anti-freeze Solution</u>	<u>1</u>
<u>575.14.</u>	<u>Nitrogen Cylinder Operated Wheeled Extinguishers</u>	<u>1</u>
<u>575.15.</u> <u>(a)</u>	<u>Conductivity Test</u>	<u>1</u>
<u>575.15</u> <u>(b)</u>	<u>Conductivity Test</u>	<u>A</u>
<u>575.16.</u>	<u>Wet Chemical Fire Extinguishers</u>	<u>1</u>
<u>576.1.</u>	<u>Maintenance Recordkeeping</u>	<u>A</u>
<u>577.1.</u>	<u>Condemned Extinguishers</u>	<u>1</u>
<u>577.2.</u>	<u>Obsolete Fire Extinguishers</u>	<u>1</u>
<u>578.1.</u>	<u>Recharging, General</u>	<u>1</u>
<u>578.2.</u>	<u>Recharge Agents</u>	<u>1</u>
<u>578.3.</u>	<u>Dry Powder</u>	<u>1</u>
<u>578.4.</u>	<u>Replacement Pressure Gauge</u>	<u>1</u>
<u>578.5.</u>	<u>Precautionary Pressurizing Measures</u>	<u>3</u>
<u>578.6.</u>	<u>Pressurizing Gas</u>	<u>1</u>
<u>578.7.</u>	<u>Conversion of Extinguisher Types</u>	<u>1</u>
<u>578.8.</u>	<u>Removal of Moisture</u>	<u>1</u>
<u>578.9.</u>	<u>Carbon Dioxide Recharging</u>	<u>1</u>
<u>578.10.</u>	<u>Leak Test</u>	<u>1</u>
<u>578.11.</u>	<u>Recharging Water Types</u>	<u>1</u>

**PROPOSED REGULATION**  
**NOT YET SUBMITTED FOR PUBLIC COMMENT**

<u>578.12.</u>	<u>Wet Chemical Agent Re-use</u>	<u>1</u>
<u>591.1.</u>	<u>Hydrostatic Testing, General</u>	<u>1</u>
<u>591.2.</u>	<u>Corrosion</u>	<u>1</u>
<u>591.3.</u>	<u>Written Certification</u>	<u>1</u>
<u>591.4.</u>	<u>Restricted Service</u>	<u>1</u>
<u>591.5.</u>	<u>Replacement Extinguishers</u>	<u>1</u>
<u>591.6.</u>	<u>Examination of Cylinder Condition</u>	<u>1</u>
<u>591.7.</u>	<u>Aluminum Shell/Cylinder</u>	<u>1</u>
<u>592.</u>	<u>Frequency</u>	<u>1</u>
<u>592.1.</u>	<u>Compressed Gas Cyl. and Cart.</u>	<u>1</u>
<u>592.2.</u>	<u>Hose Assemblies</u>	<u>1</u>
<u>592.3.</u>	<u>Vehicles</u>	<u>1</u>
<u>592.4.</u>	<u>Non-refillable Factory-sealed Disposable Containers</u>	<u>1</u>
<u>593.1.</u>	<u>Test Pressures, High Pressure Cylinders</u>	<u>1</u>
<u>593.2.</u>	<u>Stored Pressure Types</u>	<u>1</u>
<u>593.3.</u>	<u>Cartridge-Operated Types</u>	<u>1</u>
<u>594.1.</u>	<u>Test Equipment and Procedure, General</u>	<u>1</u>
<u>594.2.</u>	<u>Test Equipment D.O.T. Specification Cylinders</u>	<u>A</u>
<u>594.3.</u>	<u>Test Equipment for Low Pressure Non-D.O.T. Specification Cylinders</u>	<u>A</u>
<u>594.4.</u>	<u>Testing Procedures</u>	<u>1</u>
<u>594.5.</u>	<u>Recording of Tests</u>	<u>A</u>
<u>595.5.</u>	<u>Fire Extinguisher License Types</u>	<u>A</u>
<u>(b)–(e)</u>		
<u>595.6.</u>	<u>Concern Name</u>	<u>A</u>
<u>595.7.</u>	<u>Business location</u>	<u>A</u>
<u>595.8.</u>	<u>Posting of License</u>	<u>A</u>
<u>595.9.</u>	<u>Certificates of Registration</u>	<u>3</u>
<u>595.11.</u>	<u>Possession of Certificate of Registration</u>	<u>A</u>
<u>595.12.</u>	<u>Employer’s Responsibility</u>	<u>B</u>
<u>595.13.</u>	<u>Insurance</u>	<u>A/2 *</u>
<u>596.</u>	<u>General</u>	<u>A</u>
<u>596.1.</u>	<u>Required Information</u>	<u>A</u>
<u>596.2.</u>	<u>Size Color and Material</u>	<u>A</u>
<u>596.3.</u>	<u>Attaching Tag</u>	<u>3</u>
<u>596.4.</u>	<u>Format</u>	<u>A</u>
<u>596.5.</u>	<u>Date Serviced and Signature</u>	<u>A</u>
<u>596.6.</u>	<u>Restrictive Use</u>	<u>3</u>
<u>596.7.</u>	<u>Removal of Tags</u>	<u>3</u>
<u>596.9.</u>	<u>Unlawful Use of Listed Label</u>	<u>3</u>
<u>596.10.</u>	<u>Marking of Fire Extinguishers</u>	<u>3</u>
<u>596.11.</u>	<u>Seal of Registration</u>	<u>A</u>
<u>596.12.</u>	<u>Permissive Use</u>	<u>A</u>
<u>596.13.</u>	<u>Unlawful Use</u>	<u>3</u>
<u>596.14.</u>	<u>Cease Use Order</u>	<u>3</u>
<u>600.</u>	<u>Inspection</u>	<u>2</u>
<u>602.</u>	<u>Advertisement</u>	<u>2</u>
<u>603.</u>	<u>Fraudulent Impersonation</u>	<u>1</u>

\*The maximum daily penalty is to be used \$250.00



**Chapter 12. Portable Internal Combustion Engine-Driven Pumps Enforcement.**

*CALSAFE Comment:*

**Chapter 12 would contain all new language for enforcement that would apply to the various Title 19 programs, such as the fire extinguisher program.**

**Article 1. Administrative**

**1921. Violation of Laws and Regulation.**

(a) The State Fire Marshal or designee may suspend or revoke the company or individual license when it has been determined that the licensee has violated provisions of the Health and Safety Code or the regulation adopted pursuant to Health and Safety Code.

(b) In determining the severity of the suspension the State Fire Marshal or designee shall consider the following factors:

(1) The nature and severity of the violation;

(2) The good or bad faith exhibited by the concern or their employees;

(3) The history of previous violations;

(4) The extent to which they have cooperated with the State Fire Marshal or the investigator;

(5) The extent to which they have mitigated or attempted to mitigate any damage or injury caused by his/her violation;

(6) Number and type of violations;

(7) Any factors in extenuation or aggravation related to the violation; and

(8) Other matters as may be appropriate.

*CALSAFE Comment:*

**This is important information to keep in mind. You have the ability to impact the outcome of the assessment of severity by these different factors. While you cannot change the nature or severity of the violation other than keeping it from happening in the first place, nor the history at the time, you can impact the GOOD or BAD faith exhibited, you can mitigate the damage, you can cooperate with the OSFM. What have you done to correct the situation or what changes have you made to insure it doesn't happen again? How long did it take you to make those changes? Are you sorry that it happened or sorry that you got caught? How cooperative had you been with the OSFM? Are you going in with a fighting mentality or looking at ways to assist their investigation? What have you done to remedy any damage that had been done? Have you taken care of your customer? Have you done the right thing? Do you have a good and documented quality control program in place of your employees? You can see there are a number of things you can do that can be taken into consideration.**

**Article 2. Definitions.**

**1922.1. "C" Definition.**

(a) Company as used herein means a concern.

**1922.2. "I" Definition.**

(a) Individual as used herein means Certification of Registration or license holder regulated under Title 19 California Code of Regulation.

**1922.3. "L" Definition.**

(a) License as used herein means any individual or company regulated under Title 19 California Code of Regulation.

**Article 3. Enforcement.**

**1924. General Provisions.**

**1924.1. Notice of Defense.** The State Fire Marshal or designee may issue a notice of defense containing an order to pay an administrative penalty in lieu of suspension. In no event shall the administrative penalty in lieu of suspension be more than \$250.00 per day or exceed \$10,000.00 for each decision. The number of days of suspension shall be determined in accordance with Section 1926. When the number of days of suspension is not listed the suspension shall be determined by the State Fire Marshal or designee.

*CALSAFE Comment:*

**The option to offer a fine (penalty) in lieu of suspension is at the option of the OSFM and they are not obligated to do so. In most cases it is an advantage to them to do so. There are maximums that are in place which cannot exceed \$ 250 a day nor a total \$ 10,000 per decision.**

**1924.2. Separate Offense.** (a) A person is guilty of a separate offense for each individual violation they commit, or permits to be committed and administrative penalty in lieu of suspension shall be initially assessed at \$150.00 per day.

(b) Second and subsequent decision of the same or additional sections are multiplied by the number of occurrences and are assessed at \$250.00 per day.

*CALSAFE Comment:*

**Note: each violation committed is considered a separate offense. So each extinguisher found with a problem and each problem on the extinguisher can be calculated separately. So an extinguisher that was not properly weighed on an annual maintenance found 36 days ago could be assessed at 36 x \$250 = \$9,000 or 36 extinguishers found that was in violation for one day could be the same.**

**1924.3. Statement of Accusation.** (a) Any person served with a Statement of Accusation and notice of defense may contest the penalty by submitting a written request for a hearing within 15 calendar days of service of the notice of defense. Such hearings shall be conducted pursuant to the Administrative Procedure Act, Chapters 4.5 and 5, commencing with Section 11400 of Part 1 of Division 3 of Title 2 of the Government Code.

(b) In addition to requesting a hearing as described in Subsection (a), the person may, within 15 calendar days of service of the notice of defense, submit a written request for an informal conference with the State Fire Marshal or designee. If a settlement is reached, it shall be binding to both parties and have the same standing as a suspension.

(c) If the Statement of Accusation is affirmed or modified following the informal conference, the person may request a hearing as provided in Subsection (a) within 15 calendar days from the informal conference. The cited person shall not be permitted to request another informal conference.

(d) If the Statement of Accusation is dismissed after the informal conference, the request for a hearing, if any, shall be deemed to be withdrawn.

*CALSAFE Comment:*

**These sections describe your rights to a hearing or informal conference. Within 15 days you can either request a hearing or informal conference or of course pay the penalty if one is offered. If the informal conference is requested and a settlement is reached it is binding. Any modification to the statement of accusation after the settlement allows the person to request a hearing but not another informal conference. The settlement as a result of the conference will be handled like a suspension.**

**1924.4. Submittal of Request for Hearing.** Submittal of a written request for a hearing as provided in Section 1924.3(a), or informal conference as provided in Section 1924.3(b), or both will stay the time period in which to abate the violation.

**1924.5. Failure to Comply with Notice of Defense.** If the written request for a hearing as provided in Section 1924.3(a) or an informal conference as provided in Section 1924.3(b) or both is not submitted within 15 calendar days from service of the notice of defense, the person is deemed to have waived their right to a hearing or an informal conference.

**1924.6. Failure to Pay Fine.** If the person fails to pay the entire administrative penalty within the time allowed, the balance due for the administrative penalty shall be added to the renewal fee for the license and the license shall not be renewed until the fee is paid in full.

**1924.7. Request for New License.** A Licensee shall not apply for a new license until the a suspension or administrative penalty is fulfilled.

*CALSAFE Comment:*

**The rest of these relate to different aspects of the process.**

## **Article 4. Programs**

### **1926. Assessment of Violation.**

(a) When a licensee is found to be in violation of any section of the Health and Safety Code and regulation they may be assessed an administrative penalty in lieu of suspension as prescribed by Chapter 3 Fire Extinguishers.

(b) When a licensee is found to be in violation of any section of the Health and Safety Code and regulation they may be assessed an administrative penalty in lieu of suspension as prescribed by Chapter 5 Automatic Extinguishing Systems.

*CALSAFE Comment:*

**This section confirms the option the OSFM has to assess an administrative penalty in lieu of a suspension.**

## **Article 5. Posting of Conviction**

### **1929. Posting of Revocation, Suspension or Administrative Fine in Lieu Suspension.**

When a license is denied, revoked, suspended or an administrative fine in lieu of suspension is assessed the following information shall be posted for not less than 36 months on the State Fire Marshal website. The following information shall be posted.

(a) Company Name,

- (1) License number,
- (2) Owner/Manager(s) name, and
- (3) Section(s) violated.
- (4) Date of Action

(b) Individual Name,

- (1) License number,
- (2) Employing company (name) and (license number), and
- (3) Section(s) violated.
- (4) Date of Action

*CALSAFE Comment:*

**The final section is the new provision that will allow the OSFM to post those whose license is denied, revoked, suspended OR PAID AN ADMINISTRATIVE FINE to be posted on their website for a 36 month period OR MORE!**

*CALSAFE Comment:*

**Remember these are proposed wordings. They are being reviewed within the OSFM to determine if they should be put forward and what if any of the language or sections should be modified. There is no opportunity of input during this part of the process. The opportunity of input will be during a public comment period when they are published. We will post that information on our website when it takes place.**