

Title 19, Division 1, Chapter 1.5

INITIAL STATEMENT OF REASONS

Pursuant to Health and Safety Code Section 13160 the State Fire Marshal shall adopt and administer regulations and standards for the protection and preservation of life and property to control the servicing, including charging, and testing, of all portable fire extinguishers.

SPECIFIC PURPOSE AND RATIONALE

The proposed regulations will adopt regulations which will require fire extinguisher company service vehicles to be clearly marked with the company's information.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, OR REPORT

The State Fire Marshal has utilized the State Fire Marshal's Fire Extinguisher Advisory Committee and the California State Firefighters Association to analyze the requirements found in these sections.

NECESSITY

There currently exists a problem with numerous fire extinguisher service companies/individuals engaging in fraudulent business practices by claiming to be affiliated with a fire department or otherwise misrepresenting or not correctly identifying themselves and/or the company they represent. By amending the regulations to require fire extinguisher service vehicles to identify the business name, license and phone number, it will allow the consumer or local fire department to easily determine affiliation of the technician and eliminate the majority of these misrepresentations.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE STATE FIRE MARSHAL'S REASONS FOR REJECTING THOSE ALTERNATIVES

The State Fire Marshal staff has thoroughly reviewed this proposed regulatory action, including both the negative and positive impacts it will place upon industry. No alternatives considered by the State Fire Marshal would be more effective in carrying out the purpose for which the regulation is proposed, or would be as effective, or less burdensome to affected private persons than the proposed regulations.

ALTERNATIVES – SMALL BUSINESSES

The proposed regulations have no substantial effect to small business and the State Fire Marshal has not identified any alternatives that would lessen any adverse impact, if any, on small business.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The State Fire Marshal can find no evidence that this action will have a significant adverse economic impact on any business.

COORDINATION WITH FEDERAL LAW

The State Fire Marshal has determined that this proposed regulatory action is necessary in order not to duplicate any federal regulation contained in the Code of Federal Regulations.

Specific sections which have been modified:

Section 557.19 is being proposed to be amended to add a definition of "Service Vehicle".

Necessity: Current regulations do not identify or define "Service Vehicle".

Section 560.4 is being proposed to be amended to add requirements for vehicle marking. The requirements for the "Recall of Extinguishers" is being proposed to be relocated to Section 560.5

Necessity: The requirement for vehicle marking is necessary to aid the consumer and the fire department in identifying individuals servicing fire extinguishers. The relocation of the requirements currently found in this section is necessary to accommodate the addition of the proposed amendment.

Section 560.5 is being proposed to be amended to relocate the requirements currently found in this section to 560.6.

Necessity: This amendment is necessary to accommodate the amendment made to Section 560.4.

Section 560.6 is being proposed to be amended to relocate the requirements currently found in this section to 560.7.

Necessity: This amendment is necessary to accommodate the amendment made to Section 560.4.