

SENATE BILL No. 1173

November 8, 2018, Introduced by Senator JONES and referred to the Committee on Judiciary.

A bill to amend 1941 PA 207, entitled
"Fire prevention code,"
by amending sections 1, 3c, and 21c (MCL 29.1, 29.3c, and 29.21c),
as amended by 2006 PA 189; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Bureau" means the bureau of fire services created in
3 section 1b.

4 (b) "Director" means the director of the department. ~~of labor~~
5 ~~and economic growth.~~

6 (c) "Department" means the department of ~~labor and economic~~
7 ~~growth.~~ **LICENSING AND REGULATORY AFFAIRS.**

8 (d) "Building" means a structure, framework, or place for
9 housing 1 or more persons or a tank, receptacle, or container for
10 the storage of commodities or other materials.

1 (e) "Premises" means a lot or parcel of land, exclusive of
2 buildings, and includes a parking lot, tourist camp, trailer camp,
3 airport, stockyard, junkyard, wharf, pier, and any other place or
4 enclosure.

5 (f) "Fire hazard" means a building, premises, place, or thing
6 that, because of its nature, location, occupancy, condition, or
7 use, may cause loss, damage, or injury to persons or property by
8 fire, explosion, or action of the elements.

9 (g) "Person" means an individual, partnership, corporation, or
10 voluntary association.

11 (h) "Owner" means a person with an ownership interest in
12 property, and includes a trustee, a board of trustees of property,
13 and a person with a freehold interest in property. Owner does not
14 include a lessee or mortgagee of property.

15 (i) "Organized fire department" means a department, authority,
16 or other governmental entity that safeguards life and property from
17 damage from explosion, fire, or disaster and that provides fire
18 suppression and other related services in this state. Organized
19 fire department includes any lawfully organized firefighting force
20 in this state.

21 (j) "State fire marshal" means the individual appointed by the
22 director under section 1b.

23 (k) "Firm" means a sole proprietorship, partnership,
24 association, or corporation.

25 (l) "Vehicle" means a tank vehicle or bulk transportation
26 vehicle, excluding the tractor of a tank vehicle or bulk
27 transportation vehicle.

1 (m) "Hazardous material" means explosives, pyrotechnics,
2 flammable gas, flammable compressed gas, nonflammable compressed
3 gas, flammable liquid, combustible liquid, oxidizing material,
4 poisonous gas, poisonous liquid, irritating material, etiologic
5 material, radioactive material, corrosive material, or liquefied
6 petroleum gas.

7 (n) "Firefighter" means a member of an organized fire
8 department, including a volunteer member or a member paid on call,
9 who is responsible for, or is in a capacity that includes
10 responsibility for, the extinguishment of fires, the directing of
11 the extinguishment of fires, the prevention and detection of fires,
12 and the enforcement of the general fire laws of this state.
13 Firefighter does not include a person whose job description,
14 duties, or responsibilities do not include direct involvement in
15 fire suppression.

16 (o) "Place of public assemblage" means a ~~room or other space~~
17 ~~in a building if the room or other space can accommodate 50 or more~~
18 ~~individuals, including connected rooms and spaces that share a~~
19 ~~common means of entrance and egress. Place of public assemblage~~
20 ~~does not include a private 1- or 2-family dwelling.~~ **BUILDING OR**
21 **STRUCTURE, OR A PORTION THEREOF, USED FOR THE GATHERING OF PERSONS**
22 **FOR PURPOSES INCLUDING, BUT NOT LIMITED TO, CIVIC, SOCIAL, OR**
23 **RELIGIOUS FUNCTIONS, RECREATION, FOOD OR DRINK CONSUMPTION, OR**
24 **AWAITING TRANSPORTATION. A BUILDING OR TENANT SPACE WITH AN**
25 **OCCUPANT LOAD OF FEWER THAN 50 PERSONS IS NOT A PLACE OF PUBLIC**
26 **ASSEMBLAGE.**

27 (p) "Fire chief" or "chief of an organized fire department"

1 means the chief operating officer of an organized fire department.

2 (q) "Board" means the state fire safety board created in
3 section 3b.

4 (r) "Terminal" means a location where an aboveground liquid
5 storage tank containing a flammable liquid is located.

6 (s) "Attended terminal" means a terminal, other than a remote
7 control terminal, where an individual knowledgeable in the
8 aboveground liquid storage tank filling operation is physically in
9 attendance and control during the entire delivery of a flammable
10 liquid and has as his or her primary responsibility supervising the
11 storage tank filling operation.

12 (t) "Unattended terminal" means a terminal, other than a
13 remote control terminal or an attended terminal, where an
14 individual knowledgeable in the aboveground liquid storage tank
15 filling operation is only in attendance during a portion of the
16 time when a flammable liquid is being delivered or the individual's
17 primary responsibility is a function other than supervising the
18 storage tank filling operation.

19 (u) "Remote control terminal" means a terminal where filling
20 an aboveground liquid storage tank with a flammable liquid is
21 controlled at a remote location by the individual who conveyed the
22 flammable liquid to the terminal.

23 (v) "Pipeline" means a pipeline that conveys a flammable
24 liquid from a crude petroleum wellhead collection site to a
25 refinery or terminal or from a refinery to a terminal. Pipeline
26 does not mean gathering lines that convey a flammable liquid from
27 the wellhead to a crude petroleum collection tank or piping used in

1 a plant operation.

2 (w) "Fire alarm system" means an assemblage of components that
3 indicates or provides a warning of a fire emergency, installation
4 of which is required by the bureau under rules promulgated under
5 section 3c.

6 (x) "Fire suppression system" means an integrated combination
7 of a fire alarm system and fire suppression equipment that, as a
8 result of predetermined temperature, rate of temperature rise,
9 products of combustion, flame, or human intervention, will
10 discharge a fire extinguishing substance over a fire area,
11 installation of which is required by the bureau under rules
12 promulgated under section 3c.

13 (y) "Flammable liquid" means a liquid with a flash point below
14 100 degrees Fahrenheit and a vapor pressure that does not exceed 40
15 pounds per square inch absolute at 100 degrees Fahrenheit.

16 (z) "Combustible liquid" means a liquid with a flash point at
17 or above 100 degrees Fahrenheit and below 200 degrees Fahrenheit.

18 (aa) "Owner of a vehicle" means 1 or more of the following:

19 (i) A person who rents or leases the vehicle or has the
20 exclusive use of the vehicle for a period greater than 30 days.

21 (ii) Subject to subparagraph (iii), a person who holds legal
22 title to the vehicle.

23 (iii) If the vehicle is the subject of a conditional sale or
24 lease agreement with the right of purchase upon performance of the
25 conditions in the agreement, and if the conditional vendee or
26 lessee has the immediate right of possession, or if a mortgagor of
27 a vehicle is entitled to possession, the conditional vendee or

1 lessee or mortgagor.

2 (bb) "Noncommercial transportation" means the occasional
3 transportation of personal property by an individual not for
4 compensation or in the furtherance of a commercial enterprise, and
5 transportation not regulated under the motor carrier safety act of
6 1963, 1963 PA 181, MCL 480.11 to 480.25.

7 Sec. 3c. (1) The bureau shall promulgate rules as provided
8 under section 2a pertaining to fire safety requirements for the
9 construction, operation, or maintenance of all of the following:

10 (a) Schools and dormitories, including state supported
11 schools, colleges, and universities and school, college, and
12 university dormitories.

13 (b) Buildings owned or leased by this state.

14 (c) A health facility or agency as defined in section 20106 of
15 the public health code, 1978 PA 368, MCL 333.20106.

16 (d) ~~Places of public assemblage.~~ **THE STORAGE, TRANSPORTATION,**
17 **AND HANDLING OF LIQUEFIED PETROLEUM GAS AND FOR THE STORAGE,**
18 **NONCOMMERCIAL TRANSPORTATION, AND HANDLING OF OTHER HAZARDOUS**
19 **MATERIALS TO THE EXTENT AUTHORIZED BY FEDERAL LAW.**

20 (e) Penal facilities as described in section 62 of the
21 corrections code of 1953, 1953 PA 232, MCL 791.262.

22 (f) Mental facilities as described in section 135 of the
23 mental health code, 1974 PA 258, MCL 330.1135.

24 (2) The bureau shall promulgate other rules as provided in
25 section 2a as necessary to implement this act.

26 (3) Consistent with Executive Reorganization Order ~~Nos.~~ **NO.**
27 1997-2, ~~and 1998-2,~~ MCL 29.451, ~~and 29.461,~~ the department of

1 environmental quality shall promulgate rules pertaining to ~~all of~~
2 ~~the following:~~

3 ~~—— (a) Fire~~**FIRE** safety requirements for the construction,
4 operation, and maintenance of dry cleaning establishments that use
5 flammable liquids.

6 ~~—— (b) The storage, transportation, and handling of liquefied~~
7 ~~petroleum gas and for the storage, noncommercial transportation,~~
8 ~~and handling of other hazardous materials to the extent authorized~~
9 ~~by federal law.~~

10 (4) Rules promulgated under this act ~~shall~~**MUST** be consistent
11 with recognized good practice as evidenced by standards adopted by
12 nationally recognized authorities in the field of fire protection.
13 Experiences identified in the fire incident reports received by
14 this state may be considered by the board and the bureau when
15 reviewing rules promulgated or considering promulgation of new
16 rules under this act.

17 (5) The bureau shall promulgate rules as provided under
18 section 2a for the certification of a firm that does any of the
19 following:

20 (a) Installs, modifies, or documents the installation or
21 modification of a fire suppression system.

22 (b) Documents the installation or modification of a fire alarm
23 system.

24 (c) Performs testing, servicing, inspections, or maintenance
25 that has not been exempted by the rules promulgated by the bureau
26 on fire alarm systems or fire suppression systems.

27 (d) Submits a drawing, plan, or specification of a fire alarm

1 system or fire suppression system to the bureau for approval under
2 section 29, except an architect or professional engineer licensed
3 under article 20 of the occupational code, 1980 PA 299, MCL
4 339.2001 to 339.2014.

5 (6) A person may request a variation of the application of a
6 rule promulgated under this act by applying to the state fire
7 marshal. The state fire marshal may make a variation upon a finding
8 that the variation does not result in a hazard to life or property.
9 The finding ~~shall~~**MUST** be transmitted to the person requesting the
10 variation and entered into the records of the bureau. If the
11 variation requested concerns a building, the finding ~~shall~~**MUST**
12 also be transmitted to the governing body of the city, village, or
13 township in which the building is located.

14 (7) The entire board, except as provided in section 3b(4),
15 shall act as a hearing body in accordance with the administrative
16 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to
17 review and decide a contested case or a ruling of the state fire
18 marshal interpreting or applying the rules. After a hearing, the
19 board may vary the application of a rule or may modify the ruling
20 or interpretation of the state fire marshal if the enforcement of
21 the ruling or interpretation would do manifest injustice and would
22 be contrary to the spirit and purpose of the rules or the public
23 interest.

24 (8) A decision of the board to vary the application of a rule,
25 or to modify or change a ruling of the state fire marshal, ~~shall~~
26 **MUST** specify the variation, modification, or change made, the
27 conditions upon which it is made, and the reasons for the

1 variation, modification, or change.

2 (9) If a local school board passed a resolution calling for an
3 election on the question of the issuance of bonds for the
4 construction or remodeling of or an addition to a school, if the
5 election was held not later than September 28, 1989 and approved
6 issuance of the bonds, and if construction was reasonably
7 anticipated to begin not later than June 30, 1990, the
8 construction, remodeling, or addition to that school was exempt
9 from the rules promulgated by the fire safety board entitled
10 "schools, colleges, and universities", former R 29.301 to R 29.321
11 of the Michigan ~~administrative code~~, **ADMINISTRATIVE CODE**, filed
12 with the secretary of state on July 14, 1989 and effective on July
13 29, 1989. The construction, remodeling, or addition to that school
14 was, however, subject to the standards contained in rules
15 promulgated by the board entitled "school fire safety", former R
16 29.1 to R 29.298 of the Michigan ~~administrative code~~. **ADMINISTRATIVE**
17 **CODE.**

18 Sec. 21c. ~~(1) The bureau or, upon written request of the~~
19 ~~governing body of a city, village, township, or county and the~~
20 ~~approval of the bureau, a fire chief, or a firefighter in uniform~~
21 ~~acting under the orders and directions of a fire chief shall at~~
22 ~~least annually inspect each place of public assemblage to determine~~
23 ~~whether it is being maintained in compliance with this act.~~

24 ~~— (2) A place of public assemblage shall not be established or~~
25 ~~operated without obtaining a certificate from the bureau indicating~~
26 ~~its maximum capacity and that it is in compliance with this act.~~

27 (1) **EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A CITY,**

1 VILLAGE, OR TOWNSHIP IS RESPONSIBLE FOR ADMINISTRATION AND
2 ENFORCEMENT OF THIS SECTION WITHIN ITS POLITICAL BOUNDARY.

3 (2) A FIRE CHIEF, A CERTIFIED FIRE INSPECTOR, OR A CERTIFIED
4 PUBLIC ASSEMBLY FIRE INSPECTOR SHALL AT LEAST ANNUALLY INSPECT EACH
5 PLACE OF PUBLIC ASSEMBLAGE TO DETERMINE WHETHER IT IS BEING
6 MAINTAINED IN COMPLIANCE WITH THIS ACT AND THE CODE.

7 (3) A CITY, VILLAGE, OR TOWNSHIP THAT IS RESPONSIBLE FOR
8 ADMINISTRATION AND ENFORCEMENT OF THIS SECTION MAY ENTER INTO
9 AGREEMENTS WITH CITIES, VILLAGES, TOWNSHIPS, FIRE AUTHORITIES, OR
10 THE COUNTY IN WHICH THE CITY, VILLAGE, OR TOWNSHIP IS LOCATED, OR
11 CONTRACT WITH A CERTIFIED PUBLIC ASSEMBLY FIRE INSPECTOR, FOR THE
12 PURPOSES OF FULFILLING THE REQUIREMENTS OF THIS SECTION. THE
13 GOVERNING BODY OF A COUNTY MAY BY ORDINANCE ASSUME RESPONSIBILITY
14 FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS SECTION PURSUANT TO
15 AN AGREEMENT WITH A CITY, VILLAGE, OR TOWNSHIP. A COUNTY THAT
16 ADOPTS AN ORDINANCE UNDER THIS SUBSECTION SHALL TRANSMIT A COPY OF
17 THE ORDINANCE TO THE STATE FIRE MARSHAL.

18 (4) THE GOVERNING BODY OF A CITY, VILLAGE, OR TOWNSHIP MAY BY
19 ORDINANCE TRANSFER RESPONSIBILITY FOR THE ADMINISTRATION AND
20 ENFORCEMENT OF THIS SECTION TO THE BUREAU. THE GOVERNING BODY OF A
21 CITY, VILLAGE, OR TOWNSHIP THAT PREVIOUSLY TRANSFERRED
22 RESPONSIBILITY FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS
23 SECTION TO THE BUREAU MAY BY ORDINANCE ASSUME RESPONSIBILITY FOR
24 THE ADMINISTRATION AND ENFORCEMENT OF THIS SECTION. A CITY,
25 VILLAGE, OR TOWNSHIP THAT ADOPTS AN ORDINANCE UNDER THIS SUBSECTION
26 SHALL TRANSMIT A COPY OF THE ORDINANCE TO THE STATE FIRE MARSHAL.

27 (5) A CITY, VILLAGE, TOWNSHIP, FIRE AUTHORITY, COUNTY, OR THE

1 BUREAU, IF RESPONSIBLE FOR PERFORMING INSPECTIONS UNDER THIS
2 SECTION, MAY ESTABLISH AND CHARGE A FEE FOR INSPECTIONS CONDUCTED
3 UNDER THIS SECTION. THE FEE MUST NOT EXCEED THE ACTUAL, REASONABLE
4 COST OF PROVIDING THE INSPECTION FOR WHICH THE FEE IS CHARGED.

5 (6) THE BUREAU SHALL ESTABLISH BY RULE A METHOD AND PROCESS
6 FOR REPORTING AND TRACKING INFORMATION RELATED TO INSPECTING PLACES
7 OF PUBLIC ASSEMBLAGE AND ISSUING CERTIFICATES. A CITY, VILLAGE,
8 TOWNSHIP, FIRE AUTHORITY, OR COUNTY RESPONSIBLE FOR ADMINISTRATION
9 AND ENFORCEMENT OF THIS SECTION SHALL PARTICIPATE IN THE METHOD AND
10 PROCESS ESTABLISHED BY THE BUREAU AND SHALL PROVIDE THE BUREAU WITH
11 INFORMATION THE BUREAU CONSIDERS NECESSARY TO FULFILL THE
12 REQUIREMENTS OF THIS SECTION.

13 (7) THE BUREAU MAY ASSUME RESPONSIBILITY FOR ADMINISTRATION
14 AND ENFORCEMENT OF THIS SECTION FROM A CITY, VILLAGE, TOWNSHIP,
15 FIRE AUTHORITY, OR COUNTY THAT FAILS TO MEET THE REQUIREMENTS OF
16 THIS SECTION. THE STATE FIRE MARSHAL MUST NOTIFY IN WRITING THE
17 GOVERNING BODY OF THE CITY, VILLAGE, TOWNSHIP, FIRE AUTHORITY, OR
18 COUNTY THAT THE BUREAU WILL ASSUME RESPONSIBILITY FOR
19 ADMINISTRATION AND ENFORCEMENT OF THIS SECTION, OF THE REASONS WHY
20 THE BUREAU IS ASSUMING RESPONSIBILITY, AND OF THE EFFECTIVE DATE ON
21 WHICH THE BUREAU IS ASSUMING RESPONSIBILITY.

22 (8) A PLACE OF PUBLIC ASSEMBLAGE MUST NOT BE ESTABLISHED OR
23 OPERATED WITHOUT OBTAINING A CERTIFICATE INDICATING THAT IT IS IN
24 COMPLIANCE WITH THIS ACT AND THE CODE. THE CERTIFICATE MUST BE
25 DISPLAYED IN A CONSPICUOUS LOCATION IN THE PLACE OF PUBLIC
26 ASSEMBLAGE.

27 (9) A CITY, VILLAGE, TOWNSHIP, FIRE AUTHORITY, COUNTY, OR THE

1 BUREAU, IF RESPONSIBLE FOR ADMINISTRATION AND ENFORCEMENT OF THIS
2 SECTION, SHALL ISSUE THE CERTIFICATE IN SUBSECTION (8) ANNUALLY TO
3 A PLACE OF PUBLIC ASSEMBLAGE THAT IS IN COMPLIANCE WITH THIS ACT
4 AND THE CODE. THE CITY, VILLAGE, TOWNSHIP, FIRE AUTHORITY, COUNTY,
5 OR BUREAU MAY ESTABLISH AND CHARGE A FEE FOR ISSUING THE
6 CERTIFICATE NOT TO EXCEED THE ACTUAL, REASONABLE COST OF ISSUING
7 THE CERTIFICATE.

8 (10) IF A PLACE OF PUBLIC ASSEMBLAGE IS NOT BEING MAINTAINED
9 IN COMPLIANCE WITH THIS ACT AND THE CODE, THE CITY, VILLAGE,
10 TOWNSHIP, FIRE AUTHORITY, COUNTY, OR BUREAU MAY REVOKE OR DENY THE
11 CERTIFICATE REQUIRED IN SUBSECTION (8) AND MAY ORDER THE PLACE OF
12 PUBLIC ASSEMBLAGE TO CEASE OPERATION UNTIL IT IS IN COMPLIANCE.

13 (11) NOTHING IN THIS SECTION PREVENTS A CITY, VILLAGE,
14 TOWNSHIP, FIRE AUTHORITY, OR COUNTY FROM ENFORCING AN ORDINANCE
15 PRESCRIBING REQUIREMENTS FOR PLACES OF PUBLIC ASSEMBLAGE THAT ARE
16 NOT LESS STRINGENT THAN THE REQUIREMENTS UNDER THIS SECTION.

17 (12) AS USED IN THIS SECTION:

18 (A) "CERTIFIED FIRE INSPECTOR" MEANS AN INDIVIDUAL CERTIFIED
19 BY THE BUREAU AND EMPLOYED BY AN ORGANIZED FIRE DEPARTMENT OR
20 PUBLIC SAFETY DEPARTMENT WHOSE JOB DESCRIPTION, DUTIES, OR
21 RESPONSIBILITIES INCLUDE INSPECTING REAL PROPERTY FOR FIRE CODE
22 VIOLATIONS AND ENFORCING THE GENERAL FIRE CODES OF THE JURISDICTION
23 IN WHICH HE OR SHE SERVES.

24 (B) "CERTIFIED PUBLIC ASSEMBLY INSPECTOR" MEANS AN INDIVIDUAL
25 CERTIFIED BY THE BUREAU TO CONDUCT FIRE SAFETY INSPECTIONS OF
26 PLACES OF PUBLIC ASSEMBLAGE.

27 (C) "CODE" MEANS THE EDITION OF THE INTERNATIONAL FIRE CODE

1 THAT IS PUBLISHED IN THE SAME YEAR AS THE EDITION OF THE
2 INTERNATIONAL BUILDING CODE ADOPTED AND REFERENCED IN PART 4 OF THE
3 CONSTRUCTION CODE COMMISSION GENERAL RULES, R 408.30401 TO R
4 408.30499 OF THE MICHIGAN ADMINISTRATIVE CODE.

5 Enacting section 1. Section 21d of the fire prevention code,
6 1941 PA 207, MCL 29.21d, is repealed.

7 Enacting section 2. This amendatory act takes effect January
8 1, 2020.