

WORKING DRAFT

HOUSE BILL NO. _____

Fire protection-revisions.

Sponsored by: Joint Corporations, Elections and Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to public health and safety; specifying
2 new code standards for fire prevention and safety; applying
3 the new codes to inspections and certification of
4 inspectors; providing for fees; modifying fire prevention,
5 protection and safety provisions relating to the duties of
6 the council on fire prevention, electrical safety and
7 energy efficiency in buildings and the state fire marshal;
8 modifying the name of the council; repealing language
9 pertaining to energy conservation; modifying conditions for
10 investigation of fires; authorizing the state fire marshal
11 to assist local building inspectors; providing that local
12 building inspectors can be deputized; and providing for an
13 effective date.

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15 *Be It Enacted by the Legislature of the State of Wyoming:*

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2 **Section 1.** W.S. 35-9-102(a)(iv), 35-9-103(a)(iii),
3 35-9-105(a)(ii), 35-9-106(a)(i)(intro) and (A), 35-9-
4 107(a)(iii) by creating a new subparagraph (F), (iv), (vi),
5 (b)(ii) and (iii), 35-9-108(d), 35-9-109(a) and 35-9-121(b)
6 and (c) are amended to read:

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8 **35-9-102. Definitions.**

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10 (a) As used in W.S. 35-9-101 through 35-9-130:

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12 (iv) "Council" means the council on fire
13 prevention, and electrical safety ~~and energy efficiency~~ in
14 buildings;

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16 **35-9-103. Divisions created; council and board**
17 **created.**

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19 (a) There are created within the department:

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21 (iii) The council on fire prevention, and
22 electrical safety ~~and energy efficiency~~ in buildings;

23

24 **35-9-105. Division administrators; qualifications.**

1

2 (a) After consultation with the council and the
3 governor, the state fire marshal shall appoint:

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5 (ii) The chief electrical inspector who is the
6 administrator of the electrical safety division. He shall
7 be a master electrician and an electrical inspector
8 certified by the International ~~Conference of Building~~
9 ~~Officials~~ Code Council or the International Association of
10 Electrical Inspectors.

11

12 **35-9-106. Powers and duties of council.**

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14 (a) The council shall adopt rules and regulations to:

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16 (i) Establish minimum fire standards not
17 exceeding the standards prescribed by the ~~Uniform Fire~~
18 ~~Code, the Uniform Building Code and the Uniform Mechanical~~
19 ~~Code~~ International Fire Code, the International Building
20 Code, the International Mechanical Code and the
21 International Fuel Gas Code for:

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23 (A) All new or remodeled building
24 construction;

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35-9-107. Duties and powers of state fire marshal.

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(a) The state fire marshal shall:

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~~(ii) Recommend minimum standards for the conservation of energy in new residential and public buildings. The standards shall result in energy savings equal to those achievable under the American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc. Standard 90-75 or Chapter 53 of the Uniform Building Code;~~

(iii) Implement fire safety programs designed to minimize fire hazards and disasters and loss of life and property from these causes. These programs shall include:

(F) Acceptance testing on fire alarm systems, fire sprinkler systems and kitchen hood and duct suppression systems;

(iv) Inspect each state owned building ~~as needed~~ not under the authority of a local governmental entity pursuant to W.S. 35-9-121(b) and require conformance to the

1 minimum standards of fire prevention, fire protection and
2 public safety;

3

4 (vi) Upon request, assist the chief of a fire
5 company or department, a fire marshal, a local building
6 inspector, other state agencies or political subdivisions
7 of the state or county fire wardens in fire prevention
8 matters; and

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10 (b) The state fire marshal may:

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12 (i) Enforce state laws not otherwise enforceable
13 by another state agency concerning:

14

15 ~~(C) The installation and maintenance of~~
16 ~~equipment of all sorts intended for fire control, detection~~
17 ~~and extinguishment;~~

18

19 (ii) Inspect public, business or industrial
20 buildings and require conformance to standards of
21 prevention and safety and of uses of premises as
22 promulgated by the ~~Uniform Fire Code, Uniform Building Code~~
23 ~~and Uniform Mechanical Code~~ International Fire Code, the

1 International Building Code, the International Mechanical
2 Code and the International Fuel Gas Code;

3
4 (iii) Deputize a member of a fire department who
5 is approved by the chief of his department, or a local
6 building inspector approved by the local governmental
7 entity, and provided that the person is qualified to
8 inspect, investigate and carry out orders for the state
9 fire marshal under the rules adopted by the council;

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11 **35-9-108. Plan review; procedure; fees.**

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13 (d) The department shall collect fees for plan
14 reviews and other inspections in the amount provided in the
15 ~~most current building code~~ 1997 Uniform Building Code and
16 adjusted for inflation adopted by rule or regulation by the
17 council. Fees collected under this subsection shall be
18 deposited into the general fund.

19
20 **35-9-109. Investigation of fires; notification to**
21 **fire marshal; powers of fire marshal.**

22
23 (a) The county fire warden or chief of the fire
24 department of a city, town or fire district shall

1 investigate the cause, origin and circumstances of each
2 fire occurring in the city, town or district that was
3 reported or subject to emergency response, by which
4 property has been destroyed or damaged ~~in excess of five~~
5 ~~hundred dollars (\$500.00).~~ ~~The investigation shall be~~
6 ~~commenced within two (2) days.~~ ~~The state fire marshal may~~
7 ~~direct the investigation.~~

8
9 **35-9-121. Local enforcement.**

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11 (b) Notwithstanding the provisions of subsection (a)
12 of this section a local governmental entity is authorized
13 to assume joint plan review authority with the state fire
14 marshal, and that entity has sole construction inspection
15 authority on the approved plans, and sole authority for
16 periodic fire and life safety inspections on state owned or
17 leased buildings. If local code provisions conflict with
18 adopted state codes, the state code prevails. The
19 authority granted to local governmental entities under this
20 subsection is subject to certification of local inspectors
21 as follows:

22
23 (i) If joint plan review authority is requested,
24 certification of a plan reviewer by the international

1 conference of building officials or the international code
2 council;

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4 (ii) If code enforcement authority for fire and
5 building codes is requested, certification of a fire
6 inspector or building inspector by the ~~state fire marshal~~
7 international code council or the international conference
8 of building officials;

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10 (iii) If code enforcement authority for the
11 electrical code is requested, certification of an
12 electrical inspector by the International ~~Conference of~~
13 ~~Building Officials~~ Code Council or the International
14 Association of Electrical Inspectors and licensing by the
15 state as a master electrician.

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17 (c) A municipality or county which has enforcement
18 authority under this section may create its own appeals
19 boards to determine the suitability of alternate materials
20 and types of construction. The boards shall be appointed
21 and removed by the governing body of the municipality or
22 county. The council on fire prevention, and electrical
23 safety ~~and energy efficiency~~ in buildings and the
24 electrical board shall serve as appeals boards for a

1 municipality or county that has not created an appeals
2 board under this subsection.

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4 **Section 2.** W.S. 35-9-106(a)(ii) and 35-9-107(b)(i)(C)
5 are repealed.

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7 **Section 3.** This act is effective July 1, 2003.

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9

(END)

DRAFT