

SENATE FILE NO. SF0037

Fire prevention and safety.

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 plan review
5 provisions; expanding plan reviews to installation of
6 certain fuel storage tanks; providing thresholds for
7 remodeling, as specified; adding enforcement provisions;
8 modifying fire prevention, protection and safety provisions
9 relating to the duties of the council on fire prevention,
10 electrical safety and energy efficiency in buildings and
11 the state fire marshal; modifying the name of the council;
12 repealing language pertaining to energy conservation;
13 modifying conditions for investigation of fires;
14 authorizing the state fire marshal to assist local building
15 inspectors; providing that local building inspectors can be
16 deputized; modifying authority over school buildings and

1 school capital construction; repealing language; providing
2 fee exemption for schools; modifying hospital exemption;
3 providing authority for health care facilities, as
4 specified; adding propane standards; providing appeal to
5 council for state buildings; and providing for an effective
6 date.

7

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

9

10 **Section 1.** W.S. 35-9-122 is created to read:

11

12 **35-9-122. Health care facilities; jurisdiction;**
13 **delegation; rules.**

14

15 (a) The department of health has jurisdiction over
16 all aspects of construction and remodeling, except
17 electrical installation, of any state licensed health care
18 facility as defined in W.S. 35-2-901.

19

20 (b) The fire safety code requirements for the
21 construction and remodeling of any state licensed health
22 care facility shall meet the minimum requirements
23 established in the National Fire Protection Association 101
24 Life Safety Code or any other code required to meet federal

1 fire and life safety certification. If any code
2 requirements for federal certification conflict with the
3 code of any other state or local governmental entity, the
4 code required for federal certification shall prevail.

5

6 (c) The department of health shall promulgate rules
7 and regulations for all aspects of construction and
8 remodeling of health care facilities except electrical
9 installation. For aspects of construction and remodeling
10 included in codes adopted by the council pursuant to W.S.
11 35-9-106, the rules and regulations shall be based on and
12 not exceed the standards of these codes except where
13 federal certification requirements dictate otherwise.

14

15 (d) Upon written request from any county or
16 municipality, the department of health shall delegate plan
17 review and inspection responsibilities to the county or
18 municipality that has personnel who are certified pursuant
19 to the applicable code. The department of health shall
20 transfer jurisdiction and authority by letter. The
21 department of health shall notify the governing body of the
22 municipality or county of the minimum standards and
23 requirements under this section and W.S. 16-6-501 and
24 16-6-502. The following shall apply:

1

2 (i) Any municipality or county may issue a
3 certificate of occupancy for a health care facility. The
4 certificate shall reference any code applied to the
5 construction or remodeling of the facility;

6

7 (ii) A municipality or county which has
8 enforcement authority under this subsection may create its
9 own appeals board to determine the suitability of alternate
10 materials and types of construction. If a municipality or
11 county has not created an appeals board, the department of
12 health shall establish an appeals board which includes
13 representation from the department of health and the
14 council.

15

16 (e) After construction or remodeling of any health
17 care facility, the department of health shall have
18 jurisdiction over the fire and life safety inspections
19 required for federal certification.

20

21 **Section 2.** W.S. 35-9-102(a)(iv), 35-9-103(a)(iii),
22 35-9-105(a)(ii), 35-9-106(a)(i)(intro), (A) and by creating
23 new subsections (d) and (e), 35-9-107(a)(iii)(D), (E), by
24 creating a new subparagraph (F), (iv), (vi), (b)(ii) and

1 (iii), 35-9-108(a)(intro), (iv), by creating a new
2 paragraph (vi), (d) and by creating new subsections (j)
3 through (s), 35-9-109(a), 35-9-118(a)(ii) and 35-9-121 are
4 amended to read:

5

6 **35-9-102. Definitions.**

7

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

9

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

13

14 **35-9-103. Divisions created; council and board**
15 **created.**

16

17 (a) There are created within the department:

18

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

21

22 **35-9-105. Division administrators; qualifications.**

23

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

3

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

10

11 **35-9-106. Powers and duties of council.**

12

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

14

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

21

22 (A) All new building construction or
23 remodeling under W.S. 35-9-108(a);

24

1 (d) The standards for liquefied petroleum gas
2 installations shall be the current edition of NFPA 58
3 Liquefied Petroleum Gas Code and ANSI Z223.1/NFPA 54
4 National Fuel Gas Code. To the extent the standards for
5 liquefied petroleum gas conflict with the standards
6 prescribed by the International Fuel Gas Code, the NFPA 58
7 Liquefied Petroleum Gas Code and ANSI Z223.1/NFPA 54
8 National Fuel Gas Code control.

9
10 (e) To the extent that any provision in the
11 International Fire Code, the International Building Code,
12 the International Mechanical Code and the International
13 Fuel Gas Code conflicts with the standards prescribed by
14 the National Electrical Code, the National Electrical Code
15 shall control.

16
17 **35-9-107. Duties and powers of state fire marshal.**

18
19 (a) The state fire marshal shall:

20
21 (iii) Implement fire safety programs designed to
22 minimize fire hazards and disasters and loss of life and
23 property from these causes. These programs shall include:

1 (D) Critical analysis and evaluation of
2 fire loss statistics to determine problems and solutions;
3 ~~and~~

4
5 (E) Coordination, development and
6 implementation of training programs designed to assist fire
7 fighters in all phases of fire prevention and suppression
8 activities except the wild land and forestry division fire
9 control programs implemented by the state forester; ~~;~~ and

10

11 (F) Acceptance testing on fire alarm
12 systems, fire sprinkler systems and kitchen hood and duct
13 suppression systems.

14

15 (iv) Inspect each state owned building ~~as needed~~
16 not under the authority of a local governmental entity
17 pursuant to W.S. 35-9-121(b) and require conformance to the
18 minimum standards of fire prevention, fire protection and
19 public safety;

20

21 (vi) Upon request, assist the chief of a fire
22 company or department, a fire marshal, a local building
23 inspector, other state agencies or political subdivisions

1 of the state or county fire wardens in fire prevention
2 matters; and

3

4 (b) The state fire marshal may:

5

6 (ii) Inspect public, business or industrial
7 buildings and require conformance to standards of
8 prevention and safety and of uses of premises as
9 promulgated by the ~~Uniform Fire Code, Uniform Building Code~~
10 ~~and Uniform Mechanical Code~~ International Fire Code, the
11 International Building Code, the International Mechanical
12 Code and the International Fuel Gas Code;

13

14 (iii) Deputize a member of a fire department who
15 is approved by the chief of his department, ~~and~~ or a local
16 building inspector approved by the local governmental
17 entity, provided that the person is qualified to inspect,
18 investigate and carry out orders for the state fire marshal
19 under the rules adopted by the council;

20

21 **35-9-108. Plan review; procedure; fees.**

22

23 (a) Prior to beginning ~~work~~ any new construction, the
24 remodeling of existing buildings except as provided under

1 subsection (q) of this section, or the installation of
2 aboveground flammable or combustible fuel storage tanks,
3 the owner or the owner's designated representative shall
4 submit plans to the state fire marshal ~~and the state fire~~
5 ~~marshal shall for~~ review ~~for~~ of the proposed project for
6 compliance with applicable fire and electrical safety
7 ~~considerations and efficient energy usage all plans for~~
8 ~~construction or remodeling, if the cost of remodeling~~
9 ~~exceeds twenty-five percent (25%) of the market value of~~
10 ~~the structure or five thousand dollars (\$5,000.00),~~
11 ~~whichever is less, of~~ standards for:

12

13 (iv) Buildings intended for use as child care
14 centers housing more than ~~eleven (11)~~ ten (10) children;

15

16 (vi) Public and private aboveground fuel
17 dispensing facilities.

18

19 (d) The department shall collect fees for plan
20 reviews and other inspections except as provided in
21 subsections (q) and (r) of this section, in the amount
22 provided in the ~~most current building code~~ 1997 Uniform
23 Building Code and adjusted for inflation as adopted by rule

1 or regulation by the council. Fees collected under this
2 subsection shall be deposited into the general fund.

3

4 (j) No new construction or remodeling of buildings or
5 installation of aboveground flammable or combustible fuel
6 storage tanks shall begin until the state fire marshal has
7 approved the plans for compliance with applicable fire and
8 electrical safety standards.

9

10 (k) If new construction or remodeling of buildings or
11 installation of aboveground flammable or combustible fuel
12 storage tanks is commenced without approved plans, the
13 state fire marshal may order the construction, remodeling
14 or installation to cease until plans are approved, subject
15 to the requirements of subsection (m) of this section.

16

17 (m) Orders issued by the state fire marshal pursuant
18 to this section shall be served upon the owner in the
19 manner provided for service of process by the Wyoming Rules
20 of Civil Procedure. The order shall require that the
21 person served immediately cease certain activities until he
22 has complied with the applicable statutory requirements.
23 The order shall be in full force and effect from the time
24 of service until the person complies with the statutory

1 requirement as described in the order, or the order is
2 revoked by the council. If the person fails to cease
3 certain activities as required within forty-eight (48)
4 hours of service, the person is guilty of a misdemeanor.

5
6 (n) After new construction or remodeling of buildings
7 is completed, the state fire marshal shall inspect the
8 building and determine conformance with the plan review.
9 If he finds conformance, the state fire marshal shall issue
10 a certificate of occupancy for a newly constructed building
11 and a letter of compliance for a remodeled building. No
12 newly constructed or remodeled building shall be used or
13 occupied until the state fire marshal has issued a
14 certificate of occupancy or letter of compliance. If a
15 newly constructed or remodeled building is used or occupied
16 prior to the issuance of a certificate of occupancy or
17 letter of compliance, the state fire marshal shall order
18 the use and occupancy of the building to cease until a
19 certificate of occupancy or letter of compliance is issued,
20 subject to the requirements of subsection (m) of this
21 section.

22
23 (o) After the installation of aboveground flammable
24 or combustible fuel storage tanks is completed, the state

1 fire marshal shall inspect the premises and determine
2 conformance with the plan review. If he finds conformance,
3 the state fire marshal shall issue a letter of compliance.
4 No premises with aboveground flammable or combustible fuel
5 storage tanks installed shall be used until the state fire
6 marshal has issued a letter of compliance. If a premise
7 with aboveground flammable or combustible fuel storage
8 tanks installed is used prior to issuance of a letter of
9 compliance, the state fire marshal shall order the use of
10 the premises to cease until a letter of compliance is
11 issued, subject to the requirements of subsection (m) of
12 this section.

13
14 (p) Any owner aggrieved by an order of the state fire
15 marshal may appeal to the council within forty-eight (48)
16 hours. The complaint shall be investigated immediately by
17 direction of the council. Unless the order is revoked by
18 the council, it shall remain in force and the owner shall
19 comply.

20
21 (q) A plan review is:

22
23 (i) Not required for remodeling that is exempt
24 from permitting under the International Code;

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(ii) Required for remodeling that costs less than twenty-five thousand dollars (\$25,000.00) and affects a built-in fire protection system for the building, provided a fee of no more than fifty dollars (\$50.00) per hour shall be paid to the department for the review;

(iii) Required for remodeling that costs twenty-five thousand dollars (\$25,000.00) or more, provided the department shall collect a fee pursuant to subsection (d) of this section.

(r) There shall be no plan review and inspection fees for school buildings.

(s) Subsections (a) through (r) shall not apply to remodeling that is exempt under subsection (q).

35-9-109. Investigation of fires; notification to fire marshal; powers of fire marshal.

(a) The county fire warden or chief of the fire department of a city, town or fire district shall investigate the cause, origin and circumstances of each

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

7

8 **35-9-118. Exceptions.**

9

10 (a) W.S. 35-9-106 through 35-9-117 do not apply to:

11

12 (ii) County memorial hospitals, state-owned
13 health care institutions, hospital districts, private
14 hospitals and other health care facilities, except as
15 permitted pursuant to W.S. 35-9-122;

16

17 **35-9-121. Local enforcement.**

18

19 (a) The state fire marshal shall delegate complete
20 authority to municipalities and counties which apply to
21 enforce and interpret local or state fire, energy
22 efficiency, building or electrical safety standards. The
23 state fire marshal shall notify the governing body of the
24 municipality or county of the minimum standards and

1 requirements of this act and W.S. 16-6-501 and 16-6-502 and
2 transfer jurisdiction and authority by letter. Nothing in
3 this section affects the authority of the state fire
4 marshal or chief electrical inspector regarding state owned
5 or leased buildings.

6
7 (b) Notwithstanding the provisions of subsection (a)
8 of this section a local governmental entity is authorized
9 to assume joint plan review authority with the state fire
10 marshal, and that entity has sole construction inspection
11 authority on the approved plans, and sole authority for
12 periodic fire and life safety inspections on state owned or
13 leased buildings. For the purpose of this section school
14 buildings shall not be construed to be state buildings. If
15 local code provisions conflict with adopted state codes,
16 the state code prevails. The authority granted to local
17 governmental entities under this subsection is subject to
18 certification of local inspectors as follows:

19
20 (i) If joint plan review authority is requested,
21 certification of a plan reviewer by the international
22 conference of building officials or the International Code
23 Council;

24

1 (ii) If code enforcement authority for fire and
2 building codes is requested, certification of a fire
3 inspector or building inspector by the ~~state fire marshal~~
4 International Code Council or the International Conference
5 of Building Officials;

6
7 (iii) If code enforcement authority for the
8 electrical code is requested, certification of an
9 electrical inspector by the International ~~Conference of~~
10 ~~Building Officials~~ Code Council or the International
11 Association of Electrical Inspectors and licensing by the
12 state as a master electrician.

13
14 (c) A municipality or county which has enforcement
15 authority under this section may create its own appeals
16 boards to determine the suitability of alternate materials
17 and types of construction. The boards shall be appointed
18 and removed by the governing body of the municipality or
19 county. The council on fire prevention, and electrical
20 safety ~~and energy efficiency~~ in buildings and the
21 electrical board shall serve as appeals boards for a
22 municipality or county that has not created an appeals
23 board under this subsection.

24

1 (d) A decision rendered by the local municipal or
2 county appeals board pursuant to subsection (c) of this
3 section regarding state owned or leased buildings may be
4 appealed to the council on fire prevention and electrical
5 safety in buildings for a final decision.

6

7 **Section 3.** W.S. 35-9-106(a)(ii), 35-9-107(b)(i)(C)
8 and 35-9-108(f) and (g) are repealed.

9

10 **Section 4.** This act is effective July 1, 2003.

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12

(END)