HOUSE BILL 104

IN THE HOUSE

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| January 10, 1979 | | Introduced and referred to Committee on Business and Industry. |
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| January 16, 1979 | | Committee recommend bill, as amended. |
| January 1 7, 1979 | | Printed and placed on members' desks. |
| January 18, 1979 | | Second reading, do pass. |
| January 19, 1979 | | Considered correctly engrossed. |
| January 20, 1979 | | On motion, taken from third reading and referred to second reading. |
| | | Second reading, pass consider- ation, as amended. |
| | | On motion, taken from second reading and referred to Committee on Business and Industry. |
| January 25, 1979 | | Intent statement attached. |
| | | Commitee recommend bill, do pass. |
| January 27, 1979 | | Printed and placed on members' desks. |
| January 29, 1979 | | Second reading, pass consider- ation. |
| January 30, 1979 | | Second reading, do pass. |
| February 1, 1979 | | Third reading passed. |
| | IN THE SENA | TE |
| February 2, 1979 | | Introduced and referred to Committee on Local Govern- ment. |

March 2, 1979

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Committee recommend bill, not concurred.

IN THE HOUSE

March 3, 1979

Returned from Senate, not Concurred.

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46th Legislature

LC 0439/01

LC 0439/01

| 1 | HOCOLE BILL NO. 104 |
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| 2 | INTRODUCED BY Carlmin |
| 3 | BY REQUEST OF THE ATTORNEY GENERAL |
| 4 | |
| 5 | A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE |
| 6 | STATE FIRE LAWS TO CONFORM THEM TO THE ADUPTION OF THE |
| 7 | UNIFORM BUILDING CODE; AMENDING SECTIONS Z-15-2005; |
| 8 | 50-3-103, 50-61-104, 50-61-108, 50-61-114, 50-61-115, AND |
| 9 | 50-62-102. MCA; AND REPEALING SECTIONS 50-61-105. 50-61-109. |
| 10 | AND 50-62-103 THROUGH 50-62-107. MCA." |
| 11 | |
| 12 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTAHA: |
| 13 | Section 1. Section 2-15-2005, MCA, is amended to read: |
| 14 | "2-15-2005. Fire marshal bureau advisory council. |
| 15 | (1) There is a fire warshal bureau in the department of |
| 15 | justice which is under the supervision and control of the |
| 17 | attorney general. |
| 18 | (2) The chief of the fire marshal bureau shall be |
| 19 | appointed by the attorney general and shall serve at his |
| 20 | pleasure. The chief of the fire marshal bureau is the state |
| 21 | fire marshal. |
| 22 | (3) A person appointed state fire marshal shall have: |
| 23 | (a) at least 10 years of progressively responsible |
| 24 | experience in fire protection; |
| 25 | (b) a 2-year associate degree in fire protection |
| - | |

1 engineering from a recognized institution of higher 2 education and 2 years' experience in fire protection; or 3 (c) a degree from a recognized institution of higher education in fire protection engineering or fire protection 4 5 technology. 6 (4) The attorney general shall create a fire marshal 7 advisory council in accordance with procedures provided in 8 2-15-122. The council shall perform the functions of the 9 board of appeals as prescribed in the state fire code 10 adopted by the state fire marshal pursuant to 50-3-102." 11 Section 2. Section 50-3-103, MCA, is amended to read: 12 *50-3-103. Rules promulgated by state fire marshal. 13 (1) Rules promulgated by the state fire marshal by authority of 50-3-102 shall be reasonable and calculated to effect the 14 15 purposes of this chapter. They shall include but not be 16 limited to requirements for designy----constructiony 17 installation, operation, storage, handling, maintenance, or 18 use of structural--requirements--for--various---types---of 19 constructiont--- withding---restrictions---within---convested districts; exit facilities from structures; fire alarm 20 systems and fire extinguishing systems; fire emergency 21 22 drills; flue--ond--chimney--constructiont heating devices; Z3 electrical---wiring---and---equipments---air---conditioningv Z4 ventilatingy-and-other duct systems; refrigeration systems; 25 flammable liquids; oil and gas wells; application of

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INTRODUCED BILL HB**404**

flammable finishes; explosives, acetylene, liquefied 1 z petroleum gas, and similar products; calcium carbide and 3 acetylene generators; flammable motion picture film+: 4 combustible fibers; hazardous chemicals; rubbish+; open 5 flame devices; parking of vehicles; dust explosions; 6 lightning protection; and other special fire hazards. 7 (2) If rules relate to building and equipment 8 standards covered by the state or a municipal building code. 9 the rules are effective upon approval of the department of administration and filing with the secretary of state. 10 11 (3) Standards of the national fire protection 12 association, United States bureau of standards, and American 13 insurance association, international conference of building 14 officials, and western fire chiefs, association may be adopted in whole or in part by reference. 15 16 (4) Rules shall be adopted as prescribed in the 17 Montana Administrative Procedure Act. 18 (5) Any person violating any rule made under the 19 provisions of this part shall be guilty of a misdemeanor." 20 Section 3. Section 50-61-104. MCA. is amended to read: 21 *50-61-104. Fire escape requirements. (1) All 22 buildings described in 50-61-103, except private residences, 23 of two or more stories in height shall be equipped with not 24 less--than--one--adequate--fire-escape-for-each-5y000-square 25 feet-of--lat--area--or--fraction--thereof--occupied--by--the

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1 building adequate fire escapes which must the applicable code requirements. > 3 (2) #First-story#-is-defined-as-being--the--story--the ceiling-of-which-is-first-above-the-level-of-the-gradey-said 4 ceiling--being-en-everage-of-5-feet-or-more-above-the-ground 5 surrounding-the-building A "story" is as defined in the ٨ 7 state building code." R Section 4. Section 50-61-108. MCA, is amended to read: 9 #50-61-108. Alarm system required. (1) All buildings within the scope of this chapter accupied-at-night--by--more ោ 11 than--10--personsy--if--more-then-one-story-in-heighty-sholl 12 have-in-each-story-an-electrically-operated-gong-or-gongs-to be-operated-by-any-one-of-a-number-of-switchesy-one-of-which 13 shall-be-on-each-floory-Said-gong-or-gongs-shall-not-be-less 14 then-6-inches-in-diemeter-end-installed-with-not--less--then 15 number-14-rubber-covered-wire required by the state_building 16 17 code or fire code to be equipped with alarm systems shall 18 comply with the applicable code requirements. 19 tet--in-tieu-of-said-gong-or-gangsv-such-buitdings--may 20 be--equipped--with--e-telephone-alers-system-operated-from-a 21 central-switchboards--Wherever-such-telephone-system-is-used 22 in-such-buildingsy-an-attendant-shall--be--on--duty--at--the 23 centrol--switchboord--24--hours--dailyy--the-alorm-from-such 24 switchboard-shall--be--simultaneous--in--all--rooms--of--the 25 buildingy--and--a--single--suitch--at--the-switchboard-shall

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1 operate-said-telephone-alarm-system** Section 5. Section 50-61-114, MCA, is amended to read: 2 3 #50-61-114. Fire chief end or county sheriff to make inspections. The chief of the fire department of each 4 5 municipality or district where a fire department is established, ond or the county sheriff or deputy fire 6 morshels marshal where no fire department exists, shell may 7 enter into all buildings and upon all premises within their 8 his jurisdiction at-least-once-each-6-months for the purpose 9 of examining the premises for violations of this chapter. 10 The inspection shell may include but--is-not-limited-to 11 testing fire alarms and fire extinguishers, examining fire 12 13 hosev attachmentsv and other fire apparatus, and examining fire escapes. Gopies-of-the-inspection-sholl-be-filed-in-the 14

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15 office-of-the-state-fire-marshal-on-forms-to-be-provided-by 16 himr" Section 6. Section 50-61-115, MCA, is amended to read: 17 18 #50-61-115. Notice of violations. (1) When a building is found which requires the erection of fire escapes and 19 upon which fire escapes have not been erected according to 20 the provisions of this chapter or if fire hoses, fire 21 extinguishers, fire alarms, or other fire apparatus is are 22 found to be lacking or defective or not in good working Z3 condition, the person making the inspection or the state 24 25 fire marshal shall serve a written notice upon the party

LC 0439/01

| 1 | whose duty it is to erect the fire escapes or maintain such |
|----|--|
| z | fire apparatus. <u>The notice shall be in the form and shall be</u> |
| з | served by the method provided for in the rules adopted by |
| 4 | the fire marshal. |
| 5 | {2}The-notice-shall-specify-the-time-within-whi ch-the |
| 6 | fire-escapes-shall-be-erected-orthedefectiveconditions |
| 7 | remediedy-which-may-not-be-more-than-98-doysy |
| 6 | {3}~~The-notice-is-served-if-deliver ed-to-the-person-to |
| 9 | benotifiedyifleftwithany-adult-person-at-the-usual |
| 10 | residence-or-place-of-business-of-the-person-to-be-notified. |
| 11 | or-if-deposited-in-the-postofficedirectedtothelast |
| 12 | knownaddressofthepersontobenotified#Whenever |
| 13 | buildings-are-managed-and-controlled -by-a-board-of-trusteesv |
| 14 | board-of-commissionersy-or-other-governing-bodyy-themotice |
| 15 | isservedifdeliveredtothepresidenty-secretaryy-or |
| 16 | treasurer-of-the-board-of-trusteesy-board-ofcommissionersy |
| 17 | or-other-governing-body=" |
| 18 | Section 7. Section 50-62-102, MCA, is awended to read: |
| 19 | #50-62-102。 Structures creating fire hazard a public |
| zo | nuisance. Any building or other structure which for-wentof |
| 21 | properrepairsbyreasonofagey-dilapidated-conditiony |
| Z? | defectiveorpoorlyinstalledwiringandequipmentv |
| 23 | defectivechimneysydefectivegasconnectionsy-defective |
| 24 | heating-apparatust-or-foranyothercauseorreasonis |
| 25 | especiallyliabletofireand-which-is-so-situated-as-to |

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LC 0439/01

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| 1 | endanger-other-buildings-and-propertyinthevicinityis |
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| z | herebydeclaredtobeapublicnuisance <u>, because</u> of |
| 3 | obsolescence. dilapidated condition. deterioration. damage. |
| 4 | inadequateexits:lackof_sufficient_fire_resistive |
| 5 | construction: faulty electric wiring: gas_connections: or |
| 6 | heating_apparatuss or any other causes is determined by the |
| 7 | fire marshal. a deputy fire marshal. or any other officer |
| 8 | mentioned in 50-62-101 to be a fire hazard is for the |
| 9 | purposes of this chapters an unsafe building. Any such |
| 10 | unsafe building is a public nuisance and shall be abated by |
| 11 | <u>repairs rehabilitations demolitions or renewal in accordance</u> |
| 12 | with the rules adopted by the state fire marshale" |
| 13 | Section 8. Repealer. Sections 50-61-105, 50-61-109, |
| 14 | and 50-62-103 through 50-62-107, MCA, are repealed. |

-End-

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46th Legislature

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HB 0104/02

THE

Approved by Committee on Business and Industry

| 1 | HOUSE BILL NO. 104 |
|---|---|
| 2 | INTRODUCED BY PAVLOVICH |
| 3 | BY REQUEST OF THE ATTORNEY GENERAL |
| 4 | |
| 5 | A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE |

6 STATE FIRE LAWS TO CONFORM THEM TO THE ADOPTION OF THE 7 UNIFURM BUILDING CODE; AMENDING SECTIONS 2-15-2005. 8 50-3-103, 50-61-104, 50-61-108, 50-61-114, 50-61-115, AND 9 50-62-102, MCA; AND REPEALING SECTIONS 50-61-105, 50-61-109. 10 AND 50-62-103 THROUGH 50-62-107, MCA.*

11

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-15-2005, MCA. is amended to read: 4 #2-15-2005. Fire marshal bureau --- advisory council. (1) There is a fire marshal bureau in the department of justice which is under the supervision and control of the attorney general.

(2) The chief of the fire marshal bureau shall be
appointed by the attorney general and shall serve at his
pleasure. The chief of the fire marshal bureau is the state
fire marshal.

(3) A person appointed state fire marshal shall have:
(a) at least 10 years of progressively responsible
experience in fire protection;

25 (b) a 2-year associate degree in fire protection

| 1 | engineering from a recognized institution of higher |
|----|---|
| 2 | education and 2 years* experience in fire protection; or |
| 3 | (c) a degree from a recognized institution of higher |
| 4 | education in fire protection engineering or fire protection |
| 5 | technology. |
| 6 | (4) The attorney general shall create a fire marshall |
| 7 | advisory council in accordance with procedures provided in |
| 8 | 2-15-122. The council shall perform the functions of the |
| 9 | <u>board of appeals as prescribed in the state fire code</u> |
| 10 | adopted by the state fire marshal pursuant to 50-3-102." |
| 11 | Section 2. Section 50-3-103, NCA, is amended to read: |
| 12 | #50-3-103. Rules promulgated by state fire marshal. |
| 13 | (1) Rules promulgated by the state fire marshal by authority |
| 14 | of 50-3-102 shall be reasonable and calculated to effect the |
| 15 | purposes of this chapter. They shall include but not be |
| 16 | limited to requirements for designyconstructiony |
| 17 | installation; operation; storage; handling; maintenance; or |
| 18 | use of structuralrequirementaforvarioustypeaof |
| 19 | constructiontbuildingrestrictionswithincongested |
| 20 | districts; exit facilities from structures; fire alarm |
| 21 | systems and fire extinguishing systems; fire emergency |
| 22 | drills; flueondchimneyconstruction; heating devices; |
| 23 | electricalwiringendequipment1eirconditioningv |
| 24 | ventilating-and-other duct systems; refrigeration systems; |
| 25 | flammable liquids; oil and gas wells; application of |
| | |

-2- HB 104 SECOND READING

HB 0104/02

flammable finishes; explosives, acetylene, liquefied
 petroleum gas, and similar products; calcium carbide and
 acetylene generators; flammable motion picture filmy;
 combustible fibers; hazardous chemicals; rubbishy; open
 flame devices; parking of vehicles; dust explosions;
 lightning protection; and other special fire hazards.

7 (2) If rules relate to building and equipment
8 standards covered by the state or a municipal building codes
9 the rules are effective upon approval of the department of
10 administration and filing with the secretary of states

11 (3) Standards of the national fire protection 12 association. United States bureau of standards. and American 13 insurance association<u>s international conference of building</u> 14 <u>officialss and western fire chiefs</u> association may be 15 adopted in whole or in part by reference.

16 (4) Rules shall be adopted as prescribed in the 17 Montana Administrative Procedure Act.

18 (5) Any person violating any rule made under the provisions of this part shall be quilty of a misdemeanor." 19 Section 3. Section 50-61-104. NCA, is awended to read: 20 21 *50-61-104. Fire escape requirements. (1) All buildings described in 50-61-103, except private residences. 22 of two or more stories in height shall be equipped with not 23 less--than--one--adaquate--fire-escape-for-each-5y888-square 24 25 feet-of--tot--orea--or--fraction--thereof--occupted--by--the

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HB 104

1 buiteding adequate fire escapes which meet the applicable
2 code requirements.

3 (2) "First-story"-is-defined-as-being-the-story-the
4 ceiling-of-which-is-first-above-the-level-of-the-gradey-said
5 ceiling-being-an-average-of-5-feet-or-more-above-the-ground
6 surrounding-the-building <u>A "story" is as defined in the</u>
7 state_building_code."

8 Section 4. Section 50-61-108, MCA, is amended to read: 9 *50-61-108. Alarm system required. (1) All buildings within the scope of this chapter occupied-ot-night--by--more 10 than--10--sersons---if--sore-than-one-story-in-heighty-shall 11 12 have-in-each-story-an-electrically-operated-gong-or-gongs-to 13 be-operated-by-any-one-of-a-number-of-switchesy-one-of-which 14 shell-be-on-eech-floore-Soid-gong-or-gongs-shell-not-be-less 15 then-6-inches-in-diameter-end-instaliad-with-not--less--thon 16 number-14-rubber-covered-wire required by the state building 17 code or fire code to be equipped with alarm systems shall 18 comply with the applicable code requirements. 19 t2t--in-tieu-of-said-gong-or-gongsv-such-buitdings--may 20 be--equipped--with--a-talephone-alarm-system-operated-from-a 21 central-switchboardy--Wherever-such-telephone-system-is-used 22 in-such-buildings-an-attendant-shall--ba--on--duty--at--the 23 central--switchboard--24--hours--dailys--the-alarm-from-such switchboard-shall--be--simultaneous--in--all--rooms--of--the 24 25

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1 operate-said-telephone-alarm-system."

2 Section 5. Section 50-61-114, MCA, is amended to read: 3 *50-61-114. Fire chief and or county sheriff to make inspections. The chief of the fire department of each 4 5 municipality or district where a fire department is established, and or the county sheriff or deputy fire 6 7 marshals marshal where no fire department exists, shall may 8 enter into all buildings and upon all premises within their 9 his jurisdiction at-least-once-each-o-months for the purpose 10 of examining the premises for violations of this chapter. 11 The inspection shall may include but--is-not-limited-to 12 testing fire alarms and fire extinguishers, examining fire 13 hose, attachments, and other fire apparatus, and examining 14 fire escapes. Copies-of-the-inspection-shall-be-filed-in-the 15 office-of-the-state-fire-marshal-on-forms-to-be-provided--by 16 him**

17 Section 6. Section 50-61-115, MCA, is amended to read: 18 "50-61-115. Notice of violations. (1) When a building is found which requires the erection of fire escapes and 19 upon which fire escapes have not been erected according to 20 the provisions of this chapter or if fire hoses, fire 21 22 extinguishers, fire alarms, or other fire apparatus is are found to be lacking or defective or not in good working 23 24 condition, the person making the inspection or the state 25 fire marshal shall serve a written notice upon the party

HB 0104/02

| 1 | whose duty it is to erect the fire escapes or maintain such |
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| Z | fire apparatus. <u>The notice shall be in the form and shall be</u> |
| 3 | served by the method provided for in the rules adopted by |
| 4 | <u>the fire marshal</u> |
| 5 | {2}fhe-notice-shall-specify-the-time-within-which-the |
| 6 | fire-escapes-shail-be-erected-orthedefectiveconditions |
| 7 | remediedy-which-may-not-be-more-then-98-days= |
| 8 | t3tThe-notice-is-served-if-delivered-to-the-person-to |
| 9 | benotifiedifleftwitheny-adult-person-at-the-usual |
| 10 | residence-or-place-of-business-of-the-person-to-be-notified, |
| 11 | or-if-deposited-in-the-postofficedirectedtothelast |
| 12 | knownaddressofthepersontobanotifiedeWhenever |
| 13 | buildings-are-managed-and-controlled-by-a-board-of-trusteesv |
| 14 | board-of-commissionersy-or-other-governing-bodyy-thenotice |
| 15 | isservedifdeliveredtothepresidenty-secretaryy-or |
| 16 | treasurer-of-the-board-of-trusteesy-board-ofcommissionersy |
| 17 | or-other-governing-body#" |
| 18 | Section 7. Section 50-62-102, MCA, is amended to read: |
| 19 | #50-62-102。 Structures creating fire hazard a public |
| 20 | nuisance. Any building or other structure which for-wantof |
| 21 | properrepairsbyreasonofages-dilapidated-conditions |
| 22 | defectiveorpoortytnstattedwiringendequipmentv |
| 23 | defectivechimneysydefectivegasconnectionsy-defective |
| 24 | heating-apparatust-or-foranyothercouseorreasonis |
| 25 | especially-liable-to-fire-ond-which-is-so-situated-as-to |
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-5-

HB 104

| 1 | endanger-other-buildings-and-propertyinthevicinityis |
|----|--|
| Z | herebydectaredtobespublicnuisance <u>because_of</u> |
| 3 | obșolescence, dilapidated conditions deterioration, damages |
| 4 | inadequateexitslackof_sufficient_fire_resistive |
| 5 | constructions faulty electric wirings gas connectionss or |
| 6 | beatingapparatuse_or_any_other_causes_is_determined_by_the |
| 7 | fire_marshals_a_deputy_fire_marshals_oraoyotherofficer |
| 8 | wentioned_in_50-62-101_to_bs_a_fire_bazard_is.for_the |
| 9 | purposes of this chapters an unsafe building. Any such |
| 10 | unsafe_building_is_a_public_nuisance_and_sball_be_abated_by |
| 11 | repairs_rebabilitations_demolitions_or_recensl_in_accordance |
| 12 | with the rules adopted by the state fire mershels" |
| 13 | Section 8. Repeater. Sections 50-61-105, 50-61-109. |
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HB 104

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STATEMENT OF INTENT RE: HB 104

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A statement of intent is required for this bill in that 2 3 it amends section 50-3-103, MCA, which delegates authority to the state fire marshal to promulgate rules in section 2. 4 1. Under section 2. the bill amends 50-3-103(1). HCA. 5 to remove the authority of the state fire marshal to 6 promulgate rules concerning the design and construction of 7 buildings and installation of equipment and materials 8 therein. This authority is no longer necessary as the 9 department of administration has adopted the uniform 10 building code which governs the design and construction of 11 buildings and installation of equipment and materials 12 therein. 13

2. Under section 2. the bill amends 50-3-103(3). MCA. 14 15 which states that the state fire marshal may adopt the standards of the "international conference of building 16 officials, and western fire chiefs association". This 17 language refers to the uniform fire code. It is not intended 18 19 that this be an additional grant of rulewaking authority to 20 the state fire marshal, as the state fire marshal has already adopted the uniform fire code under its rulemaking 21 authority in 50-3-102, MCA. This language was added solely 22 23 for the purpose of clarity. The uniform fire code is the companion code to the uniform building code already in 24 25 effect. It should be noted that the state fire marshal

adopted the uniform fire code to provide for consistency in
 rules relating to building and equipment standards. This
 consistency is necessary as the uniform fire code has rules
 governing the use of buildings and the uniform building code
 has rules governing the design and construction of
 buildings.

7 3. Under section 6, 50-61-115, MCA, is amended to 8 allow the fire marshal to adopt rules governing the form and 9 method for notice of violations pertaining to the erection 10 of fire escapes and maintenance of fire apparatus. This is 11 not intended to provide an additional or new delegation of 12 authority to the state fire marshal to adopt rules. The 13 rules governing the form and method for notice of such 14 violations are provided for in the uniform fire code which 15 is in effect. This language was added for clarity. Sections 16 50-61-115(2) and (3), MCA, which specified the form and 17 method of notice of violations were repealed as they 18 conflicted with the provisions in the uniform fire code.

4. Under section 7, 50-62-102, MCA, was amended to allow the fire marshal to adopt rules relating to the "repair, rehabilitation, demolition, or renewal of unsafe buildings". Again, this language is not intended to delegate new or additional rulemaking authority to the state fire marshal. The state fire marshal already has the authority to adopt rules relating to safeguarding life and property from

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the hazards of fire and the power to maintain an action to
 enjoin the use of all or a portion of a building if it is
 dangerous under 50-3-102(2). MCA. The authority to
 promulgate rules was merely repeated here as the section
 addessses specifically the problem of unsafe buildings.
 First adopted by HOUSE COMMITTEE ON BUSINESS AND
 INDUSTRY, January 25, 1979

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46th Legislature

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HB 0104/03

Approved by Committee on <u>Business and Industry</u>

| 1 | HOUSE BILL NO. 104 |
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| z | INTRODUCED BY PAVLOVICH |
| 3 | BY REQUEST OF THE ATTORNEY GENERAL |
| 4 | |
| 5 | A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE |
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| 8 | 50-3-103, 50-61-104, 50-61-108, 50-61-114, 50-61-115, AND |
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| 10 | AND 50-62-103 THROUGH 50-62-107, #CA |
| 11 | |
| 12 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| 13 | Section 1. Section 2-15-2005, MCA, is amended to read: |
| 14 | M2-15-2005. Fire marshal bureau advisory council. |
| 15 | (1) There is a fire marshal bureau in the department of |
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| 18 | (2) The chief of the fire marshal bureau shall be |
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| 21 | fire marshal. |
| 22 | (3) A person appointed state fire marshal shall have: |
| 23 | (a) at least 10 years of progressively responsible |
| 24 | experience in fire protection; |

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| 1 | engineering from a recognized institution of higher |
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| 2 | education and 2 years' experience in fire protection; or |
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| 17 | installation, operation, storage, handling, maintenance, or |
| 18 | use of structuralrequirementsforvarioustypesof |
| 19 | constructiontbuildingrestrictionswithincongested |
| 20 | districts; exit facilities from structures; fire alarm |
| 21 | systems and fire extinguishing systems; fire 'emergency |
| 22 | drills; flueandchimneyconstruction; heating devices; |
| 23 | electricalwiringandequipmentsairconditioningy |
| 24 | ventilatingv-and-other duct systems; refrigeration systems; |
| 25 | flammable liquids; oil and gas wells; application of |
| | |

-2- HB 104 SECOND READING

flammable finishes; explosives, acetylene, liquefied 1 petroleum gas, and similar products; calcium carbide and 2 acetylene generators; flammable motion picture filmy; 3 4 combustible fibers; hazardous chemicals; rubbishvi open 5 flame devices; parking of vehicles; dust explosions; 6 lightning protection; and other special fire hazards.

7 (2) If rules relate to building and equipment 8 standards covered by the state or a municipal building code. 9 the rules are effective upon approval of the department of administration and filing with the secretary of state. 10

(3) Standards of the national fire protection 11 association, United States bureau of standards, end American 12 13 insurance association, international conference of building 14 officials, and western fire chiefs! association may be 15 adopted in whole or in part by reference.

(4) Rules shall be adopted as prescribed in the 16 Montana Administrative Procedure Act. 17

(5) Any person violating any rule made under the 18 19 provisions of this part shall be guilty of a misdemeanor." 20 Section 3. Section 50-61-104, MCA, is amended to read: 21 #50-61-104. Fire escape requirements. (1) All 22 buildings described in 50-61-103, except private residences, 23 of two or more stories in height shall be equipped with not 24 less--than--one--adequate--fire-escape-for-each-5+080-square feet-of--lot--ares--or--fraction--thereof--accupied--by--the 25

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HB 104

| 1 | building adequate fire escapes which meet the applicable |
|----|--|
| 2 | code requirements. |
| 3 | (2) # first-story#-is-defined-as-bein gthestorythe |
| 4 | ce iling-of-which-is-first-above-the-level -of-the-gradey-said |
| 5 | ce iting-being-an-average-of-5-feet-or-more-above-the-ground |
| 6 | surrounding-the-building <u>A "story" is as defined in the</u> |
| 7 | state_building_code." |
| 8 | Section 4. Section 50-61-108, MCA+ is amended to read: |
| 9 | #50-61-108. Alarm system required. [1] All buildings |
| 10 | within the scope of this chapter occupied-st-nightbymore |
| 11 | than10personsyifmore-than-one-story-in-heighty-shall |
| 12 | h ove-in-coch-story-on-electricsliy-ope rated-gong-or-gongs-to |
| 13 | be-operated-by-any-one-of-a-number-of-switchesy-one-of-whic h |
| 14 | shatt-be-on-eech-ftoorv-Said-gong-or-gongs-shatt-not-be-tess |
| 15 | then-6-inches-in-diameter-and-installed-with-notlessthen |
| 16 | number-14-rubber-covered-wire required by the state building |
| 17 | <u>code or fire code to be equipped with alarm systems shall</u> |
| 18 | comply_with_the_applicable_code_requirements. |
| 19 | {2}In-lieu-of-said-gong-or-go ngsv-such-buildingsmey |
| 20 | beequippedwitha-telephone-alorm-system-operated-from-a |
| 21 | central-switchboordWherever-such-telephone-system-is -used |
| 22 | in-such-buildingsv-on-attendant-shallbeondutyatthe |
| 23 | centralswitchboard24hour s dailyr -the-olarm-from-such |
| 24 | switchboard-shallbesimultoncousinallroomsofthe |
| 25 | buildingyondasingleswitchatthe-switchboard-shall |
| | -4- HB 104 |
| | ND 104 |

HB 104

operate-said-telephone-alerm-system. 1 Section 5. Section 50-61-114, MCA, is amended to read: z "50-61-114. Fire chief end or county sheriff to make 3 inspections. The chief of the fire department of each 4 municipality or district where a fire department is 5 established, ond or the county sheriff or deputy fire 6 marshols <u>marshal</u> where no fire department exists<u>e</u> sholl <u>may</u> 7 enter into all buildings and upon all premises within their 8 his jurisdiction at-least-once-each-6-months for the purpose 9 of examining the premises for violations of this chapter. 10 The inspection shell may include but--is-not-limited-to 11 testing fire alarms and fire extinguishers; examining fire 12 hosey attachmentsy and other fire apparatus, and examining 13 fire escapes. Copies-of-the-inspection-shall-be-filed-in-the 14 office-of-the-state-fire-morshel-on-forms-to-be-provided--by 15 1178×* 16

Section 6. Section 50-61-115, MCA, is amended to read: 17 #50-61-115. Notice of violations. (1) When a building 18 is found which requires the erection of fire escapes and 19 20 upon which fire escapes have not been erected according to the provisions of this chapter or if fire hoses, fire 21 extinguishers, fire alarms, or other fire apparatus is are 22 found to be lacking or defective or not in good working 23 condition, the person making the inspection or the state 24 fire marshal shall serve a written notice upon the party 25

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whose duty it is to erect the fire escapes or maintain such 1 fire apparatus. Ine notice shall be in the form and shall be 2 served by the method provided for in the rules adopted by 3 4 the fire marshal. {2}--The-notice-shall-specify-the-time-within-which-the 5 fire-escapes-shall-be-erected-or--the--defective--conditions 6 remediedy-which-may-not-be-more-then-98-days: 7 +31--The-notice-is-served-if-delivered-to-the-person-to я be--notifiedy--if--left--with--ony-adult-person-at-the-usual g residence-or-place-of-business-of-the-person-to-be-notifiedy 10 11 or-if-deposited-in-the-post--office--directed--to--the--last 12 known--address--of--the--person--to--be--notifieds--Whenever 13 buildings-are-monaged-and-controlled-by-a-board-of-trustees, 14 board-of-commissionersy-or-other-governing-bodyy-the--notice 15 is--served--if--delivered--to--the--presidenty-secretoryy-or treasurer-of-the-board-of-trusteesy-board-of--commissionersy 16 17 or-other-governing-bodys* 18 Section 7. Section 50-62-102, MCA, is amended to read: 19 *50-62-102. Structures creating fire hazard a public 20 nuisance. Any building or other structure which for-want--of 21 proper--repairt--by--reason--of--ages-dilapidated-conditions 22 defective--or--poorly--installed---wiring---end---equipmenty 23 defective--chimneysy--defective--gas--connectionsy-defective Z4 heating-opparatust-or-for-any--other--cause--or--reason--is 25 especially--lisble--to--fire--and-which-is-so-situated-as-to

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HB 104

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| 1 | endanger-othar-buildings-and-propertyinthevicinityis |
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| 2 | herebydeclaredtobeapublicnuisanca <u>r_because_of</u> |
| 3 | obsolescence, dilapidated condition, deterioration, damage. |
| 4 | inadequateexitslackof_sufficient_fire_resistive |
| 5 | constructions faulty electric wirings gas connectionss or |
| 6 | beatingapparatus. or payrother REASONABLE cause. is |
| 7 | determined by the fire marshals a deputy fire marshals or |
| 8 | any other officer mentioned in 50-62-101 to be a fire hazard |
| 9 | isa for the purposes of this chapters an unsafe building. |
| 10 | Any such unsafe building is a public nuisance and shall be |
| 11 | abatedby_repairs_rebabilitations_demolitions_or_renewal_in |
| 12 | accordance with the rules adopted by the state fire |
| 13 | parshal." |
| 14 | Section 8. Repeater. Sections 50-61-105, 50-61-109, |

15 and 50-62-103 through 50-62-107, MCA, are repealed.

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HB 0104/02

INTRODUCED BY PAVLOVICH 2 BY REQUEST OF THE ATTORNEY GENERAL З 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE 5 STATE FIRE LAWS TO CONFORM THEM TO THE ADOPTION OF THE 6 UNIFURM BUILDING CODE: AMENDING SECTIONS 2-15-2005. 7 50-3-103, 50-61-104, 50-61-108, 50-61-114, 50-61-115, AND 8 50-62-102. MCA: AND REPEALING SECTIONS 50-61-105. 50-61-109. 9 AND 50-62-103 THROUGH 50-62-107. MCA." 10 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

HOUSE BILL NO. 104

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 2-15-2005. MCA. is amended to read: #2-15-2005. Fire marshal bureau -- advisory council. (1) There is a fire marshal bureau in the department of justice which is under the supervision and control of the attorney general.

13 (2) The chief of the fire marshal bureau shall be
19 appointed by the attorney general and shall serve at his
20 pleasure. The chief of the fire marshal bureau is the state
21 fire marshal.

(3) A person appointed state fire marshal shall have:
(a) at least 10 years of progressively responsible
experience in fire protection;

25 (b) a 2-year associate degree in fire protection

engineering from a recognized institution of higher
 education and 2 years' experience in fire protection; or
 (c) a degree from a recognized institution of higher
 education in fire protection engineering or fire protection
 technology.
 (4) The attorney general shall create a fire marshal

advisory council in accordance with procedures provided in
 2-15-122. <u>The council shall perform the functions of the</u>
 <u>board of appeals as prescribed in the state fire code</u>
 adopted by the state fire marshal pursuant to 50-3-102.*

11 Section Z. Section 50-3-103, MCA, is amended to read: 12 #50-3-103. Rules promulgated by state fire marshal. 13 (1) Rules promulgated by the state fire marshal by authority 14 of 50-3-102 shall be reasonable and calculated to effect the 15 purposes of this chapter. They shall include but not be 16 limited to requirements for designy----constructiony 17 installationy operation, storage, handling, maintenance, or 18 use of structurel--requirements--for--verious---types---of 19 construction;---building---restrictions---within---congested districtst exit facilities from structures; fire alarm 20 21 systems and fire extinguishing systems; fire emergency 22 drills; fie--and--chimney--construction; heating devices; efectrical---wiring---and---equipmentf---aif---conditioning. 23 24 ventilatingy-and-other duct systems; refrigeration systems; flammable liquids; oil and gas wells; application of 25

> -2- нв 104 THIRD READING

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flammable finishes; explosives, acetylene, liquefied
 petroleum gas, and similar products; calcium carbide and
 acetylene generators; flammable motion picture filmvi
 combustible fibers; hazardous chemicals; rubbishvi open
 flame devices; parking of vehicles; dust explosions;
 lightning protection; and other special fire hazards.

7 (2) If rules relate to building and equipment
8 standards covered by the state or a municipal building code;
9 the rules are effective upon approval of the department of
10 administration and filing with the secretary of state.

11 (3) Standards of the national fire protection 12 association, United States bureau of standards, and American 13 insurance association, international conference of building 14 officials, and western fire chiefs, association may be 15 adopted in whole or in part by reference.

16 (4) Rules shall be adopted as prescribed in the 17 Montana Administrative Procedure Act.

18 (5) Any person violating any rule made under the 19 provisions of this part shall be guilty of a misdemeanor." 20 Section 3. Section 50-61-104. HCA. is amended to read: 21 *50-61-104. Fire escape requirements. (1) All 22 buildings described in 50+61-103, except private residences, 23 of two or more stories in height shall be equipped with not 24 less--than--one--adequate--fire-escape-for-each-5y888-square 25 feet-of--tot--oros--or--fraction--thereof--occupied--by--the

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HB 104

| 1 | building adequate fire escapes which meet the applicable |
|----|--|
| 2 | code_requirements. |
| 3 | (2) "First-story"-is-defined-ss-beingthestorythe |
| 4 | ceiling-of-which-is-first-above-the-level-of-the-gradev-said |
| 5 | cettingbeing-an-average-of-5-feet-or-more-above-the-ground |
| 6 | surrounding-the-building <u>A "story" is as defined in the</u> |
| 7 | <u>state_puilding_code."</u> |
| 8 | Section 4. Section 50-61-108, MCA, is amended to read: |
| 9 | *50-61-108• Alarm system required• {1} All buildings |
| 10 | within the scope of this chapter occupied-st-nightbymore |
| 11 | than10personsifmore-than-one-story-in-heightv-shall |
| 12 | have-in-each-story-an-electrically-operated-gong-or-gongs-to |
| 13 | be-operated-by-any-one-of-a-number-of-switchesy-ane-of-which |
| 14 | shatt-be-on-each-ftoorw-Soid-gong-or-gongs-shatt-not-be-tess |
| 15 | than-6-inches-in-diameter-and-installed-with-notlessthan |
| 16 | number-14-rubber-covered-wire required by the state building |
| 17 | <u>code_or_fire_code_to_be_equipped_with_alarm_systems_shall</u> |
| 18 | <u>comply_with_the_applicable_code_requirements</u> . |
| 19 | t2}in-iteu-of-said-gong-or-gongs+-such-buildingsmay |
| 20 | beequipped-withe-telephone-slarm-system-operated-from-a |
| 21 | central-switchboardwWherever-such-telephone-system-is-used |
| 22 | in-such-buildingsv-on-attendant-shallbeondutyatthe |
| 23 | centralswitchboard24hoursdailyythe-alarm-from-such |
| 24 | switchboard-shallbasimultaneousinallroomsofthe |
| 25 | buildingandasingleswitchatthe-switchboard-shall |
| | |

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1 operate-said-telephone-alarm-systems" 2 Section 5. Section 50-61-114. MCA. is amended to read: "50-61-114. Fire chief and or county sheriff to make 3 inspections. The chief of the fire department of each 4 5 municipality or district where a fire department is established, and or the county sheriff or deputy fire 6 7 marshals marshal where no fire department exists, shall may enter into all buildings and upon all premises within their 8 his jurisdiction at-least-once-each-6-months for the purpose 9 of examining the premises for violations of this chapter. 10 11 The inspection shall may include but--is-not-limited-to 12 testing fire alarms and fire extinguishers, examining fire hosey attachmentsy and other fire apparatusy and examining 13 fire escapes. Copies-of-the-inspection-shail-be-filed-in-the 14 office-of-the-state-fire-marshal-on-forms-to-be-provided--by 15 him** 16

Section 6. Section 50-61-115. MCA. is amended to read: 17 "50-61-115. Notice of violations. (1) When a building 18 is found which requires the erection of fire escapes and 19 upon which fire escapes have not been erected according to 20 the provisions of this chapter or if fire hoses, fire 21 extinguishers, fire alarms, or other fire apparatus is are 22 found to be lacking or defective or not in good working 23 condition, the person making the inspection or the state 24 fire marshal shall serve a written notice upon the party 25

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| 1 | whose duty it is to erect the fire escapes or maintain such |
|----|---|
| 2 | fire apparatus. <u>The notice shall be in the form and shall be</u> |
| 3 | served by the method provided for in the rules_adopted by |
| 4 | the_fire_marshal. |
| 5 | f2}The-notice-shall-specify-the-time-within-which-the |
| 6 | fire-escapes-shail-be-erected-orthedefectiveconditions |
| 7 | remediedy-which-may-not-be-more-than-90-days+ |
| 8 | {} |
| 9 | benotifiedyifleftwitheny-adult-person-at-the-usual |
| 10 | residence-or-place-of-business-of-the-person-to-be-notifiedy |
| 11 | or-if-deposited-in-the-postoffic edire ctedtotheiast |
| 12 | knownaddressofthepersonto benotifieduWhenever |
| 13 | buildings-ore-monoged-ond-controlled-by-o-boord-of-trusteesv |
| 14 | boord-of-commissioners;-or-other-governing-body;-thenotice |
| 15 | isservedifdeliveredtothepresidenty-secretoryy-ar |
| 16 | treesurer-of-the-board-of-trusteesy-board-ofcommissionersy |
| 17 | or-other-governing-body." |
| 18 | Section 7. Section 50-62-102, MCA, is amended to read: |
| 19 | *50-62-102. Structures creating fire hazard a public |
| 20 | nuisance. Any building or other structure which for-wantof |
| 21 | nenne |

20 nuisance. Any building or other structure which for-want--of 21 proper--repairt--by--reason--of--agev-dilapidated_conditionv 22 defect+ve--or--poorly--installed---wiring---and---equipmentv 23 defect+ve--chimneysv--defect+ve--gas--connectionsv-defective 24 heating-apparatust-or-for--any--other--cause--or--reason--is 25 especially--liable--to--fire--and-which-is-sa-situated-as-to

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| 1 | endanger-other-buildings-and-propertyinthevicinityis |
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| Z | herebydectoredtobeapublicnuisance <u>bacause_of</u> |
| 3 | obsolescences_dilapidated_conditions_deteriorationsdamages |
| 4 | inadequateexitslackofsufficientfireresistive |
| 5 | constructions_faulty_electric_wirings_gas_connectionss_or |
| 6 | beatingapparatuss_or_any_other_causes_is_determined_by_the |
| 7 | fire_warshals_a_deputy_fire_warshals_oraoyotherofficer |
| 8 | mentioned_in_50-62-101_to_be_a_fire_bazard_ise_for_the |
| 9 | purposes_of_thischapteran_unsafe_building. Any_such |
| 10 | unsafe_building_is_a_public_nuisance_and_shall_be_abated_by |
| 11 | repoirs_rebabilitations_demolitions_or_renewal_in_accordance |
| 12 | with the rules adopted by the state fire marshal." |
| 13 | Section 8. Repealer. Sections 50-61-105, 50-61-109, |
| 14 | and 50-62-103 through 50-62-107, MCA, are repealed. |

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HB 104

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STATEMENT OF INTENT RE: HB 104

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2 A statement of intent is required for this bill in that 3 it amends section 50-3-103, MCA, which delegates authority to the state fire marshal to promulgate rules in section 2. 4 1. Under section 2, the bill amends 50-3-103(1), MCA, 5 to remove the authority of the state fire marshal to 6 promulgate rules concerning the design and construction of 7 buildings and installation of equipment and materials 8 9 therein. This authority is no longer necessary as the department of administration has adopted the uniform 10 11 building code which governs the design and construction of buildings and installation of equipment and materials 12 13 therein.

2. Under section 2, the bill amends 50-3-103(3), MCA, 14 which states that the state fire marshal may adopt the 15 standards of the "international conference of building 16 17 officials, and western fire chiefs association". This language refers to the uniform fire code. It is not intended 19 19 that this be an additional grant of rulesaking authority to 20 the state fire marshal, as the state fire marshal has 21 already adopted the uniform fire code under its rulemaking authority in 50-3-102, MCA. This language was added solely 22 23 for the purpose of clarity. The uniform fire code is the 24 companion code to the uniform building code already in 25 effect. It should be noted that the state fire marshal adopted the uniform fire code to provide for consistency in
 rules relating to building and equipment standards. This
 consistency is necessary as the uniform fire code has rules
 governing the use of buildings and the uniform building code
 has rules governing the design and construction of
 buildings.

3. Under section 6. 50-61-115. MCA. is amended to 7 8 allow the fire marshal to adopt rules governing the form and 9 method for notice of violations pertaining to the erection 10 of fire escapes and maintenance of fire apparatus. This is not intended to provide an additional or new delegation of 11 authority to the state fire marshal to adopt rules. The 12 13 rules governing the form and method for notice of such violations are provided for in the uniform fire code which 14 15 is in effect. This language was added for clarity. Sections 50-61-115(2) and (3). MCA, which specified the form and 16 method of notice of violations were repealed as they 17 18 conflicted with the provisions in the uniform fire code.

19 4. Under section 7, 50-62-102, MCA, was amended to allow the fire marshal to adopt rules relating to the "repair, rehabilitation, demolition, or renewal of unsafe buildings". Again, this language is not intended to delegate new or additional rulemaking authority to the state fire marshal. The state fire marshal already has the authority to adopt rules relating to safeguarding life and property from

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the hazards of fire and the power to maintain an action to
 enjoin the use of all or a portion of a building if it is
 dangerous under 50-3-102(2)+ MCA. The authority to
 promulgate rules was merely repeated here as the section
 addessses specifically the problem of unsafe buildings.
 first adopted by HOUSE CONMITTEE ON BUSINESS AND

7 INDUSTRY, January 25, 1979

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46th Legislature

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HB 0104/03

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| 1 | HOUSE BILL NO. 104 | 1 | engineer |
|----|--|----|----------------------|
| 2 | INTRODUCED BY PAVLOVICH | 2 | educatio |
| 3 | BY REQUEST OF THE ATTORNEY GENERAL | 3 | (c) |
| 4 | | 4 | educatio |
| 5 | A BILL FOR AN ACT ENTITLED: MAN ACT TO GENERALLY REVISE THE | 5 | technolo |
| 6 | STATE FIRE LAWS TO CONFORM THEM TO THE ADOPTION OF THE | 6 | (4) |
| 7 | UNIFORM BUILDING CODE; AMENDING SECTIONS 2-15-2005+ | 7 | advisory |
| 8 | 50-3-103+ 50-61-104+ 50-61-108+ 50-61-114+ 50-61-115+ AND | 8 | 2-15-122 |
| 9 | 50-62-102, MCA; AND REPEALING SECTIONS 50-61-105, 50-61-109, | 9 | board of |
| 10 | AND 50-62-103 THROUGH 50-62+107, MCA." | 10 | adopted |
| 11 | | 11 | Sec |
| 12 | BE IT CNACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: | 12 | • 50 |
| 13 | Section 1. Section 2-15-2005, MCA+ is amended to read: | 13 | (l) Rule |
| 14 | *2-15-2005. Fire marshal bureau advisory council. | 14 | of 50-3- |
| 15 | (1) There is a fire marshal bureau in the department of | 15 | purposes |
| 16 | justice which is under the supervision and control of the | 18 | limited |
| 17 | attorney general. | 17 | install e |
| 13 | (2) The chief of the fire marshal bureau shall be | 18 | use of |
| 19 | appointed by the attorney general and shall serve at his | 19 | construc |
| 20 | pleasure. The chief of the fire marshal bureau is the state | 20 | district |
| ٤1 | fire marshal. | 21 | systems |
| 22 | (3) A person appointed state fire marshal shall have: | 22 | drills; |
| 23 | (a) at least 10 years of progressively responsible | 23 | e lectric |
| 24 | experience in fire protection; | 24 | ventiłot |
| 25 | (b) a 2-year associate degree in fire protection | 25 | flammabl |
| | | | |

ering from a recognized institution of higher ion and 2 years' experience in fire protection; or c) a degree from a recognized institution of higher on in fire protection engineering or fire protection ogy. 4) The attorney general shall create a fire marshal ry council in accordance with procedures provided in 22. The council shall perfore the functions of the of appeals as prescribed in the state fire code by the state fire marshal pursuant to 50-3-102.** ection 2. Section 50-3-103, MCA, is amended to read: 50-3-103. Rules promulgated by state fire marshal. les promulgated by the state fire marshal by authority -102 shall be reasonable and calculated to effect the s of this chapter. They shall include but not be to requirements for designv----constructionv etiony operation, storage, handling, maintenance, or

Use of structurel--requirements--for-various---types--of construction;---building---restrictions---within---congested districts; exit facilities from structures; fire alarm systems and fire extinguishing systems; fire emergency drills; flue--ond--chimney--construction; beating devices; electrical---wiring---and---equipment;---air---conditioning; ventiloting,-and-other duct systems; refrigeration systems; flammable liquids; oil and gas wells; application of

> -2- SECOND PRINTING HB 104 THIRD READING

flammable finishes; explosives: acetylenc: liquefied
 petroleum gas: and similar products; calcium carbide and
 acetylene generators; flammable motion picture filmy;
 combustible fibers; hazardous chemicals; rubbishy; open
 flame devices; parking of vehicles; dust explosions;
 lightning protection; and other special fire hazards.

7 (2) If rules relate to building and equipment
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16 (4) Rules shall be adopted as prescribed in the
17 Montana Administrative Procedure Act.

18 (5) Any person violating any rule made under the 19 provisions of this part shall be guilty of a misdemeanor." 20 Section 3. Section 50-61-104, MCA, is amended to read: 21 *50-61-104. Fire escape requirements. (1) All 22 buildings described in 50-61-103, except private residences, 23 of two or more stories in height shall be equipped with not less--then--one--adequate--fire-escape-for-each-5,000-square 24 25 feet-of--lot--ares--or--froction--thereof--occupied--by--the

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| ı | building adequate fire escapes which meet the applicable |
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| 2 | code_requirements. |
| 3 | (2) "F irst-story"-is-defined-as-bein gthestorythe |
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| 6 | surrounding-the-building <u>A "story" is as defined in the</u> |
| 7 | state building code." |
| 8 | Section 4. Section 50-61-108, MCA, is amended to read: |
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| 12 | have-in-each-story-an-electrically-operated-gong-or-gongs-to |
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| 16 | number-14-rubber-covered-wire required by the state building |
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| 22 | in-such-buildingsy-an-atten da nt-shallbeon- -dutyatthe |
| 23 | centrolswitchboard24hoursdoilyythe-slarm-from-such |
| 24 | switchboard-shallbesimultoncousinallroomsofthe |
| 25 | buildingandasingleswitch- -atthe-switchboard-shall |
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operate-said-telephone-alarm-system." ł Section 5. Section 50-61-114, MCA, is amended to read: 2 "50-61-114. Fire chief and or county sheriff to make 3 inspections. The chief of the fire department of each 4 municipality or district where a fire department is 4 established, and or the county sheriff or deputy fire 6 mershels marshal where no fire department exists, shell may 7 enter into all buildings and upon all premises within their 8 his jurisdiction at-least-once-each-6-months for the purpose 9 of examining the premises for violations of this chapter. 10 The inspection shall may include but--is-not-limited-to 11 testing fire clarms and fire extinguishers, examining fire 12 13 hosey attachmentsy and other fire apparatus, and examining 14 fire escapes. Copies-of-the-inspection-shall-be-filed-in-the office-of-the-state-fire-morshel-on-forms-to-be-provided--by 15 16 hima™. .

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Section 6. Section 50-61-115, MCA, is amended to read: 17 18 "50-61-115. Notice of violations. (1) When a building 19 is found which requires the erection of fire escapes and 20 upon which fire escapes have not been erected according to 21 the provisions of this chapter or if fire hoses, fire extinguishers, fire alarms, or other fire apparatus is are 22 found to be lacking or defective or not in good working 23 condition, the person making the inspection or the state 24 fire marshal shall serve a written notice upon the party 25

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| l | whose duty it is to erect the fire escapes or maintain such |
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| 2 | fire apparatus. <u>The notice shall be in the form and shall be</u> |
| 3 | served by the method provided for in the rules adopted by |
| 4 | the fire marshale |
| 5 | {2}The-notice-shall-specify-the-time-within-which-the |
| 6 | fire-escapes-shall-be-erected-orthedefactiveconditions |
| 7 | rewediedy-which-may-not-be-more-than-90-days* |
| 8 | {3}The-notice-is-served-if-delive red- to-the-person-to |
| 9 | benotifiedyifleftwithany-adult-person-at-the-usual |
| 10 | residence-or-place-of-business-of-the-person-to-be-notifiedy |
| 11 | or-if-deposited-in-the-postofficedirec tedtothe last |
| 12 | knownaddressofthepersontobenotifiedwWhenever |
| 13 | bu ildings-ore-mon oged-and-controlled-by-a-board-of-trustees. |
| 14 | board-cf-commissionersy-or-other-governing-bodyy-thenotice |
| 15 | isservedifdeliveredtothepresidenty-secretaryy-or |
| 16 | tressurer-of-the-board-of-trusteesy-board-ofcoumissionersy |
| 17 | ar-ather-gaverning-bodys" |
| 18 | Section 7. Section 50-62-102, MCA, is amended to read: |
| 19 | *50-62-102. Structures creating fire hazard a public |
| 20 | nuisance. Any building or other structure which for-wontof |
| 21 | properrepairtbyreasonofagev-dilapidated-conditionv |
| 22 | defectiveerpoorlyinstalledwiringendequipmenty |
| 23 | defectivechimneysrdefectivegasconnectionsv-defective |

25 especially--liable--to--fire--and-which-is-so-situated-as-to

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heating-opparatust-or-for--any--other--cause--or--reason--is

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| 1 | endanger-other-buildings-and-propertyinthevicinityis |
|----|--|
| z | hereby—-declaredtobeapublicnuisance <u>sbecause_of</u> |
| 3 | obsolescences_dilapidated_cooditions_deteriorationsdamages |
| 4 | inadequateexitslackofsufficient_fire_resistive |
| 5 | construction, faulty electric wiring, gas connections, or |
| 6 | beatingapparatusor env-teter REASONABLE cause. is |
| 7 | determined by the fire marshals a deputy fire marshals or |
| 8 | any other officer mentioned in 50-62-101 to be a fire bazard |
| 9 | is. for the purposes of this chapters an unsafe building. |
| 10 | Any such unsafe building is a public nuisance and shall be |
| 11 | abated by repairs rebabilitations demolitions or reneval in |
| 12 | accordance with the rules adopted by the state fire |
| 13 | marshale" |
| 14 | Section 8. Repealer. Sections 50-61-105. 50-61-109. |
| 15 | and 50-62-103 through 50-62-107, MCA, are repealed. |

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