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INTRODUCED BY

Sen. Steve BILL NO. 347
McEldown

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT PLANS FOR CONSTRUCTION OR ALTERATION OF CERTAIN BUILDINGS INCLUDE LIFE SAFETY INFORMATION RELATED TO PASSENGER ELEVATORS; ALLOWING FIRE INSPECTORS TO INSPECT PASSENGER ELEVATORS AND REPORT FIRE SAFETY VIOLATIONS; REQUIRING STATE OR LOCAL FIRE SAFETY OFFICIALS TO CERTIFY PRIOR TO THE COMPLETION OF A PASSENGER ELEVATOR INSPECTION BY THE DEPARTMENT OF COMMERCE THAT THE PASSENGER ELEVATOR DOES NOT CONSTITUTE A FIRE HAZARD AND WILL NOT BE DECLARED A PUBLIC NUISANCE; AND AMENDING SECTIONS 50-60-702, 50-61-112, 50-61-114, 50-61-115, AND 50-62-102, MCA."

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

Section 1. Section 50-60-702, MCA, is amended to read:

"50-60-702. Department to adopt inspection standards -- certification of inspectors -- certification from fire safety official. (1) The department shall adopt standards for passenger elevator and escalator inspections that ~~assure~~ ensure compliance with the requirements of the state building code.

(2) The department shall adopt rules for the certification of maintenance and insurance company inspectors who may inspect passenger elevators and escalators pursuant to 50-60-701.

(3) The department may not complete an inspection of a passenger elevator or issue any type of certificate of compliance with the state building code for a passenger elevator unless the department has obtained a written statement from an officer of the state fire prevention and investigation program of the department of justice or the chief of the fire department of a municipality or a district where a fire department has been established that certifies that the passenger elevator does not constitute a fire hazard and will not be declared a public nuisance when fully installed and operational."

Section 2. Section 50-61-112, MCA, is amended to read:

"50-61-112. Prior approval required for construction or alteration of educational and institutional occupancies. (1) Within an incorporated municipality, an educational or institutional occupancy building,

1 whether public or private, may not be constructed or have alterations made costing \$1,500 or more until
 2 sketches or architectural plans for the construction or alteration, ~~whichever are available~~, are submitted to
 3 and approved by the state fire prevention and investigation program of the department of justice.

4 (2) Outside an incorporated municipality, an assembly, educational, or institutional occupancy
 5 building may not be constructed or have alterations made costing \$1,500 or more until a permit has been
 6 issued for the construction or alteration by the county commissioners. A fee of \$10 must be paid to the
 7 county treasurer for each permit. A copy of the permit must be furnished to the department of revenue.
 8 A permit may not be issued until sketches or architectural plans for the construction or alteration,
 9 ~~whichever are available~~, are submitted to and approved by the state fire prevention and investigation
 10 program of the department of justice. The state fire prevention and investigation program of the department
 11 of justice and county sheriffs are responsible for enforcing the provisions of this subsection.

12 (3) For the purposes of 50-61-113 and this section, the construction or alterations plans must
 13 include a detailed description of the life safety functions and operations of any passenger elevator that is
 14 included in the plans."

15

16 **Section 3.** Section 50-61-114, MCA, is amended to read:

17 "**50-61-114. Fire chief and fire inspector to make inspections.** The chief of the fire department of
 18 each municipality, district, or fire service area, when a fire inspection program is established, or a fire
 19 inspector of the department of justice, when a fire inspection program does not exist, for the purpose of
 20 examining the premises for violations of this chapter and rules adopted under 50-3-103 for the enforcement
 21 of this chapter:

22 (1) shall enter into school buildings at least once each 12 months; ~~and~~

23 (2) may enter into all other buildings and upon all other premises within the jurisdiction, according
 24 to priority schedules established by the department for conducting inspections of buildings and premises;
 25 and

26 (3) may inspect any passenger elevator in a building for compliance with the life safety requirements
 27 established by the local fire chief or incorporated fire safety rules promulgated by the department of justice
 28 in accordance with the provisions of 50-61-102."

29

30 **Section 4.** Section 50-61-115, MCA, is amended to read:

1 **"50-61-115. Notice of violations.** (1) When a building or a passenger elevator on the premises of
2 a building is found that is not in compliance with fire safety rules promulgated by the department of justice,
3 the person making the inspection or the department shall serve a written notice upon the party whose duty
4 it is to maintain the safety of the building.

5 (2) The notice must specify the time within which the defective conditions must be remedied,
6 which may not be more than 90 days.

7 (3) The notice is served if delivered to the person to be notified, if left with any adult person at the
8 usual residence or place of business of the person to be notified, or if deposited in the post office directed
9 to the last-known address of the person to be notified. Whenever buildings are managed and controlled by
10 a board of trustees, board of commissioners, or other governing body, the notice is served if delivered to
11 the president, secretary, or treasurer of the board of trustees, board of commissioners, or other governing
12 body."

13
14 **Section 5.** Section 50-62-102, MCA, is amended to read:

15 **"50-62-102. Structures or conditions creating fire hazard a public nuisance -- order to remedy --**
16 **response to elevator safety inquiry.** (1) If any building or other structure that for want of proper repair; by
17 reason of age, dilapidated condition, defective or poorly installed wiring and equipment, defective chimneys,
18 defective gas connections, defective heating apparatus, or the existence of any combustible materials,
19 flammable conditions, or other fire hazards; or for any other cause or reason is especially liable to fire and
20 is dangerous to the safety of the building premises or to the public or is so situated as to endanger other
21 buildings and property in the vicinity, the state fire prevention and investigation program of the department
22 of justice or other officer may declare the building or other structure to be a public nuisance and proceed
23 according to 50-62-103 or subsection (2) of this section.

24 (2) If the state fire prevention and investigation program, an officer of the program, or an officer
25 mentioned in 50-62-101 determines that a building or other structure constitutes a public nuisance for any
26 reason identified in subsection (1), the department or other officer shall order the hazardous condition or
27 material to be removed or remedied. The order must be in writing and directed generally to the owner,
28 lessee, agent, or occupant of the building or structure.

29 (3) If the hazardous condition or material can be removed or remedied within a period of 24 hours,
30 the order must contain notice that the condition or material must be remedied or removed. The owner,

1 lessee, agent, or occupant upon whom the notice is served who fails to comply with the notice is liable for
2 any expenses incurred in the removal or remedying of the hazardous condition or material by the fire
3 prevention and investigation program or other officer mentioned in 50-62-101.

4 (4) (a) An officer of the state fire prevention and investigation program of the department of justice
5 or the chief of the fire department of a municipality or a district where a fire department is established shall
6 respond either negatively or affirmatively in writing to a request from the department of commerce pursuant
7 to 50-60-702 for certification that the passenger elevator does not constitute a fire hazard and will not be
8 declared a public nuisance in accordance with the provisions of this section after the department's
9 inspection has been completed.

10 (b) The written response required in subsection (4)(a) must be mailed or otherwise delivered within
11 10 days of receipt of the request from the department of commerce."

12

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0347, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill requiring that plans for construction or alteration of certain buildings include life safety information related to passenger elevators, and allowing fire inspectors to inspect passenger elevators and report fire safety violations.

ASSUMPTIONS:

1. Approximately 1,350 elevators currently exist which would require annual certification by either a local or Department of Justice (DOJ) fire inspector prior to the completion of the passenger elevator inspection by the Department of Commerce (DOC). Also assume that the number of elevators will remain constant in the 1999 biennium.
2. Inspection of approximately 240 of the elevators would be the responsibility of the DOJ.
3. Current deputies of DOJ's Fire Prevention and Investigation Bureau (FPIB) conduct approximately 130 inspections a year in addition to their fire investigation duties. With the additional 240 inspections estimated by this bill, the DOJ would need an additional 2.00 FTE deputy fire marshals, grade 15, at a cost of \$68,880 (34,440 x 2.00), plus operating costs of \$6,000 a year, and equipment for two staff of \$49,700 (Office - \$9,700; Investigation - \$4,000; vehicles with radios - \$36,000).
4. The additional step added by the bill to the Department of Commerce Building Codes Bureau passenger elevator inspection and certification process will increase paperwork and reduce efficiency that may result in delays in issuing annual certificates of operation.

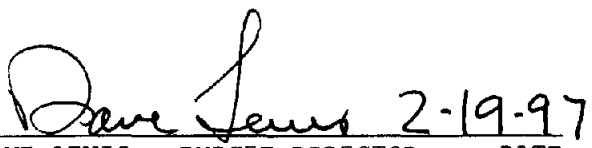
FISCAL IMPACT:

Department of Justice:

	<u>FY98</u>	<u>FY99</u>
<u>Expenditures:</u>	<u>Difference</u>	<u>Difference</u>
FTE	2.00	2.00
Personal Services	\$68,880	\$68,880
Operating Expenses	6,000	6,000
Equipment	<u>49,700</u>	<u>0</u>
Total	\$124,580	\$74,880
 <u>Funding:</u>		
General fund (01)	\$124,580	\$74,880

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

The bill would require the inspection and certification of approximately 1,110 elevators by local fire inspectors, prior to completion of the annual elevator inspection conducted by the Department of Commerce.


 DAVE LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

 BILL GLASER, PRIMARY SPONSOR DATE

Fiscal Note for SB0347, as introduced

SB 347