



HOUSE BILL No. 4437

February 21, 1995, Introduced by Reps. Curtis, Harder, Cherry, Leland and DeMars and referred to the Committee on Regulatory Affairs.

A bill to amend section 3c of Act No. 207 of the Public Acts of 1941, entitled as amended "Fire prevention code," as amended by Act No. 132 of the Public Acts of 1990, being section 29.3c of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3c of Act No. 207 of the Public Acts of
2 1941, as amended by Act No. 132 of the Public Acts of 1990, being
3 section 29.3c of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 3c. (1) The board shall promulgate rules pertaining to
6 fire safety requirements for the construction, operation, or
7 maintenance of all of the following:

1 (a) Schools and dormitories, including state supported
2 schools, colleges, and universities and school, college, and
3 university dormitories.

4 (b) Buildings for which the state is the lessee or which are
5 owned by the state.

6 (c) A health facility or agency as defined in section 20106
7 of the public health code, Act No. 368 of the Public Acts of
8 1978, as amended, being section 333.20106 of the Michigan
9 Compiled Laws.

10 (d) Places of public assemblage.

11 (e) Penal facilities as described in section 62 of Act
12 No. 232 of the Public Acts of 1953, as amended, being section
13 791.262 of the Michigan Compiled Laws.

14 (f) Dry cleaning establishments using flammable liquids.

15 (g) Mental hospitals, psychiatric hospitals, and psychiatric
16 units as defined in section 135 of the mental health code, Act
17 No. 258 of the Public Acts of 1974, being section 330.1135 of the
18 Michigan Compiled Laws.

19 (H) PLACES OF PUBLIC LODGING. THE RULES SHALL REQUIRE THAT
20 A FIRE SUPPRESSION SYSTEM BE INSTALLED IN NEW CONSTRUCTION OR
21 RENOVATION OF ANY PUBLIC LODGING.

22 (2) The board shall promulgate rules for the storage, trans-
23 portation, and handling of hazardous material and for the imple-
24 mentation of this act.

25 (3) Rules promulgated pursuant to this act shall be consis-
26 tent with recognized good practice as evidenced by standards
27 adopted by nationally recognized authorities in the field of fire

1 protection. Experiences identified in the department's fire
2 incidents reports may be considered by the board as a qualified
3 basis for review of rules promulgated and promulgation of rules
4 pursuant to this act.

5 (4) The state fire safety board, pursuant to the administra-
6 tive procedures act of 1969, Act No. 306 of the Public Acts of
7 1969, as amended, being sections 24.201 to 24.328 of the Michigan
8 Compiled Laws, shall submit the initial rules to the joint com-
9 mittee on administrative rules not later than October 28, 1982
10 for the certification of a firm which does any of the following:

11 (a) Installs, modifies, or documents the installation or
12 modification of a required fire suppression system.

13 (b) Documents the installation or modification of a required
14 fire alarm system.

15 (c) Performs testing, servicing, inspections, or maintenance
16 which has not been exempted by the rules promulgated by the board
17 on required fire alarm systems or required fire suppression
18 systems.

19 (d) Submits a drawing, print, or sketch of a required fire
20 alarm system or required fire suppression system to the state
21 fire marshal for approval pursuant to section 29, except an
22 architect or professional engineer licensed under article 20 of
23 the occupational code, Act No. 299 of the Public Acts of 1980, as
24 amended, being sections 339.2001 to 339.2014 of the Michigan
25 Compiled Laws.

26 (5) The state fire marshal shall not be required to consider
27 fire safety rules other than those provided for in this act and

1 in Act No. 306 of the Public Acts of 1937, as amended, being
2 sections 388.851 to 388.855a of the Michigan Compiled Laws.

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

12 (7) The entire board, except as provided in section 3b(4),
13 shall act as a hearing body in accordance with Act No. 306 of the
14 Public Acts of 1969, as amended, to review and render decisions
15 on a contested case, a rule specified in this act, or a ruling of
16 the state fire marshal in the marshal's interpretation or appli-
17 cation of the rules. After a hearing, the board may vary the
18 application of a rule or may modify the ruling or interpretation
19 of the state fire marshal if the enforcement of the ruling or
20 interpretation would do manifest injustice and would be contrary
21 to the spirit and purpose of the rules or the public interest.

22 (8) A decision of the board to vary the application of a
23 rule, or to modify or change a ruling of the state fire marshal,
24 shall specify in what manner the variation, modification, or
25 change is made, the conditions upon which it is made, and the
26 reasons for the variation, modification, or change.

1 (9) If a local school board has passed a resolution calling
2 for an election on the question of the issuance of bonds for the
3 construction, remodeling, or addition to a school, which election
4 was held not later than September 28, 1989, which approved issu-
5 ance of the bonds and which construction was reasonably antici-
6 pated to have begun not later than June 30, 1990, then the con-
7 struction, remodeling, or addition to that school is exempt from
8 the rules promulgated by the fire safety board entitled "schools,
9 colleges, and universities", being R 29.301 to R 29.321 of the
10 Michigan administrative code, that were filed with the Secretary
11 of State on July 14, 1989 and became effective on July 29, 1989.
12 The construction, remodeling, or addition to that school is, how-
13 ever, subject to the standards contained in rules promulgated by
14 the fire safety board entitled "school fire safety", being the
15 former R 29.1 to R 29.298 of the Michigan administrative code.
16 This subsection does not prevent the construction, remodeling, or
17 addition of a school from complying with R 29.301 to R 29.321 of
18 the Michigan administrative code.