

HOUSE BILL No. 6524

November 13, 2002, Introduced by Rep. Hart and referred to the Committee on Regulatory Reform.

A bill to amend 1941 PA 207, entitled
"Fire prevention code,"
by amending section 3c (MCL 29.3c), as amended by 1996 PA 152.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

4 (a) Schools and dormitories, including state supported
5 schools, colleges, and universities and school, college, and uni-
6 versity dormitories. THE RULES SHALL REQUIRE INSTALLATION OF AN
7 AUTOMATIC SPRINKLER SYSTEM, AND THAT ALL PATHS OF EGRESS ARE CON-
8 STRUCTED OF NONCOMBUSTIBLE MATERIALS, IN EACH DORMITORY CON-
9 STRUCTED AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
10 ADDED THIS SENTENCE.

1 (b) Buildings for which the state is the lessee or which are
2 owned by the state.

3 (c) A health facility or agency as defined in section 20106
4 of the public health code, ~~Act No. 368 of the Public Acts of~~
5 ~~1978, being section 333.20106 of the Michigan Compiled Laws~~ 1978
6 PA 368, MCL 333.20106.

7 (d) Places of public assemblage.

8 (e) Penal facilities as described in section 62 of ~~Act~~
9 ~~No. 232 of the Public Acts of 1953, being section 791.262 of the~~
10 ~~Michigan Compiled Laws~~ 1953 PA 232, MCL 791.262.

11 (f) Dry cleaning establishments using flammable liquids.

12 (g) ~~Mental facilities as~~ PSYCHIATRIC FACILITIES described
13 in section 135 of the mental health code, ~~Act No. 258 of the~~
14 ~~Public Acts of 1974, being section 330.1135 of the Michigan~~
15 ~~Compiled Laws~~ 1974 PA 258, MCL 330.1135.

16 (H) CLASS A MULTIPLE DWELLINGS DESCRIBED IN SECTION 2 OF THE
17 HOUSING LAW OF MICHIGAN, 1917 PA 167, MCL 125.402. THE RULES
18 SHALL REQUIRE INSTALLATION OF AN AUTOMATIC SPRINKLER SYSTEM, AND
19 THAT ALL PATHS OF EGRESS ARE CONSTRUCTED OF NONCOMBUSTIBLE MATE-
20 RIALS, IN EACH MULTIPLE DWELLING THAT IS CONSTRUCTED AFTER THE
21 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBDIVISION.

22 (2) The board shall promulgate rules for the storage, trans-
23 portation, and handling of liquefied petroleum gas, ~~and~~ for the
24 storage, noncommercial transportation, and handling of other haz-
25 ardous materials and for the implementation of this act.

26 (3) Rules promulgated pursuant to this act shall be
27 consistent with recognized good practice as evidenced by

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

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

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

15 (b) Documents the installation or modification of a required
16 fire alarm system.

17 (c) Performs testing, servicing, inspections, or maintenance
18 ~~which~~ THAT has not been exempted by the rules promulgated by
19 the board on required fire alarm systems or required fire sup-
20 pression systems.

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

1 (5) The state fire marshal ~~shall not be~~ IS NOT required to
2 consider fire safety rules other than those provided for in this
3 act and in ~~Act No. 306 of the Public Acts of 1937, being sec-~~
4 ~~tions 388.851 to 388.855a of the Michigan Compiled Laws 1937~~
5 PA 306, MCL 388.851 TO 388.855A.

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

15 (7) The entire board, except as provided in section 3b(4),
16 shall act as a hearing body in accordance with ~~Act No. 306 of~~
17 ~~the Public Acts of 1969~~ THE ADMINISTRATIVE PROCEDURES ACT OF
18 1969, 1969 PA 306, MCL 24.201 TO 24.328, to review and render
19 decisions on a contested case, a rule specified in this act, or a
20 ruling of the state fire marshal in the marshal's interpretation
21 or application of the rules. After a hearing, the board may vary
22 the application of a rule or may modify the ruling or interpreta-
23 tion of the state fire marshal if the enforcement of the ruling
24 or interpretation would do manifest injustice and would be con-
25 trary to the spirit and purpose of the rules or the public
26 interest.

1 (8) A decision of the board to vary the application of a
2 rule, or to modify or change a ruling of the state fire marshal,
3 shall specify in what manner the variation, modification, or
4 change is made, the conditions upon which it is made, and the
5 reasons for the variation, modification, or change.

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