

SUBSTITUTE FOR

SENATE BILL NO. 1133

(As amended, May 9, 2006)

A bill to amend 1941 PA 207, entitled
"Fire prevention code,"
by amending sections 1, 2, 2a, 2b, 2c, 3b, 3c, 3e, 4, 5a, 5c, 5d,
5e, 5g, 5h, 5i, 5j, 5n, 5o, 5p, 6, 10, 16, 21b, 21c, 21d, 23, 24,
26, 28, 29, 30, 31, and 32 (MCL 29.1, 29.2, 29.2a, 29.2b, 29.2c,
29.3b, 29.3c, 29.3e, 29.4, 29.5a, 29.5c, 29.5d, 29.5e, 29.5g,
29.5h, 29.5i, 29.5j, 29.5n, 29.5o, 29.5p, 29.6, 29.10, 29.16,
29.21b, 29.21c, 29.21d, 29.23, 29.24, 29.26, 29.28, 29.29, 29.30, 29.31,
and 29.32), sections 1, 3b, 3c, 5a, 5c, 5d, 5e, and 31 as amended by
1996 PA 152, sections 2a and 21c as amended and sections 2b, 3e,
and 5i as added by 1980 PA 247, section 2c as added by 1996 PA
147, section 4 as amended by 1980 PA 516, section 5g as amended

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by 1987 PA 70, sections 5j, 5n, and 5o as added by 1981 PA 186, section 5p as added by 1986 PA 67, section 6 as amended by 2001 PA 32, and sections 26, 28, 29, 30, and 32 as added by 1982 PA 144, and by adding sections 1b, 1c, 1d, and 1e; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 **(A) "BUREAU" MEANS THE BUREAU OF FIRE SERVICES CREATED IN**
3 **SECTION 1B.**

4 **(B) ~~—(a)—~~ "Director" means the director of the department of**
5 **~~state police~~ LABOR AND ECONOMIC GROWTH.**

6 **(C) ~~—(b)—~~ "Department" means the department of ~~state police~~**
7 **LABOR AND ECONOMIC GROWTH.**

8 **(D) ~~—(e)—~~ "Building" means a structure, framework, or place**
9 **for housing 1 or more persons ~~and includes~~ OR a tank,**
10 **receptacle, or container for the storage of commodities or other**
11 **materials.**

12 **(E) ~~—(d)—~~ "Premises" means a lot or parcel of land,**
13 **exclusive of buildings, and includes a parking lot, tourist camp,**
14 **trailer camp, airport, stockyard, junkyard, wharf, pier, and any**
15 **other place or enclosure. ~~—, however owned, used, or occupied.~~**

16 **(F) ~~—(e)—~~ "Fire hazard" means a building, premises, place,**
17 **or thing ~~which by reason~~ **THAT, BECAUSE** of its nature, location,**
18 **occupancy, condition, or use, may cause loss, damage, or injury**
19 **to persons or property by ~~reason of~~ fire, explosion, or action**
20 **of the elements.**

21 **(G) ~~—(f)—~~ "Person" means an individual, partnership,**

1 corporation, or voluntary association.

2 (H) ~~(g)~~ "Owner" means a person with an ownership interest
3 in property, and includes a trustee, a board of trustees of
4 property, ~~or~~ **AND** a person ~~having~~ **WITH** a freehold interest in
5 property. Owner does not include a lessee or mortgagee of
6 property.

7 (I) ~~(h)~~ "Organized fire department" means ~~an organization~~
8 ~~or department which provides fire suppression and other fire~~
9 ~~related services within a city, village, or township and is a~~
10 ~~fire department of a city, village, or township, or a fire~~
11 ~~service designated by a city, village, or township, pursuant to a~~
12 ~~contract. Organized fire department includes a department of~~
13 ~~county employees who are responsible for fire suppression and~~
14 ~~other fire related services for an airport operated by the county~~
15 ~~or an agency of the county.~~ **A DEPARTMENT, AUTHORITY, OR OTHER**
16 **GOVERNMENTAL ENTITY THAT SAFEGUARDS LIFE AND PROPERTY FROM DAMAGE**
17 **FROM EXPLOSION, FIRE, OR DISASTER AND THAT PROVIDES FIRE**
18 **SUPPRESSION AND OTHER RELATED SERVICES IN THIS STATE. ORGANIZED**
19 **FIRE DEPARTMENT INCLUDES ANY LAWFULLY ORGANIZED FIREFIGHTING**
20 **FORCE IN THIS STATE.**

21 (J) ~~(i)~~ "State fire marshal" means the ~~director or an~~
22 ~~officer of the department~~ **INDIVIDUAL** appointed by the director
23 ~~to implement this act~~ **UNDER SECTION 1B.**

24 (K) ~~(j)~~ "Firm" means a sole proprietorship, partnership,
25 association, or corporation.

26 (L) ~~(k)~~ "Vehicle" means a tank vehicle or bulk
27 transportation vehicle, excluding the tractor of a tank vehicle

1 or bulk transportation vehicle.

2 (M) ~~(l)~~ "Hazardous material" means explosives,
 3 pyrotechnics, flammable gas, flammable compressed gas,
 4 nonflammable compressed gas, flammable liquid, combustible
 5 liquid, oxidizing material, poisonous gas, poisonous liquid,
 6 irritating material, etiologic material, radioactive material,
 7 corrosive material, or liquefied petroleum gas.

8 (N) ~~(m)~~ ~~"Fire fighter"~~ **"FIREFIGHTER"** means a member of an
 9 organized fire department, ~~who is responsible for fire~~
 10 ~~suppression and other fire related services~~ **INCLUDING A**
 11 **VOLUNTEER MEMBER OR A MEMBER PAID ON CALL, WHO IS RESPONSIBLE**
 12 **FOR, OR IS IN A CAPACITY THAT INCLUDES RESPONSIBILITY FOR, THE**
 13 **EXTINGUISHMENT OF FIRES, THE DIRECTING OF THE EXTINGUISHMENT OF**
 14 **FIRES, THE PREVENTION AND DETECTION OF FIRES, AND THE ENFORCEMENT**
 15 **OF THE GENERAL FIRE LAWS OF THIS STATE. FIREFIGHTER DOES NOT**
 16 **INCLUDE A PERSON WHOSE JOB DESCRIPTION, DUTIES, OR**
 17 **RESPONSIBILITIES DO NOT INCLUDE DIRECT INVOLVEMENT IN FIRE**
 18 **SUPPRESSION.**

19 (O) ~~(n)~~ "Place of public assemblage" means a room or other
 20 space in a building ~~which~~ **IF THE** room or other space can
 21 accommodate 50 or more individuals, including ~~all~~ connected
 22 rooms and ~~space which~~ **SPACES THAT** share a common means of
 23 entrance and egress. Place of public assemblage does not include
 24 a private 1- or 2-family dwelling.

25 (P) ~~(e)~~ "Fire chief" or "chief of an organized fire
 26 department" means the chief operating officer of an organized
 27 fire department.

1 (Q) ~~-(p)-~~ "Board" means the state fire safety board created
2 in section 3b.

3 (R) ~~-(q)-~~ "Terminal" means a location ~~-at which-~~ **WHERE** an
4 ~~above ground~~ **ABOVEGROUND** liquid storage tank containing a
5 flammable liquid is located.

6 (S) ~~-(r)-~~ "Attended terminal" means a terminal, other than a
7 remote control terminal, where an individual knowledgeable in the
8 ~~above ground~~ **ABOVEGROUND** liquid storage tank filling operation
9 is physically in attendance and control during the entire
10 delivery of a flammable liquid and has as his or her primary
11 responsibility ~~—~~ supervising the storage tank filling
12 operation.

13 (T) ~~-(s)-~~ "Unattended terminal" means a terminal, other than
14 a remote control terminal **OR AN ATTENDED TERMINAL**, where an
15 individual knowledgeable in the ~~above ground~~ **ABOVEGROUND** liquid
16 storage tank filling operation is only in attendance during a
17 portion of the time when a flammable liquid is being delivered or
18 ~~has as his or her~~ **THE INDIVIDUAL'S** primary responsibility ~~—~~ **IS**
19 a function other than supervising the storage tank filling
20 operation.

21 (U) ~~-(t)-~~ "Remote control terminal" means a terminal where
22 ~~the filling of the above ground~~ **AN ABOVEGROUND** liquid storage
23 tank with a flammable liquid is controlled at a remote location
24 by the individual who conveyed the flammable liquid to the
25 terminal.

26 (V) ~~-(u)-~~ "Pipeline" means a pipeline ~~used to convey~~ **THAT**
27 **CONVEYS** a flammable liquid from a crude petroleum wellhead

1 collection site to a refinery or terminal or from a refinery to a
2 terminal. ~~A pipeline~~ **PIPELINE** does not mean gathering lines
3 **THAT CONVEY A FLAMMABLE LIQUID** from the wellhead to a crude
4 petroleum collection tank or piping used ~~within~~ **IN** a plant
5 operation.

6 (W) ~~(v)~~ "Fire alarm system" means an assemblage of
7 components ~~which~~ **THAT** indicates or provides a warning of a fire
8 emergency, installation of which is required by the ~~state fire~~
9 ~~marshal pursuant to~~ **BUREAU UNDER** rules promulgated ~~by the state~~
10 ~~fire safety board~~ under section 3c.

11 (X) ~~(w)~~ "Fire suppression system" means an integrated
12 combination of a fire alarm system and fire suppression equipment
13 ~~which~~ **THAT**, as a result of predetermined temperature, rate of
14 temperature rise, products of combustion, flame, or human
15 intervention, will discharge a fire extinguishing substance over
16 a fire area, installation of which is required by the ~~state fire~~
17 ~~marshal pursuant to~~ **BUREAU UNDER** rules promulgated ~~by the state~~
18 ~~fire safety board~~ under section 3c.

19 (Y) ~~(x)~~ "Flammable liquid" means a liquid ~~having~~ **WITH** a
20 flash point below 100 degrees ~~fahrenheit~~ **FAHRENHEIT** and ~~having~~
21 a vapor pressure **THAT DOES** not ~~exceeding~~ **EXCEED** 40 pounds per
22 square inch absolute at 100 degrees ~~fahrenheit~~ **FAHRENHEIT**.

23 (Z) ~~(y)~~ "Combustible liquid" means a liquid ~~having~~ **WITH**
24 a flash point at or above 100 degrees ~~fahrenheit~~ **FAHRENHEIT** and
25 below 200 degrees ~~fahrenheit~~ **FAHRENHEIT**.

26 (AA) ~~(z)~~ "Owner of A vehicle" means ~~either~~ **1 OR MORE** of
27 the following:

1 (i) ~~Any person renting or leasing a vehicle or having~~ A
 2 **PERSON WHO RENTS OR LEASES THE VEHICLE OR HAS** the exclusive use
 3 of ~~a~~ **THE** vehicle for a period greater than 30 days.

4 (ii) ~~A~~ **SUBJECT TO SUBPARAGRAPH (iii)**, A person who holds ~~the~~
 5 legal title to ~~a~~ **THE** vehicle. ~~, or if a~~

6 (iii) **IF THE** vehicle is the subject of ~~an agreement for the~~
 7 **A** conditional sale or lease ~~of the vehicle~~ **AGREEMENT** with the
 8 right of purchase upon performance of the conditions ~~stated~~ in
 9 the agreement, and ~~with an~~ **IF THE CONDITIONAL VENDEE OR LESSEE**
 10 **HAS THE** immediate right of possession, ~~vested in the conditional~~
 11 ~~vendee or lessee,~~ or if a mortgagor of a vehicle is entitled to
 12 possession, ~~then~~ the conditional vendee or lessee or mortgagor.
 13 shall be considered the owner.

14 **(BB)** ~~(aa)~~ "Noncommercial transportation" means the
 15 occasional transportation of personal property by an individual
 16 not for compensation or in the furtherance of a commercial
 17 enterprise, and transportation not regulated under the motor
 18 carrier safety act **OF 1963**, ~~Act No. 181 of the Public Acts of~~
 19 ~~1963, being sections 480.11 to 480.21 of the Michigan Compiled~~
 20 ~~Laws~~ **1963 PA 181, MCL 480.11 TO 480.25.**

21 **SEC. 1B. (1) THE BUREAU OF FIRE SERVICES IS CREATED IN THE**
 22 **DEPARTMENT.**

23 **(2) THE GOVERNOR SHALL APPOINT A STATE FIRE MARSHAL TO SERVE**
 24 **AS THE HEAD OF THE BUREAU. THE STATE FIRE MARSHAL SHALL POSSESS**
 25 **NOT LESS THAN 10 YEARS' EXPERIENCE IN 1 OR MORE OF THE FOLLOWING**
 26 **AREAS:**

27 **(A) SAFEGUARDING LIFE AND PROPERTY FROM DAMAGE FROM**

1 EXPLOSION, FIRE, DISASTER, OR OTHER FIRE-RELATED EMERGENCIES.

2 (B) DELIVERY OF FIRE SUPPRESSION OR RELATED FIRE SERVICES OR
3 EMERGENCY RESPONSE SERVICES.

4 (C) FIRE INVESTIGATION OR THE PROVISION OF RELATED
5 INVESTIGATION SERVICES TO LAW ENFORCEMENT OR FIRE SERVICE
6 AGENCIES.

7 (D) TRAINING OF FIREFIGHTERS OR FIRE INVESTIGATORS.

8 (E) ENFORCEMENT OF THE GENERAL FIRE LAWS OF THIS STATE.

9 (3) THE BUREAU SHALL INCLUDE THE FOLLOWING:

10 (A) THE STATE FIRE MARSHAL.

11 (B) THE FIREFIGHTERS TRAINING COUNCIL CREATED UNDER SECTION
12 3 OF THE FIREFIGHTERS TRAINING COUNCIL ACT, 1966 PA 291, MCL
13 29.363.

14 (C) THE BOARD.

15 (D) ANY OTHER AGENCY, BOARD, OR COMMISSION DESIGNATED AS A
16 PART OF THE BUREAU BY LAW.

17 (4) THE BUREAU SHALL HAVE ALL OF THE AUTHORITY, POWERS,
18 DUTIES, FUNCTIONS, AND RESPONSIBILITIES TRANSFERRED FROM THE FIRE
19 MARSHAL DIVISION OF THE DEPARTMENT OF STATE POLICE TO THE
20 DEPARTMENT UNDER EXECUTIVE REORGANIZATION ORDER NO. 2003-1, MCL
21 445.2011. THE DEPARTMENT SHALL PERFORM THE BUDGETING,
22 PROCUREMENT, AND RELATED MANAGEMENT FUNCTIONS OF THE BUREAU. THE
23 BUREAU SHALL ADMINISTER THE AUTHORITY, POWERS, DUTIES, FUNCTIONS,
24 AND RESPONSIBILITIES VESTED IN THE BUREAU AND MAY MAKE INTERNAL
25 ORGANIZATIONAL CHANGES TO ENSURE EFFICIENT ADMINISTRATION.

26 (5) TO IMPLEMENT THE AMENDATORY ACT THAT ADDED THIS SECTION,
27 THE STATE BUDGET DIRECTOR SHALL DETERMINE AND AUTHORIZE THE MOST

1 EFFICIENT METHODS FOR THE BUREAU TO HANDLE FINANCIAL TRANSACTIONS
2 AND RECORDS IN THE FINANCIAL MANAGEMENT SYSTEM OF THIS STATE.

3 SEC. 1C. (1) THE BUREAU SHALL DO ALL OF THE FOLLOWING:

4 (A) SERVE AS A FOCAL POINT FOR MATTERS RELATING TO FIRE
5 SERVICES IN THIS STATE.

6 (B) COORDINATE WITH THE FIRE INVESTIGATION UNIT OF THE
7 DEPARTMENT OF STATE POLICE ACTIVITIES RELATING TO FIRE
8 INVESTIGATIONS, FIRE INVESTIGATOR TRAINING, AND THE PROVISION OF
9 RELATED ASSISTANCE TO LOCAL LAW ENFORCEMENT AND FIRE SERVICE
10 AGENCIES.

11 (C) PROVIDE FORMS THAT CITIES, VILLAGES, AND TOWNSHIPS MAY
12 USE TO GRANT PERMITS FOR FIREWORKS UNDER SECTION 243B OF THE
13 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.243B.

14 (2) THE BUREAU MAY DO 1 OR MORE OF THE FOLLOWING:

15 (A) ESTABLISH A PROGRAM FOR THE REPORTING AND CENTRAL
16 COMPILATION OF FIRE SERVICE PERSONNEL CREDENTIALS, INCLUDING, BUT
17 NOT LIMITED TO, QUALIFICATIONS, TESTS, EXAMINATIONS,
18 CERTIFICATIONS, EDUCATIONAL EXPERIENCE, AND TRAINING.

19 (B) IN CONJUNCTION WITH THE OFFICE OF FINANCIAL AND
20 INSURANCE SERVICES, ESTABLISH A SYSTEM FOR THE REPORTING OF
21 INSURED FIRE LOSS AND AN INSURANCE FRAUD PROGRAM.

22 (C) PARTICIPATE IN THE CHILD FIRE SETTING AND JUVENILE ARSON
23 PROGRAM.

24 (D) PARTICIPATE IN THE NATIONAL FIRE INCIDENT REPORTING
25 SYSTEM.

26 (E) OPERATE AN ACCELERANT DETECTING CANINE PROGRAM.

27 (F) ALL OTHER THINGS NECESSARY TO ACHIEVE THE OBJECTIVES AND

1 PURPOSES OF THE BUREAU UNDER THIS ACT AND OTHER LAWS THAT RELATE
2 TO THE PURPOSES AND RESPONSIBILITIES OF THE BUREAU.

3 (3) THE STATE FIRE MARSHAL MAY ORGANIZE OR REORGANIZE THE
4 BUREAU AND APPOINT DEPUTIES, ASSISTANTS, AND EMPLOYEES WITH
5 TITLES, POWERS, AND DUTIES RELATED TO THE ADMINISTRATION AND
6 ENFORCEMENT OF THIS ACT.

7 SEC. 1D. THE STATE FIRE MARSHAL SHALL DO ALL OF THE
8 FOLLOWING:

9 (A) OVERSEE AND DIRECT FIRE SERVICE PROGRAMS IN THIS STATE
10 THAT ARE VESTED IN THE BUREAU.

11 (B) PERFORM THE POWERS AND DUTIES OF THE STATE FIRE MARSHAL
12 UNDER THIS ACT IN A MANNER THAT MAXIMIZES THE EFFECTIVE
13 ADMINISTRATION OF THE FIRE SERVICE OF THIS STATE.

14 (C) SERVE AS POLICY ADVISOR TO THE GOVERNOR ON THE
15 DEVELOPMENT AND ADMINISTRATION OF FIRE SERVICE POLICIES,
16 PROGRAMS, AND PROCEDURES.

17 (D) PARTICIPATE IN THE DEVELOPMENT, REVIEW, AND
18 IMPLEMENTATION OF THE MICHIGAN HAZARD MITIGATION PLAN.

19 (E) PROVIDE INFORMATION FOR THE DEVELOPMENT AND REGULAR
20 UPDATING OF THE MICHIGAN HAZARD ANALYSIS, INCLUDING THE
21 STRUCTURAL FIRES ELEMENT, AND THE MICHIGAN EMERGENCY MANAGEMENT
22 PLAN REQUIRED UNDER SECTION 7A OF THE EMERGENCY MANAGEMENT ACT,
23 1976 PA 390, MCL 30.407A.

24 SEC. 1E. (1) THE BUREAU SHALL PROVIDE THE STATE FIRE MARSHAL
25 AND ANY DEPUTY STATE FIRE MARSHALS WITH SUITABLE UNIFORMS,
26 EQUIPMENT, AND OTHER ARTICLES NECESSARY TO CARRY OUT THIS ACT.
27 THE STATE FIRE MARSHAL SHALL PRESCRIBE THE UNIFORMS AND EQUIPMENT

1 FOR THE STATE FIRE MARSHAL AND ANY DEPUTY STATE FIRE MARSHALS.

2 (2) A PERSON SHALL NOT SELL, FURNISH, POSSESS, WEAR,
3 EXHIBIT, DISPLAY, OR USE A BADGE, PATCH, UNIFORM, OR FACSIMILE OF
4 A BADGE, PATCH, OR UNIFORM OF THE STATE FIRE MARSHAL OR A DEPUTY
5 STATE FIRE MARSHAL UNLESS 1 OR MORE OF THE FOLLOWING APPLY:

6 (A) THE PERSON IS AUTHORIZED TO DO SO BY THE STATE FIRE
7 MARSHAL.

8 (B) THE PERSON IS THE STATE FIRE MARSHAL OR A DEPUTY STATE
9 FIRE MARSHAL.

10 (C) THE BADGE IS A RETIREMENT BADGE AND IS IN THE POSSESSION
11 OF A RETIRED STATE FIRE MARSHAL OR DEPUTY STATE FIRE MARSHAL.

12 (D) THE BADGE, PATCH, OR UNIFORM IS THE BADGE, PATCH, OR
13 UNIFORM OF A DECEASED STATE FIRE MARSHAL OR DEPUTY STATE FIRE
14 MARSHAL AND IS IN THE POSSESSION OF HIS OR HER SPOUSE, CHILD, OR
15 NEXT OF KIN.

16 (E) THE PERSON IS A COLLECTOR OF BADGES, PATCHES, UNIFORMS,
17 OR FACSIMILES. A BADGE, PATCH, UNIFORM, OR FACSIMILE POSSESSED AS
18 PART OF A COLLECTION SHALL BE IN A CONTAINER OR DISPLAY CASE WHEN
19 BEING TRANSPORTED.

20 (F) THE PERSON IS IN THE THEATRICAL PROFESSION AND WEARS THE
21 BADGE, PATCH, UNIFORM, OR FACSIMILE WHILE ACTUALLY ENGAGED IN
22 FOLLOWING THAT PROFESSION.

23 (3) A PERSON WHO VIOLATES SUBSECTION (2) IS GUILTY OF A
24 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS
25 OR A FINE OF NOT MORE THAN \$500.00, OR BOTH. A CHARGE UNDER OR A
26 CONVICTION OR PUNISHMENT FOR A VIOLATION OF THIS SECTION DOES NOT
27 PREVENT A PERSON FROM BEING CHARGED WITH, CONVICTED OF, OR

1 PUNISHED FOR ANY OTHER VIOLATION OF LAW ARISING FROM THE SAME
2 TRANSACTION.

3 (4) AS USED IN THIS SECTION, "FACSIMILE" INCLUDES BOTH AN
4 EXACT REPLICA OF AN EXISTING ITEM AND A CLOSE IMITATION OF AN
5 EXISTING ITEM.

6 Sec. 2. Except as otherwise provided in this act, the
7 administration and enforcement of this act are ~~vested in the~~
8 ~~department of state police~~ **THE RESPONSIBILITY OF THE BUREAU.**
9 ~~The director may create and maintain a division of the department~~
10 ~~as he shall deem necessary or expedient, and organize or~~
11 ~~reorganize the same, including the appointment of division heads,~~
12 ~~assistants, and employees with titles, powers, and duties related~~
13 ~~to the administration and enforcement of this act as he shall~~
14 ~~designate and prescribe.~~

15 Sec. 2a. (1) Rules promulgated under this act shall be
16 promulgated pursuant to ~~Act No. 306 of the Public Acts of 1969,~~
17 ~~as amended, being sections 24.201 to 24.315 of the Michigan~~
18 ~~Compiled Laws~~ **THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA**
19 **306, MCL 24.201 TO 24.328.**

20 (2) The state fire marshal, ~~shall~~ **AFTER CONSULTATION WITH**
21 **THE BOARD, MAY** appoint ad hoc committees to assist the ~~board in~~
22 ~~the promulgation of~~ **BUREAU, INCLUDING THE BOARD AND THE STATE**
23 **FIRE MARSHAL, IN PROMULGATING** rules under this act. The
24 committees shall consist of as many members as the state fire
25 marshal considers necessary, but shall include at least 2 persons
26 who are representatives of 1 or more fire associations having a
27 direct interest in the rules and at least 1 person who is

1 representative of the persons owning facilities regulated by this
2 act.

3 (3) The committees **APPOINTED UNDER SUBSECTION (2)** shall
4 serve during the promulgation of the rules, ~~shall~~ **MAY** make
5 recommendations on the content of the rules, and may recommend
6 revisions in the rules.

7 (4) **THE BOARD SHALL MAKE RECOMMENDATIONS ON THE CONTENT OF**
8 **THE RULES PROMULGATED UNDER THIS ACT AND MAY RECOMMEND REVISIONS**
9 **IN PROPOSED RULES OR EXISTING RULES.**

10 Sec. 2b. (1) ~~Upon the~~ **ON** request by resolution of a
11 governing body of ~~a city, village, or township, the state fire~~
12 ~~marshal~~ **AN ORGANIZED FIRE DEPARTMENT, THE BUREAU** may delegate to
13 1 or more ~~employees of the city, village, or township employed~~
14 ~~as full-time fire inspectors~~ **INDIVIDUALS EMPLOYED AS FULL-TIME**
15 **FIRE INSPECTORS BY THE ORGANIZED FIRE DEPARTMENT AND CERTIFIED**
16 **UNDER SUBSECTION (2)** the authority to enforce 1 or more of the
17 fire safety rules promulgated under this act. ~~, if the employees~~
18 ~~have been certified as certified fire inspectors by the state~~
19 ~~fire marshal and that certification has not been revoked by the~~
20 ~~state fire marshal.~~

21 (2) The ~~state fire safety board~~ **BUREAU** shall promulgate
22 rules **AS PROVIDED IN THIS SECTION** establishing ~~the~~
23 qualifications for ~~the~~ certification of ~~the employees~~ **AN**
24 **INDIVIDUAL** described in subsection (1). ~~who may be delegated the~~
25 ~~authority by the state fire marshal to enforce 1 or more of the~~
26 ~~fire safety rules promulgated under this act.~~ The state fire
27 marshal shall certify ~~these employees~~ **AN INDIVIDUAL** who ~~meet~~

1 **MEETS** the qualifications established by the ~~board~~ **BUREAU**. The
 2 delegation of authority under subsection (1) ~~shall not be~~
 3 ~~construed to~~ **DOES NOT** prohibit a city, village, or township from
 4 adopting fire safety ordinances or **A CITY, VILLAGE, TOWNSHIP, OR**
 5 **OTHER GOVERNMENTAL ENTITY OTHERWISE AUTHORIZED FROM** employing
 6 persons as fire inspectors.

7 (3) The authority delegated under subsection (1) may be
 8 delegated for not more than 2 years, but may be renewed under
 9 subsection (1) for subsequent 2-year periods. The authority shall
 10 be revoked by the ~~state fire marshal~~ **BUREAU**, if the ~~state fire~~
 11 ~~marshal~~ **BUREAU** finds that the ~~employees are~~ **EMPLOYEE IS** not in
 12 compliance with subsection (1) or if the governing body of the
 13 employing city, village, or township, by resolution, requests the
 14 revocation.

15 (4) The ~~state fire safety~~ board shall review all decisions
 16 of the ~~state fire marshal in~~ **BUREAU** delegating or revoking ~~the~~
 17 authority ~~delegated~~ under subsection (1) and may overrule
 18 ~~those decisions, if rendered~~ **A DECISION IF IT IS MADE** contrary
 19 to subsection (1).

20 Sec. 2c. (1) To implement and enforce this act, the
 21 ~~director~~ **BUREAU** may charge hospitals operation and maintenance
 22 inspection fees and may charge hospitals and schools plan review
 23 and construction inspection fees as provided in this section.

24 (2) Fees charged under subsection (1) shall be deposited in
 25 the general fund in a restricted account. The fees collected
 26 under this act and placed in the restricted account shall be used
 27 ~~exclusively for the funding of~~ **ONLY TO FUND** the services for

1 which the fees ~~are~~ **WERE** collected and shall remain in the
2 restricted account at the end of the fiscal year.

3 ~~—— (3) For the fiscal year beginning October 1, 1995, the fees~~
4 ~~charged under subsection (1) shall be paid in accordance with the~~
5 ~~following fee schedule:~~

6 Operation and maintenance inspection fee

7	<u>Facility Type</u>	<u>Facility Size</u>	<u>Fee</u>
8	Hospitals	Any	\$10.00 per bed

9	<u>Project cost range</u>	<u>Fee</u>
10	\$85,000.00 or less	minimum fee of \$100.00
11	\$85,001.00 to \$1,500,000.00	\$1.18 per \$1,000.00
12	\$1,500,001.00 to \$10,000,000.00	\$0.80 per \$1,000.00
13	\$10,000,001.00 or more	\$0.50 per \$1,000.00
14		or a maximum fee of
15		\$50,000.00.

16 (3) ~~(4) The fee schedule in subsection (3) is only~~
17 ~~applicable for the fiscal year beginning October 1, 1995. For~~
18 ~~each subsequent fiscal year, the~~ **THE** fees charged under this
19 section shall be established in ~~accordance with the~~ **A** fee
20 schedule ~~set forth in that~~ **CONTAINED IN EACH** fiscal year's
21 appropriations act for the department. ~~of state police.~~

22 ~~—— (5) The fees for projects submitted to the department and in~~
23 ~~plan review prior to March 1, 1996 will be assessed at a rate of~~
24 ~~50%. Fees will not be charged for projects that have received~~
25 ~~plan review approval before March 1, 1996.~~

26 Sec. 3b. (1) The state fire safety board is created **IN THE**

1 **BUREAU** and shall consist of ~~16~~ 17 members who are residents of
2 this state. Of the ~~16~~ members:

3 (a) Three shall be representatives of organized fire
4 departments in the ~~lower peninsula~~ **LOWER PENINSULA**.

5 (b) One shall be a representative of organized fire
6 departments in the ~~upper peninsula~~ **UPPER PENINSULA**.

7 (c) One shall be a representative of hospital
8 administration.

9 (d) One shall be a registered professional engineer.

10 (e) One shall be a registered architect.

11 (f) One shall be a representative of the nursing home
12 industry.

13 (g) One shall be a school board member or ~~a school~~
14 ~~administrator~~ **AN INDIVIDUAL EMPLOYED BY A SCHOOL DISTRICT IN AN**
15 **ADMINISTRATIVE CAPACITY**.

16 (h) One shall be a representative of the building trades.

17 (i) One shall be a representative of persons who own a place
18 of public assemblage.

19 (j) One shall be a representative of the flammable liquids
20 industry.

21 (k) One shall be a representative of the liquefied petroleum
22 gas industry or the flammable compressed gases industry.

23 (l) One shall be a representative of the chemical
24 manufacturing industry.

25 (m) One shall be a licensed electrical contractor or master
26 electrician.

27 (n) One shall be a representative of persons who own adult

1 foster care facilities.

2 (0) ONE SHALL BE THE STATE FIRE MARSHAL OR AN EMPLOYEE OF
3 THE BUREAU DESIGNATED BY THE STATE FIRE MARSHAL.

4 (2) ~~Even if the number of board members is reduced by~~
5 ~~statute, each board member serving at the time of the reduction~~
6 ~~may complete the balance of the board member's unexpired term.~~
7 Board members, **OTHER THAN THE STATE FIRE MARSHAL OR THE STATE**
8 **FIRE MARSHAL'S DESIGNEE**, shall be appointed by the governor with
9 the advice and consent of the senate. The members **APPOINTED BY**
10 **THE GOVERNOR** shall have the qualifications the governor considers
11 essential to enable them to competently ~~pass upon~~ **DECIDE**
12 matters ~~pertaining to~~ **OF** fire prevention and fire safety for
13 the establishments or facilities specified in section 3c(1).

14 (3) Each member **APPOINTED BY THE GOVERNOR BEFORE JANUARY 1,**
15 **2007** shall be appointed for a term of 3 years. **EACH MEMBER**
16 **APPOINTED BY THE GOVERNOR AFTER DECEMBER 31, 2006 SHALL BE**
17 **APPOINTED FOR A TERM OF 4 YEARS.** Continued absence of a member
18 **APPOINTED BY THE GOVERNOR** from regular or special meetings of the
19 board ~~renders~~ **MAKES** the member subject to immediate removal by
20 the governor.

21 (4) A majority of the members appointed to and serving on
22 the board constitutes a quorum. Affirmative votes of at least a
23 majority of the members appointed to and serving on the board
24 ~~shall be~~ **IS** required to ~~pass upon~~ **DECIDE** any question, action,
25 or business of the board, except that a hearing of a contested
26 case may be conducted ~~in the presence of~~ **BEFORE** 3 board members
27 who, after hearing the facts and considering the evidence and

Senate Bill No. 1133 as amended May 9, 2006

1 testimony, shall recommend the action the board should take.

2 (5) ~~Annually the board shall elect a chairperson from its~~
 3 ~~members, and shall hold at least 6~~ << >> **THE**
 4 **GOVERNOR SHALL DESIGNATE 1 OF THE MEMBERS OF THE BOARD TO SERVE**
 5 **AS CHAIRPERSON OF THE BOARD AT THE PLEASURE OF THE GOVERNOR.**
 6 **ANNUALLY, THE BOARD MAY ELECT FROM ITS MEMBERS A VICE-CHAIRPERSON**
 7 **OF THE BOARD. EACH YEAR, THE BOARD SHALL HOLD NOT FEWER THAN 4**
 8 regular meetings. ~~a year.~~ Special meetings may be called by the
 9 chairperson ~~—~~ or upon written request of 5 board members.
 10 Meetings shall be held at a location **IN THIS STATE** designated by
 11 the chairperson.

12 (6) The business ~~which~~ **OF** the board ~~may perform~~ shall be
 13 conducted at a public meeting ~~of the board held in compliance~~
 14 **THAT COMPLIES** with the open meetings act, ~~Act No. 267 of the~~
 15 ~~Public Acts of 1976, being sections 15.261 to 15.275 of the~~
 16 ~~Michigan Compiled Laws 1976 PA 267, MCL 15.261 TO 15.275.~~
 17 ~~Public notice of the time, date, and place of the meeting shall~~
 18 ~~be given in the manner required by Act No. 267 of the Public Acts~~
 19 ~~of 1976.~~

20 (7) Each **APPOINTED** member of the board ~~shall receive per~~
 21 ~~diem compensation as the legislature prescribes, and shall be~~ **IS**
 22 entitled to actual and necessary expenses incurred in the
 23 performance of ~~duty~~ **HIS OR HER DUTIES AS A MEMBER OF THE BOARD,**
 24 **SUBJECT TO AVAILABLE APPROPRIATIONS.** ~~The legislature shall~~
 25 ~~appropriate sufficient money for the board to conduct its~~
 26 ~~business and discharge its responsibilities.~~

27 (8) The board shall keep minutes of its proceedings, showing

1 the vote of each member on each proposition or question, or
2 indicating if a member is absent or fails to vote. A record of
3 board action and business shall be made and maintained.

4 (9) Except as provided in subsections (10) and (11), a
5 writing prepared, owned, ~~or~~ used, ~~which is~~ in the possession
6 of, or retained by the board, **THE** department, ~~its~~ **THEIR** agents,
7 or others in the performance of an official function ~~shall be~~
8 ~~made available to the public in compliance with~~ **UNDER THIS ACT**
9 **IS SUBJECT TO** the freedom of information act, ~~Act No. 442 of the~~
10 ~~Public Acts of 1976, being sections 15.231 to 15.246 of the~~
11 ~~Michigan Compiled Laws~~ **1976 PA 442, MCL 15.231 TO 15.246.**

12 (10) A person regulated under this act may designate a
13 report or other information furnished to or obtained by the
14 department, its agents, or others **UNDER THIS ACT** as being only
15 for ~~the~~ confidential use ~~of~~ **BY** the department, its agents, or
16 others in the performance of an official function. If the
17 department, its agents, or others receive a request ~~for a public~~
18 ~~record~~ under section 5 of ~~Act No. 442 of the Public Acts of~~
19 ~~1976, being section 15.235 of the Michigan Compiled Laws, which~~
20 **THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.235, FOR A**
21 public record **THAT** includes ~~either~~ information designated as
22 confidential or information obtained under section 4, ~~of this~~
23 ~~act,~~ the department, its agents, or others shall notify the
24 ~~regulated~~ person **REGULATED UNDER THIS ACT**. The person regulated
25 under this act ~~shall have~~ **HAS** 30 days after ~~the~~ receipt of
26 the notice to demonstrate to the department, its agents, or
27 others, that ~~either~~ the information designated as confidential

1 or information obtained under section 4 ~~of this act,~~
2 constitutes a trade secret or confidential business information
3 ~~which~~ **THAT**, if disclosed, may cause a competitive disadvantage.
4 The department, its agents, or others shall grant the request for
5 the information unless the person regulated under this act ~~has~~
6 ~~made~~ **MAKES** a satisfactory demonstration to the department, its
7 agents, or others that **DISCLOSURE OF** the information ~~—, if~~
8 ~~disclosed,~~ may cause a competitive disadvantage. If a dispute
9 occurs between the person regulated **UNDER THIS ACT** and the person
10 requesting **THE** information, ~~under Act No. 442 of the Public Acts~~
11 ~~of 1976,~~ the ~~fire safety~~ board shall make a final decision to
12 grant or deny the request.

13 (11) ~~Nothing in this~~ **THIS** act ~~shall be construed to~~
14 ~~either~~ **DOES NOT** prevent the use of ~~records~~ **A RECORD** or
15 information by the department ~~in compiling or publishing~~ **TO**
16 **COMPILE OR PUBLISH** reports, analyses, or summaries ~~relating to~~
17 **OF** general conditions for the prevention of fire, or the use of
18 ~~any~~ **A** record or ~~other~~ information ~~for the purposes of~~
19 ~~administration or enforcement of any~~ **TO ADMINISTER OR ENFORCE**
20 federal, state, or local fire prevention laws. However, a report,
21 analysis, summary, or use shall not directly or indirectly
22 publicly reveal information otherwise confidential under this
23 section.

24 ~~— (12) The board may maintain an office, hire employees,~~
25 ~~either full or part time as necessary, and purchase, rent, or~~
26 ~~lease equipment and supplies considered essential to the proper~~
27 ~~discharge of its responsibilities.~~

1 Sec. 3c. (1) The ~~board~~ **BUREAU** shall promulgate rules **AS**
2 **PROVIDED UNDER SECTION 2A** pertaining to fire safety requirements
3 for the construction, operation, or maintenance of all of the
4 following:

5 (a) Schools and dormitories, including state supported
6 schools, colleges, and universities and school, college, and
7 university dormitories.

8 (b) Buildings ~~for which the state is the lessee or which~~
9 ~~are owned by the state~~ **OWNED OR LEASED BY THIS STATE.**

10 (c) A health facility or agency as defined in section 20106
11 of the public health code, ~~Act No. 368 of the Public Acts of~~
12 ~~1978, being section 333.20106 of the Michigan Compiled Laws~~ **1978**
13 **PA 368, MCL 333.20106.**

14 (d) Places of public assemblage.

15 (e) Penal facilities as described in section 62 of ~~Act No.~~
16 ~~232 of the Public Acts of 1953, being section 791.262 of the~~
17 ~~Michigan Compiled Laws~~ **THE CORRECTIONS CODE OF 1953, 1953 PA**
18 **232, MCL 791.262.**

19 ~~—— (f) Dry cleaning establishments using flammable liquids.~~

20 **(F)** ~~(g)~~ Mental facilities as described in section 135 of
21 the mental health code, ~~Act No. 258 of the Public Acts of 1974,~~
22 ~~being section 330.1135 of the Michigan Compiled Laws~~ **1974 PA**
23 **258, MCL 330.1135.**

24 ~~—— (2) The board shall promulgate rules for the storage,~~
25 ~~transportation, and handling of liquefied petroleum gas and for~~
26 ~~the storage, noncommercial transportation, and handling of other~~
27 ~~hazardous materials and for the implementation of this act.~~

1 (2) THE BUREAU SHALL PROMULGATE OTHER RULES AS PROVIDED IN
2 SECTION 2A AS NECESSARY TO IMPLEMENT THIS ACT.

3 (3) CONSISTENT WITH EXECUTIVE REORGANIZATION ORDER NOS.
4 1997-2 AND 1998-2, MCL 29.451 AND 29.461, THE DEPARTMENT OF
5 ENVIRONMENTAL QUALITY SHALL PROMULGATE RULES PERTAINING TO ALL OF
6 THE FOLLOWING:

7 (A) FIRE SAFETY REQUIREMENTS FOR THE CONSTRUCTION,
8 OPERATION, AND MAINTENANCE OF DRY CLEANING ESTABLISHMENTS THAT
9 USE FLAMMABLE LIQUIDS.

10 (B) THE STORAGE, TRANSPORTATION, AND HANDLING OF LIQUEFIED
11 PETROLEUM GAS AND FOR THE STORAGE, NONCOMMERCIAL TRANSPORTATION,
12 AND HANDLING OF OTHER HAZARDOUS MATERIALS TO THE EXTENT
13 AUTHORIZED BY FEDERAL LAW.

14 (4) ~~(3)~~ Rules promulgated ~~pursuant to~~ **UNDER** this act
15 shall be consistent with recognized good practice as evidenced by
16 standards adopted by nationally recognized authorities in the
17 field of fire protection. Experiences identified in the
18 ~~department's fire incidents~~ **FIRE INCIDENT** reports **RECEIVED BY**
19 **THIS STATE** may be considered by the board ~~as a qualified basis~~
20 ~~for review of~~ **AND THE BUREAU WHEN REVIEWING** rules promulgated
21 ~~and~~ **OR CONSIDERING** promulgation of **NEW** rules ~~pursuant to~~ **UNDER**
22 this act.

23 (5) ~~(4)~~ ~~The state fire safety board, pursuant to the~~
24 ~~administrative procedures act of 1969, Act No. 306 of the Public~~
25 ~~Acts of 1969, being sections 24.201 to 24.328 of the Michigan~~
26 ~~Compiled Laws, shall submit the initial rules to the joint~~
27 ~~committee on administrative rules not later than October 28, 1982~~

1 **THE BUREAU SHALL PROMULGATE RULES AS PROVIDED UNDER SECTION 2A**
2 for the certification of a firm ~~which~~ **THAT** does any of the
3 following:

4 (a) Installs, modifies, or documents the installation or
5 modification of a ~~required~~ fire suppression system.

6 (b) Documents the installation or modification of a
7 ~~required~~ fire alarm system.

8 (c) Performs testing, servicing, inspections, or maintenance
9 ~~which~~ **THAT** has not been exempted by the rules promulgated by the
10 ~~board~~ **BUREAU** on ~~required~~ fire alarm systems or ~~required~~ fire
11 suppression systems.

12 (d) Submits a drawing, ~~print, or sketch of a required~~
13 **PLAN, OR SPECIFICATION OF A** fire alarm system or ~~required~~ fire
14 suppression system to the ~~state fire marshal~~ **BUREAU** for
15 approval ~~pursuant to~~ **UNDER** section 29, except an architect or
16 professional engineer licensed under article 20 of the
17 occupational code, ~~Act No. 299 of the Public Acts of 1980, being~~
18 ~~sections 339.2001 to 339.2014 of the Michigan Compiled Laws~~ **1980**
19 **PA 299, MCL 339.2001 TO 339.2014.**

20 ~~—— (5) The state fire marshal shall not be required to consider~~
21 ~~fire safety rules other than those provided for in this act and~~
22 ~~in Act No. 306 of the Public Acts of 1937, being sections 388.851~~
23 ~~to 388.855a of the Michigan Compiled Laws.~~

24 (6) A person may request a variation of the application of a
25 rule promulgated ~~pursuant to~~ **UNDER** this act by applying to the
26 state fire marshal. The state fire marshal may make a variation
27 upon a finding that the variation does not result in a hazard to

1 life or property. The finding shall be transmitted to the person
 2 requesting the variation and ~~shall be~~ entered into the records
 3 of the ~~department~~ **BUREAU**. If the variation requested concerns a
 4 building, the finding shall also be transmitted to the governing
 5 body of the city, village, or township in which the building is
 6 located.

7 (7) The entire board, except as provided in section 3b(4),
 8 shall act as a hearing body in accordance with ~~Act No. 306 of~~
 9 ~~the Public Acts of 1969~~ **THE ADMINISTRATIVE PROCEDURES ACT OF**
 10 **1969, 1969 PA 306, MCL 24.201 TO 24.328**, to review and ~~render~~
 11 ~~decisions on~~ **DECIDE** a contested case ~~, a rule specified in this~~
 12 ~~act,~~ or a ruling of the state fire marshal ~~in the marshal's~~
 13 ~~interpretation or application of~~ **INTERPRETING OR APPLYING** the
 14 rules. After a hearing, the board may vary the application of a
 15 rule or may modify the ruling or interpretation of the state fire
 16 marshal if the enforcement of the ruling or interpretation would
 17 do manifest injustice and would be contrary to the spirit and
 18 purpose of the rules or the public interest.

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

24 (9) If a local school board ~~has~~ passed a resolution
 25 calling for an election on the question of the issuance of bonds
 26 for the construction ~~, remodeling,~~ or **REMODELING OF OR AN**
 27 addition to a school, ~~which~~ **IF THE** election was held not later

1 than September 28, 1989 ~~, which~~ **AND** approved issuance of the
 2 bonds, and ~~which~~ **IF** construction was reasonably anticipated to
 3 ~~have begun~~ **BEGIN** not later than June 30, 1990, ~~then~~ the
 4 construction, remodeling, or addition to that school ~~is~~ **WAS**
 5 exempt from the rules promulgated by the fire safety board
 6 entitled "schools, colleges, and universities", ~~being~~ **FORMER R**
 7 29.301 to R 29.321 of the Michigan administrative code, ~~that~~
 8 ~~were~~ filed with the ~~Secretary of State~~ **SECRETARY OF STATE** on
 9 July 14, 1989 and ~~became~~ effective on July 29, 1989. The
 10 construction, remodeling, or addition to that school ~~is~~ **WAS**,
 11 however, subject to the standards contained in rules promulgated
 12 by the ~~fire safety~~ board entitled "school fire safety", ~~being~~
 13 ~~the~~ former R 29.1 to R 29.298 of the Michigan administrative
 14 code. ~~This subsection does not prevent the construction,~~
 15 ~~remodeling, or addition of a school from complying with R 29.301~~
 16 ~~to R 29.321 of the Michigan administrative code.~~

17 Sec. 3e. (1) The ~~board~~ **BUREAU** shall promulgate rules **AS**
 18 **PROVIDED UNDER SECTION 2A** pertaining to uniform fire safety
 19 requirements for the operation and maintenance, but not the
 20 construction, of commercial buildings, industrial buildings, and
 21 residential buildings, excluding 1- and 2-family dwellings and
 22 mobile homes.

23 (2) **THE STATE FIRE MARSHAL SHALL CONSULT WITH THE BOARD WITH**
 24 **RESPECT TO DEVELOPING RULES FOR THE DELEGATION OF AUTHORITY TO**
 25 **FIREFIGHTERS AND FIRE CHIEFS.**

26 Sec. 4. (1) The chief of each organized fire department, or
 27 the clerk of each city, village, or township ~~not having~~ **THAT**

1 **DOES NOT HAVE** an organized fire department, immediately after the
2 occurrence of fire within the official's jurisdiction resulting
3 in loss of life or property, shall make and file with the ~~state~~
4 ~~fire marshal~~ **BUREAU** a complete fire incident report of the fire.
5 The report shall be made on and according to forms supplied by
6 the ~~state fire marshal~~ **BUREAU**.

7 (2) Each fire insurance company authorized to do business in
8 this state on request shall promptly furnish to the ~~state fire~~
9 ~~marshal~~ **BUREAU** information in the company's possession
10 concerning a fire occurring in this state. The report shall be in
11 addition to and not in place of any other report required by law
12 to be made by the company to other state agencies.

13 (3) A fire and casualty insurance company may contact
14 directly the ~~state fire marshal~~ **BUREAU** or the chief of an
15 organized fire department to report fires ~~where~~ **IF** the company
16 suspects arson.

17 (4) The state fire marshal, the chief of an organized fire
18 department, a ~~fire fighter~~ **FIREFIGHTER** or an employee of an
19 organized fire department acting under the authority of the chief
20 of the organized fire department, a peace officer, or any other
21 fire prevention or fire department official designated by the
22 state fire marshal may request in writing on a form prescribed
23 and furnished by the state fire marshal that an insurance company
24 or authorized agent of an insurance company investigating a fire
25 loss of real or personal property release all information in
26 possession of the company or an agent of the company relative to
27 that loss. The company or agent shall release the information to

1 and cooperate with ~~—~~ each official authorized to request the
2 information under this subsection. The information to be provided
3 shall include ~~each~~ **ALL** of the following:

4 (a) Each insurance policy relevant to a fire loss under
5 investigation and each application for the policy.

6 (b) The policy premium payment records of a policy described
7 in subdivision (a).

8 (c) A history of previous claims made by the insured for
9 fire loss.

10 (d) Material relating to the investigation of the loss,
11 including statements of any person, proof of loss, and other
12 relevant evidence.

13 (5) If an insurance company has reason to suspect that a
14 fire loss to the real or personal property of a policyholder of
15 the company was ~~cause~~ **CAUSED** by incendiary means, the company
16 shall notify the ~~state fire marshal~~ **BUREAU** and shall furnish
17 the ~~state fire marshal~~ **BUREAU** with all relevant material
18 acquired during its investigation of the fire loss.

19 (6) In the absence of fraud or malice, an insurance company
20 or a person who furnishes information on behalf of an insurance
21 company ~~shall~~ **IS** not ~~be~~ liable for damages in a civil action
22 or ~~be~~ subject to criminal prosecution for an oral or written
23 statement made or other action taken ~~which~~ **THAT** is necessary to
24 supply the information required ~~pursuant to~~ **UNDER** this section.

25 (7) Officials and other persons receiving information
26 furnished pursuant to subsection (4) shall hold the information
27 in confidence until release of the information is required in the

1 course of or pursuant to a criminal or civil proceeding. A person
 2 ~~prescribed~~ **DESCRIBED** in subsection (4) may be required to
 3 testify as to information in his or her possession regarding a
 4 fire loss of real or personal property in any civil action or
 5 administrative hearing held ~~pursuant to Act No. 218 of the~~
 6 ~~Public Acts of 1956, as amended, being sections 500.100 to~~
 7 ~~500.8302 of the Michigan Compiled Laws~~ **UNDER THE INSURANCE CODE**
 8 **OF 1956, 1956 PA 218, MCL 500.100 TO 500.8302**, in which a person
 9 seeks recovery under a policy against an insurance company for
 10 the fire loss or files a complaint with the commissioner of **THE**
 11 **OFFICE OF FINANCIAL AND** insurance **SERVICES** relative to the
 12 refusal of an insurance company to pay under a policy for a fire
 13 loss sustained by the person.

14 (8) As used in this section, "insurance company" means an
 15 insurer authorized to transact property, fire, or casualty
 16 insurance in this state and an agent of the insurer, and includes
 17 an insurance association, pool, or facility created and operating
 18 ~~pursuant to Act No. 218 of the Public Acts of 1956, as amended~~
 19 **UNDER THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.100 TO**
 20 **500.8302.**

21 Sec. 5a. (1) The ~~state fire marshal~~ **MOTOR CARRIER DIVISION**
 22 **OF THE DEPARTMENT OF STATE POLICE**, the chief of an organized fire
 23 department or police department, a peace officer, or a ~~fire~~
 24 ~~fighter~~ **FIREFIGHTER** in uniform ~~, which fire fighter is~~ acting
 25 under the orders and directions of the local fire chief ~~,~~ may
 26 inspect a vehicle transporting a hazardous material. ~~Except as~~
 27 ~~otherwise provided in~~ **SUBJECT TO** subsection (3), if upon

1 inspection a vehicle is found to be in violation of the rules
2 with respect to safety equipment, the ~~state fire marshal~~ **MOTOR**
3 **CARRIER DIVISION** or the inspecting chief, ~~fire fighter~~
4 **FIREFIGHTER**, or peace officer shall attach to the vehicle a
5 notice identifying the vehicle and stating that it is condemned
6 against further use in the transportation of hazardous material,
7 and listing the violations found. If the vehicle is en route to a
8 destination where its load is to be delivered, the ~~state fire~~
9 ~~marshal~~ **MOTOR CARRIER DIVISION**, chief, ~~fire fighter~~
10 **FIREFIGHTER**, or peace officer, except as otherwise provided in
11 this act, shall allow the vehicle to proceed to make deliveries
12 after which the vehicle shall be returned to its base or
13 customary place of maintenance and repair or taken to a suitable
14 place for repair. If, upon inspection, a vehicle while en route
15 to a delivery destination is found to be in a condition ~~such~~
16 **THAT MAKES IT LIKELY** that further operation under normal road and
17 traffic conditions ~~is likely to~~ **WILL** result in spillage of
18 hazardous material, the ~~state fire marshal~~ **MOTOR CARRIER**
19 **DIVISION**, chief, ~~fire fighter~~ **FIREFIGHTER**, or peace officer
20 shall ~~cause~~ **HAVE** the vehicle ~~to be~~ impounded. The vehicle
21 shall be impounded at a suitable place where the hazardous
22 material being transported can be unloaded with reasonable
23 safety, and until the unloading is accomplished and arrangements
24 are made to return the vehicle with reasonable safety to its base
25 or customary place of maintenance and repair, or to move the
26 vehicle to a suitable place of repair. If, upon inspection, the
27 braking, lighting, steering, coupling, sounding, or other devices

1 on a vehicle are found to be in a condition such that the vehicle
2 cannot be operated by a prudent operator without undue risk of
3 accident, the ~~state fire marshal~~ **MOTOR CARRIER DIVISION**, chief,
4 ~~fire fighter~~ **FIREFIGHTER**, or peace officer shall ~~cause~~ **HAVE**
5 the vehicle ~~to be~~ impounded at a suitable place until the
6 necessary repairs are made.

7 (2) Except as provided ~~for~~ in this act, a vehicle
8 condemned ~~pursuant to~~ **UNDER** this act shall not ~~again~~ be used
9 in transporting hazardous material until released ~~as provided~~
10 ~~for in~~ **UNDER** this section. Upon being returned to its base or
11 customary place of maintenance and repair, or to a suitable place
12 of repair, the condemned vehicle may be impounded there upon
13 order of the ~~state fire marshal~~ **MOTOR CARRIER DIVISION OF THE**
14 **DEPARTMENT OF STATE POLICE** until the conditions for which the
15 condemnation was issued have been corrected. However, the ~~state~~
16 ~~fire marshal~~ **MOTOR CARRIER DIVISION** may authorize the temporary
17 release of the condemned vehicle for a reasonable time ~~as may be~~
18 needed to procure parts or appurtenances necessary ~~for~~
19 ~~correction of~~ **TO CORRECT** the conditions for which ~~condemnation~~
20 ~~was issued~~ **THE VEHICLE WAS CONDEMNED**. Upon correction of the
21 conditions, the ~~state fire marshal~~ **MOTOR CARRIER DIVISION**,
22 chief of an organized fire department or police department, a
23 peace officer, or a ~~fire fighter~~ **FIREFIGHTER** in uniform ~~,~~
24 ~~which fire fighter is~~ acting under a chief's direction, shall be
25 notified and shall reinspect the vehicle. The ~~state fire marshal~~
26 **MOTOR CARRIER DIVISION**, chief, peace officer, or ~~fire fighter~~
27 **FIREFIGHTER** shall release the vehicle ~~,~~ if upon reinspection ~~,~~

1 the vehicle is found to be in compliance with this act and the
2 rules promulgated ~~pursuant to~~ **UNDER** this act, and if reasonable
3 impounding expenses have been paid by the owner of the vehicle. A
4 person inspecting a vehicle ~~pursuant to~~ **UNDER** this act shall
5 notify the ~~state fire marshal~~ **MOTOR CARRIER DIVISION** under
6 rules promulgated under this act, of the circumstances and
7 conditions of each violation, condemnation, impounding, and
8 release.

9 (3) Notwithstanding subsections (1) and (2), an official
10 named in subsection (1) inspecting a commercial motor vehicle
11 under the authority of this section shall ~~affix~~ **ATTACH** notices,
12 and place vehicles and drivers out of service, only as provided
13 under the motor carrier safety act ~~, Act No. 181 of the Public~~
14 ~~Acts of 1963, being sections 480.11 to 480.21 of the Michigan~~
15 ~~Compiled Laws~~ **OF 1963, 1963 PA 181, MCL 480.11 TO 480.25**, and as
16 provided under the out of service criteria issued under the
17 authority of the commercial vehicle safety alliance. As used in
18 this subsection, "commercial motor vehicle" means that term as
19 defined in ~~Act No. 181 of the Public Acts of 1963~~ **THE MOTOR**
20 **CARRIER SAFETY ACT OF 1963, 1963 PA 181, MCL 480.11 TO 480.25.**

21 Sec. 5c. (1) A ~~firm or~~ person shall not establish or
22 maintain 1 or more of the following without obtaining a
23 certificate from the ~~state fire marshal~~ **DEPARTMENT OF**
24 **ENVIRONMENTAL QUALITY:**

25 (a) A flammable compressed gas or liquefied petroleum gas
26 container filling location.

27 (b) An aboveground flammable compressed gas or liquefied

1 petroleum gas storage location ~~which~~ **THAT** has a tank with a
2 water capacity of more than 2,000 gallons or has 2 or more tanks
3 with an aggregate water capacity of more than 4,000 gallons.

4 (c) An aboveground storage location for a flammable liquid
5 or combustible liquid ~~, which storage location~~ **THAT** has an
6 individual tank storage capacity of more than 1,100 gallons.
7 Crude petroleum collection tanks that receive crude petroleum
8 directly from a wellhead and are certified by the ~~state fire~~
9 ~~marshal~~ **DEPARTMENT OF ENVIRONMENTAL QUALITY** may be maintained
10 without further inspection by the ~~state fire marshal~~ **DEPARTMENT**
11 **OF ENVIRONMENTAL QUALITY**, except as the ~~state fire marshal~~ may
12 ~~consider~~ **DEPARTMENT OF ENVIRONMENTAL QUALITY CONSIDERS** necessary
13 to assure compliance with this act.

14 (2) The ~~state fire marshal~~ **DEPARTMENT OF ENVIRONMENTAL**
15 **QUALITY** may require that ~~persons or firms~~ **A PERSON** obtain
16 approval from the ~~state fire marshal~~ **DEPARTMENT OF**
17 **ENVIRONMENTAL QUALITY** before the installation of an aboveground
18 storage tank for flammable or combustible liquids ~~having~~ **THAT**
19 **HAS** an individual tank storage capacity of 1,100 gallons or less.
20 However, this requirement does not apply to farm location storage
21 tanks of 1,100 gallons or less capacity used for storing motor
22 fuel for noncommercial purposes or heating oil for consumptive
23 use on the premises where stored.

24 Sec. 5d. (1) The certificates specified in section 5c shall
25 be issued every 3 years by the ~~state fire marshal~~ **DEPARTMENT OF**
26 **ENVIRONMENTAL QUALITY** after the ~~state fire marshal~~ **DEPARTMENT**
27 **OF ENVIRONMENTAL QUALITY** determines by an inspection that the

1 firm location is in satisfactory compliance with this act. The
2 ~~board~~ **DEPARTMENT OF ENVIRONMENTAL QUALITY** may authorize a firm
3 specified in section 5c to conduct inspections required in this
4 section after application to the ~~state fire marshal~~ **DEPARTMENT**
5 **OF ENVIRONMENTAL QUALITY** and payment of an annual fee of
6 \$1,000.00. Upon annual determination by the ~~state fire marshal~~
7 **DEPARTMENT OF ENVIRONMENTAL QUALITY** that the firm is in
8 satisfactory compliance with this act, the ~~state fire marshal~~
9 **DEPARTMENT OF ENVIRONMENTAL QUALITY** may ~~recommend to the board~~
10 ~~that~~ **GRANT** the authorization. ~~be given.~~ This authorization may
11 be revoked by the ~~board~~ **DEPARTMENT OF ENVIRONMENTAL QUALITY** for
12 cause. Firms authorized to conduct inspections required in this
13 section ~~shall be~~ **ARE** exempt from the fees provided in
14 subsection (2). The ~~state fire marshal~~ **DEPARTMENT OF**
15 **ENVIRONMENTAL QUALITY** may review procedures utilized by the firm
16 to assure compliance with this act.

17 (2) Each firm required to be certified under section 5c
18 shall submit an installation application to the ~~state fire~~
19 ~~marshal~~ **DEPARTMENT OF ENVIRONMENTAL QUALITY** according to rules
20 promulgated under this act. Each firm shall pay a fee of \$203.00
21 per tank. This fee shall be submitted with the installation
22 application to the ~~state fire marshal~~ **DEPARTMENT OF**
23 **ENVIRONMENTAL QUALITY**. The ~~state fire marshal~~ **DEPARTMENT OF**
24 **ENVIRONMENTAL QUALITY** shall not approve an installation
25 application unless this fee has been paid as required in this
26 subsection. Payment of this fee shall waive the first annual
27 storage tank fee required in this subsection. The owner of a firm

1 specified in section 5c shall pay an annual fee of \$61.50 for
2 each tank located at each storage or filling location specified
3 in section 5c. Fees required by this subsection shall be paid
4 before the issuance of a certificate when storage tanks operated
5 by firms described in section 5c are used and until such tanks
6 are closed or removed, and notification of the closure or removal
7 is received by the ~~state fire marshal~~ **DEPARTMENT OF**
8 **ENVIRONMENTAL QUALITY**. Owners of firms described in section 5c
9 shall notify the ~~state fire marshal~~ **DEPARTMENT OF ENVIRONMENTAL**
10 **QUALITY** of the closure or removal of storage tanks within 30 days
11 after closure or removal on a form provided by the ~~state fire~~
12 ~~marshal~~ **DEPARTMENT OF ENVIRONMENTAL QUALITY**. Storage tanks that
13 receive crude petroleum directly from a wellhead are exempt from
14 fees under this section.

15 (3) Beginning October 1, 1990, a local unit of government
16 shall not enact or enforce a provision of an ordinance that
17 requires a permit, license, approval, inspection, or the payment
18 of a fee or tax for the installation, use, closure, or removal of
19 an aboveground storage tank system.

20 (4) The fees specified in subsection (2) shall be collected
21 and deposited into the hazardous materials storage tank
22 regulatory enforcement fund created in subsection (5).

23 (5) The hazardous materials storage tank regulatory
24 enforcement fund is created in the state treasury. The fund may
25 receive money as provided in this act and as otherwise provided
26 by law. The state treasurer shall direct the investment of the
27 fund. Interest and earnings of the fund shall be credited to the

1 fund. Money in the fund at the close of the fiscal year shall
2 remain in the fund and shall not revert to the general fund.
3 Money in the fund shall be used only by the department **OF**
4 **ENVIRONMENTAL QUALITY** to enforce this act and the rules
5 promulgated under this act pertaining to the delivery,
6 dispensing, noncommercial transportation, or storage of hazardous
7 materials. If at the close of any fiscal year the amount of money
8 in the fund exceeds \$1,000,000.00, the department **OF**
9 **ENVIRONMENTAL QUALITY** shall not collect a fee for the following
10 year for the fund from existing storage tank systems. After the
11 fee has been suspended under this subsection, it shall only be
12 reinstated if at the close of any succeeding fiscal year, the
13 amount of money in the fund is less than \$250,000.00. The
14 department of treasury shall, before November 1 of each year,
15 notify the department **OF ENVIRONMENTAL QUALITY** of the balance in
16 the fund at the close of the preceding fiscal year.

17 Sec. 5e. Upon a finding of noncompliance with this act, or
18 rules promulgated pursuant to this act, the state fire marshal **OR**
19 **THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY** may
20 revoke or deny the renewal of a certificate **OBTAINED UNDER**
21 **SECTION 5C** and order the **PERSON OR** firm required to be certified
22 to cease all or part of its operation until the firm is in
23 compliance.

24 Sec. 5g. Immediately following a fire, explosion, spill,
25 leak, accident, or related occurrence ~~which~~ **THAT** involves the
26 transportation, storage, handling, sale, use, or processing of
27 hazardous material by a firm, person, or vehicle, the owner of

1 the firm or vehicle or the person and the chief of the first
2 police department or organized fire department upon the scene of
3 the incident shall notify the ~~state fire marshal~~ **BUREAU** and the
4 organized fire department of the area in which the incident
5 occurred of the known details regarding the incident.

6 Sec. 5h. After notification is made pursuant to section 5g,
7 the ~~state fire marshal~~ **BUREAU** shall do the following:

8 (a) Determine, with the organized fire department of the
9 area in which the incident occurred, the emergency measures to be
10 taken.

11 (b) Notify responsible federal, state, and local authorities
12 and agencies ~~. However~~ **AND**, if the ~~state fire marshal~~ **BUREAU**
13 is notified ~~of an incident outlined in section 5g~~ by a person
14 other than the owner of the firm or vehicle involved, ~~the state~~
15 ~~fire marshal shall also~~ notify the owner of the firm or vehicle
16 involved.

17 (c) Cause an investigation to be made to determine the cause
18 of the incident and to determine what related factors contributed
19 to the cause of the incident and to ~~the~~ **ANY** loss ~~to~~ **OF** life
20 or property.

21 (d) Cause a report to be filed containing its findings
22 related to the incident. A record of those reports shall be
23 maintained by the ~~state fire marshal~~ **BUREAU**.

24 Sec. 5i. (1) ~~Each location of a firm operating in this~~
25 ~~state which~~ **A FIRM THAT** is engaged in a dry cleaning operation
26 ~~, using~~ **THAT USES** a flammable liquid ~~, shall not be~~
27 ~~established or maintained without obtaining~~ **ESTABLISH OR**

1 **MAINTAIN SUCH AN OPERATION AT A LOCATION UNLESS THE FIRM OBTAINS**
2 a certificate from the ~~state fire marshal~~ **DEPARTMENT OF**
3 **ENVIRONMENTAL QUALITY FOR THAT LOCATION.**

4 (2) A certificate shall not be issued until payment is made
5 of a fee of \$15.00 for the first dry cleaning machine in the
6 firm's location and \$6.00 for each additional dry cleaning
7 machine in the firm's location. Beginning October 1, 1981, ~~these~~
8 **THE fees IMPOSED BY THIS SECTION** shall be adjusted each year
9 ~~pursuant to~~ **BY** the annual average percentage increase or
10 decrease in the Detroit consumer price index--all items. The
11 adjustment shall be made by multiplying the annual average
12 percentage increase or decrease in the Detroit consumer price
13 index for the prior calendar year by the current fee as adjusted
14 by this subsection. The resultant product shall be added to the
15 current fee as adjusted by this subsection and then rounded off
16 to the nearest half dollar which shall be the new fee.

17 (3) ~~This section shall not take effect until 1 year after~~
18 ~~the effective date of section 2b.~~ **THIS SECTION APPLIES WHEN A**
19 **CLASS IV INSTALLATION IS OPERATED IN THE SAME BUILDING OR**
20 **ESTABLISHMENT AS OTHER CLASSES OF DRY CLEANING INSTALLATIONS.**

21 (4) **AS USED IN THIS SECTION, "CLASS IV INSTALLATION" MEANS**
22 **THAT TERM AS DEFINED IN SECTION 13301 OF THE PUBLIC HEALTH CODE,**
23 **1978 PA 368, MCL 333.13301.**

24 Sec. 5j. (1) Each terminal at which a tank filled by
25 pipeline is located shall comply with the following requirements:

26 (a) Each terminal shall be equipped with a high level alarm
27 system.

1 (b) The high level alarm system shall be set to activate at
2 a predetermined level in each tank filled by pipeline at the
3 terminal to allow sufficient time for the flow of the flammable
4 liquid to be shut down before the tank overfills. The level shall
5 be determined by the maximum filling rate expected and the time
6 required for personnel to take appropriate action to stop the
7 flow of the flammable liquid.

8 (c) The high level alarm system shall be maintained in
9 accordance with its manufacturer's recommendations.

10 (d) The high level alarm system shall be tested every 3
11 months by the owner of the terminal and a record of the test
12 shall be maintained.

13 (2) ~~Devices~~ **A DEVICE SHALL NOT BE** used in ~~the~~ **A** high
14 level alarm system ~~shall be~~ **DESCRIBED IN SUBSECTION (1) UNLESS**
15 **THE DEVICE HAS BEEN** tested for ~~their~~ **ITS** intended use by a
16 nationally recognized testing laboratory as determined by the
17 ~~state fire marshal~~ **DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL**
18 **QUALITY.**

19 (3) Plans and specifications for ~~the~~ **A** high level alarm
20 system **DESCRIBED IN SUBSECTION (1)** shall be submitted to the
21 ~~state fire marshal~~ **DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL**
22 **QUALITY** for approval before the installation of the system.

23 (4) Upon the completion of the installation of ~~the~~ **A** high
24 level alarm system **DESCRIBED IN SUBSECTION (1)**, the ~~state fire~~
25 ~~marshal~~ **DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY**
26 shall be notified and a final inspection shall be made to
27 determine if the installation is in compliance with this section.

1 (5) The owner of ~~the~~ **A** terminal **DESCRIBED IN SUBSECTION**
2 **(1)** shall develop a fire and emergency plan in conjunction with
3 the organized fire department having jurisdiction over the
4 terminal.

5 Sec. 5n. A firm shall not deliver a flammable liquid ~~having~~
6 **THAT HAS** a flash point below 100 degrees Fahrenheit directly into
7 an above ground liquid storage tank by pipeline at a remote
8 control terminal unless the firm does each of the following:

9 (a) Furnishes to the ~~state fire marshal~~ **DIRECTOR OF THE**
10 **DEPARTMENT OF ENVIRONMENTAL QUALITY**, and receives the approval
11 from the ~~state fire marshal~~ **DIRECTOR OF THE DEPARTMENT OF**
12 **ENVIRONMENTAL QUALITY** of, a detailed description of the firm's
13 capabilities and procedures to deliver a flammable liquid by
14 remote control to an above ground liquid storage tank.

15 (b) Furnishes to the ~~state fire marshal~~ **DIRECTOR OF THE**
16 **DEPARTMENT OF ENVIRONMENTAL QUALITY**, and receives the approval
17 from the ~~state fire marshal~~ **DIRECTOR OF THE DEPARTMENT OF**
18 **ENVIRONMENTAL QUALITY** of, a description of the firm's procedures
19 to be followed if an above ground storage tank is overfilled.

20 Sec. 5o. (1) The ~~state fire marshal~~ **DIRECTOR OF THE**
21 **DEPARTMENT OF ENVIRONMENTAL QUALITY** may, at the request of the
22 organized fire department having jurisdiction over a terminal,
23 require additional safety equipment and procedures when the
24 public safety is endangered.

25 (2) A person may request a variation of the requirements of
26 section 5j, 5k, 5l, 5m, or 5n, or subsection (1), under the
27 procedures provided in section 3c.

1 (3) A local unit of government shall not enact an ordinance
2 or ordinances more restrictive than the requirements included in
3 sections 5j ~~through~~ **TO** 5n. ~~of this act~~.

4 Sec. 5p. (1) A person who is ~~also~~ an employer under the
5 Michigan occupational safety and health act, ~~Act No. 154 of the~~
6 ~~Public Acts of 1974, being sections 408.1001 to 408.1094 of the~~
7 ~~Michigan Compiled Laws~~ **1974 PA 154, MCL 408.1001 TO 408.1094,**
8 shall provide the information described in this section upon
9 written request by the **FIRE** chief ~~of the organized fire~~
10 ~~department~~ for the jurisdiction ~~in which~~ **WHERE** the person is
11 located.

12 (2) A person subject to this section shall, **SUBJECT TO**
13 **SUBSECTION (1)**, provide a copy of ~~the~~ **A** list required to be
14 developed by the standard incorporated by reference in section
15 14a of the Michigan occupational safety and health act, **1974 PA**
16 **154, MCL 408.1014A**, and a material safety data sheet for each
17 hazardous chemical identified on the list within 10 working days
18 after receipt of the request.

19 (3) Except as ~~otherwise~~ provided in subsection (4), a
20 person subject to this section shall provide a description of the
21 quantity and location of any hazardous chemical specified by the
22 **FIRE** chief ~~of the organized fire department~~ **FOR THE**
23 **JURISDICTION WHERE THE PERSON IS LOCATED** within 10 working days
24 after ~~the~~ receipt of a written request made by the **FIRE** chief
25 after review of ~~the lists~~ **A LIST** provided under subsection (2).
26 Upon request, the **FIRE** chief ~~of the organized fire department~~
27 may extend the ~~period for providing~~ **TIME TO PROVIDE** the

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1 information described in this subsection by ~~an additional~~ 5
 2 working days. The information obtained by a **FIRE** chief ~~of an~~
 3 ~~organized fire department~~ under this subsection may be made
 4 available to a public official, agency, or employee, but is
 5 exempt from disclosure under the freedom of information act, ~~Act~~
 6 ~~No. 442 of the Public Acts of 1976, being sections 15.231 to~~
 7 ~~15.246 of the Michigan Compiled Laws~~ **1976 PA 442, MCL 15.231 TO**
 8 **15.246.**

9 (4) The ~~state fire marshal~~ **DEPARTMENT OF ENVIRONMENTAL**
 10 **QUALITY** may promulgate rules << >> to
 11 exempt from the application of subsection (3) de minimis and
 12 portable quantities of hazardous chemicals. ~~A rule authorized by~~
 13 ~~this subsection shall be promulgated pursuant to the~~
 14 ~~administrative procedures act of 1969, Act No. 306 of the Public~~
 15 ~~Acts of 1969, being sections 24.201 to 24.328 of the Michigan~~
 16 ~~Compiled Laws.~~

17 (5) A person subject to this section shall provide to the
 18 **FIRE** chief ~~of the organized fire department~~ **FOR THE**
 19 **JURISDICTION WHERE THE PERSON IS LOCATED** a written update of ~~the~~
 20 information required by this section when there is a significant
 21 change relating to fire hazards in the quantity, location, or
 22 presence of hazardous chemicals in the **PERSON'S** workplace.

23 (6) An ordinance, law, rule, regulation, policy, or practice
 24 of a city, township, village, county, governmental authority
 25 created by statute, or other political subdivision of the state
 26 shall not require that a person who is ~~also~~ an employer under
 27 the Michigan occupational safety and health act, **1974 PA 154, MCL**

1 408.1001 TO 408.1094, provide to a **FIRE** chief ~~of an organized~~
2 ~~fire department~~ information regarding hazardous chemicals in the
3 workplace in any other manner or to any greater extent than is
4 required by this section or rules authorized by this section.

5 Sec. 6. (1) The state fire marshal may investigate and
6 inquire into the cause or origin of a fire occurring in this
7 state ~~resulting~~ **THAT RESULTS** in the loss of life or damage to
8 property and for those purposes may enter, without restraint or
9 liability for trespass, a building or premises and inspect the
10 building or premises and the contents and occupancies of the
11 building or premises.

12 (2) The state fire marshal shall investigate, and prepare a
13 report of the investigation, if a demonstration fire results in
14 the injury or death of an individual who is not a firefighter. As
15 used in this subsection, "demonstration fire" means a fire
16 intentionally set by a fire department for training or other
17 legitimate purposes.

18 (3) The chief of a fire department shall immediately report
19 to the state fire marshal any injury to or death of a person who
20 is not a firefighter resulting from a demonstration fire.

21 (4) If a firefighter dies or suffers a reportable injury as
22 defined under the Michigan occupational safety and health act,
23 1974 PA 154, MCL 408.1001 to 408.1094, resulting from a
24 demonstration fire, the department ~~of consumer and industry~~
25 ~~services~~ shall provide a copy of any report of the death or
26 reportable injury to the state fire marshal.

27 (5) As used in this section, "injury" means an injury that

1 requires prompt medical attention by trained medical personnel.

2 Sec. 10. Service of ~~the~~ **AN** order of the state fire marshal
3 ~~provided for in~~ **UNDER** section 9, or of any other order made by
4 the state fire marshal ~~pursuant to~~ **UNDER** this act, may be made
5 in **1 OR MORE OF** the following ~~manner~~ **WAYS**:

6 (a) By personally delivering a copy of the order to the
7 person or persons to whom it is directed within this state.

8 (b) By delivering a copy of the order by registered mail,
9 addressed to the last known post-office address of the addressee,
10 and deliverable to the addressee only, with return receipt
11 ~~demanded, which service by registered mail shall be considered~~
12 **REQUESTED. SERVICE UNDER THIS SUBDIVISION IS** personal and not
13 substituted service.

14 (c) If a person to whom the order is directed cannot be
15 found, ~~or~~ does not have a known post-office address, or is not
16 a resident of this state, ~~then service of the order may be made~~
17 by publication in a newspaper published or circulating in the
18 county in which the property or premises described in the order
19 is situated, once in each week for 3 successive weeks, the last
20 publication to be made at least 10 days before the date of
21 performance specified in the order.

22 Sec. 16. (1) The refusal or failure of a defendant to comply
23 with ~~the terms of~~ an order or direction of the court ~~in the~~
24 ~~premises~~ **ISSUED UNDER SECTION 13**, within the time limited for
25 compliance, ~~shall be considered~~ **IS** contempt of court for which
26 the respondent may be ~~cited~~ **ORDERED** to appear and answer in the
27 same manner as in other cases of contempt of court. Upon the

1 refusal or failure, the court may order the state fire marshal to
 2 execute the order and directions and abate the fire hazard and,
 3 for the purpose of executing the order and directions, to enter
 4 upon the premises and employ ~~—~~ or contract for ~~—~~ labor,
 5 tools, implements, or other assistance as is necessary for the
 6 performance of the work. The amount of the cost and expense of
 7 executing the order ~~shall be~~ **IS** a lien upon the ~~lands~~ **LAND**
 8 and premises enforceable and collectible in the same manner as
 9 ~~provided by law in the case of mechanics' liens~~ **A CONSTRUCTION**
 10 **LIEN UNDER THE CONSTRUCTION LIEN ACT, 1980 PA 497, MCL 570.1101**
 11 **TO 570.1305.**

12 (2) Salvage of materials made in the abatement of the fire
 13 hazard may be used by the ~~state fire marshal for defraying~~
 14 **BUREAU TO DEFRAY** the cost and expense of executing the order or
 15 directions of the court to the extent of the cost and expense and
 16 the discharge of the lien. A surplus over and above the cost and
 17 expense ~~shall belong~~ **BELONGS** to the owner of the premises.

18 Sec. 21b. Notwithstanding ~~the provisions of~~ section 21a, **A**
 19 liquefied compressed gas extinguishing ~~agents meeting~~ **AGENT**
 20 **THAT MEETS BOTH OF** the following conditions of toxicity and use
 21 may be used in properly engineered fire extinguishing or fire
 22 control systems:

23 (a) The agent in its normal state ~~does not fall within the~~
 24 ~~definition of subsection (1) of~~ **IS NOT A PROHIBITED AGENT OR**
 25 **PROPELLANT UNDER** section ~~21a~~ **21A(1)**.

26 (b) The ~~compound~~ **AGENT** is used only under conditions
 27 approved by the national fire protection association and a

1 nationally recognized independent testing laboratory that has
2 considered the hazard of the thermal decomposition products and
3 use approved by the ~~state fire marshal~~ **BUREAU**.

4 Sec. 21c. (1) The ~~state fire marshal~~ **BUREAU** or, upon
5 written request of the governing body of a city, village,
6 township, or county and the approval of the ~~state fire marshal,~~
7 ~~the~~ **BUREAU, A FIRE** chief, ~~of an organized fire department~~ or a
8 ~~fire fighter~~ **FIREFIGHTER** in uniform acting under the orders and
9 directions of a ~~local~~ fire chief ~~,~~ shall at least annually
10 inspect each place of public assemblage to determine whether it
11 is being maintained in compliance with this act.

12 (2) A place of public assemblage shall not be established or
13 operated without obtaining a certificate from the ~~state fire~~
14 ~~marshal~~ **BUREAU** indicating its maximum capacity and that it is in
15 compliance with this act.

16 Sec. 21d. (1) The certificate required in section 21c(2)
17 shall be issued annually by the ~~state fire marshal~~ **BUREAU** and
18 shall be displayed in a conspicuous location in the place of
19 public assemblage.

20 (2) If ~~the~~ **A** place of public assemblage is not being
21 maintained in compliance with this act, ~~its certificate may be~~
22 ~~revoked or denied and it may be ordered~~ **THE BUREAU MAY REVOKE OR**
23 **DENY THE CERTIFICATE REQUIRED BY SECTION 21C(2) AND MAY ORDER THE**
24 **PLACE OF PUBLIC ASSEMBLAGE** to cease operation until it is in
25 compliance.

26 ~~—————(3) For 1 year after the effective date of this section,~~
27 ~~the state fire marshal may issue a provisional certificate for~~

1 ~~not more than 6 months to allow the place of public assemblage to~~
2 ~~be brought into compliance with this act.~~

3 Sec. 23. The existence of a fire hazard, of any nature,
4 origin, or cause, is ~~declared to be~~ a nuisance and the nuisance
5 may be abated, removed, corrected, and its continuance enjoined
6 in the manner provided by law for the abatement of nuisances. If
7 the state fire marshal ~~considers~~ **DETERMINES THAT** a fire hazard
8 ~~to be~~ **IS** imminently dangerous or menacing to human life ~~so that~~
9 **AND** the public safety requires its immediate abatement, removal,
10 correction, or discontinuance, the state fire marshal may bring,
11 or cause to be brought, in the circuit court of the county in
12 which the fire hazard is located, an action ~~for the purpose of~~
13 ~~abating, removing, correcting, or discontinuing~~ **TO ABATE,**
14 **REMOVE, CORRECT, OR DISCONTINUE** the fire hazard. Sections 3801 to
15 3840 of ~~Act No. 236 of the Public Acts of 1961, being sections~~
16 ~~600.3801 to 600.3840 of the Michigan Compiled Laws, shall be~~
17 ~~applicable to the procedure in~~ **THE REVISED JUDICATURE ACT OF**
18 **1961, 1961 PA 236, MCL 600.3801 TO 600.3840, APPLY TO** the action.
19 The court, in addition to the powers conferred by that act, may
20 make any order ~~or decree as considered~~ **IT DETERMINES IS**
21 necessary or expedient to ensure the safety and security of human
22 life, and may direct that a building described in the ~~bill of~~
23 complaint be razed and removed and all rubbish and debris
24 removed, or that the building be repaired and in what manner and
25 to what extent. The court ~~, in the order or decree, may direct~~
26 ~~and command~~ **MAY ORDER** the removal of occupancies of a building
27 ~~,—~~ and the discontinuance of any use of the building

1 ~~constituting~~ **THAT CONSTITUTE** a fire hazard or menace to human
2 life, and may ~~direct and command~~ **ORDER** the clearing and
3 improvement of premises ~~as defined in this act and~~ described in
4 the ~~bill of~~ complaint. ~~It may grant the issuance of a writ of~~
5 **THE COURT MAY ISSUE AN** injunction restraining the defendant from
6 continuing the existence of a fire hazard, ~~and in the writ~~ may
7 include specific directions ~~as to what shall be done by~~ **TO** the
8 defendant, ~~in the premises,~~ and may retain jurisdiction ~~of the~~
9 ~~cause for the time it shall determine~~ to compel complete
10 performance of the ~~terms and conditions of an~~ order, ~~decree,~~
11 writ, or other determination of the court. ~~in the premises.~~ The
12 court may direct that the abatement of the fire hazard be done by
13 the department under **THE COURT'S** instructions, ~~as the court may~~
14 ~~specify,~~ and with provision for defraying the cost and expense
15 of the abatement as the court ~~considers~~ **DETERMINES** equitable
16 and authorized by this act. A continuance of a hearing ~~of the~~
17 ~~cause~~ **UNDER THIS ACT** shall not be granted except upon a clear
18 showing of unavoidable circumstances. Jurisdiction of the court
19 under this act ~~shall~~ **DOES** not depend upon the amount of money,
20 or value of property, involved.

21 Sec. 24. The state fire marshal shall include in the ~~state~~
22 ~~fire marshal's~~ **BUREAU'S** annual report to the governor as
23 required by law, a detailed account of the ~~state fire marshal's~~
24 **BUREAU'S** administration of this act and of the receipts and
25 disbursements made under this act, together with recommendations
26 ~~with reference to~~ **FOR** changes in this act as the state fire
27 marshal considers expedient.

1 Sec. 26. (1) Except as provided in ~~section 27 and~~
2 subsection (3), a firm located or operating in this state, unless
3 certified under this section, shall not do any of the following:

4 (a) Install, modify, or document the installation or
5 modification of a ~~required~~ fire suppression system.

6 (b) Document the installation or modification of a ~~required~~
7 fire alarm system.

8 (c) Perform a test, service, inspection, or **ITEM OF**
9 maintenance ~~which~~ **THAT** has not been exempted by the rules
10 promulgated by the ~~state fire safety board~~ **BUREAU** on a
11 ~~required~~ fire alarm system or ~~required~~ fire suppression
12 system.

13 (d) Submit a drawing, ~~print, or sketch of a required~~ **PLAN,**
14 **OR SPECIFICATION OF A** fire alarm system or ~~required~~ fire
15 suppression system to the ~~state fire marshal~~ **BUREAU** for
16 approval ~~pursuant to~~ **UNDER** section 29.

17 (2) The ~~state fire marshal~~ **BUREAU** shall certify a firm
18 ~~which~~ **THAT** submits a drawing, ~~print, or sketch of a required~~
19 **PLAN, OR SPECIFICATION OF A** fire alarm system or a ~~required~~
20 fire suppression system ~~—~~ or ~~which~~ **THAT** installs, modifies,
21 tests, services, inspects, maintains, or documents the
22 installation or modification of a ~~required~~ fire alarm system or
23 a ~~required~~ fire suppression system if the firm does both of the
24 following:

25 (a) Meets the requirements established by rules promulgated
26 under section 3c.

27 (b) Pays a fee of \$150.00 to the ~~state fire marshal~~

1 BUREAU.

2 (3) Subsections (1)(d) and (2) ~~shall~~ DO not apply to an
3 architect or professional engineer licensed under article 20 of
4 Act No. 299 of the Public Acts of 1980, as amended, being
5 sections 339.2001 to 339.2014 of the Michigan Compiled Laws ~~THE~~
6 OCCUPATIONAL CODE, 1980 PA 299, MCL 339.2001 TO 339.2014.

7 Sec. 28. (1) ~~Each location of a~~ A firm certified under
8 section 26 ~~or 27~~ shall display the certificate issued by the
9 ~~state fire marshal~~ BUREAU or a duplicate of that certificate AT
10 EACH LOCATION WHERE THE FIRM CONDUCTS BUSINESS.

11 (2) ~~Each~~ A firm certified under section 26 ~~or 27~~ shall
12 maintain a record of the installation, testing, service,
13 inspection, maintenance, modification, and documentation of each
14 ~~required~~ fire alarm system or ~~required~~ fire suppression system
15 the firm installed, tested, modified, inspected, serviced,
16 maintained, or documented, pursuant to ~~the~~ rules promulgated by
17 the ~~fire safety board~~ BUREAU. A copy of ~~that~~ THE record shall
18 be kept in the building or other location acceptable to the
19 ~~state fire marshal~~ BUREAU in which the system has been
20 installed. The owner, operator, or a designated representative of
21 the owner or operator of the building shall make the record
22 available for inspection by the ~~state fire marshal~~ BUREAU
23 during normal business hours.

24 (3) ~~Except as provided in section 27, a~~ A firm required to
25 be certified under section 26 shall secure recertification every
26 3 years and ~~shall~~ pay a fee of \$150.00 for the recertification.

27 (4) The fees specified in this section and sections 26 ~~—~~

1 27, and 29 shall be paid to the ~~state fire marshal~~ **BUREAU** for
2 implementation of sections 26 to 33.

3 Sec. 29. (1) Except as provided in subsection (7), ~~before~~
4 ~~the installation or modification of a required~~ **A FIRM SHALL NOT**
5 **INSTALL OR MODIFY A** fire alarm system or ~~required~~ fire
6 suppression system, **BEFORE THE FIRM SUBMITS** detailed plans and
7 specifications of the system ~~shall be submitted for approval~~ to
8 the ~~state fire marshal~~ **BUREAU FOR APPROVAL.**

9 (2) A firm ~~which~~ **THAT** installs or modifies a ~~required~~
10 fire suppression system shall submit written documentation of the
11 installation or modification of the system and a fee of \$40.00 to
12 the ~~state fire marshal~~ **BUREAU.**

13 (3) A firm ~~which~~ **THAT** documents the installation or
14 modification of a ~~required~~ fire alarm system shall submit
15 written documentation of installation or modification of the
16 system and a fee of \$40.00 to the ~~state fire marshal~~ **BUREAU.**

17 (4) The documentation required ~~in~~ **BY** this section shall be
18 on a form provided by the ~~state fire marshal~~ **BUREAU** and shall
19 state **BOTH OF** the following:

20 (a) That the system has been installed or modified pursuant
21 to the specifications of the manufacturer for each of the
22 components of the ~~required~~ fire alarm system or ~~required~~ fire
23 suppression system and in compliance with all applicable state
24 law.

25 (b) That the system has been tested and placed in proper
26 operating condition under the supervision of an architect or
27 professional engineer licensed under article 20 of ~~Act No. 299~~

1 of the Public Acts of 1980, as amended, being sections 339.2001
2 to 339.2014 of the Michigan Compiled Laws **THE OCCUPATIONAL CODE,**
3 **1980 PA 299, MCL 339.2001 TO 339.2014,** or by an employee of a
4 firm certified under section 26. ~~or 27.~~

5 (5) ~~The~~ **FIRE ALARM SYSTEM OR FIRE SUPPRESSION SYSTEM**
6 testing, servicing, inspection, or maintenance ~~which~~ **THAT** is
7 not exempt under rules promulgated by the ~~state fire safety~~
8 ~~board of a required fire alarm system or required fire~~
9 ~~suppression system~~ **BUREAU** shall be performed by a firm certified
10 under section 26. ~~or 27.~~ The testing, servicing, inspection, or
11 maintenance of the ~~required~~ fire alarm system or ~~required~~
12 fire suppression system shall be noted and displayed at the
13 location of the main control or other location acceptable to the
14 ~~state fire marshal~~ **BUREAU** and ~~shall be~~ filed with the owner,
15 operator, or a designated representative of the owner or operator
16 of the building in which the ~~required~~ fire alarm system or
17 ~~required~~ fire suppression system is installed.

18 (6) A drawing ~~which~~ **THAT** depicts the completed
19 installation of the ~~required~~ fire alarm system or ~~required~~
20 fire suppression system shall be available to the ~~state fire~~
21 ~~marshal~~ **BUREAU** or the fire safety inspector of the city,
22 village, or township in which the building is located for use
23 during an inspection of a ~~required~~ fire alarm system or
24 ~~required~~ fire suppression system.

25 (7) A firm ~~which~~ **THAT** installs, modifies, tests, services,
26 inspects, or maintains a ~~required~~ fire suppression system or a
27 ~~required~~ fire alarm system on its own premises shall be

1 certified under section 26, ~~or 27,~~ but shall **ONLY** be required
 2 to provide detailed plans and specifications or documentation of
 3 the system ~~only upon the request of the state fire marshal~~
 4 ~~pursuant to the~~ **IF REQUESTED BY THE STATE FIRE MARSHAL UNDER**
 5 rules promulgated by the ~~fire safety board~~ **BUREAU**.

6 Sec. 30. (1) If a firm certified under section 26 ~~or 27~~
 7 discovers a ~~required~~ fire alarm system or ~~required~~ fire
 8 suppression system ~~which~~ **THAT** the firm believes ~~to be~~ **WAS**
 9 installed, serviced, modified, tested, or maintained ~~in a manner~~
 10 ~~which is~~ in violation of state law, the firm immediately shall
 11 report the alleged violation to the ~~state fire marshal~~ **BUREAU**
 12 on a form provided by the ~~state fire marshal~~ **BUREAU** and to the
 13 owner, operator, or a designated representative of the owner or
 14 operator of the building in which the ~~required~~ fire alarm
 15 system or ~~required~~ fire suppression system is installed.

16 (2) Upon notification **UNDER SUBSECTION (1)** that ~~the~~
 17 ~~required~~ **A** fire alarm system or ~~required~~ fire suppression
 18 system is installed, serviced, modified, tested, or maintained in
 19 a manner ~~which the~~ **THAT A** firm believes to be in violation of
 20 state law, the owner, operator, or a designated representative of
 21 the owner or operator of the building in which the ~~required~~
 22 fire alarm system or ~~required~~ fire suppression system is
 23 installed shall provide the ~~state fire marshal~~ **BUREAU** with a
 24 written acknowledgment of the notice of the alleged violations
 25 and the action taken by the owner, operator, or designated
 26 representative of the owner or operator on a form provided by the
 27 ~~state fire marshal~~ **BUREAU**.

~~<<Sec. 31. (1) A township, city, village, or county shall not adopt
 or enforce an ordinance or resolution that is inconsistent with this act or
 any rule promulgated under this act.~~

~~(2) A state agency shall not promulgate rules inconsistent with~~

this act. This subsection does not apply to the motor carrier safety act of 1963, ~~Act No. 181 of the Public Acts of 1963, being sections 480.11 to 480.21 of the Michigan Compiled Laws, 1963 PA 181, MCL 480.11 TO 480.21,~~ or rules promulgated under that act by the motor carrier division of the department of state police.

(3) An organized fire department shall not charge a fee for conducting an inspection of a farm operation under title III of the superfund amendments and reauthorization act of 1986, Public Law 99-499, unless the fee is specifically provided by law.

(4) ~~(3)~~ As used in this section, "inconsistent" means a rule or ordinance that is more permissive than the provisions of this act, or is more restrictive, or requires more action, equipment, or permits, or prevents or obstructs compliance with the provisions of this act.>>

1 Sec. 32. (1) The certification of a firm under section 26
2 ~~or 27~~ may be suspended by the ~~state fire marshal~~ **BUREAU**
3 pending a hearing by the ~~state fire safety~~ board as specified
4 in section 3c, if the firm documents the installation or
5 modification of a ~~required~~ fire alarm system or ~~required~~ fire
6 suppression system and the system does not comply with ~~the~~
7 applicable state law or if the firm installs, tests, services,
8 inspects, or maintains a ~~required~~ fire alarm system or a
9 ~~required~~ fire suppression system in a manner not in compliance
10 with applicable state law. After the hearing, the ~~state fire~~
11 ~~safety~~ board may affirm, reverse, or modify the ~~state fire~~
12 ~~marshal's~~ decision **OF THE BUREAU** to suspend a firm's
13 certification or may revoke the firm's certification. A firm
14 whose certification is revoked under this section may be
15 recertified only after an additional hearing before the ~~state~~
16 ~~fire safety~~ board.

17 (2) The ~~state fire marshal~~ **BUREAU** shall not accept for
18 approval ~~pursuant to~~ **UNDER** section 29(1) plans or
19 specifications submitted by an architect or professional engineer
20 who has failed to provide corrected plans and specifications
21 ~~prior to~~ **BEFORE** the installation of a ~~required~~ fire alarm
22 system or ~~required~~ fire suppression system for which previous
23 plans and specifications have been disapproved. The ~~state fire~~
24 ~~marshal~~ **BUREAU** may ~~resume accepting~~ **ACCEPT FOR APPROVAL UNDER**
25 **SECTION 29(1)** plans and specifications ~~for approval pursuant to~~
26 ~~section 29(1)~~ **SUBMITTED BY THAT ARCHITECT OR ENGINEER** only after
27 a hearing before the ~~state fire safety~~ board.

1 Enacting section 1. This amendatory act does not affect the
2 transfer of authority, powers, duties, functions, and
3 responsibilities under this act to the department of
4 environmental quality under Executive Reorganization Order Nos.
5 1997-2 and 1998-2, MCL 29.451 and 29.461, or to the department of
6 state police and the director of the department of state police
7 under Executive Reorganization Order No. 2003-1, MCL 445.2011.

8 Enacting section 2. Sections 3d, 27, and 34 of the fire
9 prevention code, 1941 PA 207, MCL 29.3d, 29.27, and 29.34, are
10 repealed.

11 Enacting section 3. This amendatory act does not take effect
12 unless House Bill No. 5860 of the 93rd Legislature is enacted
13 into law.