****** Act 340 OF 1976 EXPIRED DECEMBER 31, 1982, PURSUANT TO § 28.656, AS AMENDED BY ACT 20 OF 1979. ON DECEMBER 31, 1982, § 28.656 WAS AMENDED BY ACT 494 OF 1982, EFFECTIVE MARCH 30, 1983. ******

MUNICIPAL FIRE INSURANCE RATE CLASSIFICATION ADVISORY BOARD
Act 340 of 1976

AN ACT to create a municipal fire service classification board; to prescribe the powers and duties of certain state agencies and officials; to provide for the evaluation of fire service delivery systems; to establish a fire service classification scale; to provide recommendations for the improvement of the capabilities of fire service delivery systems to improve life safety and to reduce fire losses for the citizens of this state; to provide for the promulgation of rules; and to provide for the administration of this act.

History: 1976, Act 340, Imd. Eff. Dec. 15, 1976;—Am. 1982, Act 494, Eff. Mar. 30, 1983.

The People of the State of Michigan enact:

****** Act 340 of 1976 EXPIRED DECEMBER 31, 1982, PURSUANT TO § 28.656. ON DECEMBER 31, 1982, THIS SECTION WAS AMENDED BY ACT 494 OF 1982, EFFECTIVE MARCH 30, 1983 ******

28.651 Definitions.

Sec. 1. As used in this act:

(a) "Board" means the municipal fire service classification board created by section 2.

(b) "Fire service classification scale" means the criteria by which a fire service delivery system is evaluated.

(c) "Fire service delivery system" means all the equipment, personnel, procedures, and resources which are utilized in the prevention and suppression of fire.

(d) "Grade" means the fire protection level which a fire service delivery system achieves on the fire service classification scale.

(e) "Municipality" means a city, village, township, or county.

(f) "Organized fire department" means an organization or department which provides a fire service delivery system within a municipality and is a fire department of a municipality or is a fire service delivery system designated by a municipality pursuant to a contract with that municipality. Organized fire department includes a department of county employees who are responsible for providing a fire service delivery system for an airport operated by the county or an agency of the county.

History: 1976, Act 340, Imd. Eff. Dec. 15, 1976;—Am. 1982, Act 494, Eff. Mar. 30, 1983.

Compiler's note: Act 340 of 1976 expired December 31, 1982, pursuant to MCL 28.656, as amended by Act 20 of 1979. On December 31, 1982, this section was amended by Act 494 of 1982, effective March 30, 1983.

****** Act 340 of 1976 EXPIRED DECEMBER 31, 1982, PURSUANT TO § 28.656. ON DECEMBER 31, 1982, THIS SECTION WAS AMENDED BY ACT 494 OF 1982, EFFECTIVE MARCH 30, 1983 ******

28.652 Municipal fire service classification board; creation; appointment, qualifications, and terms of members; vacancy; election of chairperson; meetings; compensation and expenses; staff; quorum; passing on question, action, or business; conducting business at public meeting; notice; minutes; record; availability of writing to public; rules.

Sec. 2. (1) There is created within the fire marshal division of the department of state police a municipal fire service classification board. The board shall have 11 members. One member shall be the director of the department of state police, or his or her designated representative. One member shall be the director of public health or his or her designated representative. One member shall be appointed by the governor upon the recommendation of the Michigan fire chiefs association. One member shall be appointed by the governor upon the recommendation of the Michigan fire inspectors society. One member shall be appointed by the governor upon the recommendation of the Michigan state fireman's association. One member shall be appointed by the governor upon the recommendation of the Michigan state fire fighter's union. One member shall be appointed by the governor to represent incorporated cities and villages. One member shall be appointed by the governor to represent township government. One member shall be appointed by the governor to represent the general public, and 2 members shall be appointed by the governor to represent the fire insurance industry. At least 1 of the members of the board shall be a member of a rural volunteer fire department. All appointments by the governor shall be by and with the advice and consent of the senate.

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Appointed members shall be appointed for terms of 4 years. A vacancy on the board shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

(2) Annually the board shall elect a chairperson from its membership. The board shall meet not less than 4 times each year. Special meetings may be called by the chairperson, or upon written request of not less than 5 board members. Meetings shall be held at a location designated by the chairperson.

(3) The per diem compensation for members of the board and the schedule for reimbursement of expenses shall be established annually by the legislature.

(4) The board may employ a staff to assist it in the performance of its duties, subject to civil service rules and within fiscal restraints.

(5) A majority of the members appointed to and serving on the board constitutes a quorum. A majority vote of the members voting shall be required to pass upon any question, action, or business of the board except that a hearing of a contested case may be conducted in the presence of 3 board members. The 3 board members, after hearing the facts and considering the evidence and testimony, shall recommend to the board action to be taken by the board.

(6) The business performed by the board shall be conducted at a public meeting of the board held in compliance with Act No. 267 of the Public Acts of 1976, as amended, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976, as amended.

(7) The board shall keep minutes of its proceedings, showing the vote of each member on each proposition or question, or indicating if a member is absent or fails to vote. A record of board action and business shall be made and maintained.

(8) A writing prepared, owned, used, in the possession of, or retained by the board in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, as amended, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(9) Rules promulgated under this act shall be promulgated pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws.

History: 1976, Act 340, Imd. Eff. Dec. 15, 1976;—Am. 1982, Act 494, Eff. Mar. 30, 1983.

Compiler's note: Act 340 of 1976 expired December 31, 1982, pursuant to MCL 28.656, as amended by Act 20 of 1979. On December 31, 1982, this section was amended by Act 494 of 1982, effective March 30, 1983.

****** Act 340 of 1976 EXPIRED DECEMBER 31, 1982, PURSUANT TO § 28.656. ON DECEMBER 31, 1982, THIS SECTION WAS AMENDED BY ACT 494 OF 1982, EFFECTIVE MARCH 30, 1983 ******

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28.653 Duties of board.

Sec. 3. The board shall:

(a) Submit rules for public hearing within 2 years after the effective date of section 7 which set forth a method of evaluating fire service delivery systems and establish a fire service classification scale. The fire service classification scale may include the following factors:

(*i*) Available water supply.

(*ii*) Fire prevention programs and activities.

(*iii*) Organized fire department administration.

(*iv*) Fire fighting equipment and apparatus.

(*v*) Organized fire department training.

(*vi*) Fire losses.

(*vii*) Fire prevention code and fire prevention code enforcement.

(*viii*) Fire incident reporting and fire investigation.

(*ix*) Fire alarm systems.

(*x*) Building construction code and building construction code enforcement.

(*xi*) Communications.

(*xii*) Personnel.

(*xiii*) Mutual aid.

(*xiv*) Fire suppression systems.

(*xv*) Other fire service delivery technology.

(b) Review any other fire service classification scale upon written request by a municipality.

(c) At least annually, present to the legislature and the commissioner of insurance a report of the board's activities and recommendations under this act.

(d) Develop a system within 5 years after the effective date of this amendatory act which will enable the board to evaluate the extent of compliance with Act No. 207 of the Public Acts of 1941, as amended, being

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sections 29.1 to 29.25 of the Michigan Compiled Laws, of each building inspected under Act No. 207 of the Public Acts of 1941, as amended. The state fire marshal shall provide the board with current inspection results to assist the board in the development of this system.

History: 1976, Act 340, Imd. Eff. Dec. 15, 1976;—Am. 1982, Act 494, Eff. Mar. 30, 1983.

Compiler's note: Act 340 of 1976 expired December 31, 1982, pursuant to MCL 28.656, as amended by Act 20 of 1979. On December 31, 1982, this section was amended by Act 494 of 1982, effective March 30, 1983.

28.654 Repealed. 1982, Act 494, Eff. Mar. 30, 1983.

Compiler's note: The repealed section pertained to risk classification systems.

****** Act 340 of 1976 EXPIRED DECEMBER 31, 1982, PURSUANT TO § 28.656. ON DECEMBER 31, 1982, THIS SECTION WAS AMENDED BY ACT 494 OF 1982, EFFECTIVE MARCH 30, 1983 ******

28.655 Utilization of fire service classification system of insurer.

Sec. 5. An insurer authorized to write fire insurance within this state may utilize the fire service classification system promulgated by the board.

History: 1976, Act 340, Imd. Eff. Dec. 15, 1976;—Am. 1982, Act 494, Eff. Mar. 30, 1983.

Compiler's note: Act 340 of 1976 expired December 31, 1982, pursuant to MCL 28.656, as amended by Act 20 of 1979. On December 31, 1982, this section was amended by Act 494 of 1982, effective March 30, 1983.

****** Act 340 of 1976 EXPIRED DECEMBER 31, 1982, PURSUANT TO § 28.656. ON DECEMBER 31, 1982, THIS SECTION WAS AMENDED BY ACT 494 OF 1982, EFFECTIVE MARCH 30, 1983 ******

28.656 Fire service delivery system; review; grade; information; assistance to municipality; alteration of system; oath; fee schedule; method of assessment.

Sec. 6. (1) Each municipality's fire service delivery system shall be reviewed by the board every 8 years or as requested by the municipality and a grade established in accordance with the fire service classification scale promulgated by the board pursuant to section 3.

(2) The first review of each municipality's fire service delivery system shall be within 7 years after the effective date of section 7.

(3) Upon request by the board, each municipality shall furnish information to the board on the municipality's fire service delivery system. Information furnished pursuant to this section shall be in the form prescribed by the board.

(4) The board shall within 90 days of reviewing a fire service delivery system, establish the grade for the fire service delivery system using the fire service classification scale.

(5) Upon request by a municipality, the board shall provide assistance to the municipality for the purpose of improving the capabilities of the municipality's fire service delivery system toward improved life safety and reduced fire losses.

(6) If a fire service delivery system of a municipality is altered, and that alteration would change the established grade of the fire service delivery system, the municipality shall provide details of the alterations on forms prescribed by the board.

(7) A person designated by a municipality to submit information to the board regarding a fire service delivery system shall sign a written oath, on a form prescribed by the board, swearing that the information submitted is factual and accurate.

(8) The board shall determine a fee schedule and method of assessment to be charged a municipality for the assistance provided to improve the fire service delivery system.

History: 1976, Act 340, Imd. Eff. Dec. 15, 1976;—Am. 1979, Act 20, Imd. Eff. May 30, 1979;—Am. 1982, Act 494, Eff. Mar. 30, 1983.

Compiler's note: Act 340 of 1976 expired December 31, 1982, pursuant to MCL 28.656, as amended by Act 20 of 1979. On December 31, 1982, this section was amended by Act 494 of 1982, effective March 30, 1983.

****** ACT 340 OF 1976 EXPIRED DECEMBER 31, 1982, PURSUANT TO § 28.656. ON DECEMBER 31, 1982, THIS SECTION WAS ADDED BY ACT 494 of 1982, EFFECTIVE MARCH 30, 1983 ******

28.657 Application of rule; request for variation; hearing; decision.

Sec. 7. (1) A municipality or insurer may request a variation of the application of a rule promulgated pursuant to this act by written application to the board.

(2) The entire board shall act as a hearing body in accordance with Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws, to review and render decisions

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on the recommendations submitted to the board pursuant to section 2(5) regarding a contested case involving the application of a rule promulgated pursuant to this act to any municipality rated by the board as provided in section 6. After a hearing, the board may vary the application of the contested rule if the enforcement of the rule without the variation would do manifest injustice and would be contrary to the spirit and purpose of the rule or the public interest.

(3) A decision of the board to vary the application of a rule shall specify in what manner the variation is made, the conditions upon which it is made, and the reasons for the variation.

History: Add. 1982, Act 494, Eff. Mar. 30, 1983.

Compiler's note: Act 340 of 1976 expired December 31, 1982, pursuant to MCL 28.656, as amended by Act 20 of 1979. On December 31, 1982, this section was added by Act 494 of 1982, effective March 30, 1983.

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