

# HOUSE BILL No. 4489

April 15, 1987, Introduced by Reps. Spaniola, Hertel, DeMars and Rocca  
and referred to the Committee on Transportation.

A bill to amend sections 1, 5b, 5c, 5d, and 5g of Act  
No. 207 of the Public Acts of 1941, entitled as amended  
"Fire prevention code,"  
section 1 as amended by Act No. 144 of the Public Acts of 1982,  
sections 5b, 5c, and 5g as amended by Act No. 247 of the Public  
Acts of 1980, and section 5d as amended by Act No. 205 of the  
Public Acts of 1982, being sections 29.1, 29.5b, 29.5c, 29.5d,  
and 29.5g of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 1, 5b, 5c, 5d, and 5g of Act No. 207 of  
2 the Public Acts of 1941, section 1 as amended by Act No. 144 of  
3 the Public Acts of 1982, sections 5b, 5c, and 5g as amended by  
4 Act No. 247 of the Public Acts of 1980, and section 5d as amended  
5 by Act No. 205 of the Public Acts of 1982, being sections 29.1,

1 29.5b, 29.5c, 29.5d; and 29.5g of the Michigan Compiled Laws, are  
2 amended to read as follows:

3       Sec. 1. As used in this act:

4       (a) "Director" means the director of the department of state  
5 police.

6       (b) "Department" means the department of state police.

7       (c) "Building" means a structure, framework, or place for  
8 housing 1 or more persons and includes a tank, receptacle, or  
9 container for the storage of commodities or other materials.

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

14       (e) "Fire hazard" means a building, premises, place, or  
15 thing which by reason of its nature, location, occupancy, condi-  
16 tion, or use may cause loss, damage, or injury to persons or  
17 property by reason of fire, explosion, or action of the  
18 elements.

19       (f) "Person" means an individual, partnership, corporation,  
20 or voluntary association.

21       (g) "Owner" means a person with an ownership interest in  
22 property, and includes a trustee, a board of trustees of proper-  
23 ty, or a person having a freehold interest in property. Owner  
24 does not include a lessee or mortgagee of property.

25       (h) "Organized fire department" means an organization or  
26 department which provides fire suppression and other fire related  
27 services within a city, village, or township and is a fire

1 department of a city, village, or township, or a fire service  
2 designated by a city, village, or township, pursuant to a  
3 contract. Organized fire department includes a department of  
4 county employees who are responsible for fire suppression and  
5 other fire related services for an airport operated by the county  
6 or an agency of the county.

7 (i) "State fire marshal" means the director or an officer of  
8 the department appointed by the director to implement this act.

9 (j) "Firm" means a sole proprietorship, partnership, associ-  
10 ation, or corporation.

11 (k) "Vehicle" means a tank vehicle or bulk transportation  
12 vehicle, excluding the tractor of a tank vehicle or bulk trans-  
13 portation vehicle.

14 (l) "Hazardous material" means explosives, pyrotechnics,  
15 flammable gas, flammable compressed gas, nonflammable compressed  
16 gas, flammable liquid, COMBUSTIBLE LIQUID, oxidizing material,  
17 poisonous gas, poisonous liquid, irritating material, etiologic  
18 material, radioactive material, corrosive material, or liquefied  
19 petroleum gas.

20 (m) "Fire fighter" means a member of an organized fire  
21 department who is responsible for fire suppression and other fire  
22 related services.

23 (n) "Place of public assemblage" means a room or other space  
24 in a building which room or other space can accommodate 50 or  
25 more individuals, including all connected rooms and space which  
26 share a common means of entrance and egress. Place of public  
27 assemblage does not include a private 1- or 2-family dwelling.

1 (o) "Fire chief" or "chief of an organized fire department"  
2 means the chief operating officer of an organized fire  
3 department.

4 (p) "Board" means the state fire safety board created in  
5 section 3b.

6 (q) "Terminal" means a location at which an above ground  
7 liquid storage tank containing a flammable liquid ~~having a flash~~  
8 ~~point below 100 degrees Fahrenheit~~ is located.

9 (r) "Attended terminal" means a terminal, other than a  
10 remote control terminal, where an individual knowledgeable in the  
11 above ground liquid storage tank filling operation is physically  
12 in attendance and control during the entire delivery of a flamma-  
13 ble liquid ~~having a flash point below 100 degrees Fahrenheit~~  
14 and has as his or her primary responsibility, supervising the  
15 storage tank filling operation.

16 (s) "Unattended terminal" means a terminal, other than a  
17 remote control terminal, where an individual knowledgeable in the  
18 above ground liquid storage tank filling operation is only in  
19 attendance during a portion of the time when a flammable liquid  
20 ~~having a flash point below 100 degrees Fahrenheit~~ is being  
21 delivered or has as his or her primary responsibility, a function  
22 other than supervising the storage tank filling operation.

23 (t) "Remote control terminal" means a terminal where the  
24 filling of the above ground liquid storage tank with a flammable  
25 liquid ~~having a flash point below 100 degrees Fahrenheit~~ is  
26 controlled at a remote location by the individual who conveyed  
27 the flammable liquid to the terminal.

1 (u) "Pipeline" means a pipeline used to convey a flammable  
2 liquid from a crude petroleum ~~well head~~ WELLHEAD collection  
3 site to a refinery or terminal or from a refinery to a terminal.  
4 A pipeline does not mean gathering lines from the ~~well head~~  
5 WELLHEAD to a crude petroleum collection tank or piping used  
6 within a plant operation.

7 (v) "Fire alarm system" means an assemblage of components  
8 which indicates or provides a warning of a fire emergency,  
9 installation of which is required by the state fire marshal pur-  
10 suant to rules promulgated by the state fire safety board under  
11 section 3c.

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

20 (X) "FLAMMABLE LIQUID" MEANS A LIQUID HAVING A FLASH POINT  
21 BELOW 100 DEGREES FAHRENHEIT AND HAVING A VAPOR PRESSURE NOT  
22 EXCEEDING 40 POUNDS PER SQUARE INCH ABSOLUTE AT 100 DEGREES  
23 FAHRENHEIT.

24 (Y) "COMBUSTIBLE LIQUID" MEANS A LIQUID HAVING A FLASH POINT  
25 AT OR ABOVE 100 DEGREES FAHRENHEIT AND BELOW 200 DEGREES  
26 FAHRENHEIT.

1 (Z) "OWNER OF VEHICLE" MEANS EITHER OF THE FOLLOWING:

2 (i) ANY PERSON RENTING OR LEASING A VEHICLE OR HAVING THE  
3 EXCLUSIVE USE OF A VEHICLE FOR A PERIOD GREATER THAN 30 DAYS.

4 (ii) A PERSON WHO HOLDS THE LEGAL TITLE TO A VEHICLE, OR IF  
5 A VEHICLE IS THE SUBJECT OF AN AGREEMENT FOR THE CONDITIONAL SALE  
6 OR LEASE OF THE VEHICLE WITH THE RIGHT OF PURCHASE UPON PER-  
7 FORMANCE OF THE CONDITIONS STATED IN THE AGREEMENT AND WITH AN  
8 IMMEDIATE RIGHT OF POSSESSION VESTED IN THE CONDITIONAL VENDEE OR  
9 LESSEE, OR IF A MORTGAGOR OF A VEHICLE IS ENTITLED TO POSSESSION,  
10 THEN THE CONDITIONAL VENDEE OR LESSEE OR MORTGAGOR SHALL BE CON-  
11 sidered THE OWNER.

12 Sec. 5b. ~~Each location of a firm located in this state and~~  
13 ~~each vehicle, which firm or vehicle is engaged in~~ DESIGNED OR  
14 USED FOR the transportation ~~in this state~~ of hazardous material  
15 ~~—~~ IN THIS STATE shall not be ~~established or~~ operated without  
16 first being certified by the state fire marshal. The state fire  
17 marshal shall determine compliance with the rules provided for in  
18 this act before issuing a certificate. The state fire marshal  
19 annually shall conduct random inspections of vehicles

20 ~~transporting~~ THAT TRANSPORT hazardous material in this state  
21 ~~—, which vehicles~~ AND are designed or used ~~exclusively~~ for the  
22 transportation of hazardous material ~~—~~ to assure compliance  
23 with this act and the rules promulgated under this act.

24 ~~Notwithstanding any other provision of this act, vehicles trans-~~  
25 ~~porting hazardous material but which are not designed or used~~  
26 ~~exclusively for the transportation of hazardous material shall~~  
27 ~~not be required to be certified.~~ A PERSON WHO OWNS A TRUCK

1 TRACTOR PULLING A SEMITRAILER AND TRAILER COMBINATION THAT  
2 TRANSPORTS A HAZARDOUS MATERIAL SHALL ARRANGE FOR A SEMIANNUAL  
3 INSPECTION OF THAT VEHICLE BY THE STATE FIRE MARSHAL.

4 ~~The owner of a vehicle which is transporting hazardous~~  
5 ~~material, but is not designed or used exclusively for the trans~~  
6 ~~portation of hazardous material, shall supply the state fire~~  
7 ~~marshal with the name of the firm which owns the vehicle and with~~  
8 ~~a telephone number at which the state fire marshal can obtain~~  
9 ~~information on the hazardous material transported if there is an~~  
10 ~~emergency involving the transportation of that hazardous~~

11 ~~material.~~ The EACH certified vehicle, whether empty or not,  
12 shall bear identification as assigned by the state fire marshal.  
13 The assigned identification shall be of a size and color and  
14 shall be posted in locations as designated by the state fire  
15 marshal. The identification assigned shall reflect the certified  
16 vehicle's vehicle identification number, the classification of  
17 the material being transported, and the firm's location at which  
18 the vehicle is maintained. Each vehicle of new ownership or  
19 newly manufactured vehicle shall be inspected by the state fire  
20 marshal and upon approval be issued the required identification  
21 before transporting hazardous material. Each ~~firm required to~~  
22 ~~be certified under this section and each firm owning~~ OWNER OF a  
23 vehicle required to be certified under this section shall provide  
24 information relative to certification, as required by the state  
25 fire marshal. A FIRM THAT IS TRANSPORTING A HAZARDOUS MATERIAL  
26 OTHER THAN A PETROLEUM PRODUCT IN THIS STATE, UPON REQUEST OF THE  
27 STATE FIRE MARSHAL, SHALL PROVIDE THE STATE FIRE MARSHAL WITH THE

1 NAME OF THE FIRM, THE NAME OF THE HAZARDOUS MATERIAL TRANSPORTED,  
2 THE ANTICIPATED ROUTES OF TRANSPORTATION, AND A TELEPHONE NUMBER  
3 AT WHICH THE FIRM MAY BE CONTACTED IN CASE OF AN EMERGENCY  
4 INVOLVING THE HAZARDOUS MATERIAL. The state fire marshal shall  
5 maintain current data as is necessary for providing information  
6 to enforcement agencies for the handling of emergencies involving  
7 hazardous material.

8 Sec. 5c. (1) ~~Each location of a~~ A firm ~~located and oper-~~  
9 ~~ating in this state~~ OR PERSON shall not establish or maintain 1  
10 or more of the following without obtaining a certificate from the  
11 state fire marshal:

12 (a) A flammable compressed gas or liquefied petroleum gas  
13 container filling location.

14 (b) An aboveground flammable compressed gas or liquefied  
15 petroleum gas storage location which has a tank with a water  
16 capacity of more than 2,000 gallons or has 2 or more tanks with  
17 an aggregate water capacity of more than 4,000 gallons.

18 (c) An aboveground storage location for a flammable liquid  
19 ~~having a flash point at or below 100 degrees Fahrenheit~~ OR COM-  
20 BUSTIBLE LIQUID, which storage location has ~~a~~ AN INDIVIDUAL  
21 TANK STORAGE capacity of more than 1,000 gallons. ~~of flammable~~  
22 ~~liquid.~~ CRUDE PETROLEUM COLLECTION TANKS THAT RECEIVE CRUDE  
23 PETROLEUM DIRECTLY FROM A WELLHEAD AND ARE CERTIFIED BY THE STATE  
24 FIRE MARSHAL MAY BE MAINTAINED WITHOUT FURTHER INSPECTION BY THE  
25 STATE FIRE MARSHAL, EXCEPT AS THE STATE FIRE MARSHAL MAY CONSIDER  
26 NECESSARY TO ASSURE COMPLIANCE WITH THIS ACT.



1       (2) ~~(d) An aboveground storage location for a flammable~~  
2 ~~liquid having a flash point above 100 degrees Fahrenheit, but~~  
3 ~~below 200 degrees Fahrenheit, which storage location has a capac-~~  
4 ~~ity of more than 10,000 gallons of flammable liquid.~~ THE STATE  
5 FIRE MARSHAL MAY REQUIRE THAT PERSONS OR FIRMS OBTAIN APPROVAL  
6 FROM THE STATE FIRE MARSHAL BEFORE THE INSTALLATION OF AN ABOVE-  
7 GROUND STORAGE TANK FOR FLAMMABLE OR COMBUSTIBLE LIQUIDS HAVING  
8 AN INDIVIDUAL TANK STORAGE CAPACITY OF 1,000 GALLONS OR LESS.  
9 HOWEVER, THIS REQUIREMENT DOES NOT APPLY TO FARM LOCATION STORAGE  
10 TANKS OF 1,000 GALLONS OR LESS CAPACITY USED FOR STORING MOTOR  
11 FUEL FOR NONCOMMERCIAL PURPOSES OR HEATING OIL FOR CONSUMPTIVE  
12 USE ON THE PREMISES WHERE STORED.

13       Sec. 5d. (1) The certificate specified in section ~~5d~~ 5B  
14 shall be issued by the state fire marshal after the initial  
15 inspection of a vehicle or the examination following the revoca-  
16 tion of the certificate for a vehicle. The certificates shall be  
17 issued after the state fire marshal has determined that the vehi-  
18 cle is in satisfactory compliance with this act. The certifi-  
19 cates specified in section 5c shall be issued every 3 years by  
20 the state fire marshal after the state fire marshal has deter-  
21 mined by an inspection that the firm location is in satisfactory  
22 compliance with this act. ~~The certificates specified in section~~  
23 ~~5i shall be issued annually by the state fire marshal after the~~  
24 ~~state fire marshal has determined that the firm location is in~~  
25 ~~satisfactory compliance with this act.~~ The board may authorize a  
26 firm SPECIFIED IN SECTION 5C to conduct inspections required in  
27 this section after application to the state fire marshal and

1 payment of ~~a~~ AN ANNUAL fee of \$1,000.00. ~~After~~ UPON ANNUAL  
2 determination by the state fire marshal that the ~~fire safety~~  
3 ~~rules will be complied with~~ FIRM IS IN SATISFACTORY COMPLIANCE  
4 WITH THIS ACT, the state fire marshal may recommend to the board  
5 that the authorization be given. This authorization may be  
6 revoked by the board for cause. Firms authorized to conduct  
7 inspections required in this section shall be exempt from the  
8 fees provided in subsections (2), (3), and (4). ~~A certificate~~  
9 ~~issued under this act shall be displayed at a noticeable location~~  
10 ~~in the business office of each certified firm location.~~ THE  
11 STATE FIRE MARSHAL MAY REVIEW PROCEDURES UTILIZED BY THE FIRM TO  
12 ASSURE COMPLIANCE WITH THE ACT.

13 (2) Except as provided in subsection (4), the owner of a  
14 firm specified in section 5c or THE OWNER OF a vehicle described  
15 in section 5b ~~, which firm or vehicle is engaged in the storage,~~  
16 ~~handling, or transportation of hazardous material~~ shall pay an  
17 annual fee of \$35.00 for each vehicle, as adjusted by subsection  
18 (3), and \$15.00 for each tank located at each storage or filling  
19 location specified in section 5c, as adjusted by subsection (3).  
20 Fees required by this subsection shall be paid before the issu-  
21 ance of a certificate IF THE FIRM DESCRIBED IN SECTION 5C OR THE  
22 VEHICLE SPECIFIED IN SECTION 5B IS USED AT ANY TIME DURING THE  
23 STATE FISCAL YEAR FOR THE STORAGE, HANDLING, OR TRANSPORTATION OF  
24 HAZARDOUS MATERIAL.

25 (3) Beginning October 1, 1985, the fees provided in subsec-  
26 tion (2) shall be adjusted each year pursuant to the annual  
27 average percentage increase or decrease in the Detroit consumer

1 price index--all items. The adjustment shall be made by  
2 multiplying the annual average percentage increase or decrease in  
3 the Detroit consumer price index for the prior calendar year by  
4 the current fee as adjusted by this subsection. The resultant  
5 product shall be added to the current fee as adjusted by this  
6 subsection and then rounded off to the nearest half dollar which  
7 shall be the new fee. However, if there is a material change in  
8 the list of items which constitute the Detroit consumer price  
9 index--all items, the fees shall remain at the level provided for  
10 immediately preceding the material change.

11 (4) Notwithstanding subsections (2) and (3), until October  
12 1, ~~1985~~ 1990, the annual fee is \$70.00 for ~~a~~ EACH vehicle  
13 DESCRIBED IN SECTION 5B, EXCEPT THAT THE FEE FOR A TRUCK TRACTOR  
14 PULLING A SEMITRAILER AND TRAILER COMBINATION THAT TRANSPORTS A  
15 HAZARDOUS MATERIAL SHALL BE \$70.00 SEMIANNUALLY FOR EACH VEHICLE,  
16 and THE ANNUAL FEE is \$30.00 for each tank located at each stor-  
17 age or filling location specified in section 5c. TANKS STORING  
18 FLAMMABLE OR COMBUSTIBLE LIQUIDS AND CRUDE PETROLEUM COLLECTION  
19 TANKS THAT RECEIVE CRUDE PETROLEUM DIRECTLY FROM A WELLHEAD ARE  
20 EXEMPT FROM FEES SPECIFIED IN SUBSECTION (2) AND THIS SUBSECTION.

21 (5) The fees specified in subsection (2), as adjusted by  
22 subsection (3), ~~or as specified in subsection (4)~~ shall be col-  
23 lected and deposited in the general fund of this state.

24 Sec. 5g. Immediately following a fire, explosion, spill,  
25 leak, accident, or related occurrence which involves the trans-  
26 portation, storage, handling, sale, use, or processing of  
27 hazardous material by a firm, PERSON, or vehicle, ~~operated~~

1 ~~pursuant to section 5b, 5c, or 5i,~~ the owner of the firm or  
2 vehicle or THE PERSON AND the chief of the first police depart-  
3 ment or organized fire department upon the scene of the incident  
4 shall notify the state fire marshal and the organized fire  
5 department of the area in which the incident occurred of the  
6 known details regarding the incident.