

HOUSE BILL No. 4504

March 20, 2001, Introduced by Reps. Woodward, Wojno, Schermesser, Jacobs, Bogardus, Waters, Garza, Quarles, Dennis and Lemmons and referred to the Committee on Regulatory Reform.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

4 (a) Schools and dormitories, including state supported
5 schools, colleges, and universities and school, college, and uni-
6 versity dormitories. THE RULES SHALL REQUIRE INSTALLATION OF AN
7 AUTOMATIC SPRINKLER SYSTEM IN EACH DORMITORY.

8 (b) Buildings for which the state is the lessee or which are
9 owned by the 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~~

1 ~~1978, being section 333.20106 of the Michigan Compiled Laws~~ 1978
2 PA 368, MCL 333.20106.

3 (d) Places of public assemblage.

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

7 (f) Dry cleaning establishments using flammable liquids.

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

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

16 (3) Rules promulgated pursuant to this act shall be consis-
17 tent with recognized good practice as evidenced by standards
18 adopted by nationally recognized authorities in the field of fire
19 protection. Experiences identified in the department's fire
20 incidents reports may be considered by the board as a qualified
21 basis for review of rules promulgated and promulgation of rules
22 ~~pursuant to~~ UNDER this act.

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

1 than October 28, 1982 for the certification of a firm ~~which~~
2 THAT does any of the following:

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

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

7 (c) Performs testing, servicing, inspections, or maintenance
8 ~~which~~ THAT has not been exempted by the rules promulgated by
9 the board on required fire alarm systems or required fire sup-
10 pression systems.

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

18 (5) The state fire marshal ~~shall not be~~ IS NOT required to
19 consider fire safety rules other than those provided for in this
20 act and in ~~Act No. 306 of the Public Acts of 1937, being sec-~~
21 ~~tions 388.851 to 388.855a of the Michigan Compiled Laws~~ 1937 PA
22 306, MCL 388.851 TO 388.855A.

23 (6) A person may request a variation of the application of a
24 rule promulgated pursuant to this act by applying to the state
25 fire marshal. The state fire marshal may make a variation upon a
26 finding that the variation does not result in a hazard to life or
27 property. The finding shall be transmitted to the person

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

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

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

22 (9) If a local school board has passed a resolution calling
23 for an election on the question of the issuance of bonds for the
24 construction, remodeling, or addition to a school, which election
25 was held not later than September 28, 1989, which approved issu-
26 ance of the bonds and which construction was reasonably
27 anticipated to have begun not later than June 30, 1990, then the

1 construction, remodeling, or addition to that school is exempt
2 from the rules promulgated by the fire safety board entitled
3 "schools, colleges, and universities", ~~being~~ FORMER R 29.301 to
4 R 29.321 of the Michigan administrative code, that were filed
5 with the Secretary of State on July 14, 1989 and became effective
6 on July 29, 1989. The construction, remodeling, or addition to
7 that school is, however, subject to the standards contained in
8 rules promulgated by the fire safety board entitled "school fire
9 safety", ~~being the~~ former R 29.1 to R 29.298 of the Michigan
10 administrative code. This subsection does not prevent the con-
11 struction, remodeling, or addition of a school from complying
12 with FORMER R 29.301 to R 29.321 of the Michigan administrative
13 code.