

Act No. 132
Public Acts of 1990
Approved by the Governor
June 25, 1990
Filed with the Secretary of State
June 26, 1990

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1990**

Introduced by Rep. Spaniola

ENROLLED HOUSE BILL No. 5576

AN ACT to amend section 3c of Act No. 207 of the Public Acts of 1941, entitled as amended "An act to provide for the prevention of fires and the protection of persons and property from exposure to the dangers of fire or explosion; to authorize the investigation of fires and the discovery of crime or other offenses in relation thereto; to require the razing, repair, or alteration of buildings, and the clearing and improvement of premises which constitute a fire hazard or a menace to the peace, security, or safety of persons or property; to control the construction, use, and occupancy of those buildings and premises for fire safety purposes; to provide for the certification of fire inspectors and the delegation of certain powers to those certified fire inspectors; to provide for the regulation of the storage and transportation of hazardous material; to provide for the issuance of certificates; to prohibit the use of certain fire extinguishers and fire extinguishing agents; to provide immunity from liability for certain persons; to provide for the administration of this act and prescribe procedure for the enforcement of its provisions; to fix penalties for violation of this act; to provide for the promulgation of rules; to provide for the assessment of fees; and to repeal certain acts and parts of acts," as amended by Act No. 282 of the Public Acts of 1989, being section 29.3c of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 3c of Act No. 207 of the Public Acts of 1941, as amended by Act No. 282 of the Public Acts of 1989, being section 29.3c of the Michigan Compiled Laws, is amended to read as follows:

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

- (a) Schools and dormitories, including state supported schools, colleges, and universities and school, college, and university dormitories.
- (b) Buildings for which the state is the lessee or which are owned by the state.
- (c) A health facility or agency as defined in section 20106 of the public health code, Act No. 368 of the Public Acts of 1978, as amended, being section 333.20106 of the Michigan Compiled Laws.
- (d) Places of public assemblage.

(e) Penal facilities as described in section 62 of Act No. 232 of the Public Acts of 1953, as amended, being section 791.262 of the Michigan Compiled Laws.

(f) Dry cleaning establishments using flammable liquids.

(g) Mental hospitals, psychiatric hospitals, and psychiatric units as defined in section 135 of the mental health code, Act No. 258 of the Public Acts of 1974, being section 330.1135 of the Michigan Compiled Laws.

(2) The board shall promulgate rules for the storage, transportation, and handling of hazardous material and for the implementation of this act.

(3) Rules promulgated pursuant to this act shall be consistent with recognized good practice as evidenced by standards adopted by nationally recognized authorities in the field of fire protection. Experiences identified in the department's fire incidents reports may be considered by the board as a qualified basis for review of rules promulgated and promulgation of rules pursuant to this act.

(4) The state fire safety board, pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws, shall submit the initial rules to the joint committee on administrative rules not later than October 28, 1982 for the certification of a firm which does any of the following:

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

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

(c) Performs testing, servicing, inspections, or maintenance which has not been exempted by the rules promulgated by the board on required fire alarm systems or required fire suppression systems.

(d) Submits a drawing, print, or sketch of a required fire alarm system or required fire suppression system to the state fire marshal for approval pursuant to section 29, except an architect or professional engineer licensed under article 20 of the occupational code, Act No. 299 of the Public Acts of 1980, as amended, being sections 339.2001 to 339.2014 of the Michigan Compiled Laws.

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

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

(7) The entire board, except as provided in section 3b(4), shall act as a hearing body in accordance with Act No. 306 of the Public Acts of 1969, as amended, to review and render decisions on a contested case, a rule specified in this act, or a ruling of the state fire marshal in the marshal's interpretation or application of the rules. After a hearing, the board may vary the application of a rule or may modify the ruling or interpretation of the state fire marshal if the enforcement of the ruling or interpretation would do manifest injustice and would be contrary to the spirit and purpose of the rules or the public interest.

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

(9) If a local school board has passed a resolution calling for an election on the question of the issuance of bonds for the construction, remodeling, or addition to a school, which election was held not later than September 28, 1989, which approved issuance of the bonds and which construction was reasonably anticipated to have begun not later than June 30, 1990, then the construction, remodeling, or addition to that school is exempt from the rules promulgated by the fire safety board entitled "schools, colleges, and universities", being R 29.301 to R 29.321 of the Michigan administrative code, that were filed with the secretary of state on July 14, 1989 and became effective on July 29, 1989. The construction, remodeling, or addition to that school is, however, subject to the standards contained in rules promulgated by the fire safety board entitled "school fire safety", being the former R 29.1 to R 29.298 of the Michigan administrative code. This subsection does not prevent the construction, remodeling, or addition of a school from complying with R 29.301 to R 29.321 of the Michigan administrative code.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved

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Governor.