

HOUSE BILL No. 5120

September 12, 1991, Introduced by Reps. Porreca and Jonker and referred to the Committee on Education.

A bill to amend sections 1 and 3c of Act No. 207 of the Public Acts of 1941, entitled as amended "Fire prevention code,"

section 1 as amended by Act No. 70 of the Public Acts of 1987 and section 3c as amended by Act No. 132 of the Public Acts of 1990, being sections 29.1 and 29.3c of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1 and 3c of Act No. 207 of the Public
2 Acts of 1941, section 1 as amended by Act No. 70 of the Public
3 Acts of 1987 and section 3c as amended by Act No. 132 of the
4 Public Acts of 1990, being sections 29.1 and 29.3c of the
5 Michigan Compiled Laws, are amended to read as follows:

6 Sec. 1. As used in this act:

7 (a) "Director" means the director of the department of state
8 police.

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

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

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

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

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

(g) "Owner" means a person with an ownership interest in property. ~~and~~ OWNER includes a trustee, a board of trustees of property, or a person having a freehold interest in property. Owner does not include a lessee or mortgagee of property.

(h) "Organized fire department" means an organization or department ~~which~~ THAT provides fire suppression and other fire related services within a city, village, or township and is a fire department of a city, village, or township, or a fire service designated by a city, village, or township, pursuant to a contract. Organized fire department includes a department of county employees who are responsible for fire suppression and

1 other fire related services for an airport operated by the county
2 or an agency of the county.

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

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

7 (k) "Vehicle" means a tank vehicle or bulk transportation
8 vehicle, excluding the tractor of a tank vehicle or bulk trans-
9 portation vehicle.

10 (l) "Hazardous material" means explosives, pyrotechnics,
11 flammable gas, flammable compressed gas, nonflammable compressed
12 gas, flammable liquid, combustible liquid, oxidizing material,
13 poisonous gas, poisonous liquid, irritating material, etiologic
14 material, radioactive material, corrosive material, or liquefied
15 petroleum gas.

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

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

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

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

3 (q) "Terminal" means a location at which an above ground
4 liquid storage tank containing a flammable liquid is located.

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

12 (s) "Unattended terminal" means a terminal, other than a
13 remote control terminal, where an individual knowledgeable in the
14 above ground liquid storage tank filling operation is only in
15 attendance during a portion of the time when a flammable liquid
16 is being delivered or has as his or her primary responsibility
17 ~~7~~ a function other than ~~supervising~~ THE SUPERVISION OF the
18 storage tank filling operation.

19 (t) "Remote control terminal" means a terminal where the
20 filling of the above ground liquid storage tank with a flammable
21 liquid is controlled at a remote location by the individual who
22 conveyed the flammable liquid to the terminal.

23 (u) "Pipeline" means a pipeline used to convey a flammable
24 liquid from a crude petroleum wellhead collection site to a
25 refinery or terminal or from a refinery to a terminal. ~~A~~
26 ~~pipeline~~ PIPELINE does not ~~mean~~ INCLUDE gathering lines from

1 the wellhead to a crude petroleum collection tank or piping used
2 within a plant operation.

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

8 (w) "Fire suppression system" means an integrated combina-
9 tion of a fire alarm system and fire suppression equipment
10 ~~which~~ THAT, as a result of predetermined temperature, rate of
11 temperature rise, products of combustion, flame, or human inter-
12 vention will discharge a fire extinguishing substance over a fire
13 area, installation of which is required by the state fire marshal
14 pursuant to rules promulgated by the state fire safety board
15 under section 3c.

16 (x) "Flammable liquid" means a liquid having a flash point
17 below 100 degrees fahrenheit and having a vapor pressure not
18 exceeding 40 pounds per square inch absolute at 100 degrees
19 fahrenheit.

20 (y) "Combustible liquid" means a liquid having a flash point
21 at or above 100 degrees fahrenheit and below 200 degrees
22 fahrenheit.

23 (z) "Owner of vehicle" means either of the following:

24 (i) ~~Any~~ A person renting or leasing a vehicle or having
25 the exclusive use of a vehicle for a period greater than 30
26 days.

1 (ii) A person who holds the legal title to a vehicle. ~~—or~~
 2 ~~if~~ IF a vehicle is the subject of an agreement for the
 3 conditional sale or lease of the vehicle with the right of pur-
 4 chase upon performance of the conditions stated in the agreement
 5 and with an immediate right of possession vested in the condi-
 6 tional vendee or lessee, or if a mortgagor of a vehicle is enti-
 7 tled to possession, then the conditional vendee, ~~or~~ lessee, or
 8 mortgagor ~~shall be~~ IS considered the owner.

9 (AA) "SCHOOL BUILDING" MEANS A STRUCTURE IN WHICH 6 OR MORE
 10 PUPILS RECEIVE INSTRUCTION. SCHOOL BUILDING INCLUDES A STRUCTURE
 11 OWNED, LEASED, OR UNDER THE CONTROL OF A PUBLIC OR PRIVATE K TO
 12 12 SCHOOL SYSTEM OR A COMMUNITY COLLEGE OR JUNIOR COLLEGE ESTAB-
 13 LISHED UNDER SECTION 7 OF ARTICLE VIII OF THE STATE CONSTITUTION
 14 OF 1963 OR PART 25 OF THE SCHOOL CODE OF 1976, ACT NO. 451 OF THE
 15 PUBLIC ACTS OF 1976, BEING SECTIONS 380.1601 TO 380.1607 OF THE
 16 MICHIGAN COMPILED LAWS. SCHOOL BUILDING DOES NOT INCLUDE A
 17 STRUCTURE OWNED, LEASED, OR UNDER THE CONTROL OF A COLLEGE OR
 18 UNIVERSITY DESCRIBED IN SECTION 4, 5, OR 6 OF ARTICLE VIII OF THE
 19 STATE CONSTITUTION OF 1963.

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

23 (a) Schools and dormitories, including state supported
 24 schools, colleges, and universities and school, college, and uni-
 25 versity dormitories.

26 (b) Buildings for which the state is the lessee or ~~which~~
 27 THAT owned by the state.

1 (c) A health facility or agency as defined in section 20106
2 of the public health code, Act No. 368 of the Public Acts of
3 1978, as amended, being section 333.20106 of the Michigan
4 Compiled Laws.

5 (d) Places of public assemblage.

6 (e) Penal facilities as described in section 62 of Act
7 No. 232 of the Public Acts of 1953, as amended, being section
8 791.262 of the Michigan Compiled Laws.

9 (f) Dry cleaning establishments using flammable liquids.

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

14 (2) The board shall promulgate rules for the storage, trans-
15 portation, and handling of hazardous material and for the imple-
16 mentation of this act.

17 (3) Rules promulgated pursuant to this act shall be consis-
18 tent with recognized good practice as evidenced by standards
19 adopted by nationally recognized authorities in the field of fire
20 protection. Experiences identified in the department's fire
21 incidents reports may be considered by the board as a qualified
22 basis for review of rules promulgated and promulgation of rules
23 pursuant to this act. RULES PROMULGATED PURSUANT TO THIS ACT
24 RELATED TO A SCHOOL BUILDING SHALL BE CONSISTENT WITH THE STATE
25 CONSTRUCTION CODE ADOPTED PURSUANT TO THE STATE CONSTRUCTION CODE
26 ACT OF 1972, ACT NO. 230 OF THE PUBLIC ACTS OF 1972, BEING
27 SECTIONS 125.1501 TO 125.1531 OF THE MICHIGAN COMPILED LAWS.

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

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

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

12 (c) Performs testing, servicing, inspections, or maintenance
13 ~~which~~ THAT has not been exempted by the rules promulgated by
14 the board on required fire alarm systems or required fire sup-
15 pression systems.

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

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

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

10 (7) The entire board, except as provided in section 3b(4),
11 shall act as a hearing body in accordance with Act No. 306 of the
12 Public Acts of 1969, as amended, to review and render decisions
13 on a contested case, a rule specified in this act, or a ruling of
14 the state fire marshal in the marshal's interpretation or appli-
15 cation of the rules. After a hearing, the board may vary the
16 application of a rule or ~~may~~ modify the ruling or interpreta-
17 tion of the state fire marshal if the enforcement of the ruling
18 or interpretation would do manifest injustice and would be con-
19 trary to the spirit and purpose of the rules or the public
20 interest.

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

26 (9) If a local school board has passed a resolution calling
27 for an election on the question of the issuance of bonds for the

1 construction, remodeling, or addition to a school, which election
2 was held not later than September 28, 1989, which approved issu-
3 ance of the bonds and which construction was reasonably antici-
4 pated to have begun not later than June 30, 1990, then the con-
5 struction, remodeling, or addition to that school is exempt from
6 the rules promulgated by the fire safety board entitled "schools,
7 colleges, and universities", being R 29.301 to R 29.321 of the
8 Michigan administrative code, that were filed with the Secretary
9 of State on July 14, 1989 and became effective on July 29, 1989.
10 The construction, remodeling, or addition to that school is, how-
11 ever, subject to the standards contained in rules promulgated by
12 the fire safety board entitled "school fire safety", being the
13 former R 29.1 to R 29.298 of the Michigan administrative code.
14 This subsection does not prevent the construction, remodeling, or
15 addition of a school from complying with R 29.301 to R 29.321 of
16 the Michigan administrative code.

17 Section 2. This amendatory act shall not take effect unless
18 Senate Bill No. _____ or House Bill No. 5119 (request
19 no. 01300'91) of the 86th Legislature is enacted into law.