



# HOUSE BILL No. 5554

May 12 1994 Introduced by Reps Curtis Harder Clack Olshove Freeman Owen  
Scott and Schroer and referred to the Committee on State Affairs

A bill to amend section 3c of Act No 207 of the Public Acts  
of 1941, entitled as amended

'Fire prevention code '

as amended by Act No 132 of the Public Acts of 1990 being sec-  
tion 29 3c of the Michigan Compiled Laws

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 3c of Act No 207 of the Public Acts of  
2 1941, as amended by Act No 132 of the Public Acts of 1990, being  
3 section 29 3c of the Michigan Compiled Laws is amended to read  
4 as follows

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

1 (a) Schools and dormitories, including state supported  
2 schools, colleges, and universities and school, college, and  
3 university dormitories

4 (b) Buildings for which the state is the lessee or which are  
5 owned by the state

6 (c) A health facility or agency as defined in section 20106  
7 of the public health code, Act No 368 of the Public Acts of  
8 1978 as amended being section 333 20106 of the Michigan  
9 Compiled Laws

10 (d) Places of public assemblage

11 (e) Penal facilities as described in section 62 of Act  
12 No 232 of the Public Acts of 1953, as amended being section  
13 791 262 of the Michigan Compiled Laws

14 (f) Dry cleaning establishments using flammable liquids

15 (g) Mental hospitals psychiatric hospitals, and psychiatric  
16 units as defined in section 135 of the mental health code Act  
17 No 258 of the Public Acts of 1974, being section 330 1135 of the  
18 Michigan Compiled Laws

19 (H) PLACES OF PUBLIC LODGING THE RULES SHALL REQUIRE THAT  
20 A FIRE SUPPRESSION SYSTEM BE INSTALLED IN NEW CONSTRUCTION OR  
21 RENOVATION OF ANY PUBLIC LODGING

22 (2) The board shall promulgate rules for the storage trans-  
23 portation, and handling of hazardous material and for the imple-  
24 mentation of this act

25 (3) Rules promulgated pursuant to this act shall be consis-  
26 tent with recognized good practice as evidenced by standards  
27 adopted by nationally recognized authorities in the field of fire

1 protection Experiences identified in the department s fire  
2 incidents reports may be considered by the board as a qualified  
3 basis for review of rules promulgated and promulgation of rules  
4 pursuant to this act

5 (4) The state fire safety board pursuant to the administra-  
6 tive procedures act of 1969, Act No 306 of the Public Acts of  
7 1969, as amended, being sections 24 201 to 24 328 of the Michigan  
8 Compiled Laws, shall submit the initial rules to the joint com-  
9 mittee on administrative rules not later than October 28 1982  
10 for the certification of a firm which does any of the following

11 (a) Installs modifies or documents the installation or  
12 modification of a required fire suppression system

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

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

19 (d) Submits a drawing print or sketch of a required fire  
20 alarm system or required fire suppression system to the state  
21 fire marshal for approval pursuant to section 29, except an  
22 architect or professional engineer licensed under article 20 of  
23 the occupational code Act No 299 of the Public Acts of 1980 as  
24 amended, being sections 339 2001 to 339 2014 of the Michigan  
25 Compiled Laws

26 (5) The state fire marshal shall not be required to consider  
27 fire safety rules other than those provided for in this act and

1 in Act No 306 of the Public Acts of 1937 as amended, being  
2 sections 388 851 to 388 855a of the Michigan Compiled Laws

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

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

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

1       (9) If a local school board has passed a resolution calling  
2 for an election on the question of the issuance of bonds for the  
3 construction remodeling, or addition to a school which election  
4 was held not later than September 28, 1989 which approved issu-  
5 ance of the bonds and which construction was reasonably antici-  
6 pated to have begun not later than June 30, 1990 then the con-  
7 struction remodeling or addition to that school is exempt from  
8 the rules promulgated by the fire safety board entitled schools,  
9 colleges, and universities being R 29 301 to R 29 321 of the  
10 Michigan administrative code that were filed with the Secretary  
11 of State on July 14 1989 and became effective on July 29 1989  
12 The construction remodeling, or addition to that school is, how-  
13 ever, subject to the standards contained in rules promulgated by  
14 the fire safety board entitled 'school fire safety being the  
15 former R 29 1 to R 29 298 of the Michigan administrative code  
16 This subsection does not prevent the construction remodeling, or  
17 addition of a school from complying with R 29 301 to R 29 321 of  
18 the Michigan administrative code