

**House Bill 6027 (Substitute H-1)
First Analysis (10-4-00)**

**Sponsor: Rep. A.T. Frank
Committee: Regulatory Reform**

THE APPARENT PROBLEM:

Under current law, the state fire marshal collects statistics on fires that occur by accident and those that are started by criminal acts. However, the fire marshal does not keep track of fires that are intentionally set for legitimate purposes. Fire departments often set fires for training purposes or as demonstrations - to show how rapidly a fire can spread or to show or compare the effectiveness of certain alarms. Unfortunately, these fires can and do occasionally get out of hand and on occasion non-firefighters have been injured. On December 7, 1995 just such an incident occurred. Several media organizations were invited by the Grand Blanc Fire Department to attend a demonstration burn. The fire was intended to show how quickly a Christmas tree could burn and the effectiveness of smoke alarms. Unfortunately, the fire got out of control and two members of the media were trapped and seriously injured. To the surprise and dismay of the injured individuals, no investigation or report regarding the incident that nearly took their lives was ever made. As the law stands, there is no requirement that any investigation or report be made regarding incidents where a training or demonstration fire gets out of hand. Legislation has been introduced to require that information be gathered and kept when injuries occur during training or demonstration fires.

THE CONTENT OF THE BILL:

The bill would amend the Fire Prevention Code to require the state fire marshal to investigate and report on demonstration fires that result in the injury or death of an individual who is not a firefighter. "Demonstration fire" would be defined as a fire that was intentionally set by a fire department for training or other legitimate purposes. When an injury or death of a non-firefighter occurred during a demonstration fire, the chief of the fire department involved in the fire would be required to immediately report the incident to the fire marshal.

The bill would also require a fire chief to immediately report the on-duty death of any fire fighter to the fire marshal. The fire marshal would be required to

investigate any such death and report on that investigation. The fire marshal's investigation could be made in conjunction with any other agency.

MCL 29.6

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:

For:

If a person is injured as the result of a training or demonstration fire, current law does not require an investigation of what happened. Whether the fire department involved was negligent, grossly negligent, or simply unlucky is not noted, and as a result not only is the injured party's ability to bring a civil action hampered, but the lack of information could lead to the occurrence of similar mistakes in the future. The bill will help to keep track of "what went wrong" when things go wrong. Fire departments can learn from the mistakes of other departments and hopefully avoid future injuries to citizens and firefighters.

POSITIONS:

The Office of the State Fire Marshal neither supports or opposes the bill. (10-3-00)

Analyst: W. Flory

#This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.