

# SENATE BILL No. 1133

March 14, 2006, Introduced by Senators PRUSI, GARCIA, CHERRY, ALLEN, GEORGE, CLARKE, KUIPERS and SCHAUER and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

A bill to amend 1941 PA 207, entitled  
"Fire prevention code,"  
by amending sections 1, 2, 2a, 2b, 2c, 3b, 3c, 3e, 4, 5a, 5d, 5g, 5h, 5i, 5p, 10, 16, 21b, 21c, 21d, 23, 24, 26, 28, 29, 30, and 32 (MCL 29.1, 29.2, 29.2a, 29.2b, 29.2c, 29.3b, 29.3c, 29.3e, 29.4, 29.5a, 29.5d, 29.5g, 29.5h, 29.5i, 29.5p, 29.10, 29.16, 29.21b, 29.21c, 29.21d, 29.23, 29.24, 29.26, 29.28, 29.29, 29.30, and 29.32), sections 1, 3b, 3c, 5a, and 5d as amended by 1996 PA 152, sections 2a and 21c as amended and sections 2b, 3e, and 5i as added by 1980 PA 247, section 2c as added by 1996 PA 147, section 4 as amended by 1980 PA 516, section 5g as amended by 1987 PA 70, section 5p as added by 1986 PA 67, and sections 26, 28, 29, 30,

and 32 as added by 1982 PA 144, and by adding sections 1b, 1c, and 1d; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1. As used in this act:

2       (A) **"BUREAU" MEANS THE BUREAU OF FIRE SERVICES CREATED IN**  
3 **SECTION 1B.**

4       (B) ~~—(a)—~~ "Director" means the director of the department of  
5 ~~state police~~ **LABOR AND ECONOMIC GROWTH.**

6       (C) ~~—(b)—~~ "Department" means the department of ~~state police~~  
7 **LABOR AND ECONOMIC GROWTH.**

8       (D) ~~—(c)—~~ "Building" means a structure, framework, or place  
9 for housing 1 or more persons ~~and includes~~ **OR** a tank,  
10 receptacle, or container for the storage of commodities or other  
11 materials.

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

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

21       (G) ~~—(f)—~~ "Person" means an individual, partnership,  
22 corporation, or voluntary association.

23       (H) ~~—(g)—~~ "Owner" means a person with an ownership interest  
24 in property, and includes a trustee, a board of trustees of

1 property, ~~or~~ **AND** a person ~~having~~ **WITH** a freehold interest in  
 2 property. Owner does not include a lessee or mortgagee of  
 3 property.

4 (I) ~~(h)~~ "Organized fire department" means ~~an organization~~  
 5 ~~or department which provides fire suppression and other fire~~  
 6 ~~related services within a city, village, or township and is a~~  
 7 ~~fire department of a city, village, or township, or a fire~~  
 8 ~~service designated by a city, village, or township, pursuant to a~~  
 9 ~~contract. Organized fire department includes a department of~~  
 10 ~~county employees who are responsible for fire suppression and~~  
 11 ~~other fire related services for an airport operated by the county~~  
 12 ~~or an agency of the county.~~ **A DEPARTMENT, AUTHORITY, OR OTHER**  
 13 **GOVERNMENTAL ENTITY THAT SAFEGUARDS LIFE AND PROPERTY FROM DAMAGE**  
 14 **FROM EXPLOSION, FIRE, OR DISASTER AND THAT PROVIDES FIRE**  
 15 **SUPPRESSION AND OTHER RELATED SERVICES IN THIS STATE. ORGANIZED**  
 16 **FIRE DEPARTMENT INCLUDES ANY LAWFULLY ORGANIZED FIREFIGHTING**  
 17 **FORCE IN THIS STATE.**

18 (J) ~~(i)~~ "State fire marshal" means the ~~director or an~~  
 19 ~~officer of the department~~ **INDIVIDUAL** appointed by the director  
 20 ~~to implement this act~~ **UNDER SECTION 1B.**

21 (K) ~~(j)~~ "Firm" means a sole proprietorship, partnership,  
 22 association, or corporation.

23 (L) ~~(k)~~ "Vehicle" means a tank vehicle or bulk  
 24 transportation vehicle, excluding the tractor of a tank vehicle  
 25 or bulk transportation vehicle.

26 (M) ~~(l)~~ "Hazardous material" means explosives,  
 27 pyrotechnics, flammable gas, flammable compressed gas,

1 nonflammable compressed gas, flammable liquid, combustible  
 2 liquid, oxidizing material, poisonous gas, poisonous liquid,  
 3 irritating material, etiologic material, radioactive material,  
 4 corrosive material, or liquefied petroleum gas.

5 (N) ~~(m) "Fire fighter"~~ **"FIREFIGHTER"** means a member of an  
 6 organized fire department who is responsible for fire suppression  
 7 and other fire related services.

8 (O) ~~(n) "Place of public assemblage"~~ means a room or other  
 9 space in a building ~~which~~ **IF THE** room or other space can  
 10 accommodate 50 or more individuals, including ~~all~~ connected  
 11 rooms and ~~space which~~ **SPACES THAT** share a common means of  
 12 entrance and egress. Place of public assemblage does not include  
 13 a private 1- or 2-family dwelling.

14 (P) ~~(o) "Fire chief" or "chief of an organized fire~~  
 15 department" means the chief operating officer of an organized  
 16 fire department.

17 (Q) ~~(p) "Board"~~ means the state fire safety board created  
 18 in section 3b.

19 (R) ~~(q) "Terminal"~~ means a location ~~at which~~ **WHERE** an  
 20 ~~above ground~~ **ABOVEGROUND** liquid storage tank containing a  
 21 flammable liquid is located.

22 (S) ~~(r) "Attended terminal"~~ means a terminal, other than a  
 23 remote control terminal, where an individual knowledgeable in the  
 24 ~~above ground~~ **ABOVEGROUND** liquid storage tank filling operation  
 25 is physically in attendance and control during the entire  
 26 delivery of a flammable liquid and has as his or her primary  
 27 responsibility ~~—~~ supervising the storage tank filling

1 operation.

2 (T) ~~(s)~~ "Unattended terminal" means a terminal, other than  
3 a remote control terminal **OR AN ATTENDED TERMINAL**, where an  
4 individual knowledgeable in the ~~above ground~~ **ABOVEGROUND** liquid  
5 storage tank filling operation is only in attendance during a  
6 portion of the time when a flammable liquid is being delivered or  
7 ~~has as his or her~~ **THE INDIVIDUAL'S** primary responsibility ~~— IS~~  
8 a function other than supervising the storage tank filling  
9 operation.

10 (U) ~~(t)~~ "Remote control terminal" means a terminal where  
11 ~~the filling of the above ground~~ **AN ABOVEGROUND** liquid storage  
12 tank with a flammable liquid is controlled at a remote location  
13 by the individual who conveyed the flammable liquid to the  
14 terminal.

15 (V) ~~(u)~~ "Pipeline" means a pipeline ~~used to convey~~ **THAT**  
16 **CONVEYS** a flammable liquid from a crude petroleum wellhead  
17 collection site to a refinery or terminal or from a refinery to a  
18 terminal. ~~A pipeline~~ **PIPELINE** does not mean gathering lines  
19 **THAT CONVEY A FLAMMABLE LIQUID** from the wellhead to a crude  
20 petroleum collection tank or piping used ~~within~~ **IN** a plant  
21 operation.

22 (W) ~~(v)~~ "Fire alarm system" means an assemblage of  
23 components ~~which~~ **THAT** indicates or provides a warning of a fire  
24 emergency, installation of which is required by the ~~state fire~~  
25 ~~marshal pursuant to~~ **BUREAU UNDER** rules promulgated ~~by the state~~  
26 ~~fire safety board~~ under section 3c.

27 (X) ~~(w)~~ "Fire suppression system" means an integrated

1 combination of a fire alarm system and fire suppression equipment  
 2 ~~which~~ **THAT**, as a result of predetermined temperature, rate of  
 3 temperature rise, products of combustion, flame, or human  
 4 intervention, will discharge a fire extinguishing substance over  
 5 a fire area, installation of which is required by the ~~state fire~~  
 6 ~~marshal pursuant to~~ **BUREAU UNDER** rules promulgated ~~by the state~~  
 7 ~~fire safety board~~ under section 3c.

8 **(Y)** ~~(x)~~ "Flammable liquid" means a liquid ~~having~~ **WITH** a  
 9 flash point below 100 degrees ~~fahrenheit~~ **FAHRENHEIT** and ~~having~~  
 10 a vapor pressure **THAT DOES** not ~~exceeding~~ **EXCEED** 40 pounds per  
 11 square inch absolute at 100 degrees ~~fahrenheit~~ **FAHRENHEIT**.

12 **(Z)** ~~(y)~~ "Combustible liquid" means a liquid ~~having~~ **WITH**  
 13 a flash point at or above 100 degrees ~~fahrenheit~~ **FAHRENHEIT** and  
 14 below 200 degrees ~~fahrenheit~~ **FAHRENHEIT**.

15 **(AA)** ~~(z)~~ "Owner of **A** vehicle" means ~~either~~ **1 OR MORE** of  
 16 the following:

17 (i) ~~Any person renting or leasing a vehicle or having~~ **A**  
 18 **PERSON WHO RENTS OR LEASES THE VEHICLE OR HAS** the exclusive use  
 19 of ~~a~~ **THE** vehicle for a period greater than 30 days.

20 (ii) ~~A~~ **SUBJECT TO SUBPARAGRAPH (iii)**, **A** person who holds ~~the~~  
 21 legal title to ~~a~~ **THE** vehicle. ~~, or if a~~

22 (iii) **IF THE** vehicle is the subject of ~~an agreement for the~~  
 23 **A** conditional sale or lease ~~of the vehicle~~ **AGREEMENT** with the  
 24 right of purchase upon performance of the conditions ~~stated~~ in  
 25 the agreement, and ~~with an~~ **IF THE CONDITIONAL VENDEE OR LESSEE**  
 26 **HAS THE** immediate right of possession, ~~vested in the conditional~~  
 27 ~~vendee or lessee,~~ or if a mortgagor of a vehicle is entitled to

1 possession, ~~then~~ the conditional vendee or lessee or mortgagor.  
2 ~~shall be considered the owner.~~

3 (BB) ~~(aa)~~ "Noncommercial transportation" means the  
4 occasional transportation of personal property by an individual  
5 not for compensation or in the furtherance of a commercial  
6 enterprise, and transportation not regulated under the motor  
7 carrier safety act OF 1963, ~~Act No. 181 of the Public Acts of~~  
8 ~~1963, being sections 480.11 to 480.21 of the Michigan Compiled~~  
9 ~~Laws~~ 1963 PA 181, MCL 480.11 TO 480.25.

10 SEC. 1B. (1) THE BUREAU OF FIRE SERVICES IS CREATED IN THE  
11 DEPARTMENT.

12 (2) THE DIRECTOR SHALL APPOINT A STATE FIRE MARSHAL TO SERVE  
13 AS THE HEAD OF THE BUREAU AND OF THE OFFICE OF THE STATE FIRE  
14 MARSHAL. THE STATE FIRE MARSHAL SHALL BE A MEMBER OF THE  
15 CLASSIFIED STATE CIVIL SERVICE.

16 (3) THE BUREAU SHALL INCLUDE THE FOLLOWING:

17 (A) THE FIRE FIGHTERS TRAINING COUNCIL CREATED UNDER SECTION  
18 3 OF THE FIRE FIGHTERS TRAINING COUNCIL ACT OF 1966, 1966 PA 291,  
19 MCL 29.363.

20 (B) THE BOARD.

21 (C) ANY OTHER AGENCY, BOARD, OR COMMISSION DESIGNATED AS A  
22 PART OF THE BUREAU BY LAW.

23 (4) THE BUREAU SHALL HAVE ALL OF THE AUTHORITY, POWERS,  
24 DUTIES, FUNCTIONS, AND RESPONSIBILITIES TRANSFERRED FROM THE FIRE  
25 MARSHAL DIVISION OF THE DEPARTMENT OF STATE POLICE TO THE  
26 DEPARTMENT UNDER EXECUTIVE REORGANIZATION ORDER NO. 2003-1, MCL  
27 445.2011. THE DEPARTMENT SHALL PERFORM THE BUDGETING,

1 PROCUREMENT, AND RELATED MANAGEMENT FUNCTIONS OF THE BUREAU. THE  
2 BUREAU SHALL ADMINISTER THE AUTHORITY, POWERS, DUTIES, FUNCTIONS,  
3 AND RESPONSIBILITIES VESTED IN THE BUREAU EFFICIENTLY AND MAY  
4 MAKE INTERNAL ORGANIZATIONAL CHANGES TO ENSURE EFFICIENT  
5 ADMINISTRATION.

6 SEC. 1C. (1) THE BUREAU SHALL DO ALL OF THE FOLLOWING:

7 (A) SERVE AS A FOCAL POINT FOR MATTERS RELATING TO FIRE  
8 SERVICES IN THIS STATE.

9 (B) COORDINATE WITH THE FIRE INVESTIGATION UNIT OF THE  
10 DEPARTMENT OF STATE POLICE ACTIVITIES RELATING TO FIRE  
11 INVESTIGATIONS, FIRE INVESTIGATOR TRAINING, AND THE PROVISION OF  
12 RELATED ASSISTANCE TO LOCAL LAW ENFORCEMENT AND FIRE SERVICE  
13 AGENCIES.

14 (C) PROVIDE FORMS THAT CITIES, VILLAGES, AND TOWNSHIPS MAY  
15 USE TO GRANT PERMITS FOR FIREWORKS UNDER SECTION 243B OF THE  
16 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.243B.

17 (2) THE BUREAU MAY DO 1 OR MORE OF THE FOLLOWING:

18 (A) ESTABLISH A PROGRAM FOR THE REPORTING AND CENTRAL  
19 COMPILATION OF FIRE SERVICE PERSONNEL CREDENTIALS, INCLUDING, BUT  
20 NOT LIMITED TO, QUALIFICATIONS, TESTS, EXAMINATIONS,  
21 CERTIFICATIONS, EDUCATIONAL EXPERIENCE, AND TRAINING.

22 (B) IN CONJUNCTION WITH THE OFFICE OF FINANCIAL AND  
23 INSURANCE SERVICES, ESTABLISH A SYSTEM FOR THE REPORTING OF  
24 UNINSURED FIRE LOSS AND AN INSURANCE FRAUD PROGRAM.

25 (C) PARTICIPATE IN THE CHILD FIRE SETTING AND JUVENILE ARSON  
26 PROGRAM.

27 (D) PARTICIPATE IN THE NATIONAL FIRE INCIDENT REPORTING

1 SYSTEM.

2 (E) OPERATE AN ACCELERANT DETECTING CANINE PROGRAM.

3 (F) ALL OTHER THINGS NECESSARY OR CONVENIENT TO ACHIEVE THE  
4 OBJECTIVES AND PURPOSES OF THE BUREAU UNDER THIS ACT AND OTHER  
5 LAWS THAT RELATE TO THE PURPOSES AND RESPONSIBILITIES OF THE  
6 BUREAU.

7 (3) THE STATE FIRE MARSHAL MAY ORGANIZE OR REORGANIZE THE  
8 BUREAU AND APPOINT ASSISTANTS AND EMPLOYEES WITH TITLES, POWERS,  
9 AND DUTIES RELATED TO THE ADMINISTRATION AND ENFORCEMENT OF THIS  
10 ACT.

11 SEC. 1D. THE STATE FIRE MARSHAL SHALL DO ALL OF THE  
12 FOLLOWING:

13 (A) OVERSEE AND DIRECT FIRE SERVICE PROGRAMS IN THIS STATE  
14 THAT ARE VESTED IN THE BUREAU.

15 (B) PERFORM THE POWERS AND DUTIES OF THE STATE FIRE MARSHAL  
16 UNDER THIS ACT IN A MANNER THAT MAXIMIZES THE EFFECTIVE  
17 ADMINISTRATION OF THE FIRE SERVICE OF THIS STATE.

18 (C) SERVE AS POLICY ADVISOR TO THE GOVERNOR ON THE  
19 DEVELOPMENT AND ADMINISTRATION OF FIRE SERVICE POLICIES,  
20 PROGRAMS, AND PROCEDURES.

21 (D) PARTICIPATE IN THE DEVELOPMENT, REVIEW, AND  
22 IMPLEMENTATION OF THE MICHIGAN HAZARD MITIGATION PLAN.

23 (E) PROVIDE INFORMATION FOR THE DEVELOPMENT AND REGULAR  
24 UPDATING OF THE MICHIGAN HAZARD ANALYSIS, INCLUDING THE  
25 STRUCTURAL FIRES ELEMENT, AND THE MICHIGAN EMERGENCY MANAGEMENT  
26 PLAN REQUIRED UNDER SECTION 7A OF THE EMERGENCY MANAGEMENT ACT,  
27 1976 PA 390, MCL 30.407A.

1           Sec. 2. Except as otherwise provided in this act, the  
2 administration and enforcement of this act are ~~vested in the~~  
3 ~~department of state police~~ **THE RESPONSIBILITY OF THE BUREAU.**  
4 ~~The director may create and maintain a division of the department~~  
5 ~~as he shall deem necessary or expedient, and organize or~~  
6 ~~reorganize the same, including the appointment of division heads,~~  
7 ~~assistants, and employees with titles, powers, and duties related~~  
8 ~~to the administration and enforcement of this act as he shall~~  
9 ~~designate and prescribe.~~

10           Sec. 2a. (1) Rules promulgated under this act shall be  
11 promulgated pursuant to ~~Act No. 306 of the Public Acts of 1969,~~  
12 ~~as amended, being sections 24.201 to 24.315 of the Michigan~~  
13 ~~Compiled Laws~~ **THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA**  
14 **306, MCL 24.201 TO 24.328.**

15           (2) The state fire marshal, ~~shall~~ **AFTER CONSULTATION WITH**  
16 **THE BOARD, MAY** appoint ad hoc committees to assist the ~~board in~~  
17 ~~the promulgation of~~ **BUREAU, INCLUDING THE BOARD AND THE STATE**  
18 **FIRE MARSHAL, IN PROMULGATING** rules under this act. The  
19 committees shall consist of as many members as the state fire  
20 marshal considers necessary, but shall include at least 2 persons  
21 who are representatives of 1 or more fire associations having a  
22 direct interest in the rules and at least 1 person who is  
23 representative of the persons owning facilities regulated by this  
24 act.

25           (3) The committees **APPOINTED UNDER SUBSECTION (2)** shall  
26 serve during the promulgation of the rules, ~~shall~~ **MAY** make  
27 recommendations on the content of the rules, and may recommend

1 revisions in the rules.

2 (4) THE BOARD SHALL MAKE RECOMMENDATIONS ON THE CONTENT OF  
3 THE RULES PROMULGATED UNDER THIS ACT AND MAY RECOMMEND REVISIONS  
4 IN PROPOSED RULES OR EXISTING RULES.

5 Sec. 2b. (1) ~~Upon the~~ ON request by resolution of a  
6 governing body of ~~a city, village, or township, the state fire~~  
7 ~~marshal~~ AN ORGANIZED FIRE DEPARTMENT, THE BUREAU may delegate to  
8 1 or more ~~employees of the city, village, or township employed~~  
9 ~~as full-time fire inspectors~~ INDIVIDUALS EMPLOYED AS FULL-TIME  
10 FIRE INSPECTORS BY THE ORGANIZED FIRE DEPARTMENT AND CERTIFIED  
11 UNDER SUBSECTION (2) the authority to enforce 1 or more of the  
12 fire safety rules promulgated under this act. ~~, if the employees~~  
13 ~~have been certified as certified fire inspectors by the state~~  
14 ~~fire marshal and that certification has not been revoked by the~~  
15 ~~state fire marshal.~~

16 (2) The ~~state fire safety board~~ BUREAU shall promulgate  
17 rules establishing ~~the~~ qualifications for ~~the~~ certification  
18 of ~~the employees~~ AN INDIVIDUAL described in subsection (1).  
19 ~~who may be delegated the authority by the state fire marshal to~~  
20 ~~enforce 1 or more of the fire safety rules promulgated under this~~  
21 ~~act.~~ The state fire marshal shall certify ~~those employees~~ AN  
22 INDIVIDUAL who ~~meet~~ MEETS the qualifications established by the  
23 ~~board~~ BUREAU. The delegation of authority under subsection (1)  
24 ~~shall not be construed to~~ DOES NOT prohibit a city, village, or  
25 township from adopting fire safety ordinances or A CITY, VILLAGE,  
26 TOWNSHIP, OR OTHER GOVERNMENTAL ENTITY OTHERWISE AUTHORIZED FROM  
27 employing persons as fire inspectors.

1           (3) The authority delegated under subsection (1) may be  
 2 delegated for not more than 2 years, but may be renewed under  
 3 subsection (1) for subsequent 2-year periods. The authority shall  
 4 be revoked by the ~~state fire marshal~~ **BUREAU**, if the ~~state fire~~  
 5 ~~marshal~~ **BUREAU** finds that the ~~employees are~~ **EMPLOYEE IS** not in  
 6 compliance with subsection (1) or if the governing body of the  
 7 employing city, village, or township, by resolution, requests the  
 8 revocation.

9           (4) The ~~state fire safety~~ board shall review all decisions  
 10 of the ~~state fire marshal in~~ **BUREAU** delegating or revoking ~~the~~  
 11 authority ~~delegated~~ under subsection (1) and may overrule  
 12 ~~those decisions, if rendered~~ **A DECISION IF IT IS MADE** contrary  
 13 to subsection (1).

14           Sec. 2c. (1) To implement and enforce this act, the  
 15 ~~director~~ **BUREAU** may charge hospitals operation and maintenance  
 16 inspection fees and may charge hospitals and schools plan review  
 17 and construction inspection fees as provided in this section.

18           (2) Fees charged under subsection (1) shall be deposited in  
 19 the general fund in a restricted account. The fees collected  
 20 under this act and placed in the restricted account shall be used  
 21 ~~exclusively for the funding of~~ **ONLY TO FUND** the services for  
 22 which the fees ~~are~~ **WERE** collected and shall remain in the  
 23 restricted account at the end of the fiscal year.

24           ~~(3) For the fiscal year beginning October 1, 1995, the fees~~  
 25 ~~charged under subsection (1) shall be paid in accordance with the~~  
 26 ~~following fee schedule:~~

27           ~~Operation and maintenance inspection fee~~

<u>1</u>	<u>Facility Type</u>	<u>Facility Size</u>	<u>Fee</u>
<u>2</u>	Hospitals	Any	\$10.00 per bed
<u>3</u>	<del>Plan review and construction inspection fees for hospitals and</del>		
<u>4</u>	<del>schools</del>		

<u>5</u>	<u>Project cost range</u>	<u>Fee</u>
<u>6</u>	<del>\$85,000.00 or less .....</del>	<del>minimum fee of \$100.00</del>
<u>7</u>	<del>\$85,001.00 to \$1,500,000.00.....</del>	<del>\$1.18 per \$1,000.00</del>
<u>8</u>	<del>\$1,500,001.00 to \$10,000,000.00.....</del>	<del>\$0.80 per \$1,000.00</del>
<u>9</u>	<del>\$10,000,001.00 or more .....</del>	<del>\$0.50 per \$1,000.00</del>
<u>10</u>		<del>or a maximum fee of</del>
<u>11</u>		<del>\$50,000.00.</del>

12           (3) ~~(4) The fee schedule in subsection (3) is only~~  
13 ~~applicable for the fiscal year beginning October 1, 1995. For~~  
14 ~~each subsequent fiscal year, the~~ **THE** ~~fees charged under this~~  
15 ~~section shall be established in accordance with the fee~~ **A**  
16 ~~schedule set forth~~ **CONTAINED** ~~in that~~ **EACH** ~~fiscal year's~~  
17 ~~appropriations act for the department. of state police.~~

18           ~~(5) The fees for projects submitted to the department and~~  
19 ~~in plan review prior to March 1, 1996 will be assessed at a rate~~  
20 ~~of 50%. Fees will not be charged for projects that have~~  
21 ~~received plan review approval before March 1, 1996.~~

22           Sec. 3b. (1) The state fire safety board is created **IN THE**  
23 **BUREAU** and shall consist of ~~16~~ **17** members who are residents of  
24 this state. Of the ~~16~~ members:

25           (a) Three shall be representatives of organized fire

1 departments in the ~~lower peninsula~~ **LOWER PENINSULA.**

2 (b) One shall be a representative of organized fire  
3 departments in the ~~upper peninsula~~ **UPPER PENINSULA.**

4 (c) One shall be a representative of hospital  
5 administration.

6 (d) One shall be a registered professional engineer.

7 (e) One shall be a registered architect.

8 (f) One shall be a representative of the nursing home  
9 industry.

10 (g) One shall be a school board member or a school  
11 administrator.

12 (h) One shall be a representative of the building trades.

13 (i) One shall be a representative of persons who own a place  
14 of public assemblage.

15 (j) One shall be a representative of the flammable liquids  
16 industry.

17 (k) One shall be a representative of the liquefied petroleum  
18 gas industry or the flammable compressed gases industry.

19 (l) One shall be a representative of the chemical  
20 manufacturing industry.

21 (m) One shall be a licensed electrical contractor or master  
22 electrician.

23 (n) One shall be a representative of persons who own adult  
24 foster care facilities.

25 **(O) ONE SHALL BE THE STATE FIRE MARSHAL OR AN EMPLOYEE OF**  
26 **THE BUREAU DESIGNATED BY THE STATE FIRE MARSHAL.**

27 (2) ~~Even if~~ **IF** the number of board members is reduced by

1 statute, each board member serving at the time of the reduction  
2 may complete the balance of the board member's unexpired term.  
3 Board members, **OTHER THAN THE STATE FIRE MARSHAL OR THE STATE**  
4 **FIRE MARSHAL'S DESIGNEE**, shall be appointed by the governor with  
5 the advice and consent of the senate. The members **APPOINTED BY**  
6 **THE GOVERNOR** shall have the qualifications the governor considers  
7 essential to enable them to competently ~~pass upon~~ **DECIDE**  
8 matters ~~pertaining to~~ **OF** fire prevention and fire safety for  
9 the establishments or facilities specified in section 3c(1).

10 (3) Each **BOARD** member **APPOINTED BY THE GOVERNOR** shall be  
11 appointed for a term of 3 years. Continued absence of a member  
12 **APPOINTED BY THE GOVERNOR** from regular or special meetings of the  
13 board ~~renders~~ **MAKES** the member subject to immediate removal by  
14 the governor.

15 (4) A majority of the members appointed to and serving on  
16 the board constitutes a quorum. Affirmative votes of at least a  
17 majority of the members appointed to and serving on the board  
18 ~~shall be~~ **IS** required to ~~pass upon~~ **DECIDE** any question, action,  
19 or business of the board, except that a hearing of a contested  
20 case may be conducted ~~in the presence of~~ **BEFORE** 3 board members  
21 who, after hearing the facts and considering the evidence and  
22 testimony, shall recommend the action the board should take.

23 (5) Annually the board shall elect ~~a~~ **1 OF THE BOARD**  
24 **MEMBERS TO SERVE AS** chairperson. ~~from its members, and~~ **THE**  
25 **BOARD** shall hold at least 6 regular meetings a year. Special  
26 meetings may be called by the chairperson ~~,~~ or upon written  
27 request of 5 board members. Meetings shall be held at a location

1 designated by the chairperson.

2 (6) The business ~~which~~ **OF** the board ~~may perform~~ shall be  
3 conducted at a public meeting ~~of the board held in compliance~~  
4 **THAT COMPLIES** with the open meetings act, ~~Act No. 267 of the~~  
5 ~~Public Acts of 1976, being sections 15.261 to 15.275 of the~~  
6 ~~Michigan Compiled Laws~~ **1976 PA 267, MCL 15.261 TO 15.275.**  
7 ~~Public notice of the time, date, and place of the meeting shall~~  
8 ~~be given in the manner required by Act No. 267 of the Public Acts~~  
9 ~~of 1976.~~

10 (7) Each **APPOINTED** member of the board shall receive per  
11 diem compensation as the legislature prescribes, and shall be  
12 entitled to actual and necessary expenses incurred in the  
13 performance of ~~duty~~ **HIS OR HER DUTIES AS A MEMBER OF THE BOARD.**  
14 The legislature shall appropriate sufficient money for the board  
15 to conduct its business and discharge its responsibilities.

16 (8) The board shall keep minutes of its proceedings, showing  
17 the vote of each member on each proposition or question, or  
18 indicating if a member is absent or fails to vote. A record of  
19 board action and business shall be made and maintained.

20 (9) Except as provided in subsections (10) and (11), a  
21 writing prepared, owned, ~~or~~ used, ~~which is~~ in the possession  
22 of, or retained by the board, **THE** department, ~~its~~ **THEIR** agents,  
23 or others in the performance of an official function ~~shall be~~  
24 ~~made available to the public in compliance with~~ **UNDER THIS ACT**  
25 **IS SUBJECT TO** the freedom of information act, ~~Act No. 442 of the~~  
26 ~~Public Acts of 1976, being sections 15.231 to 15.246 of the~~  
27 ~~Michigan Compiled Laws~~ **1976 PA 442, MCL 15.231 TO 15.246.**

1 (10) A person regulated under this act may designate a  
2 report or other information furnished to or obtained by the  
3 department, its agents, or others **UNDER THIS ACT** as being only  
4 for ~~the~~ confidential use ~~of~~ **BY** the department, its agents, or  
5 others in the performance of an official function. If the  
6 department, its agents, or others receive a request ~~for a public~~  
7 ~~record~~ under section 5 of ~~Act No. 442 of the Public Acts of~~  
8 ~~1976, being section 15.235 of the Michigan Compiled Laws, which~~  
9 **THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.235, FOR A**  
10 public record **THAT** includes ~~either~~ information designated as  
11 confidential or information obtained under section 4, ~~of this~~  
12 ~~act,~~ the department, its agents, or others shall notify the  
13 ~~regulated~~ person **REGULATED UNDER THIS ACT**. The person regulated  
14 under this act ~~shall have~~ **HAS** 30 days after ~~the~~ receipt of  
15 the notice to demonstrate to the department, its agents, or  
16 others, that ~~either~~ the information designated as confidential  
17 or information obtained under section 4 ~~of this act,~~  
18 constitutes a trade secret or confidential business information  
19 ~~which~~ **THAT**, if disclosed, may cause a competitive disadvantage.  
20 The department, its agents, or others shall grant the request for  
21 the information unless the person regulated under this act ~~has~~  
22 ~~made~~ **MAKES** a satisfactory demonstration to the department, its  
23 agents, or others that **DISCLOSURE OF** the information ~~, if~~  
24 ~~disclosed,~~ may cause a competitive disadvantage. If a dispute  
25 occurs between the person regulated **UNDER THIS ACT** and the person  
26 requesting **THE** information, ~~under Act No. 442 of the Public Acts~~  
27 ~~of 1976,~~ the ~~fire safety~~ board shall make a final decision to

1 grant or deny the request.

2       (11) ~~Nothing in this~~ **THIS** act ~~shall be construed to~~  
 3 either ~~DOES NOT~~ prevent the use of ~~records~~ **A RECORD** or  
 4 information by the department ~~in compiling or publishing~~ **TO**  
 5 **COMPILE OR PUBLISH** reports, analyses, or summaries ~~relating to~~  
 6 **OF** general conditions for the prevention of fire, or the use of  
 7 any **A** record or ~~other~~ information ~~for the purposes of~~  
 8 ~~administration or enforcement of any~~ **TO ADMINISTER OR ENFORCE**  
 9 federal, state, or local fire prevention laws. However, a report,  
 10 analysis, summary, or use shall not directly or indirectly  
 11 publicly reveal information otherwise confidential under this  
 12 section.

13 ~~—— (12) The board may maintain an office, hire employees,~~  
 14 ~~either full or part time as necessary, and purchase, rent, or~~  
 15 ~~lease equipment and supplies considered essential to the proper~~  
 16 ~~discharge of its responsibilities.~~

17       Sec. 3c. (1) The ~~board~~ **BUREAU** shall promulgate rules **AS**  
 18 **PROVIDED UNDER SECTION 2A** pertaining to fire safety requirements  
 19 for the construction, operation, or maintenance of all of the  
 20 following:

21       (a) Schools and dormitories, including state supported  
 22 schools, colleges, and universities and school, college, and  
 23 university dormitories.

24       (b) Buildings ~~for which the state is the lessee or which~~  
 25 ~~are owned by the state~~ **OWNED OR LEASED BY THIS STATE.**

26       (c) A health facility or agency as defined in section 20106  
 27 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 No.~~  
5 ~~232 of the Public Acts of 1953, being section 791.262 of the~~  
6 ~~Michigan Compiled Laws~~ **THE CORRECTIONS CODE OF 1953, 1953 PA**  
7 **232, MCL 791.262.**

8 ~~—— (f) Dry cleaning establishments using flammable liquids.~~

9 **(F)** ~~(g)~~ Mental facilities as described in section 135 of  
10 the mental health code, ~~Act No. 258 of the Public Acts of 1974,~~  
11 ~~being section 330.1135 of the Michigan Compiled Laws 1974 PA~~  
12 **258, MCL 330.1135.**

13 ~~—— (2) The board shall promulgate rules for the storage,~~  
14 ~~transportation, and handling of liquefied petroleum gas and for~~  
15 ~~the storage, noncommercial transportation, and handling of other~~  
16 ~~hazardous materials and for the implementation of this act.~~

17 **(2) THE BUREAU SHALL PROMULGATE OTHER RULES AS PROVIDED IN**  
18 **SECTION 2A AS NECESSARY TO IMPLEMENT THIS ACT.**

19 **(3) CONSISTENT WITH EXECUTIVE REORGANIZATION ORDER NO. 1997-**  
20 **2, MCL 29.451, THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL**  
21 **PROMULGATE RULES PERTAINING TO ALL OF THE FOLLOWING:**

22 **(A) FIRE SAFETY REQUIREMENTS FOR THE CONSTRUCTION,**  
23 **OPERATION, AND MAINTENANCE OF DRY CLEANING ESTABLISHMENTS THAT**  
24 **USE FLAMMABLE LIQUIDS.**

25 **(B) THE STORAGE, TRANSPORTATION, AND HANDLING OF LIQUEFIED**  
26 **PETROLEUM GAS AND FOR THE STORAGE, NONCOMMERCIAL TRANSPORTATION,**  
27 **AND HANDLING OF OTHER HAZARDOUS MATERIALS.**

1           (4) ~~(3)~~ Rules promulgated ~~pursuant to~~ **UNDER** this act  
 2 shall be consistent with recognized good practice as evidenced by  
 3 standards adopted by nationally recognized authorities in the  
 4 field of fire protection. Experiences identified in the  
 5 ~~department's fire incidents~~ **FIRE INCIDENT** reports **RECEIVED BY**  
 6 **THIS STATE** may be considered by the board ~~as a qualified basis~~  
 7 ~~for review of~~ **AND THE BUREAU WHEN REVIEWING** rules promulgated  
 8 ~~and~~ **OR CONSIDERING** promulgation of **NEW** rules ~~pursuant to~~ **UNDER**  
 9 this act.

10           (5) ~~(4)~~ ~~The state fire safety board, pursuant to the~~  
 11 ~~administrative procedures act of 1969, Act No. 306 of the Public~~  
 12 ~~Acts of 1969, being sections 24.201 to 24.328 of the Michigan~~  
 13 ~~Compiled Laws, shall submit the initial rules to the joint~~  
 14 ~~committee on administrative rules not later than October 28, 1982~~  
 15 **THE BUREAU SHALL PROMULGATE RULES AS PROVIDED UNDER SECTION 2A**  
 16 for the certification of a firm ~~which~~ **THAT** does any of the  
 17 following:

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

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

22           (c) Performs testing, servicing, inspections, or maintenance  
 23 ~~which~~ **THAT** has not been exempted by the rules promulgated by the  
 24 board **BUREAU** on ~~required~~ fire alarm systems or ~~required~~ fire  
 25 suppression systems.

26           (d) Submits a drawing, ~~print, or sketch of a required~~  
 27 **PLAN, OR SPECIFICATION OF A** fire alarm system or ~~required~~ fire

1 suppression system to the ~~state fire marshal~~ **DIRECTOR** for  
 2 approval ~~pursuant to~~ **UNDER** section 29, except an architect or  
 3 professional engineer licensed under article 20 of the  
 4 occupational code, ~~Act No. 299 of the Public Acts of 1980, being~~  
 5 ~~sections 339.2001 to 339.2014 of the Michigan Compiled Laws~~ **1980**  
 6 **PA 299, MCL 339.2001 TO 339.2014.**

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

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

21 (7) The entire board, except as provided in section 3b(4),  
 22 shall act as a hearing body in accordance with ~~Act No. 306 of~~  
 23 ~~the Public Acts of 1969~~ **THE ADMINISTRATIVE PROCEDURES ACT OF**  
 24 **1969, 1969 PA 306, MCL 24.201 TO 24.328**, to review and ~~render~~  
 25 ~~decisions on~~ **DECIDE** a contested case ~~, a rule specified in this~~  
 26 ~~act,~~ or a ruling of the state fire marshal ~~in the marshal's~~  
 27 ~~interpretation or application of~~ **INTERPRETING OR APPLYING** the

1 rules. After a hearing, the board may vary the application of a  
2 rule or may modify the ruling or interpretation of the state fire  
3 marshal if the enforcement of the ruling or interpretation would  
4 do manifest injustice and would be contrary to the spirit and  
5 purpose of the rules or the public interest.

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

11 (9) If a local school board ~~has~~ passed a resolution  
12 calling for an election on the question of the issuance of bonds  
13 for the construction ~~, remodeling,~~ or **REMODELING OF OR AN**  
14 addition to a school, ~~which~~ **IF THE** election was held not later  
15 than September 28, 1989 ~~, which~~ **AND** approved issuance of the  
16 bonds, and ~~which~~ **IF** construction was reasonably anticipated to  
17 ~~have begun~~ **BEGIN** not later than June 30, 1990, ~~then~~ the  
18 construction, remodeling, or addition to that school ~~is~~ **WAS**  
19 exempt from the rules promulgated by the fire safety board  
20 entitled "schools, colleges, and universities", ~~being~~ **FORMER R**  
21 29.301 to R 29.321 of the Michigan administrative code, ~~that~~  
22 ~~were~~ filed with the ~~Secretary of State~~ **SECRETARY OF STATE** on  
23 July 14, 1989 and ~~became~~ effective on July 29, 1989. The  
24 construction, remodeling, or addition to that school ~~is~~ **WAS**,  
25 however, subject to the standards contained in rules promulgated  
26 by the ~~fire safety~~ board entitled "school fire safety", ~~being~~  
27 ~~the~~ former R 29.1 to R 29.298 of the Michigan administrative

1 code. ~~This subsection does not prevent the construction,~~  
2 ~~remodeling, or addition of a school from complying with R 29.301~~  
3 ~~to R 29.321 of the Michigan administrative code.~~

4       Sec. 3e. (1) The ~~board~~ **BUREAU** shall promulgate rules **AS**  
5 **PROVIDED UNDER SECTION 2A** pertaining to uniform fire safety  
6 requirements for the operation and maintenance, but not the  
7 construction, of commercial buildings, industrial buildings, and  
8 residential buildings, excluding 1- and 2-family dwellings and  
9 mobile homes.

10       (2) **THE STATE FIRE MARSHAL SHALL CONSULT WITH THE BOARD WITH**  
11 **RESPECT TO DEVELOPING RULES FOR THE DELEGATION OF AUTHORITY TO**  
12 **FIREFIGHTERS AND FIRE CHIEFS.**

13       Sec. 4. (1) The chief of each organized fire department, or  
14 the clerk of each city, village, or township ~~not having~~ **THAT**  
15 **DOES NOT HAVE** an organized fire department, immediately after the  
16 occurrence of fire within the official's jurisdiction resulting  
17 in loss of life or property, shall make and file with the ~~state~~  
18 ~~fire marshal~~ **BUREAU** a complete fire incident report of the fire.  
19 The report shall be made on and according to forms supplied by  
20 the ~~state fire marshal~~ **BUREAU**.

21       (2) Each fire insurance company authorized to do business in  
22 this state on request shall promptly furnish to the ~~state fire~~  
23 ~~marshal~~ **BUREAU** information in the company's possession  
24 concerning a fire occurring in this state. The report shall be in  
25 addition to and not in place of any other report required by law  
26 to be made by the company to other state agencies.

27       (3) A fire and casualty insurance company may contact

1 directly the ~~state fire marshal~~ **BUREAU** or the chief of an  
2 organized fire department to report fires ~~where~~ **IF** the company  
3 suspects arson.

4 (4) The state fire marshal, the chief of an organized fire  
5 department, a ~~fire fighter~~ **FIREFIGHTER** or an employee of an  
6 organized fire department acting under the authority of the chief  
7 of the organized fire department, a peace officer, or any other  
8 fire prevention or fire department official designated by the  
9 state fire marshal may request in writing on a form prescribed  
10 and furnished by the state fire marshal that an insurance company  
11 or authorized agent of an insurance company investigating a fire  
12 loss of real or personal property release all information in  
13 possession of the company or an agent of the company relative to  
14 that loss. The company or agent shall release the information to  
15 and cooperate with ~~—~~ each official authorized to request the  
16 information under this subsection. The information to be provided  
17 shall include ~~each~~ **ALL** of the following:

18 (a) Each insurance policy relevant to a fire loss under  
19 investigation and each application for the policy.

20 (b) The policy premium payment records of a policy described  
21 in subdivision (a).

22 (c) A history of previous claims made by the insured for  
23 fire loss.

24 (d) Material relating to the investigation of the loss,  
25 including statements of any person, proof of loss, and other  
26 relevant evidence.

27 (5) If an insurance company has reason to suspect that a

1 fire loss to the real or personal property of a policyholder of  
2 the company was ~~cause~~ **CAUSED** by incendiary means, the company  
3 shall notify the ~~state fire marshal~~ **BUREAU** and shall furnish  
4 the ~~state fire marshal~~ **BUREAU** with all relevant material  
5 acquired during its investigation of the fire loss.

6 (6) In the absence of fraud or malice, an insurance company  
7 or a person who furnishes information on behalf of an insurance  
8 company ~~shall~~ **IS** not ~~be~~ liable for damages in a civil action  
9 or ~~be~~ subject to criminal prosecution for an oral or written  
10 statement made or other action taken ~~which~~ **THAT** is necessary to  
11 supply the information required ~~pursuant to~~ **UNDER** this section.

12 (7) Officials and other persons receiving information  
13 furnished pursuant to subsection (4) shall hold the information  
14 in confidence until release of the information is required in the  
15 course of or pursuant to a criminal or civil proceeding. A person  
16 ~~prescribed~~ **DESCRIBED** in subsection (4) may be required to  
17 testify as to information in his or her possession regarding a  
18 fire loss of real or personal property in any civil action or  
19 administrative hearing held ~~pursuant to Act No. 218 of the~~  
20 ~~Public Acts of 1956, as amended, being sections 500.100 to~~  
21 ~~500.8302 of the Michigan Compiled Laws~~ **UNDER THE INSURANCE CODE**  
22 **OF 1956, 1956 PA 218, MCL 500.100 TO 500.8302**, in which a person  
23 seeks recovery under a policy against an insurance company for  
24 the fire loss or files a complaint with the commissioner of **THE**  
25 **OFFICE OF FINANCIAL AND insurance SERVICES** relative to the  
26 refusal of an insurance company to pay under a policy for a fire  
27 loss sustained by the person.

1 (8) As used in this section, "insurance company" means an  
2 insurer authorized to transact property, fire, or casualty  
3 insurance in this state and an agent of the insurer, and includes  
4 an insurance association, pool, or facility created and operating  
5 ~~pursuant to Act No. 218 of the Public Acts of 1956, as amended~~  
6 **UNDER THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.100 TO**  
7 **500.8302.**

8 Sec. 5a. (1) The ~~state fire marshal~~ **MOTOR CARRIER DIVISION**  
9 **OF THE DEPARTMENT OF STATE POLICE**, the chief of an organized fire  
10 department or police department, a peace officer, or a ~~fire~~  
11 ~~fighter~~ **FIREFIGHTER** in uniform ~~, which fire fighter is~~ acting  
12 under the orders and directions of the local fire chief ~~,~~ may  
13 inspect a vehicle transporting a hazardous material. ~~Except as~~  
14 ~~otherwise provided in~~ **SUBJECT TO** subsection (3), if upon  
15 inspection a vehicle is found to be in violation of the rules  
16 with respect to safety equipment, the ~~state fire marshal~~ **MOTOR**  
17 **CARRIER DIVISION** or the inspecting chief, ~~fire fighter~~  
18 **FIREFIGHTER**, or peace officer shall attach to the vehicle a  
19 notice identifying the vehicle and stating that it is condemned  
20 against further use in the transportation of hazardous material,  
21 and listing the violations found. If the vehicle is en route to a  
22 destination where its load is to be delivered, the ~~state fire~~  
23 ~~marshal~~ **MOTOR CARRIER DIVISION**, chief, ~~fire fighter~~  
24 **FIREFIGHTER**, or peace officer, except as otherwise provided in  
25 this act, shall allow the vehicle to proceed to make deliveries  
26 after which the vehicle shall be returned to its base or  
27 customary place of maintenance and repair or taken to a suitable

1 place for repair. If, upon inspection, a vehicle while en route  
2 to a delivery destination is found to be in a condition ~~such~~  
3 **THAT MAKES IT LIKELY** that further operation under normal road and  
4 traffic conditions ~~is likely to~~ **WILL** result in spillage of  
5 hazardous material, the ~~state fire marshal~~ **MOTOR CARRIER**  
6 **DIVISION**, chief, ~~fire fighter~~ **FIREFIGHTER**, or peace officer  
7 shall ~~cause~~ **HAVE** the vehicle ~~to be~~ impounded. The vehicle  
8 shall be impounded at a suitable place where the hazardous  
9 material being transported can be unloaded with reasonable  
10 safety, and until the unloading is accomplished and arrangements  
11 are made to return the vehicle with reasonable safety to its base  
12 or customary place of maintenance and repair, or to move the  
13 vehicle to a suitable place of repair. If, upon inspection, the  
14 braking, lighting, steering, coupling, sounding, or other devices  
15 on a vehicle are found to be in a condition such that the vehicle  
16 cannot be operated by a prudent operator without undue risk of  
17 accident, the ~~state fire marshal~~ **MOTOR CARRIER DIVISION**, chief,  
18 ~~fire fighter~~ **FIREFIGHTER**, or peace officer shall ~~cause~~ **HAVE**  
19 the vehicle ~~to be~~ impounded at a suitable place until the  
20 necessary repairs are made.

21 (2) Except as provided ~~for~~ in this act, a vehicle  
22 condemned ~~pursuant to~~ **UNDER** this act shall not ~~again~~ be used  
23 in transporting hazardous material until released ~~as provided~~  
24 ~~for in~~ **UNDER** this section. Upon being returned to its base or  
25 customary place of maintenance and repair, or to a suitable place  
26 of repair, the condemned vehicle may be impounded there upon  
27 order of the ~~state fire marshal~~ **MOTOR CARRIER DIVISION OF THE**

1 **DEPARTMENT OF STATE POLICE** until the conditions for which the  
 2 condemnation was issued have been corrected. However, the ~~state~~  
 3 ~~fire marshal~~ **MOTOR CARRIER DIVISION** may authorize the temporary  
 4 release of the condemned vehicle for a reasonable time ~~as may be~~  
 5 needed to procure parts or appurtenances necessary ~~for~~  
 6 ~~correction of~~ **TO CORRECT** the conditions for which ~~condemnation~~  
 7 ~~was issued~~ **THE VEHICLE WAS CONDEMNED**. Upon correction of the  
 8 conditions, the ~~state fire marshal~~ **MOTOR CARRIER DIVISION**,  
 9 chief of an organized fire department or police department, a  
 10 peace officer, or a ~~fire fighter~~ **FIREFIGHTER** in uniform ~~,~~  
 11 ~~which fire fighter is~~ acting under a chief's direction, shall be  
 12 notified and shall reinspect the vehicle. The ~~state fire marshal~~  
 13 **MOTOR CARRIER DIVISION**, chief, peace officer, or ~~fire fighter~~  
 14 **FIREFIGHTER** shall release the vehicle ~~,~~ if upon reinspection ~~,~~  
 15 the vehicle is found to be in compliance with this act and the  
 16 rules promulgated ~~pursuant to~~ **UNDER** this act, and if reasonable  
 17 impounding expenses have been paid by the owner of the vehicle. A  
 18 person inspecting a vehicle ~~pursuant to~~ **UNDER** this act shall  
 19 notify the ~~state fire marshal~~ **MOTOR CARRIER DIVISION** under  
 20 rules promulgated under this act, of the circumstances and  
 21 conditions of each violation, condemnation, impounding, and  
 22 release.

23 (3) Notwithstanding subsections (1) and (2), an official  
 24 named in subsection (1) inspecting a commercial motor vehicle  
 25 under the authority of this section shall ~~affix~~ **ATTACH** notices,  
 26 and place vehicles and drivers out of service, only as provided  
 27 under the motor carrier safety act ~~,~~ ~~Act No. 181 of the Public~~

1 ~~Acts of 1963, being sections 480.11 to 480.21 of the Michigan~~  
2 ~~Compiled Laws~~ **OF 1963, 1963 PA 181, MCL 480.11 TO 480.25**, and as  
3 provided under the out of service criteria issued under the  
4 authority of the commercial vehicle safety alliance. As used in  
5 this subsection, "commercial motor vehicle" means that term as  
6 defined in ~~Act No. 181 of the Public Acts of 1963~~ **THE MOTOR**  
7 **CARRIER SAFETY ACT OF 1963, 1963 PA 181, MCL 480.11 TO 480.25.**

8       Sec. 5d. (1) The certificates specified in section 5c shall  
9 be issued every 3 years by the ~~state fire marshal~~ **DEPARTMENT OF**  
10 **ENVIRONMENTAL QUALITY** after the ~~state fire marshal~~ **DEPARTMENT**  
11 **OF ENVIRONMENTAL QUALITY** determines by an inspection that the  
12 firm location is in satisfactory compliance with this act. The  
13 ~~board~~ **DEPARTMENT OF ENVIRONMENTAL QUALITY** may authorize a firm  
14 specified in section 5c to conduct inspections required in this  
15 section after application to the ~~state fire marshal~~ **DEPARTMENT**  
16 **OF ENVIRONMENTAL QUALITY** and payment of an annual fee of  
17 \$1,000.00. Upon annual determination by the ~~state fire marshal~~  
18 **DEPARTMENT OF ENVIRONMENTAL QUALITY** that the firm is in  
19 satisfactory compliance with this act, the ~~state fire marshal~~  
20 **DEPARTMENT OF ENVIRONMENTAL QUALITY** may ~~recommend to the board~~  
21 ~~that~~ **GRANT** the authorization. ~~be given.~~ This authorization may  
22 be revoked by the ~~board~~ **DEPARTMENT OF ENVIRONMENTAL QUALITY** for  
23 cause. Firms authorized to conduct inspections required in this  
24 section shall be exempt from the fees provided in subsection (2).  
25 The ~~state fire marshal~~ **DEPARTMENT OF ENVIRONMENTAL QUALITY** may  
26 review procedures utilized by the firm to assure compliance with  
27 this act.

1           (2) Each firm required to be certified under section 5c  
2 shall submit an installation application to the ~~state fire~~  
3 ~~marshal~~ **DEPARTMENT OF ENVIRONMENTAL QUALITY** according to rules  
4 promulgated under this act. Each firm shall pay a fee of \$203.00  
5 per tank. This fee shall be submitted with the installation  
6 application to the ~~state fire marshal~~ **DEPARTMENT OF**  
7 **ENVIRONMENTAL QUALITY**. The ~~state fire marshal~~ **DEPARTMENT OF**  
8 **ENVIRONMENTAL QUALITY** shall not approve an installation  
9 application unless this fee has been paid as required in this  
10 subsection. Payment of this fee shall waive the first annual  
11 storage tank fee required in this subsection. The owner of a firm  
12 specified in section 5c shall pay an annual fee of \$61.50 for  
13 each tank located at each storage or filling location specified  
14 in section 5c. Fees required by this subsection shall be paid  
15 before the issuance of a certificate when storage tanks operated  
16 by firms described in section 5c are used and until such tanks  
17 are closed or removed, and notification of the closure or removal  
18 is received by the ~~state fire marshal~~ **DEPARTMENT OF**  
19 **ENVIRONMENTAL QUALITY**. Owners of firms described in section 5c  
20 shall notify the ~~state fire marshal~~ **DEPARTMENT OF ENVIRONMENTAL**  
21 **QUALITY** of the closure or removal of storage tanks within 30 days  
22 after closure or removal on a form provided by the ~~state fire~~  
23 ~~marshal~~ **DEPARTMENT OF ENVIRONMENTAL QUALITY**. Storage tanks that  
24 receive crude petroleum directly from a wellhead are exempt from  
25 fees under this section.

26           (3) Beginning October 1, 1990, a local unit of government  
27 shall not enact or enforce a provision of an ordinance that

1 requires a permit, license, approval, inspection, or the payment  
2 of a fee or tax for the installation, use, closure, or removal of  
3 an aboveground storage tank system.

4 (4) The fees specified in subsection (2) shall be collected  
5 and deposited into the hazardous materials storage tank  
6 regulatory enforcement fund created in subsection (5).

7 (5) The hazardous materials storage tank regulatory  
8 enforcement fund is created in the state treasury. The fund may  
9 receive money as provided in this act and as otherwise provided  
10 by law. The state treasurer shall direct the investment of the  
11 fund. Interest and earnings of the fund shall be credited to the  
12 fund. Money in the fund at the close of the fiscal year shall  
13 remain in the fund and shall not revert to the general fund.  
14 Money in the fund shall be used only by the department **OF**  
15 **ENVIRONMENTAL QUALITY** to enforce this act and the rules  
16 promulgated under this act pertaining to the delivery,  
17 dispensing, noncommercial transportation, or storage of hazardous  
18 materials. If at the close of any fiscal year the amount of money  
19 in the fund exceeds \$1,000,000.00, the department **OF**  
20 **ENVIRONMENTAL QUALITY** shall not collect a fee for the following  
21 year for the fund from existing storage tank systems. After the  
22 fee has been suspended under this subsection, it shall only be  
23 reinstated if at the close of any succeeding fiscal year, the  
24 amount of money in the fund is less than \$250,000.00. The  
25 department of treasury shall, before November 1 of each year,  
26 notify the department **OF ENVIRONMENTAL QUALITY** of the balance in  
27 the fund at the close of the preceding fiscal year.

1           Sec. 5g. Immediately following a fire, explosion, spill,  
2 leak, accident, or related occurrence ~~which~~ **THAT** involves the  
3 transportation, storage, handling, sale, use, or processing of  
4 hazardous material by a firm, person, or vehicle, the owner of  
5 the firm or vehicle or the person and the chief of the first  
6 police department or organized fire department upon the scene of  
7 the incident shall notify the ~~state fire marshal~~ **BUREAU** and the  
8 organized fire department of the area in which the incident  
9 occurred of the known details regarding the incident.

10           Sec. 5h. After notification is made pursuant to section 5g,  
11 the ~~state fire marshal~~ **BUREAU** shall do the following:

12           (a) Determine, with the organized fire department of the  
13 area in which the incident occurred, the emergency measures to be  
14 taken.

15           (b) Notify responsible federal, state, and local authorities  
16 and agencies ~~. However~~ **AND**, if the ~~state fire marshal~~ **BUREAU**  
17 is notified ~~of an incident outlined in section 5g~~ by a person  
18 other than the owner of the firm or vehicle involved, ~~the state~~  
19 ~~fire marshal shall also~~ notify the owner of the firm or vehicle  
20 involved.

21           (c) Cause an investigation to be made to determine the cause  
22 of the incident and to determine what related factors contributed  
23 to the cause of the incident and to ~~the~~ **ANY** loss ~~to~~ **OF** life  
24 or property.

25           (d) Cause a report to be filed containing its findings  
26 related to the incident. A record of those reports shall be  
27 maintained by the ~~state fire marshal~~ **BUREAU**.

1           Sec. 5i. (1) Each location of a firm operating in this state  
2 which is engaged in a dry cleaning operation, using a flammable  
3 liquid, shall not be established or maintained without obtaining  
4 a certificate from the state fire marshal.

5           (2) A certificate shall not be issued until payment is made  
6 of a fee of \$15.00 for the first dry cleaning machine in the  
7 firm's location and \$6.00 for each additional dry cleaning  
8 machine in the firm's location. Beginning October 1, 1981, these  
9 fees shall be adjusted each year pursuant to the annual average  
10 percentage increase or decrease in the Detroit consumer price  
11 index--all items. The adjustment shall be made by multiplying the  
12 annual average percentage increase or decrease in the Detroit  
13 consumer price index for the prior calendar year by the current  
14 fee as adjusted by this subsection. The resultant product shall  
15 be added to the current fee as adjusted by this subsection and  
16 then rounded off to the nearest half dollar which shall be the  
17 new fee.

18           (3) ~~This section shall not take effect until 1 year after~~  
19 ~~the effective date of section 2b.~~ **THIS SECTION APPLIES WHEN A**  
20 **CLASS IV INSTALLATION IS OPERATED IN THE SAME BUILDING OR**  
21 **ESTABLISHMENT AS OTHER CLASSES OF DRY CLEANING INSTALLATIONS.**

22           (4) AS USED IN THIS SECTION, "CLASS IV INSTALLATION" MEANS  
23 THAT TERM AS DEFINED IN SECTION 13301 OF THE PUBLIC HEALTH CODE,  
24 1978 PA 368, MCL 333.13301.

25           Sec. 5p. (1) A person who is ~~also~~ an employer under the  
26 Michigan occupational safety and health act, ~~Act No. 154 of the~~  
27 ~~Public Acts of 1974, being sections 408.1001 to 408.1094 of the~~

1 ~~Michigan Compiled Laws 1974 PA 154, MCL 408.1001 TO 408.1094,~~  
2 shall provide the information described in this section upon  
3 written request by the **FIRE** chief ~~of the organized fire~~  
4 ~~department~~ for the jurisdiction ~~in which~~ **WHERE** the person is  
5 located.

6 (2) A person subject to this section shall, **SUBJECT TO**  
7 **SUBSECTION (1)**, provide a copy of ~~the~~ **A** list required to be  
8 developed by the standard incorporated by reference in section  
9 14a of the Michigan occupational safety and health act, **1974 PA**  
10 **154, MCL 408.1014A**, and a material safety data sheet for each  
11 hazardous chemical identified on the list within 10 working days  
12 after receipt of the request.

13 (3) Except as ~~otherwise~~ provided in subsection (4), a  
14 person subject to this section shall provide a description of the  
15 quantity and location of any hazardous chemical specified by the  
16 **FIRE** chief ~~of the organized fire department~~ **FOR THE**  
17 **JURISDICTION WHERE THE PERSON IS LOCATED** within 10 working days  
18 after ~~the~~ receipt of a written request made by the **FIRE** chief  
19 after review of ~~the lists~~ **A LIST** provided under subsection (2).  
20 Upon request, the **FIRE** chief ~~of the organized fire department~~  
21 may extend the ~~period for providing~~ **TIME TO PROVIDE** the  
22 information described in this subsection by ~~an additional~~ 5  
23 working days. The information obtained by a **FIRE** chief ~~of an~~  
24 ~~organized fire department~~ under this subsection may be made  
25 available to a public official, agency, or employee, but is  
26 exempt from disclosure under the freedom of information act, ~~Act~~  
27 ~~No. 442 of the Public Acts of 1976, being sections 15.231 to~~

1 ~~15.246 of the Michigan Compiled Laws 1976 PA 442, MCL 15.231 TO~~  
2 ~~15.246.~~

3 (4) The ~~state fire marshal~~ **BUREAU** may promulgate rules **AS**  
4 **PROVIDED UNDER SECTION 2A** to exempt from the application of  
5 subsection (3) de minimis and portable quantities of hazardous  
6 chemicals. ~~A rule authorized by this subsection shall be~~  
7 ~~promulgated pursuant to the administrative procedures act of~~  
8 ~~1969, Act No. 306 of the Public Acts of 1969, being sections~~  
9 ~~24.201 to 24.328 of the Michigan Compiled Laws.~~

10 (5) A person subject to this section shall provide to the  
11 **FIRE** chief ~~of the organized fire department~~ **FOR THE**  
12 **JURISDICTION WHERE THE PERSON IS LOCATED** a written update of ~~the~~  
13 information required by this section when there is a significant  
14 change relating to fire hazards in the quantity, location, or  
15 presence of hazardous chemicals in the **PERSON'S** workplace.

16 (6) An ordinance, law, rule, regulation, policy, or practice  
17 of a city, township, village, county, governmental authority  
18 created by statute, or other political subdivision of the state  
19 shall not require that a person who is ~~also~~ an employer under  
20 the Michigan occupational safety and health act, **1974 PA 154, MCL**  
21 **408.1001 TO 408.1094**, provide to a **FIRE** chief ~~of an organized~~  
22 ~~fire department~~ information regarding hazardous chemicals in the  
23 workplace in any other manner or to any greater extent than is  
24 required by this section or rules authorized by this section.

25 Sec. 10. Service of ~~the~~ **AN** order of the state fire marshal  
26 ~~provided for in~~ **UNDER** section 9, or of any other order made by  
27 the ~~state fire marshal pursuant to~~ **UNDER** this act, may be made

1 in **1 OR MORE OF** the following ~~manner~~ **WAYS**:

2 (a) By personally delivering a copy of the order to the  
3 person or persons to whom it is directed within this state.

4 (b) By delivering a copy of the order by registered mail,  
5 addressed to the last known post-office address of the addressee,  
6 and deliverable to the addressee only, with return receipt  
7 demanded, ~~which service by registered mail shall be considered~~  
8 **REQUESTED. SERVICE UNDER THIS SUBDIVISION IS** personal and not  
9 substituted service.

10 (c) If a person to whom the order is directed cannot be  
11 found, ~~or~~ does not have a known post-office address, or is not  
12 a resident of this state, ~~then service of the order may be made~~  
13 by publication in a newspaper published or circulating in the  
14 county in which the property or premises described in the order  
15 is situated, once in each week for 3 successive weeks, the last  
16 publication to be made at least 10 days before the date of  
17 performance specified in the order.

18 Sec. 16. (1) The refusal or failure of a defendant to comply  
19 with ~~the terms of~~ an order or direction of the court ~~in the~~  
20 ~~premises~~ **ISSUED UNDER SECTION 13**, within the time limited for  
21 compliance, ~~shall be considered~~ **IS** contempt of court for which  
22 the respondent may be ~~cited~~ **ORDERED** to appear and answer in the  
23 same manner as in other cases of contempt of court. Upon the  
24 refusal or failure, the court may order the state fire marshal to  
25 execute the order and directions and abate the fire hazard and,  
26 for the purpose of executing the order and directions, to enter  
27 upon the premises and employ ~~—~~ or contract for ~~—~~ labor,

1 tools, implements, or other assistance as is necessary for the  
 2 performance of the work. The amount of the cost and expense of  
 3 executing the order ~~shall be~~ **IS** a lien upon the ~~lands~~ **LAND**  
 4 and premises enforceable and collectible in the same manner as  
 5 ~~provided by law in the case of mechanics' liens~~ **A CONSTRUCTION**  
 6 **LIEN UNDER THE CONSTRUCTION LIEN ACT, 1980 PA 497, MCL 570.1101**  
 7 **TO 570.1305.**

8 (2) Salvage of materials made in the abatement of the fire  
 9 hazard may be used by the ~~state fire marshal for defraying~~  
 10 **BUREAU TO DEFRAY** the cost and expense of executing the order or  
 11 directions of the court to the extent of the cost and expense and  
 12 the discharge of the lien. A surplus over and above the cost and  
 13 expense ~~shall belong~~ **BELONGS** to the owner of the premises.

14 Sec. 21b. Notwithstanding ~~the provisions of~~ section 21a, **A**  
 15 liquefied compressed gas extinguishing ~~agents meeting~~ **AGENT**  
 16 **THAT MEETS BOTH OF** the following conditions of toxicity and use  
 17 may be used in properly engineered fire extinguishing or fire  
 18 control systems:

19 (a) The agent in its normal state ~~does not fall within the~~  
 20 ~~definition of subsection (1) of~~ **IS NOT A PROHIBITED AGENT OR**  
 21 **PROPELLANT UNDER** section ~~21a~~ **21A(1)**.

22 (b) The ~~compound~~ **AGENT** is used only under conditions  
 23 approved by the national fire protection association and a  
 24 nationally recognized independent testing laboratory that has  
 25 considered the hazard of the thermal decomposition products and  
 26 use approved by the ~~state fire marshal~~ **BUREAU**.

27 Sec. 21c. (1) The ~~state fire marshal~~ **BUREAU** or, upon

1 written request of the governing body of a city, village,  
2 township, or county and the approval of the ~~state fire marshal,~~  
3 ~~the~~ **BUREAU, A FIRE** chief, ~~of an organized fire department~~ or a  
4 ~~fire fighter~~ **FIREFIGHTER** in uniform acting under the orders and  
5 directions of a ~~local~~ fire chief ~~,~~ shall at least annually  
6 inspect each place of public assemblage to determine whether it  
7 is being maintained in compliance with this act.

8 (2) A place of public assemblage shall not be established or  
9 operated without obtaining a certificate from the ~~state fire~~  
10 ~~marshal~~ **BUREAU** indicating its maximum capacity and that it is in  
11 compliance with this act.

12 Sec. 21d. (1) The certificate required in section 21c(2)  
13 shall be issued annually by the ~~state fire marshal~~ **BUREAU** and  
14 shall be displayed in a conspicuous location in the place of  
15 public assemblage.

16 (2) If ~~the~~ **A** place of public assemblage is not being  
17 maintained in compliance with this act, ~~its certificate may be~~  
18 ~~revoked or denied and it may be ordered~~ **THE BUREAU MAY REVOKE OR**  
19 **DENY THE CERTIFICATE REQUIRED BY SECTION 21C(2) AND MAY ORDER THE**  
20 **PLACE OF PUBLIC ASSEMBLAGE** to cease operation until it is in  
21 compliance.

22 ~~————— (3) For 1 year after the effective date of this section,~~  
23 ~~the state fire marshal may issue a provisional certificate for~~  
24 ~~not more than 6 months to allow the place of public assemblage to~~  
25 ~~be brought into compliance with this act.~~

26 Sec. 23. The existence of a fire hazard, of any nature,  
27 origin, or cause, is ~~declared to be~~ a nuisance and the nuisance

1 may be abated, removed, corrected, and its continuance enjoined  
2 in the manner provided by law for the abatement of nuisances. If  
3 the ~~state fire marshal considers~~ **DETERMINES THAT** a fire hazard  
4 ~~to be~~ **IS** imminently dangerous or menacing to human life ~~so that~~  
5 **AND** the public safety requires its immediate abatement, removal,  
6 correction, or discontinuance, the state fire marshal may bring,  
7 or cause to be brought, in the circuit court of the county in  
8 which the fire hazard is located, an action ~~for the purpose of~~  
9 ~~abating, removing, correcting, or discontinuing~~ **TO ABATE,**  
10 **REMOVE, CORRECT, OR DISCONTINUE** the fire hazard. Sections 3801 to  
11 3840 of ~~Act No. 236 of the Public Acts of 1961, being sections~~  
12 ~~600.3801 to 600.3840 of the Michigan Compiled Laws, shall be~~  
13 ~~applicable to the procedure in~~ **THE REVISED JUDICATURE ACT OF**  
14 **1961, 1961 PA 236, MCL 600.3801 TO 600.3840, APPLY TO** the action.  
15 The court, in addition to the powers conferred by that act, may  
16 make any order ~~or decree as considered~~ **IT DETERMINES IS**  
17 necessary or expedient to ensure the safety and security of human  
18 life, and may direct that a building described in the ~~bill of~~  
19 complaint be razed and removed and all rubbish and debris  
20 removed, or that the building be repaired and in what manner and  
21 to what extent. The court ~~, in the order or decree, may direct~~  
22 ~~and command~~ **MAY ORDER** the removal of occupancies of a building  
23 ~~, and the discontinuance of any use of the building~~  
24 ~~constituting~~ **THAT CONSTITUTE** a fire hazard or menace to human  
25 life, and may ~~direct and command~~ **ORDER** the clearing and  
26 improvement of premises ~~as defined in this act and~~ described in  
27 the ~~bill of~~ complaint. ~~It may grant the issuance of a writ of~~

1 **THE COURT MAY ISSUE AN** injunction restraining the defendant from  
 2 continuing the existence of a fire hazard, ~~and in the writ~~ may  
 3 include specific directions ~~as to what shall be done by~~ **TO** the  
 4 defendant, ~~in the premises,~~ and may retain jurisdiction ~~of the~~  
 5 ~~cause for the time it shall determine~~ to compel complete  
 6 performance of the ~~terms and conditions of an~~ order, ~~decree,~~  
 7 writ, or other determination of the court. ~~in the premises.~~ The  
 8 court may direct that the abatement of the fire hazard be done by  
 9 the department under **THE COURT'S** instructions, ~~as the court may~~  
 10 ~~specify,~~ and with provision for defraying the cost and expense  
 11 of the abatement as the court ~~considers~~ **DETERMINES** equitable  
 12 and authorized by this act. A continuance of a hearing ~~of the~~  
 13 ~~cause~~ **UNDER THIS ACT** shall not be granted except upon a clear  
 14 showing of unavoidable circumstances. Jurisdiction of the court  
 15 under this act ~~shall~~ **DOES** not depend upon the amount of money,  
 16 or value of property, involved.

17 Sec. 24. The state fire marshal shall include in the ~~state~~  
 18 ~~fire marshal's~~ **BUREAU'S** annual report to the governor as  
 19 required by law, a detailed account of the ~~state fire marshal's~~  
 20 **BUREAU'S** administration of this act and of the receipts and  
 21 disbursements made under this act, together with recommendations  
 22 ~~with reference to~~ **FOR** changes in this act as the state fire  
 23 marshal considers expedient.

24 Sec. 26. (1) Except as provided in ~~section 27 and~~  
 25 subsection (3), a firm located or operating in this state, unless  
 26 certified under this section, shall not do any of the following:

27 (a) Install, modify, or document the installation or

1 modification of a ~~required~~ fire suppression system.

2 (b) Document the installation or modification of a ~~required~~  
3 fire alarm system.

4 (c) Perform a test, service, inspection, or **ITEM OF**  
5 maintenance ~~which~~ **THAT** has not been exempted by the rules  
6 promulgated by the ~~state fire safety board~~ **BUREAU** on a  
7 ~~required~~ fire alarm system or ~~required~~ fire suppression  
8 system.

9 (d) Submit a drawing, ~~print, or sketch of a required~~ **PLAN,**  
10 **OR SPECIFICATION OF A** fire alarm system or ~~required~~ fire  
11 suppression system to the ~~state fire marshal~~ **BUREAU** for  
12 approval ~~pursuant to~~ **UNDER** section 29.

13 (2) The ~~state fire marshal~~ **BUREAU** shall certify a firm  
14 ~~which~~ **THAT** submits a drawing, ~~print, or sketch of a required~~  
15 **PLAN, OR SPECIFICATION OF A** fire alarm system or a ~~required~~  
16 fire suppression system ~~—~~ or ~~which~~ **THAT** installs, modifies,  
17 tests, services, inspects, maintains, or documents the  
18 installation or modification of a ~~required~~ fire alarm system or  
19 a ~~required~~ fire suppression system if the firm does both of the  
20 following:

21 (a) Meets the requirements established by rules promulgated  
22 under section 3c.

23 (b) Pays a fee of \$150.00 to the ~~state fire marshal~~  
24 **BUREAU**.

25 (3) Subsections (1)(d) and (2) ~~shall~~ **DO** not apply to an  
26 architect or professional engineer licensed under article 20 of  
27 Act No. 299 of the Public Acts of 1980, as amended, being

1 ~~sections 339.2001 to 339.2014 of the Michigan Compiled Laws~~ **THE**  
2 **OCCUPATIONAL CODE, 1980 PA 299, MCL 339.2001 TO 339.2014.**

3       Sec. 28. (1) ~~Each location of a~~ **A** firm certified under  
4 section 26 ~~or 27~~ shall display the certificate issued by the  
5 ~~state fire marshal~~ **BUREAU** or a duplicate of that certificate **AT**  
6 **EACH LOCATION WHERE THE FIRM CONDUCTS BUSINESS.**

7       (2) ~~Each~~ **A** firm certified under section 26 ~~or 27~~ shall  
8 maintain a record of the installation, testing, service,  
9 inspection, maintenance, modification, and documentation of each  
10 ~~required~~ fire alarm system or ~~required~~ fire suppression system  
11 the firm installed, tested, modified, inspected, serviced,  
12 maintained, or documented, pursuant to ~~the~~ rules promulgated by  
13 the ~~fire safety board~~ **BUREAU**. A copy of ~~that~~ **THE** record shall  
14 be kept in the building or other location acceptable to the  
15 ~~state fire marshal~~ **BUREAU** in which the system has been  
16 installed. The owner, operator, or a designated representative of  
17 the owner or operator of the building shall make the record  
18 available for inspection by the ~~state fire marshal~~ **BUREAU**  
19 during normal business hours.

20       (3) ~~Except as provided in section 27, a~~ **A** firm required to  
21 be certified under section 26 shall secure recertification every  
22 3 years and ~~shall~~ pay a fee of \$150.00 for the recertification.

23       (4) The fees specified in this section and sections 26 ~~—~~  
24 ~~27,~~ and 29 shall be paid to the ~~state fire marshal~~ **BUREAU** for  
25 implementation of sections 26 to 33.

26       Sec. 29. (1) Except as provided in subsection (7), ~~before~~  
27 ~~the installation or modification of a required~~ **A FIRM SHALL NOT**

1 **INSTALL OR MODIFY A** fire alarm system or ~~required~~ fire  
2 suppression system, **BEFORE THE FIRM SUBMITS** detailed plans and  
3 specifications of the system ~~shall be submitted for approval~~ to  
4 the ~~state fire marshal~~ **BUREAU FOR APPROVAL**.

5 (2) A firm ~~which~~ **THAT** installs or modifies a ~~required~~  
6 fire suppression system shall submit written documentation of the  
7 installation or modification of the system and a fee of \$40.00 to  
8 the ~~state fire marshal~~ **BUREAU**.

9 (3) A firm ~~which~~ **THAT** documents the installation or  
10 modification of a ~~required~~ fire alarm system shall submit  
11 written documentation of installation or modification of the  
12 system and a fee of \$40.00 to the ~~state fire marshal~~ **BUREAU**.

13 (4) The documentation required ~~in~~ **BY** this section shall be  
14 on a form provided by the ~~state fire marshal~~ **BUREAU** and shall  
15 state **BOTH OF** the following:

16 (a) That the system has been installed or modified pursuant  
17 to the specifications of the manufacturer for each of the  
18 components of the ~~required~~ fire alarm system or ~~required~~ fire  
19 suppression system and in compliance with all applicable state  
20 law.

21 (b) That the system has been tested and placed in proper  
22 operating condition under the supervision of an architect or  
23 professional engineer licensed under article 20 of ~~Act No. 299~~  
24 ~~of the Public Acts of 1980, as amended, being sections 339.2001~~  
25 ~~to 339.2014 of the Michigan Compiled Laws~~ **THE OCCUPATIONAL CODE,**  
26 **1980 PA 299, MCL 339.2001 TO 339.2014,** or by an employee of a  
27 firm certified under section 26. ~~or 27.~~

1           (5) ~~The~~ **FIRE ALARM SYSTEM OR FIRE SUPPRESSION SYSTEM**  
2 testing, servicing, inspection, or maintenance ~~which~~ **THAT** is  
3 not exempt under rules promulgated by the ~~state fire safety~~  
4 ~~board of a required fire alarm system or required fire~~  
5 ~~suppression system~~ **BUREAU** shall be performed by a firm certified  
6 under section 26. ~~or 27.~~ The testing, servicing, inspection, or  
7 maintenance of the ~~required~~ fire alarm system or ~~required~~  
8 fire suppression system shall be noted and displayed at the  
9 location of the main control or other location acceptable to the  
10 ~~state fire marshal~~ **BUREAU** and ~~shall be~~ filed with the owner,  
11 operator, or a designated representative of the owner or operator  
12 of the building in which the ~~required~~ fire alarm system or  
13 ~~required~~ fire suppression system is installed.

14           (6) A drawing ~~which~~ **THAT** depicts the completed  
15 installation of the ~~required~~ fire alarm system or ~~required~~  
16 fire suppression system shall be available to the ~~state fire~~  
17 ~~marshal~~ **BUREAU** or the fire safety inspector of the city,  
18 village, or township in which the building is located for use  
19 during an inspection of a ~~required~~ fire alarm system or  
20 ~~required~~ fire suppression system.

21           (7) A firm ~~which~~ **THAT** installs, modifies, tests, services,  
22 inspects, or maintains a ~~required~~ fire suppression system or a  
23 ~~required~~ fire alarm system on its own premises shall be  
24 certified under section 26, ~~or 27,~~ but shall **ONLY** be required  
25 to provide detailed plans and specifications or documentation of  
26 the system ~~only upon the request of the state fire marshal~~  
27 ~~pursuant to the~~ **IF REQUESTED BY THE STATE FIRE MARSHAL UNDER**

1 rules promulgated by the ~~fire safety board~~ **BUREAU**.

2       Sec. 30. (1) If a firm certified under section 26 ~~or 27~~  
3 discovers a ~~required~~ fire alarm system or ~~required~~ fire  
4 suppression system ~~which~~ **THAT** the firm believes ~~to be~~ **WAS**  
5 installed, serviced, modified, tested, or maintained ~~in a manner~~  
6 ~~which is~~ in violation of state law, the firm immediately shall  
7 report the alleged violation to the ~~state fire marshal~~ **BUREAU**  
8 on a form provided by the ~~state fire marshal~~ **BUREAU** and to the  
9 owner, operator, or a designated representative of the owner or  
10 operator of the building in which the ~~required~~ fire alarm  
11 system or ~~required~~ fire suppression system is installed.

12       (2) Upon notification **UNDER SUBSECTION (1)** that ~~the~~  
13 ~~required~~ **A** fire alarm system or ~~required~~ fire suppression  
14 system is installed, serviced, modified, tested, or maintained in  
15 a manner ~~which the~~ **THAT A** firm believes to be in violation of  
16 state law, the owner, operator, or a designated representative of  
17 the owner or operator of the building in which the ~~required~~  
18 fire alarm system or ~~required~~ fire suppression system is  
19 installed shall provide the ~~state fire marshal~~ **BUREAU** with a  
20 written acknowledgment of the notice of the alleged violations  
21 and the action taken by the owner, operator, or designated  
22 representative of the owner or operator on a form provided by the  
23 ~~state fire marshal~~ **BUREAU**.

24       Sec. 32. (1) The certification of a firm under section 26  
25 ~~or 27~~ may be suspended by the ~~state fire marshal~~ **BUREAU**  
26 pending a hearing by the ~~state fire safety~~ board as specified  
27 in section 3c, if the firm documents the installation or

1 modification of a ~~required~~ fire alarm system or ~~required~~ fire  
2 suppression system and the system does not comply with ~~the~~  
3 applicable state law or if the firm installs, tests, services,  
4 inspects, or maintains a ~~required~~ fire alarm system or a  
5 ~~required~~ fire suppression system in a manner not in compliance  
6 with applicable state law. After the hearing, the ~~state fire~~  
7 ~~safety~~ board may affirm, reverse, or modify the ~~state fire~~  
8 ~~marshal's~~ decision **OF THE BUREAU** to suspend a firm's  
9 certification or may revoke the firm's certification. A firm  
10 whose certification is revoked under this section may be  
11 recertified only after an additional hearing before the ~~state~~  
12 ~~fire safety~~ board.

13 (2) The ~~state fire marshal~~ **BUREAU** shall not accept for  
14 approval ~~pursuant to~~ **UNDER** section 29(1) plans or  
15 specifications submitted by an architect or professional engineer  
16 who has failed to provide corrected plans and specifications  
17 ~~prior to~~ **BEFORE** the installation of a ~~required~~ fire alarm  
18 system or ~~required~~ fire suppression system for which previous  
19 plans and specifications have been disapproved. The ~~state fire~~  
20 ~~marshal~~ **BUREAU** may ~~resume accepting~~ **ACCEPT FOR APPROVAL UNDER**  
21 **SECTION 29(1)** plans and specifications ~~for approval pursuant to~~  
22 ~~section 29(1)~~ **SUBMITTED BY THAT ARCHITECT OR ENGINEER** only after  
23 a hearing before the ~~state fire safety~~ board.

24 Enacting section 1. This amendatory act does not affect the  
25 transfer of authority, powers, duties, functions, and  
26 responsibilities under this act to the department of  
27 environmental quality under Executive Reorganization Order No.

1 1997-2, MCL 29.451, or to the department of state police and the  
2 director of the department of state police under Executive  
3 Reorganization Order No. 2003-1, MCL 445.2011.

4 Enacting section 2. Sections 3d, 27, and 34 of the fire  
5 prevention code, 1941 PA 207, MCL 29.3d, 29.27, and 29.34, are  
6 repealed.

7 Enacting section 3. This amendatory act does not take effect  
8 unless all of the following bills of the 93rd Legislature are  
9 enacted into law:

- 10 (a) House Bill No. 5861.  
11  
12 (b) Senate Bill No. 1134.  
13  
14 (c) House Bill No. 5862.  
15  
16 (d) Senate Bill No. 1135.  
17  
18 (e) House Bill No.5862.  
19  
20 (f) Senate Bill No. 1136.  
21  
22 (g) House Bill No. 5864.  
23  
24 (h) Senate Bill No. 1137.  
25  
26 (i) House Bill No.5865.  
27

- 1 (j) Senate Bill No. 1138.  
2  
3 (k) House Bill No. 5866.  
4  
5 (l) Senate Bill No. 1139.  
6  
7 (m) House Bill No. 5867.  
8  
9 (n) Senate Bill No. 1140.  
10  
11 (o) House Bill No. 5868.  
12  
13 (p) Senate Bill No. 1141.  
14  
15 (q) House Bill No. 5869.  
16  
17 (r) Senate Bill No.1142.  
18  
19 (s) House Bill No. 5870.  
20  
21 (t) House Bill No. 5860.  
22