

# HOUSE BILL No. 5609

April 28, 2016, Introduced by Reps. Chang, Wittenberg, Yanez, Cochran, Durhal, Gay-Dagnogo, Moss, Singh, Liberati, Hovey-Wright, Plawecki, LaGrand, Pagan, Hoadley, Greimel, Neeley, Smiley, Irwin, Greig, Townsend, Schor, Brinks, Garrett, Talabi, Byrd, Robinson, Chirkun, Banks, Zemke and Geiss and referred to the Committee on Local Government.

A bill to amend 1941 PA 207, entitled  
 "Fire prevention code,"  
 by amending section 7a (MCL 29.7a).

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

1           Sec. 7a. (1) If the state fire marshal or the commanding  
 2 officer of the fire department of a city, village, township, or  
 3 county, or a fire fighter in uniform acting under the orders and  
 4 directions of the commanding officer determines a dangerous  
 5 condition exists, the state fire marshal, the commanding officer of  
 6 the fire department of a city, village, township, or county, or the  
 7 fire fighter in uniform acting under the orders and direction of  
 8 the commanding officer upon finding an emergency condition  
 9 dangerous to persons or property, may take all necessary steps and  
 10 prescribe all necessary restrictions and requirements to protect  
 11 persons and property until the dangerous condition is abated.

1           (2) The state fire marshal, the commanding officer of the fire  
2 department of a city, village, township, or county, or a fire  
3 fighter in uniform acting under the orders and directions of the  
4 commanding officer, responding to a fire or emergency call, who,  
5 upon arriving at the scene of a fire or emergency, finds a  
6 condition dangerous to persons or property, may take all necessary  
7 steps and requirements to protect persons and property until the  
8 dangerous condition is abated.

9           **(3) NOTWITHSTANDING ANY OTHER LAW, THE POWER UNDER SUBSECTIONS**  
10 **(1) AND (2) OF THE STATE FIRE MARSHAL, THE COMMANDING OFFICER OF**  
11 **THE FIRE DEPARTMENT OF A CITY, VILLAGE, TOWNSHIP, OR COUNTY, OR A**  
12 **FIRE FIGHTER IN UNIFORM ACTING UNDER THE ORDERS AND DIRECTIONS OF**  
13 **THE COMMANDING OFFICER TO TAKE ALL NECESSARY STEPS AND PRESCRIBE**  
14 **ALL NECESSARY RESTRICTIONS AND REQUIREMENTS TO PROTECT PERSONS AND**  
15 **PROPERTY UNTIL THE DANGEROUS CONDITION IS ABATED IS SUPERIOR TO AND**  
16 **SUPERSEDES THE POWER OF ANY OTHER OFFICER OR ENTITY OF THIS STATE**  
17 **OR OF THAT CITY, VILLAGE, TOWNSHIP, OR COUNTY WHERE THE DANGEROUS**  
18 **CONDITION EXISTS.**

19           (4) ~~(3)~~—The state fire marshal or the commanding officer of  
20 the fire department of a city, village, township, or county, or a  
21 fire fighter in uniform acting under the orders and direction of  
22 the commanding officer may investigate causes and effects related  
23 to dangerous conditions.

24           Enacting section 1. This amendatory act takes effect 90 days  
25 after the date it is enacted into law.

26           Enacting section 2. This amendatory act does not take effect  
27 unless Senate Bill No. \_\_\_\_\_ or House Bill No. 5610 (request no.

1 03082'15 a) of the 98th Legislature is enacted into law.