

1 **FIRE PREVENTION AMENDMENTS**

2 2000 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Katherine M. Bryson**

5 AN ACT RELATING TO PUBLIC SAFETY CODE; AMENDING THE DUTIES OF THE
6 STATE FIRE MARSHAL; REVISING THE FIRE CODE STANDARD; AUTHORIZING
7 ELECTRONIC COMMUNICATIONS; AND MAKING TECHNICAL CORRECTIONS.

8 This act affects sections of Utah Code Annotated 1953 as follows:

9 AMENDS:

10 **53-7-103**, as renumbered and amended by Chapter 234, Laws of Utah 1993

11 **53-7-104**, as renumbered and amended by Chapter 234, Laws of Utah 1993

12 **53-7-106**, as renumbered and amended by Chapter 234, Laws of Utah 1993

13 **53-7-202**, as renumbered and amended by Chapter 234, Laws of Utah 1993

14 **53-7-203**, as last amended by Chapters 276 and 375, Laws of Utah 1997

15 **53-7-204**, as last amended by Chapter 192, Laws of Utah 1998

16 **53-7-204.2**, as last amended by Chapter 28, Laws of Utah 1995

17 **53-7-205**, as renumbered and amended by Chapter 234, Laws of Utah 1993

18 **53-7-209**, as renumbered and amended by Chapter 234, Laws of Utah 1993

19 **53-7-210**, as renumbered and amended by Chapter 234, Laws of Utah 1993

20 **53-7-304**, as last amended by Chapter 243, Laws of Utah 1996

21 **53-7-305**, as renumbered and amended by Chapter 234, Laws of Utah 1993

22 ENACTS:

23 **53-7-107**, Utah Code Annotated 1953

24 *Be it enacted by the Legislature of the state of Utah:*

25 Section 1. Section **53-7-103** is amended to read:

26 **53-7-103. State Fire Marshal Division -- Creation -- State fire marshal --**
27 **Appointment, qualifications, duties, and compensation.**

28 (1) There is created within the department the State Fire Marshal Division.

29 (2) (a) The director of the division is the state fire marshal, who shall be appointed by the
30 commissioner upon the recommendation of the Utah Fire Prevention Board created in Section
31 53-7-203 and with the approval of the governor.

32 (b) The state fire marshal is the executive and administrative head of the division, and shall
33 be qualified by experience and education to enforce rules made under this chapter and perform the
34 duties prescribed by the commissioner.

35 (3) The state fire marshal acts under the supervision and control of the commissioner and
36 may be removed from his position at the will of the commissioner.

37 (4) The state fire marshal shall:

38 (a) enforce rules made under this chapter as provided in accordance with Section 53-7-104;

39 (b) complete the duties assigned by the commissioner;

40 (c) examine plans and specifications for school buildings, as required by Section
41 53A-20-104;

42 (d) approve modifications or additions to plans and specifications for school building
43 construction adopted by the State Board of Education, as required by Section 53A-20-102;

44 (e) approve criteria established by the state superintendent for building inspectors, as
45 required by Sections 10-9-106 and 17-27-105; [and]

46 (f) promote and support injury prevention public education programs; and

47 [~~f~~] (g) perform all other duties provided in this chapter.

48 (5) The state fire marshal shall receive compensation as provided by Title 67, Chapter 19,
49 Utah State Personnel Management Act.

50 Section 2. Section **53-7-104** is amended to read:

51 **53-7-104. Enforcement of rules -- Division of authority and responsibility.**

52 (1) The authority and responsibility for enforcing rules made under this chapter is divided
53 as provided in this section.

54 (2) The fire officers of any city or county shall enforce the rules of the state fire marshal
55 in their respective areas.

56 (3) The state fire marshal may enforce the rules in:

57 (a) areas outside of corporate cities, fire protection districts, and special districts organized
58 for fire protection purposes; and

59 (b) state-owned property, school district owned property, and privately owned property
60 used for schools located within corporate cities and county fire protection districts, asylums,
61 mental hospitals, hospitals, sanitariums, homes for the aged, residential health-care facilities,
62 children's homes or institutions, or similar institutional type occupancy of any capacity.

63 (4) The state fire marshal may enforce the rules in corporate cities, counties, and fire
64 protection districts, and special service districts organized for fire protection purposes upon
65 ~~[written]~~ receiving a request [of] from the chief fire official or the local governing body.

66 Section 3. Section **53-7-106** is amended to read:

67 **53-7-106. Adoption of fire code.**

68 (1) ~~[Subject to Section 53-7-204, the Uniform Fire Code, as promulgated by the~~
69 ~~International Fire Code Institute,]~~ A fire code promulgated by a nationally recognized code
70 authority and adopted by the Utah Fire Prevention Board pursuant to Section 53-7-204 is the state
71 fire code, to which cities, counties, fire protection districts, and the state shall adhere in
72 safeguarding life and property from the hazards of fire and explosion.

73 (2) (a) The legislative body of a political subdivision may make ordinances that are more
74 restrictive in its fire code requirements than the state fire code, in order to meet the public safety
75 needs of the political subdivision.

76 (b) The legislative body of a political subdivision shall provide to the Utah Fire Prevention
77 Board one copy of each ordinance enacted under Subsection (2)(a).

78 (c) The state fire marshal shall keep an indexed copy of the ordinances.

79 (d) Copies of the ordinances are available from the state fire marshal on request.

80 Section 4. Section **53-7-107** is enacted to read:

81 **53-7-107. Electronic writing.**

82 (1) Any writing required or permitted by this chapter may be filed or prepared in an
83 electronic medium and by electronic transmission subject to the ability of the recipient to accept
84 and process the electronic writing.

85 (2) Any writing required by this chapter to be signed that is in an electronic medium shall
86 be signed by digital signature in accordance with Title 46, Chapter 3, Utah Digital Signature Act.

87 Section 5. Section **53-7-202** is amended to read:

88 **53-7-202. Definitions.**

89 As used in this part:

- 90 (1) "Agricultural and wildlife fireworks" means a class C dangerous explosive that:
91 (a) uses sound or light when deployed; and
92 (b) is designated to prevent crop damage or unwanted animals from entering a specified
93 area.
- 94 (2) "Board" means the Utah Fire Prevention Board created in Section 53-7-203.
- 95 (3) "Class A explosive" means a class A explosive as defined by the U.S. Department of
96 Transportation in Part 173, Title 49, Code of Federal Regulations.
- 97 (4) "Class B explosive" means a class B explosive as defined by the U.S. Department of
98 Transportation in Part 173, Title 49, Code of Federal Regulations.
- 99 (5) "Class C explosive" means a class C explosive as defined by the U.S. Department of
100 Transportation in Part 173, Title 49, Code of Federal Regulations.
- 101 (6) (a) "Class C common state approved explosive" means a class C explosive that is:
102 (i) a cardboard or heavy paper cylindrical tube or cone that:
103 (A) produces a shower of color and sparks that reach a maximum height of 15 feet;
104 (B) may whistle or pop; and
105 (C) is not designed to explode or leave the ground;
106 (ii) a pyrotechnic wheel device that:
107 (A) may be attached to a post or tree; and
108 (B) contains up to six "driver" units or tubes;
109 (iii) any device that:
110 (A) spins, jumps, or emits popping sounds when placed on the ground;
111 (B) does not exceed a height of 15 feet when discharged; and
112 (C) does not travel laterally more than ten feet on a smooth surface when discharged;
113 (iv) a morning glory, suzuki, or flitter sparkler; and
114 (v) a single tube day type parachute that does not carry any flare or flame upon descent.
- 115 (b) "Class C common state approved explosive" does not mean:
116 (i) class C dangerous explosives; or
117 (ii) exempt explosives.
- 118 (7) (a) "Class C dangerous explosive" means a class C explosive that is:
119 (i) a firecracker, cannon cracker, salute, cherry bomb, or other similar explosive;
120 (ii) a skyrocket or any device other than a model rocket that uses combustible or explosive

- 121 material and rises more than 15 feet when discharged;
- 122 (iii) a roman candle or other device that discharges balls of fire over 15 feet in height;
- 123 (iv) a tube or cone aerial firework that propels comets, shells, salutes, flash shells, or
- 124 similar devices more than 15 feet into the air; and
- 125 (v) a chaser, whistler, or other device that darts or travels more than ten feet laterally on
- 126 a smooth surface or exceeds 15 feet in height when discharged.
- 127 (b) A "Class C dangerous explosive" does not mean:
- 128 (i) class C common state approved explosives; or
- 129 (ii) exempt explosives.
- 130 (8) "Display fireworks" means an aerial shell, salute, flash shell, comet, sky battle, mine,
- 131 and any similar class C explosive or class B explosive.
- 132 (9) (a) "Display operator" means the person who purchases and is responsible for setting
- 133 up and discharging display fireworks.
- 134 (b) "Display operator" does not mean a fire department.
- 135 (10) "Exempt explosive" means a model rocket, toy pistol cap, emergency signal flare,
- 136 snake or glow worm, party popper, trick noisemaker, match, and wire sparkler under 12 inches in
- 137 length.
- 138 (11) (a) "Fireworks" means:
- 139 (i) class C explosives;
- 140 (ii) class C dangerous explosives; and
- 141 (iii) class C common state approved explosives.
- 142 (b) "Fireworks" does not mean:
- 143 (i) exempt explosives;
- 144 (ii) class A explosives; and
- 145 (iii) class B explosives.
- 146 (12) "Importer" means a person who brings class B or class C explosives into Utah for the
- 147 general purpose of resale within the state or exportation to other states.
- 148 (13) (a) "Pyrotechnic" means any composition or device manufactured or used to produce
- 149 a visible or audible effect by combustion, deflagration, or detonation.
- 150 (b) "Pyrotechnic" does not mean exempt explosives.
- 151 (14) "Retail seller" means a person who sells class C common state approved explosives

152 to the public during the period authorized under Section 53-7-225.

153 (15) "State-fire code" means a nationally recognized fire code adopted by the Utah Fire
154 Prevention Board pursuant to Section 53-7-204.

155 [~~15~~] (16) "Trick noisemaker" includes a:

156 (a) tube or sphere containing pyrotechnic composition that produces a white or colored
157 smoke as its primary effect when ignited; and

158 (b) device that produces a small report intended to surprise the user, including a:

159 (i) "booby trap," which is a small tube with a string protruding from both ends that ignites
160 the friction sensitive composition in the tube when the string is pulled;

161 (ii) "snapper," which is a small paper-wrapped device containing a minute quantity of
162 explosive composition coated on bits of sand that explodes producing a small report;

163 (iii) "trick match," which is a kitchen or book match coated with a small quantity of
164 explosive or pyrotechnic composition that produces a small shower of sparks when ignited;

165 (iv) "cigarette load," which is a small wooden peg coated with a small quantity of
166 explosive composition that produces a small report when the cigarette is ignited; and

167 (v) "auto burglar alarm," which is a tube that:

168 (A) contains pyrotechnic composition that produces a loud whistle and smoke when
169 ignited;

170 (B) may contain a small quantity of explosive to produce a small explosive noise; and

171 (C) is ignited by a squib.

172 [~~16~~] (17) "Unclassified fireworks" means any of the following:

173 (a) a pyrotechnic device that is used, given away, or offered for sale, that has not been
174 tested, approved, and classified by the U.S. Department of Transportation;

175 (b) an approved device that has been altered or redesigned since obtaining approval by the
176 U.S. Department of Transportation;

177 (c) a pyrotechnic device that is being tested by a manufacturer, importer, or wholesaler
178 before receiving approval by the U.S. Department of Transportation.

179 [~~17~~] (18) "Wholesaler" means any of the following:

180 (a) a person who sells class C common state approved explosives to a retailer;

181 (b) a person who sells class B explosives or class C dangerous explosives for display use.

182 Section 6. Section **53-7-203** is amended to read:

183 **53-7-203. Utah Fire Prevention Board -- Creation -- Members -- Terms -- Selection**
184 **of chair and officers -- Quorum -- Meetings -- Compensation -- Division's duty to implement**
185 **board rules.**

186 (1) There is created within the division the Utah Fire Prevention Board.

187 (2) The board shall be nonpartisan and be composed of ten members appointed by the
188 governor as follows:

189 (a) a city or county official;

190 (b) a licensed architect;

191 (c) a licensed engineer;

192 (d) a member of the Utah State Firemen's Association;

193 (e) the state forester;

194 (f) the commissioner of the Labor Commission or the commissioner's designee;

195 (g) a member of the Utah State Fire Chiefs Association;

196 (h) a member of the Utah Fire Marshal's Association;

197 (i) a building inspector; and

198 (j) a citizen appointed at large.

199 (3) (a) Except as required by Subsection (3)(b), as terms of current board members expire,
200 the governor shall appoint each new member or reappointed member to a four-year term.

201 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time
202 of appointment or reappointment, adjust the length of terms to ensure that the terms of board
203 members are staggered so that approximately half of the board is appointed every two years.

204 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
205 appointed for the unexpired term.

206 (5) A member whose term has expired may continue to serve until a replacement is
207 appointed pursuant to Subsection (3).

208 ~~[(5)]~~ (6) The board shall select from its members a chair and other officers as the board
209 finds necessary.

210 ~~[(6)]~~ (7) A majority of the members of the board is a quorum.

211 ~~[(7)]~~ (8) The board shall hold regular semiannual meetings for the transaction of its
212 business at a time and place to be fixed by the board and shall hold other meetings as necessary
213 for proper transaction of business.

214 [(8)] (9) (a) (i) Members who are not government employees shall receive no
215 compensation or benefits for their services, but may receive per diem and expenses incurred in the
216 performance of the member's official duties at the rates established by the Division of Finance
217 under Sections 63A-3-106 and 63A-3-107.

218 (ii) Members may decline to receive per diem and expenses for their service.

219 (b) (i) State government officer and employee members who do not receive salary, per
220 diem, or expenses from their agency for their service may receive per diem and expenses incurred
221 in the performance of their official duties from the board at the rates established by the Division
222 of Finance under Sections 63A-3-106 and 63A-3-107.

223 (ii) State government officer and employee members may decline to receive per diem and
224 expenses for their service.

225 (c) (i) Local government members who do not receive salary, per diem, or expenses from
226 the entity that they represent for their service may receive per diem and expenses incurred in the
227 performance of their official duties at the rates established by the Division of Finance under
228 Sections 63A-3-106 and 63A-3-107.

229 (ii) Local government members may decline to receive per diem and expenses for their
230 service.

231 [(9)] (10) The division shall implement the rules of the board and perform all other duties
232 delegated by the board.

233 Section 7. Section **53-7-204** is amended to read:

234 **53-7-204. Duties of Utah Fire Prevention Board -- Local administrative duties.**

235 (1) The board shall:

236 (a) make rules:

237 (i) adopting a nationally recognized fire code and the specific edition of [~~the Uniform Fire~~
238 ~~Code~~] that fire code as the state fire code to be used as the standard;

239 (ii) establishing minimum standards for the prevention of fire and for the protection of life
240 and property against fire and panic in any:

241 (A) publicly owned building, including all public and private schools, colleges, and
242 university buildings;

243 (B) building or structure used or intended for use as an asylum, a mental hospital, a
244 hospital, a sanitarium, a home for the aged, an assisted living facility, a children's home or

245 [institution] day care center, or any similar institutional type occupancy of any capacity; and
246 (C) place of assemblage where 50 or more persons may gather together in a building,
247 structure, tent, or room for the purpose of amusement, entertainment, instruction, or education;
248 (iii) establishing safety and other requirements for placement and discharge of display
249 fireworks based upon:
250 (A) the specific edition of the [~~Uniform Fire Code~~] nationally recognized fire code selected
251 by the board under Subsection (1)(a)(i); and
252 (B) relevant publications of the National Fire Protection Association;
253 (iv) establishing minimum safety standards for retail storage, handling, and sale of class
254 C common state approved explosives;
255 (v) defining methods to establish proof of competence to place and discharge display
256 fireworks;
257 (vi) for deputizing qualified persons to act as deputy fire marshals, and to secure special
258 services in emergencies;
259 (vii) implementing Sections 53-7-106 and 53-7-205;
260 (viii) setting guidelines for use of funding; and
261 (ix) establishing criteria for training and safety equipment grants for fire departments
262 enrolled in firefighter certification;
263 (b) recommend to the commissioner a state fire marshal;
264 (c) develop policies under which the state fire marshal and his authorized representatives
265 will perform;
266 (d) provide for the employment of field assistants and other salaried personnel as required;
267 (e) prescribe the duties of the state fire marshal and his authorized representatives;
268 (f) establish a statewide fire prevention, fire education, and fire service training program
269 in cooperation with the Board of Regents;
270 (g) establish a statewide fire statistics program for the purpose of gathering fire data from
271 all political subdivisions of the state;
272 (h) establish a fire academy in accordance with Section 53-7-204.2;
273 (i) coordinate the efforts of all people engaged in fire suppression in the state;
274 (j) work aggressively with the local political subdivisions to reduce fire losses; and
275 (k) regulate the sale and servicing of portable fire extinguishers and automatic fire

276 suppression systems in the interest of safeguarding lives and property.

277 (2) The board may incorporate in its rules by reference, in whole or in part, nationally
278 recognized and readily available standards and codes pertaining to the protection of life and
279 property from fire, explosion, or panic.

280 (3) (a) The board may only make amendments to the [~~Uniform Fire Code~~] state fire code
281 adopted under Subsection (1)(a)(i) in accordance with Section 53-7-205.

282 (b) The amendments may be applicable to the entire state or within a city, county, or fire
283 protection district.

284 (4) The following functions shall be administered locally by a city, county, or fire
285 protection district:

286 (a) issuing permits, including open burning permits pursuant to Sections 11-7-1 and
287 19-2-114;

288 (b) creating a local board of appeals in accordance with [~~Section 2.303 of the Uniform Fire~~
289 ~~Code~~] the state fire code; and

290 (c) establishing, modifying, or deleting fire flow and water supply requirements.

291 Section 8. Section **53-7-204.2** is amended to read:

292 **53-7-204.2. Fire Academy -- Establishment -- Fire Academy Support Fund --**
293 **Funding.**

294 (1) In this section:

295 (a) "Account" means the Fire Academy Support Account created in Subsection (4).

296 (b) "Property insurance premium" has the same meaning as provided in Section
297 31A-1-301.

298 (2) The board shall:

299 (a) establish a fire academy that:

300 (i) provides instruction and training for paid, volunteer, institutional, and industrial
301 firefighters;

302 (ii) develops new methods of firefighting and fire prevention;

303 (iii) provides training for fire and arson detection and investigation;

304 (iv) provides public education programs to promote fire safety;

305 (v) provides for certification of firefighters, pump operators, instructors, and officers; and

306 (vi) provides facilities for teaching fire-fighting skills;

307 (b) establish a cost recovery fee in accordance with Section 63-38-3.2 for training
308 commercially employed firefighters; and

309 (c) request funding for the academy.

310 (3) The board may:

311 (a) accept gifts, donations, and grants of property and services on behalf of the fire
312 academy; and

313 (b) enter into contractual agreements necessary to facilitate establishment of the school.

314 (4) (a) To provide a funding source for the academy, there is created in the General Fund
315 a restricted account known as the Fire Academy Support Account.

316 (b) The following revenue shall be deposited in the account to implement this section:

317 (i) the percentage specified in Subsection (5) of the annual tax for each year that is levied,
318 assessed, and collected under Title 59, Chapter 9, Taxation of Admitted Insurers, upon property
319 insurance premiums and as applied to fire and allied lines insurance collected by insurance
320 companies within the state;

321 (ii) the percentage specified in Subsection (6) of all money assessed and collected upon
322 life insurance premiums within the state;

323 (iii) the cost recovery fees established by the board;

324 (iv) gifts, donations, and grants of property on behalf of the fire academy; and

325 (v) appropriations made by the Legislature.

326 (5) The percentage of the tax specified in Subsection (4)(b)(i) to be deposited in the
327 account ~~[in] each~~ fiscal year~~[-] is 25%.~~

328 ~~[(a) 1993-94 is 6.25%;]~~

329 ~~[(b) 1994-95 is 12.5%;]~~

330 ~~[(c) 1995-96 is 18.75%; and]~~

331 ~~[(d) 1996-97 and subsequent fiscal years is 25%.]~~

332 (6) The percentage of the money specified in Subsection (4)(b)(ii) to be deposited in the
333 account ~~[in] each~~ fiscal year~~[-] is 5%.~~

334 ~~[(a) 1993-94 is 1.25%;]~~

335 ~~[(b) 1994-95 is 2.5%;]~~

336 ~~[(c) 1995-96 is 3.75%; and]~~

337 ~~[(d) 1996-97 and subsequent fiscal years is 5%.]~~

338 Section 9. Section **53-7-205** is amended to read:

339 **53-7-205. State fire code amendments -- Board duties and responsibilities.**

340 (1) The board shall receive from a city, county, or fire protection district requests for
341 amendments to the [~~Uniform Fire Code~~] state fire code.

342 (2) The division or the board on its own initiative may make recommendations to the
343 division for amendments to the [~~Uniform Fire Code~~] state fire code.

344 (3) (a) Within 45 days after receipt of a request or recommendation concerning an
345 amendment, the board shall direct the division to convene an informal hearing concerning the
346 amendment.

347 (b) The hearing shall be conducted in accordance with the rules of the board.

348 (c) The board shall decide to accept, modify, or reject the amendment.

349 (4) Within 15 days following the completion of the hearing, the board shall direct the
350 division to [~~notify~~] send written notification, in a form prescribed by the board, to the city, county,
351 or fire protection district of its decision [~~in writing~~].

352 (5) The board shall make rules incorporating the amendments accepted or modified under
353 Subsection (3).

354 Section 10. Section **53-7-209** is amended to read:

355 **53-7-209. Inspection of buildings by officials.**

356 (1) A fire chief or officer may enter any building or premises not used as a private dwelling
357 at any reasonable hour to inspect the building or premises and enforce the rules made under this
358 part, including the [~~Uniform Fire Code~~] state fire code adopted under Section 53-7-204.

359 (2) The owner, lessee, manager, or operator of any building or premises not used as a
360 private dwelling shall permit inspections under this section.

361 Section 11. Section **53-7-210** is amended to read:

362 **53-7-210. Fire investigations by local officers -- Notification to division.**

363 (1) The chief fire officer of any city, town, or county fire department, or of any fire district
364 or special service district organized for fire protection purposes, or his authorized representative
365 shall investigate the cause, origin, and circumstances of each fire occurring in his jurisdiction when
366 property has been destroyed or damaged.

367 (2) The fire officer shall:

368 (a) begin the investigation immediately after the occurrence of the fire; and

369 (b) attempt to determine, among other things, whether the fire was the result of
370 carelessness or of design.

371 (3) If the fire officer making this investigation determines that the fire appears to be [of]
372 suspicious [or incendiary], or of unknown origin [~~he shall immediately~~], the officer may notify the
373 division to request assistance.

374 Section 12. Section **53-7-304** is amended to read:

375 **53-7-304. Liquefied Petroleum Gas Board -- Creation -- Composition -- Appointment**
376 **-- Terms of officers -- Meetings -- Compensation.**

377 (1) (a) There is created within the division the Liquefied Petroleum Gas Board.

378 (b) The board is composed of seven members:

379 (i) two Utah fire chiefs or marshals;

380 (ii) two members of the general public; and

381 (iii) three members who are representatives of the LPG industry.

382 (2) The fire chiefs or marshals and the members of the general public shall be appointed
383 by the governor, on a nonpartisan basis.

384 (3) Members of the board who are representatives of the LPG industry shall have been
385 legal residents of the state for at least one year immediately preceding the date of appointment and
386 have been actively engaged in the LPG industry for a period of at least five years.

387 (4) The LPG industry representatives shall be appointed by the governor from a list of at
388 least five but no more than the 12 nominees receiving the largest number of votes according to
389 written ballots executed by representatives of the licensees under Subsection (7).

390 (5) (a) Except as required by Subsection (5)(b), as terms of current board members expire,
391 the governor shall appoint each new member or reappointed member to a four-year term.

392 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the time
393 of appointment or reappointment, adjust the length of terms to ensure that the terms of board
394 members are staggered so that approximately half of the board is appointed every two years.

395 (c) Members serve from the date of appointment until a replacement is appointed.

396 (6) When a vacancy occurs in the membership for any reason, the replacement shall be
397 appointed for the unexpired term.

398 (7) (a) The balloting of licensees shall be conducted by the division.

399 (b) For the appointments, the division shall forward to each licensee by registered or

400 certified United States mail an official ballot for each staffed plant or facility held under Section
401 53-7-309, with instructions for executing the ballot and returning it to the division.

402 (8) (a) The board shall elect its own chair and vice chair at its first regular meeting each
403 calendar year.

404 (b) All meetings of the board shall be held on a prescribed date, at least quarterly, and at
405 any time a majority of the board members [~~makes~~] sends a request [~~in writing~~] to the board chair.

406 (c) [~~Any five members constitute~~] A majority of the members of the board is a quorum for
407 the transaction of business.

408 (9) (a) (i) Members who are not government employees shall receive no compensation or
409 benefits for their services, but may receive per diem and expenses incurred in the performance of
410 the member's official duties at the rates established by the Division of Finance under Sections
411 63A-3-106 and 63A-3-107.

412 (ii) Members may decline to receive per diem and expenses for their service.

413 (b) (i) State government officer and employee members who do not receive salary, per
414 diem, or expenses from their agency for their service may receive per diem and expenses incurred
415 in the performance of their official duties from the board at the rates established by the Division
416 of Finance under Sections 63A-3-106 and 63A-3-107.

417 (ii) State government officer and employee members may decline to receive per diem and
418 expenses for their service.

419 Section 13. Section **53-7-305** is amended to read:

420 **53-7-305. Board rulemaking -- Notice.**

421 (1) (a) The board shall make rules as reasonably necessary for the protection of the health,
422 welfare, and safety of the public and persons using LPG.

423 (b) The rules shall be in substantial conformity with the generally accepted standards of
424 safety concerning LPG, and shall include the following conditions:

425 (i) the rules relating to safety in the storage, distribution, dispensing, transporting, and use
426 of LPG in this state and in the manufacture, fabrication, assembly, sale, installation, and use of
427 LPG systems, containers, apparatus, or appliances shall be reasonable; and

428 (ii) the rules shall conform as nearly as possible to the standards of the National Fire
429 Protection Association, relating to the design, construction, installation, and use of systems,
430 containers, apparatus, appliances, and pertinent equipment for the storage, transportation,

431 dispensation, and use of LPG.

432 (2) The board may make rules:

433 (a) setting minimum general standards covering the design, construction, location,
434 installation, and operation of equipment for storing, handling, transporting by tank truck or tank
435 trailer, or using LPG;

436 (b) specifying the odorization of the gases and the degree of odorization;

437 (c) governing LPG distributors and installers and the installation of LPG systems,
438 carburetion systems, and fueling systems; and

439 (d) prescribing maximum container removal rates.

440 (3) (a) When a proposed rule is filed, the board shall give at least ten days' notice to all
441 license applicants and licensees under this chapter by [~~mailing~~] sending a notice of the proposed
442 new, revised, or amended rule together with a notice of hearing to the licensee's current address
443 on file with the board.

444 (b) Any person affected by rulemaking under this part may submit [~~written~~] comment, in
445 a format prescribed by the board, on the rule.

446 (c) A certificate citing the adoption and the effective date of a rule shall be signed by the
447 members comprising a majority of the board.

448 (d) Within ten days after the adoption of the rule, the board shall [~~cause to be mailed~~] send
449 to each license applicant or licensee, at his current address on file, a notice of the adoption of the
450 rule, including its effective date.

451 (e) A facsimile of any member's signature may be used under this section if authorized by
452 the member.

Legislative Review Note

as of 1-24-00 5:12 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel