

Part 1
State Fire Marshal Division Administration

53-7-101 Short title.

This chapter is known as the "Utah Fire Prevention and Safety Act."

Renumbered and Amended by Chapter 234, 1993 General Session

53-7-102 Definitions.

As used in this chapter:

- (1) "Board" means the Utah Fire Prevention Board created in Section 53-7-203, except as provided in Part 3, Liquefied Petroleum Gas Act.
- (2) "Director" means the state fire marshal appointed in accordance with Section 53-7-103.
- (3) "Division" means the State Fire Marshal Division created in Section 53-7-103.
- (4) "Fire officer" means:
 - (a) the state fire marshal;
 - (b) the state fire marshal's deputies or salaried assistants;
 - (c) the fire chief or fire marshal of any county, city, or town fire department;
 - (d) the fire officer of any fire district;
 - (e) the fire officer of any special service district organized for fire protection purposes; and
 - (f) authorized personnel of any of the persons specified in Subsections (4)(a) through (e).
- (5) "State fire code" means the code adopted under Section 15A-1-403.
- (6) "State fire marshal" means the fire marshal appointed director by the commissioner under Section 53-7-103.

Amended by Chapter 14, 2011 General Session

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

- (1) There is created within the department the State Fire Marshal Division.
- (2)
 - (a) The director of the division is the state fire marshal, who shall be appointed by the commissioner upon the recommendation of the Utah Fire Prevention Board created in Section 53-7-203 and with the approval of the governor.
 - (b) The state fire marshal is the executive and administrative head of the division, and shall be qualified by experience and education to:
 - (i) enforce the state fire code;
 - (ii) enforce rules made under this chapter; and
 - (iii) perform the duties prescribed by the commissioner.
- (3) The state fire marshal acts under the supervision and control of the commissioner and may be removed from the position at the will of the commissioner.
- (4) The state fire marshal shall:
 - (a) enforce the state fire code and rules made under this chapter in accordance with Section 53-7-104;
 - (b) complete the duties assigned by the commissioner;
 - (c) examine plans and specifications for school buildings, as required by Section 53A-20-104;
 - (d) approve criteria established by the state superintendent for building inspectors;

- (e) promote and support injury prevention public education programs; and
 - (f) perform all other duties provided in this chapter.
- (5) The state fire marshal shall receive compensation as provided by Title 67, Chapter 19, Utah State Personnel Management Act.

Amended by Chapter 340, 2011 General Session

53-7-104 Enforcement of state fire code and rules -- Division of authority and responsibility.

- (1) The authority and responsibility for enforcing the state fire code and rules made under this chapter is divided as provided in this section.
- (2) The fire officers of any city or county shall enforce the state fire code and rules of the state fire marshal in their respective areas.
- (3) The state fire marshal may enforce the state fire code and rules in:
 - (a) areas outside of corporate cities, fire protection districts, and other local districts or special service districts organized for fire protection purposes;
 - (b) state-owned property, school district owned property, and privately owned property used for schools located within corporate cities and county fire protection districts, asylums, mental hospitals, hospitals, sanitariums, homes for the aged, residential health-care facilities, children's homes or institutions, or similar institutional type occupancy of any capacity; and
 - (c) corporate cities, counties, fire protection districts, and special service districts organized for fire protection purposes upon receiving a request from the chief fire official or the local governing body.

Amended by Chapter 310, 2010 General Session

53-7-105 State fire marshal, deputies, and investigators -- Status of law enforcement officers -- Inclusion in Public Safety Retirement -- Training.

- (1) The state fire marshal, his deputies, and investigators, for the purpose of enforcing and investigating violations of fire related statutes and ordinances, have the status of law enforcement officers.
- (2) Inclusion under Title 49, Chapter 14, Public Safety Contributory Retirement Act, Title 49, Chapter 15, Public Safety Noncontributory Retirement Act, or Title 49, Chapter 23, New Public Safety and Firefighter Tier II Contributory Retirement Act, is not authorized by Subsection (1) except as provided in those chapters.
- (3) The commissioner, with the concurrence of the Peace Officer Standards and Training Advisory Board may require peace officer standards and training for the state fire marshal, his deputies, and investigators.

Amended by Chapter 266, 2010 General Session

53-7-107 Electronic writing.

- (1) Any writing required or permitted by this chapter may be filed or prepared in an electronic medium and by electronic transmission subject to the ability of the recipient to accept and process the electronic writing.
- (2) Any writing required by this chapter to be signed that is in an electronic medium shall be signed by electronic signature in accordance with Title 46, Chapter 4, Uniform Electronic Transactions Act.

Amended by Chapter 21, 2006 General Session

53-7-109 Firefighter Support Restricted Account.

- (1) There is created in the General Fund the Firefighter Support Restricted Account.
- (2) The account shall be funded by:
 - (a) contributions deposited into the account in accordance with Section 41-1a-422; and
 - (b) donations or grants from public or private entities.
- (3) The Legislature shall appropriate funds in the account to the division.
- (4) The division shall distribute funds in the account to one or more charitable organizations that:
 - (a) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;
 - (b) provide firefighter education and training programs;
 - (c) initiate and maintain active participation in all aspects of fire service;
 - (d) maintain a fire history museum; and
 - (e) represent over 2,000 active, inactive, retired, volunteer, or career firefighters throughout the state.
- (5)
 - (a) An organization described in Subsection (4) may apply to the division to receive a distribution in accordance with Subsection (4).
 - (b) An organization that receives a distribution from the division in accordance with Subsection (4) shall expend the distribution only to:
 - (i) pay for firefighter education or training programs;
 - (ii) pay for firefighter scholarship programs;
 - (iii) pay the costs of maintaining a fire history museum;
 - (iv) pay the costs of representing firefighter interests on a national and local level; and
 - (v) pay for assistance with purchasing equipment or apparatuses used in firefighting.
 - (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules providing procedures for an organization to apply to the division to receive a distribution under Subsection (4).

Enacted by Chapter 348, 2009 General Session