

1 **FIRE PREVENTION AND SAFETY**

2 **AMENDMENTS**

3 2002 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Cindy Beshear**

6 **This act modifies the Public Safety Code regarding fire safety by establishing a certification**
7 **program for persons who inspect or test automatic fire sprinkler systems, increasing the fee**
8 **for special effects fireworks operators, and clarifying that both a license and certification is**
9 **required for certain activities involving liquefied petroleum gas.**

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

11 AMENDS:

12 **53-7-204**, as last amended by Chapter 25, Laws of Utah 2001

13 **53-7-223**, as last amended by Chapter 14, Laws of Utah 1995

14 **53-7-308**, as renumbered and amended by Chapter 234, Laws of Utah 1993

15 ENACTS:

16 **53-7-225.5**, Utah Code Annotated 1953

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

18 Section 1. Section **53-7-204** is amended to read:

19 **53-7-204. Duties of Utah Fire Prevention Board -- Local administrative duties.**

20 (1) The board shall:

21 (a) make rules:

22 (i) adopting a nationally recognized fire code and the specific edition of that fire code as
23 the state fire code to be used as the standard;

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

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



28 (B) building or structure used or intended for use as an asylum, a mental hospital, a
29 hospital, a sanitarium, a home for the aged, an assisted living facility, a children's home or day care
30 center, or any similar institutional type occupancy of any capacity; and

31 (C) place of assemblage where 50 or more persons may gather together in a building,
32 structure, tent, or room for the purpose of amusement, entertainment, instruction, or education;

33 (iii) establishing safety and other requirements for placement and discharge of display
34 fireworks based upon:

35 (A) the specific edition of the nationally recognized fire code selected by the board under
36 Subsection (1)(a)(i); and

37 (B) relevant publications of the National Fire Protection Association;

38 (iv) establishing minimum safety standards for retail storage, handling, and sale of class
39 C common state approved explosives;

40 (v) defining methods to establish proof of competence to place and discharge display
41 fireworks;

42 (vi) for deputizing qualified persons to act as deputy fire marshals, and to secure special
43 services in emergencies;

44 (vii) implementing Sections 53-7-106 and 53-7-205;

45 (viii) setting guidelines for use of funding; and

46 (ix) establishing criteria for training and safety equipment grants for fire departments
47 enrolled in firefighter certification;

48 (b) recommend to the commissioner a state fire marshal;

49 (c) develop policies under which the state fire marshal and his authorized representatives
50 will perform;

51 (d) provide for the employment of field assistants and other salaried personnel as required;

52 (e) prescribe the duties of the state fire marshal and his authorized representatives;

53 (f) establish a statewide fire prevention, fire education, and fire service training program
54 in cooperation with the Board of Regents;

55 (g) establish a statewide fire statistics program for the purpose of gathering fire data from
56 all political subdivisions of the state;

57 (h) establish a fire academy in accordance with Section 53-7-204.2;

58 (i) coordinate the efforts of all people engaged in fire suppression in the state;

59 (j) work aggressively with the local political subdivisions to reduce fire losses; [~~and~~]

60 (k) regulate the sale and servicing of portable fire extinguishers and automatic fire
61 suppression systems in the interest of safeguarding lives and property[~~;~~]; and

62 (l) establish a certification program for persons who inspect and test automatic fire
63 sprinkler systems.

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

67 (3) (a) The board may only make amendments to the state fire code adopted under
68 Subsection (1)(a)(i) in accordance with Section 53-7-205.

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

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

73 (a) issuing permits, including open burning permits pursuant to Sections 11-7-1 and
74 19-2-114;

75 (b) creating a local board of appeals in accordance with the state fire code; and

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

77 Section 2. Section **53-7-223** is amended to read:

78 **53-7-223. State license for display or special effects operators -- Permit -- Fee --**

79 **Division duties -- Revocation.**

80 (1) A person may not purchase, possess, or discharge display or special effects fireworks
81 unless the person has obtained a display or special effects operator license from the division.

82 (2) The division shall:

83 (a) issue an annual license to any display or special effects operator who:

84 (i) applies for the permit;

85 (ii) pays a [~~\$10~~] \$30 fee;

86 (iii) demonstrates proof of competence; and

87 (iv) certifies that he will comply with the rules governing placement and discharge of
88 fireworks established by the board;

89 (b) provide the licensee with a copy of the rules governing placement and discharge of

90 fireworks made under Section 53-7-204; and

91 (c) together with county and municipal officers enforce Sections 53-7-220 through
92 53-7-225.

93 (3) The division may:

94 (a) revoke a license issued under this section for cause;

95 (b) seize display and special effects fireworks, fireworks, and unclassified fireworks that
96 are offered for sale, sold, or in the possession of an individual in violation of Sections 53-7-220
97 through 53-7-225; and

98 (c) create application and certification forms.

99 Section 3. Section 53-7-225.5 is enacted to read:

100 **53-7-225.5. Inspection and testing of automatic fire sprinkler systems -- Certification**
101 **required.**

102 (1) Each person engaged in the inspection and testing of automatic fire sprinkler systems
103 shall be certified by the state fire marshal.

104 (2) The board shall by rule prescribe an application form and standards for certification
105 qualification and for renewal and revocation.

106 (3) Applicants for certification as an automatic fire sprinkler system inspector and tester
107 shall:

108 (a) submit a written application on the form prescribed by the board;

109 (b) provide evidence of competency as required by the board; and

110 (c) submit the fee established under Subsection (4).

111 (4) The board may establish an application fee under Section 63-38-3.2.

112 Section 4. Section 53-7-308 is amended to read:

113 **53-7-308. Licenses and certificates.**

114 A person may not engage in any of the following activities related to LPG unless he has
115 obtained an authorizing license [~~or~~] and certification from the board:

116 (1) container activities: the manufacture, assembly, repair, sale, installation, or subframing
117 of containers for use in this state, except that a license is not required for the sale of new containers
118 of 96 pounds water capacity or less;

119 (2) systems activities: the installation, service, or repair of LPG systems for use in this
120 state, including the laying or connecting of pipes and fittings connecting with or to systems or

121 servicing a system and appliances to be used with LPG as a fuel;
122 (3) appliance activities: the service, installation, or repair of appliances used or to be used
123 in this state in connection with systems using LPG as a fuel; or
124 (4) product activities: the sale, transportation, dispensation, or storage of LPG in this state,
125 except that a license is not required to sell LPG where the vendor never obtains possessory rights
126 to the product sold or where the product is transported or stored by the ultimate consumer for
127 personal consumption only.

Legislative Review Note
as of 1-3-02 3:32 PM

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

Office of Legislative Research and General Counsel