

1st Sub. H.B. 217
STATE FIRE CODE ACT AMENDMENTS

Representative **Michael E. Noel** proposes the following amendments:

1. *Page 2, Lines 27 through 30:*

27 Utah Code Sections Affected:

28 AMENDS:

= **15A-1-403, as enacted by Laws of Utah 2011, Chapter 14**

29 15A-5-103, as enacted by Laws of Utah 2011, Chapter 14

30 15A-5-202, as last amended by Laws of Utah 2012, Chapter 148

2. *Page 2, Line 44:*

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

= **Section 1. Section 15A-1-403 is amended to read:**

15A-1-403. Adoption of State Fire Code.

(1) (a) The State Fire Code is:

(i) a code promulgated by a nationally recognized code authority that is adopted by the Legislature under this section with any modifications; and

(ii) a code to which cities, counties, fire protection districts, and the state shall adhere in safeguarding life and property from the hazards of fire and explosion.

(b) On and after July 1, 2010, the State Fire Code is the State Fire Code in effect on July 1, 2010, until in accordance with this section:

(i) a new State Fire Code is adopted; or

(ii) one or more provisions of the State Fire Code are amended or repealed in accordance with this section.

(c) A provision of the State Fire Code may be applicable:

(i) to the entire state; or

(ii) within a city, county, or fire protection district.

(2) (a) The Legislature shall adopt a State Fire Code by enacting legislation that adopts a nationally recognized fire code with any modifications.

(b) Legislation enacted under this Subsection (2) shall state that it takes effect on the July 1 after the day on which the legislation is enacted, unless otherwise stated in the legislation.

(c) Subject to Subsection (5), a State Fire Code adopted by the Legislature is the State Fire Code until in accordance with this section the Legislature adopts a new State Fire Code by:

(i) adopting a new State Fire Code in its entirety; or

(ii) amending or repealing one or more provisions of the State Fire Code.

(3) (a) The board shall, by no later than November 30 of each year, recommend to the Business and Labor Interim Committee whether the Legislature should:

(i) amend or repeal one or more provisions of the State Fire Code; or

(ii) in a year of a regularly scheduled update of a nationally recognized fire code, adopt with any modifications the nationally recognized fire code.

(b) The board may recommend legislative action related to the State Fire Code:

(i) on its own initiative; or

(ii) upon the receipt of a request by a city, county, or fire protection district that the board recommend legislative action related to the State Fire Code.

(c) Within 45 days after receipt of a request under Subsection (3)(b), the board shall direct the division to convene an informal hearing concerning the request.

(d) The board shall conduct a hearing under this section in accordance with the rules of the board.

(e) The board shall decide whether to include in the report required under Subsection (3)(a) whether to recommend the legislative action raised by a request.

(f) Within 15 days following the completion of a hearing of the board under this Subsection (3), the board shall direct the division to notify the entity that made the request of the board's decision regarding the request. The division shall provide the notice:

(i) in writing; and

(ii) in a form prescribed by the board.

(4) If the Business and Labor Interim Committee decides to recommend legislative action to the Legislature, the Business and Labor Interim Committee shall prepare legislation for consideration by the Legislature in the next general session that, if passed by the Legislature, would:

(a) adopt a new State Fire Code in its entirety; or

(b) amend or repeal one or more provisions of the State Fire Code.

(5) (a) Notwithstanding Subsection (3), the board may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, amend a State Fire Code if the board determines that waiting for legislative action in the next general legislative session would:

(i) cause an imminent peril to the public health, safety, or welfare; or

(ii) place a person in violation of federal or other state law.

(b) If the board amends a State Fire Code in accordance with this Subsection (5), the board shall:

(i) publish the State Fire Code with the amendment; and

(ii) notify the Business and Labor Interim Committee of the adoption, including a copy of an analysis by the board identifying specific reasons and justifications for its findings.

(c) If not formally adopted by the Legislature at its next annual general session, an amendment to a State Fire Code adopted under this Subsection (5) is repealed on the July 1 immediately following the next annual general session that follows the adoption of the amendment.

(6) (a) A legislative body of a political subdivision may enact an ordinance that is more restrictive in its fire code requirements than the State Fire Code:

(i) in order to meet a public safety need of the political subdivision; and

(ii) subject to the requirements of this Subsection (6).

(b) A legislative body of a political subdivision that enacts an ordinance under this section on or after July 1, 2010 shall:

(i) notify the board in writing at least 30 days before the day on which the legislative body enacts the ordinance and include in the notice a statement as to the proposed subject matter of the ordinance; and

(ii) after the legislative body enacts the ordinance, report to the board before the board makes the report required under Subsection (6)(c), including providing the board:

(A) a copy of the ordinance enacted under this Subsection (6); and

(B) a description of the public safety need that is the basis of enacting the ordinance.

(c) The board shall submit to the Business and Labor Interim Committee each year with the recommendations submitted in accordance with Subsection (3):

(i) a list of the ordinances enacted under this Subsection (6) during the fiscal year immediately preceding the report; and

(ii) recommendations, if any, for legislative action related to an ordinance enacted under this Subsection (6).

(d) (i) The state fire marshal shall keep an indexed copy of an ordinance enacted under this Subsection (6).

(ii) The state fire marshal shall make a copy of an ordinance enacted under this Subsection (6) available on request.

(e) The board may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish procedures for a legislative body of a political subdivision to follow to provide the notice and report required under this Subsection (6).

(7) (a) Subject to the requirements described in this Subsection (7), a county legislative body of a county of the fourth, fifth, or sixth class, as defined in Section 17-50-501, may, by ordinance, modify the State Fire Code adopted under Title 15A, Chapter 5, State Fire Code Act, within the unincorporated areas of the county in order to meet a need that exists within the unincorporated areas of the county.

(b) A county legislative body that enacts an ordinance described in Subsection (7)(a) shall:

(i) notify the board in writing, at least 30 days before the day on which the county legislative body enacts the ordinance, of the county legislative body's intent to enact the ordinance and include in the notice a description of the ordinance; and

(ii) within 30 days after the day on which the county legislative body enacts the ordinance, submit a written report to the board that includes:

(A) a copy of the ordinance; and

(B) a description of the need within the unincorporated areas of the county that is the basis for enacting the ordinance.

(c) The board shall submit a copy of an ordinance described in this Subsection (7) to the Business and Labor Interim Committee each year at the same time the board submits the recommendations described in Subsection (3).

(d) The State Fire Marshall shall keep an indexed copy of an ordinance enacted under this Subsection (7) and make a copy of the ordinance available to a person upon request.

(e) The board may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish procedures for a county legislative body to provide the notice and report required under this Subsection (7).

Renumber remaining sections accordingly.