

ASSEMBLY BILL NO. 297—ASSEMBLYWOMAN MARTINEZ

MARCH 18, 2019

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing fire safety equipment.
(BDR 42-1051)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to fire safety; requiring the owner or operator of a building with certain fire safety equipment to have the equipment inspected by technicians with certain qualifications; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill requires the owner or operator of any building equipped with a fire damper, smoke damper or combination fire and smoke damper to have the unit inspected by a technician with certain qualifications. **Section 3** of this bill requires a technician that performs such an inspection to provide the owner or operator with a certification of inspection and report any malfunctions or defects to the owner or operator, the State Fire Marshal and the governing body of the city or county, as applicable, where the building is located.

Section 4 of this bill requires the owner or operator of any building equipped with a smoke control system to have the unit inspected by a technician with certain qualifications. **Section 5** of this bill requires a technician that performs such an inspection to provide the owner or operator with a certification of inspection and report any malfunctions or defects to the owner or operator, the State Fire Marshal and the governing body of the county or city, as applicable, where the building is located.

Section 6 of this bill authorizes the State Fire Marshal to adopt regulations relating to the maintenance and testing of: (1) fire dampers, smoke dampers and combination fire and smoke dampers; and (2) smoke control systems.

Section 6.5 of this bill authorizes the State Fire Marshal to issue a license to: (1) maintain, install or inspect fire dampers, smoke dampers or combination fire and smoke dampers; and (2) maintain, install or inspect smoke control systems.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 477 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 to 5, inclusive, of this act.

Sec. 1.5. *As used in sections 1.5 to 5, inclusive, of this act, "governing body" means:*

1. If a building is located within the boundaries of a city, the governing body of the city.

2. If a building is located in the unincorporated area of a county, the board of county commissioners of the county.

Sec. 2. *The owner or operator of any building equipped with a fire damper, smoke damper or combination fire and smoke damper shall:*

1. Cause the unit to be inspected upon installation and thereafter:

(a) In accordance with the standards set forth in the version of the International Fire Code published by the International Code Council that has been most recently adopted by the governing body; and

(b) By a technician that holds:

(1) A certification issued through a program that is accredited by the American National Standards Institute under the standards most recently adopted by the governing body;

(2) A license issued by the State Fire Marshal pursuant to paragraph (d) of subsection 1 of NRS 477.033; and

(3) Except as otherwise provided in this subparagraph, a license issued by the State Fire Marshal pursuant to paragraph (a) of subsection 1 of NRS 477.033 to maintain, install or sell fire alarm systems. If a technician does not hold such a license, the technician must have a person who holds a license issued by the State Fire Marshal pursuant to paragraph (a) of subsection 1 of NRS 477.033 to maintain, install or sell fire alarm systems present during the inspection.

2. Maintain and make available for inspection, upon the request of the State Fire Marshal or governing body, the certification of inspection provided by the technician that completed the inspection pursuant to section 3 of this act.

Sec. 3. *Any technician that performs an inspection of a fire damper, smoke damper or combination fire and smoke damper as required pursuant to section 2 of this act shall:*

1. Perform the inspection in such a manner as to ensure, without limitation:

(a) Access to the damper is unobstructed;



(b) The damper is able to close and there is no damper interference due to a rusted, bent, misaligned or damaged frame or blades or defective hinges or parts;

(c) The damper frame will not be penetrated by any foreign objects during operation that would affect functioning;

(d) The damper is not blocked from closure in any way;

(e) The fusible link, if applicable, is reinstalled after the completion of the inspection; and

(f) If the fusible link, if applicable, is damaged or painted, it is replaced with a link of the same size, temperature and load rating.

2. Report malfunctions or defects discovered during the inspection, if any, to the owner or operator of the building, the State Fire Marshal and the governing body.

3. Provide the owner or operator of the building with a certification of inspection that includes, without limitation:

(a) The location of the fire damper, smoke damper or combination fire and smoke damper inspected;

(b) The date of the inspection;

(c) The results of the inspection;

(d) The name and certification number of the technician; and

(e) The number of the license issued by the State Fire Marshal pursuant to paragraph (a) of subsection 1 of NRS 477.033 to maintain, install or sell fire alarm systems to the technician or other person described in subparagraph (3) of paragraph (b) of subsection 1 of section 2 of this act, as applicable.

Sec. 4. The owner or operator of any building equipped with a smoke control system shall:

1. Cause the smoke control system to be inspected upon installation and thereafter:

(a) In accordance with the standards set forth in the version of the International Fire Code published by the International Code Council that has been most recently adopted by the governing body; and

(b) By a technician that holds:

(1) A certification issued through a program that is accredited by the American National Standards Institute under the standards most recently adopted by the governing body;

(2) A license issued by the State Fire Marshal pursuant to paragraph (e) of subsection 1 of NRS 477.033; and

(3) Except as otherwise provided in this subparagraph, a license issued by the State Fire Marshal pursuant to paragraph (a) of subsection 1 of NRS 477.033 to maintain, install or sell fire alarm systems. If a technician does not hold such a license, the technician must have a person who holds a license issued by the State Fire Marshal pursuant to paragraph (a) of subsection 1 of



NRS 477.033 to maintain, install or sell fire alarm systems present during the inspection.

2. Maintain and make available for inspection, upon the request of the State Fire Marshal or governing body, the certification of inspection provided by the technician that completed the inspection pursuant to section 5 of this act.

Sec. 5. *Any technician that performs an inspection on a smoke control system as required pursuant to section 4 of this act shall:*

1. Report malfunctions or defects discovered during the inspection, if any, to the owner or operator of the building, the State Fire Marshal and the governing body.

2. Provide the owner or operator of the building of the smoke control system with a certification of inspection that includes, without limitation:

- (a) The location of the smoke control system inspected;*
- (b) The date of the inspection;*
- (c) The results of the inspection;*
- (d) The name and certification number of the technician; and*
- (e) The number of the license issued by the State Fire Marshal pursuant to paragraph (a) of subsection 1 of NRS 477.033 to maintain, install or sell fire alarm systems to the technician or other person described in subparagraph (3) of paragraph (b) of subsection 1 of section 4 of this act, as applicable.*

Sec. 6. NRS 477.030 is hereby amended to read as follows:

477.030 1. Except as otherwise provided in this section, the State Fire Marshal shall enforce all laws and adopt regulations relating to:

- (a) The prevention of fire.
 - (b) The storage and use of:
 - (1) Combustibles, flammables and fireworks; and
 - (2) Explosives in any commercial construction, but not in mining or the control of avalanches,
- under those circumstances that are not otherwise regulated by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.890.

(c) The safety, access, means and adequacy of exit in case of fire from mental and penal institutions, facilities for the care of children, foster homes, residential facilities for groups, facilities for intermediate care, nursing homes, hospitals, schools, all buildings, except private residences, which are occupied for sleeping purposes, buildings used for public assembly and all other buildings where large numbers of persons work, live or congregate for any purpose. As used in this paragraph, "public assembly" means a building or a portion of a building used for the gathering together of 50 or more



persons for purposes of deliberation, education, instruction, worship, entertainment, amusement or awaiting transportation, or the gathering together of 100 or more persons in establishments for drinking or dining.

(d) The suppression and punishment of arson and fraudulent claims or practices in connection with fire losses.

(e) The maintenance and testing of:

(1) Fire dampers, smoke dampers and combination fire and smoke dampers; and

(2) Smoke control systems.

➤ Except as otherwise provided in subsection 12, the regulations of the State Fire Marshal apply throughout the State, but except with respect to state-owned or state-occupied buildings, the State Fire Marshal's authority to enforce them or conduct investigations under this chapter does not extend to a school district except as otherwise provided in NRS 393.110, or a county whose population is 100,000 or more or which has been converted into a consolidated municipality, except in those local jurisdictions in those counties where the State Fire Marshal is requested to exercise that authority by the chief officer of the organized fire department of that jurisdiction or except as otherwise provided in a regulation adopted pursuant to paragraph (b) of subsection 2.

2. The State Fire Marshal may:

(a) Set standards for equipment and appliances pertaining to fire safety or to be used for fire protection within this State, including the threads used on fire hose couplings and hydrant fittings; and

(b) Adopt regulations based on nationally recognized standards setting forth the requirements for fire departments to provide training to firefighters using techniques or exercises that involve the use of fire or any device that produces or may be used to produce fire.

3. The State Fire Marshal shall cooperate with the State Forester Firewarden in the preparation of regulations relating to standards for fire retardant roofing materials pursuant to paragraph (e) of subsection 1 of NRS 472.040 and the mitigation of the risk of a fire hazard from vegetation in counties within or partially within the Lake Tahoe Basin and the Lake Mead Basin.

4. The State Fire Marshal shall cooperate with the Division of Child and Family Services of the Department of Health and Human Services in establishing reasonable minimum standards for overseeing the safety of and directing the means and adequacy of exit in case of fire from foster homes.

5. The State Fire Marshal shall coordinate all activities conducted pursuant to 15 U.S.C. §§ 2201 et seq. and receive and distribute money allocated by the United States pursuant to that act.



6. Except as otherwise provided in subsection 10, the State Fire Marshal shall:

(a) Investigate any fire which occurs in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature.

(b) Investigate any fire which occurs in a county whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature, if requested to do so by the chief officer of the fire department in whose jurisdiction the fire occurs.

(c) Cooperate with the Commissioner of Insurance, the Attorney General and the Fraud Control Unit established pursuant to NRS 228.412 in any investigation of a fraudulent claim under an insurance policy for any fire of a suspicious nature.

(d) Cooperate with any local fire department in the investigation of any report received pursuant to NRS 629.045.

(e) Provide specialized training in investigating the causes of fires if requested to do so by the chief officer of an organized fire department.

7. The State Fire Marshal shall put the National Fire Incident Reporting System into effect throughout the State and publish at least annually a summary of data collected under the System.

8. The State Fire Marshal shall provide assistance and materials to local authorities, upon request, for the establishment of programs for public education and other fire prevention activities.

9. The State Fire Marshal shall:

(a) Except as otherwise provided in subsection 12 and NRS 393.110, assist in checking plans and specifications for construction;

(b) Provide specialized training to local fire departments; and

(c) Assist local governments in drafting regulations and ordinances,

↪ on request or as the State Fire Marshal deems necessary.

10. Except as otherwise provided in this subsection, in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, the State Fire Marshal shall, upon request by a local government, delegate to the local government by interlocal agreement all or a portion of the State Fire Marshal's authority or duties if the local government's personnel and programs are, as determined by the State Fire Marshal, equally qualified to perform those functions. If a local government fails to maintain the qualified personnel and programs in accordance with such an agreement, the State Fire Marshal shall revoke the agreement. The provisions of this subsection do not



1 apply to the authority of the State Fire Marshal to adopt regulations
2 pursuant to paragraph (b) of subsection 2.

3 11. The State Fire Marshal may, as a public safety officer or as
4 a technical expert on issues relating to hazardous materials,
5 participate in any local, state or federal team or task force that is
6 established to conduct enforcement and interdiction activities
7 involving:

- 8 (a) Commercial trucking;
- 9 (b) Environmental crimes;
- 10 (c) Explosives and pyrotechnics;
- 11 (d) Drugs or other controlled substances; or
- 12 (e) Any similar activity specified by the State Fire Marshal.

13 12. Except as otherwise provided in this subsection, any
14 regulations of the State Fire Marshal concerning matters relating to
15 building codes, including, without limitation, matters relating to the
16 construction, maintenance or safety of buildings, structures and
17 property in this State:

18 (a) Do not apply in a county whose population is 700,000 or
19 more which has adopted a code at least as stringent as the
20 International Fire Code and the International Building Code,
21 published by the International Code Council. To maintain the
22 exemption from the applicability of the regulations of the State Fire
23 Marshal pursuant to this subsection, the code of the county must be
24 at least as stringent as the most recently published edition of the
25 International Fire Code and the International Building Code within 1
26 year after publication of such an edition.

27 (b) Apply in a county described in paragraph (a) with respect to
28 state-owned or state-occupied buildings or public schools in the
29 county and in those local jurisdictions in the county in which the
30 State Fire Marshal is requested to exercise that authority by the chief
31 executive officer of that jurisdiction. As used in this paragraph,
32 "public school" has the meaning ascribed to it in NRS 385.007.

33 **Sec. 6.5.** NRS 477.033 is hereby amended to read as follows:

34 477.033 1. A license, issued by the State Fire Marshal, is
35 required for:

36 (a) Maintenance, installation or sale of fire extinguishers, fire
37 alarm systems or fire sprinkler systems.

38 (b) Use of explosives in any commercial construction, but not in
39 mining or the control of avalanches.

40 (c) Commercial fireworks displays.

41 *(d) Maintenance, installation or inspection of fire dampers,*
42 *smoke dampers or combination fire and smoke dampers.*

43 *(e) Maintenance, installation or inspection of smoke control*
44 *systems.*



1 2. Applications for licenses must be made on a form prescribed
2 by the State Fire Marshal.

3 3. The State Fire Marshal may conduct inspections,
4 examinations or hearings before the issuance of licenses.

5 4. The State Fire Marshal may charge a reasonable fee, to be
6 fixed by regulation, for the inspection and issuance of licenses.

7 5. If any person is denied a license by the State Fire Marshal,
8 the person is entitled to a hearing, upon request, before a hearing
9 officer.

10 **Sec. 7.** This act becomes effective on July 1, 2019.

