

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; making an appropriation; 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 6.7 of this bill makes an appropriation to the State Fire Marshal to pay for personnel for facility identification and inspection, equipment testing and related administrative duties.



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 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. 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; and

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

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 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. 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; and

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

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 (1) Combustibles, flammables and fireworks; and
2 (2) Explosives in any commercial construction, but not in
3 mining or the control of avalanches,
4 ➤ under those circumstances that are not otherwise regulated by the
5 Division of Industrial Relations of the Department of Business and
6 Industry pursuant to NRS 618.890.

7 (c) The safety, access, means and adequacy of exit in case of fire
8 from mental and penal institutions, facilities for the care of children,
9 foster homes, residential facilities for groups, facilities for
10 intermediate care, nursing homes, hospitals, schools, all buildings,
11 except private residences, which are occupied for sleeping purposes,
12 buildings used for public assembly and all other buildings where
13 large numbers of persons work, live or congregate for any purpose.
14 As used in this paragraph, "public assembly" means a building or a
15 portion of a building used for the gathering together of 50 or more
16 persons for purposes of deliberation, education, instruction, worship,
17 entertainment, amusement or awaiting transportation, or the
18 gathering together of 100 or more persons in establishments for
19 drinking or dining.

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

22 (e) *The maintenance and testing of:*

23 (1) *Fire dampers, smoke dampers and combination fire and*
24 *smoke dampers; and*

25 (2) *Smoke control systems.*

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

38 2. The State Fire Marshal may:

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

42 (b) Adopt regulations based on nationally recognized standards
43 setting forth the requirements for fire departments to provide
44 training to firefighters using techniques or exercises that involve the



1 use of fire or any device that produces or may be used to produce
2 fire.

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

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

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

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

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

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

28 (c) Cooperate with the Commissioner of Insurance, the Attorney
29 General and the Fraud Control Unit established pursuant to NRS
30 228.412 in any investigation of a fraudulent claim under an
31 insurance policy for any fire of a suspicious nature.

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

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

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

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

43 9. The State Fire Marshal shall:

44 (a) Except as otherwise provided in subsection 12 and NRS
45 393.110, assist in checking plans and specifications for construction;



- 1 (b) Provide specialized training to local fire departments; and
2 (c) Assist local governments in drafting regulations and
3 ordinances,
4 ➤ on request or as the State Fire Marshal deems necessary.

5 10. Except as otherwise provided in this subsection, in a county
6 other than one whose population is 100,000 or more or which has
7 been converted into a consolidated municipality, the State Fire
8 Marshal shall, upon request by a local government, delegate to the
9 local government by interlocal agreement all or a portion of the
10 State Fire Marshal's authority or duties if the local government's
11 personnel and programs are, as determined by the State Fire
12 Marshal, equally qualified to perform those functions. If a local
13 government fails to maintain the qualified personnel and programs
14 in accordance with such an agreement, the State Fire Marshal shall
15 revoke the agreement. The provisions of this subsection do not
16 apply to the authority of the State Fire Marshal to adopt regulations
17 pursuant to paragraph (b) of subsection 2.

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

- 23 (a) Commercial trucking;
24 (b) Environmental crimes;
25 (c) Explosives and pyrotechnics;
26 (d) Drugs or other controlled substances; or
27 (e) Any similar activity specified by the State Fire Marshal.

28 12. Except as otherwise provided in this subsection, any
29 regulations of the State Fire Marshal concerning matters relating to
30 building codes, including, without limitation, matters relating to the
31 construction, maintenance or safety of buildings, structures and
32 property in this State:

33 (a) Do not apply in a county whose population is 700,000 or
34 more which has adopted a code at least as stringent as the
35 International Fire Code and the International Building Code,
36 published by the International Code Council. To maintain the
37 exemption from the applicability of the regulations of the State Fire
38 Marshal pursuant to this subsection, the code of the county must be
39 at least as stringent as the most recently published edition of the
40 International Fire Code and the International Building Code within 1
41 year after publication of such an edition.

42 (b) Apply in a county described in paragraph (a) with respect to
43 state-owned or state-occupied buildings or public schools in the
44 county and in those local jurisdictions in the county in which the
45 State Fire Marshal is requested to exercise that authority by the chief



executive officer of that jurisdiction. As used in this paragraph, “public school” has the meaning ascribed to it in NRS 385.007.

Sec. 6.5. (Deleted by amendment.)

Sec. 6.7. 1. There is hereby appropriated from the State General Fund to the State Fire Marshal to pay the costs of personnel for facility identification and inspection, equipment testing and related administrative duties the following sums:

For the Fiscal Year 2019-2020 \$276,098

For the Fiscal Year 2020-2021 \$210,856

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2020, and September 17, 2021, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, respectively.

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

