

SENATE BILL REPORT

SB 5374

As of February 10, 2005

Title: An act relating to fire safety.

Brief Description: Regulating fire safety.

Sponsors: Senators Kohl-Welles and Delvin.

Brief History:

Committee Activity: Labor, Commerce, Research & Development: 2/7/05.

SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

Staff: John Dziedzic (786-7784)

Background: The State Building Code is the compilation of model codes established by international organizations recognized in statute as authoritative in the areas of building, residential, mechanical, fire, and plumbing codes. The State Building Code Council (Council) reviews the model codes as they are periodically updated and adopts or amends them. As adopted by the Council, the code applies throughout the state, and is enforced by all cities and counties, unless a city or county increases a provision to a higher standard.

An amended version of the 2003 International Fire Code, adopted by the Council effective July 1, 2004, requires automatic sprinkler systems in places of public assembly greater than 5,000 square feet in size or with an approved occupant load of 100 or more.

Since 1995, the State Fire Marshall has been appointed by the Chief of the Washington State Patrol, and is the Director of the Patrol's Fire Protection Bureau. Licensing companies that design, install, test, and/or maintain fire sprinkler systems in the state is one duty of this official.

Summary of Bill: The State Building Code Council must require an owner of a building constructed or substantially altered before December 1, 2004 to install an automatic sprinkler system if the building is designed or used as a nightclub, dance hall, bar, or similar entertainment facility with a capacity of 100 persons or more, and with one or more residential dwellings.

A sprinkler system is also required if a business allows the maximum approved capacity of the building to be exceeded twice in any year, or by 50 percent. The business owner is subject to a \$10,000 fine for up to two offenses, and loss of all business licenses upon a third offense.

An applicant for or holder of an alcoholic beverages license must annually provide the State Fire Marshall with an inspection certificate showing that the building within which the licensed facility is located meets or exceeds the state building code requirements. A license may not be issued or renewed without a certificate of inspection signed by the head of the jurisdiction's fire department.

A person with supervision or control over a building used for public assembly who allows a dangerous condition to exist is subject to penalties. Dangerous conditions include: blocking or impeding exits; allowing fire protection systems to become inoperative; improper storage of flammables or explosives; using fireworks without a permit; and exceeding the established occupancy limit.

Temporary licenses and permits are authorized under certain circumstances. Administrative decisions made under the act are subject to appeal.

Appropriation: None.

Fiscal Note: Requested February 8, 2005.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Tragic nightclub fires in other parts of the country and the world have demonstrated the need for and effectiveness of sprinklers in saving lives.

Testimony Against: Definitions in the bill are too broad and unclear. Clarification is also needed regarding what entities are or should be responsible for the rule-making, enforcement and other regulatory duties. The cost of retrofitting sprinklers in existing buildings could be cost-prohibitive.

Who Testified: PRO: Mike Brown, WA State Assn. of Fire Chiefs; James Woodbury, Seattle Fire Dept.; Paul O'Connor, Rick Jensen, Fire Sprinkler Advisory Board of Puget Sound; Dan Sexton, Private Citizen. CONCERNS: Angela Foster, WA State Patrol, Fire Protection Bureau.

CON: Michael Transue, WA Restaurant Assn.