

HOUSE BILL REPORT

SB 5271

As Reported by House Committee On: Local Government

Title: An act relating to standards adopted by the national fire protection association and the state building code council.

Brief Description: Concerning standards adopted by the national fire protection association and the state building code council.

Sponsors: Senators Roach, Hasegawa, Liias and Benton; by request of Washington State Patrol.

Brief History:

Committee Activity:

Local Government: 3/11/15, 3/12/15 [DP].

Brief Summary of Bill

- Requires the State Building Code Council (Council), instead of the Chief of the Washington State Patrol (Chief), to promulgate rules and regulations for smoke detection devices installed in dwelling units.
- Eliminates statutory provisions requiring the Chief to develop rules for the design, size, and placement of a reflective placard for motor vehicles fueled by an alternative fuel source.
- Requires the Council, instead of the State Fire Protection Board, to develop in cooperation with the Department of Ecology a statewide standard for the placement of above-ground tanks to collect used oil from private individuals for recycling purposes.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 7 members: Representatives Takko, Chair; Gregerson, Vice Chair; Griffey, Assistant Ranking Minority Member; Fitzgibbon, McBride, Peterson and Pike.

Minority Report: Do not pass. Signed by 2 members: Representatives Taylor, Ranking Minority Member; McCaslin.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Michaela Murdock (786-7289).

Background:

The State Building Code Council.

The State Building Code Council (Council) consists of 15 members appointed by the Governor who represent, for example, local governments and the building construction profession, and five *ex officio* legislative members. Duties of the Council include:

- adopting, amending, and maintaining model codes that comprise the State Building Code (SBC), which provides statewide minimum performance standards and requirements for construction and construction materials; and
- developing and adopting any code related to buildings as required by the Legislature.

The Chief of the Washington State Patrol.

The Washington State Patrol (WSP) is a department of state government headed by the Chief of the WSP (Chief). The Chief is appointed by the Governor, and is responsible for appointing WSP officers, special deputies, and certain employees of the Office of the State Treasurer. The Chief and other officers of the WSP may exercise the police powers and duties vested in sheriffs and peace officers generally, as well as other powers and duties prescribed by law.

The Director of Fire Protection.

The Chief is responsible for appointing an officer known as the Director of Fire Protection (Director), also known as the State Fire Marshal. The Director must implement and administer all duties of the Chief that are to be carried out through the Director, as well as all duties of the Director. For example, the Chief, through the Director, is required to promulgate rules and regulations regarding the design, manufacture, and installation of smoke detection devices in dwelling units.

The State Fire Protection Board.

In 1985 the State Fire Protection Board (Board) was created (Chapter 470, Laws of 1985, Engrossed Substitute Senate Bill 3856). In 1986 the Board was consolidated into the Department of Community Development (Chapter 266, Laws of 1986, Substitute House Bill 1709).

Smoke Detection Devices.

Smoke detection devices (smoke alarms) are single units comprised of a device that detects visible or invisible particles of combustion, control equipment, and an alarm, and are operated by an internal or external power supply. Combination smoke alarms detect both visible and invisible particles created by combustion. State law requires smoke alarms to be installed inside all dwelling units occupied by persons other than the owner, or built or manufactured in this state after 1980.

Smoke alarms must be designed, manufactured, and installed inside dwelling units in accordance with nationally accepted standards, and rules and regulations promulgated by the Chief, through the Director. Additional requirements and standards for smoke alarms and other fire protection systems are contained in the SBC as adopted and maintained by the Council.

The National Fire Protection Association.

The National Fire Protection Association (NFPA) is a nonprofit organization that develops and provides consensus codes and standards, research, training, and education related to fire safety and prevention. The codes and standards developed by the NFPA seek to minimize the risk and effects of fire. For example, the NFPA has developed placards and signs to indicate the degree of hazard associated with a particular chemical or material. Placards designed for this purpose may be placed on vehicles containing alternative fuels to identify the vehicle as containing an alternative fuel.

Placards for Alternative Fuel Source Vehicles.

State statute requires every automobile, truck, motorcycle, motor home, or off-road vehicle fueled by an alternative fuel source to bear a reflective placard issued by the NFPA. The placard must indicate that the vehicle is fueled by an alternative fuel source. Alternative fuel sources include propane, compressed natural gas, liquefied natural gas, liquid petroleum gas, or any chemically similar gas that does not include gasoline or diesel fuel. Failure to comply with this requirement is a traffic infraction.

If the NFPA has not issued a placard for a specific alternative fuel source, the vehicle must bear a placard issued by the Chief, through the Director. The Chief, through the Director, is required to develop rules for the design, size, and placement of the placard.

Used Oil Recycling.

Under statute, "used oil" means: (a) lubricating fluids that have been removed from an engine crankcase, transmission, gearbox, hydraulic device, or differential of an automobile, bus, truck, vessel, plane, heavy equipment, or machinery powered by an internal combustion engine; (b) any oil that has been refined from crude oil and has been contaminated with physical or chemical impurities; and (c) any oil that has been refined from crude oil and is no longer useful to the original purchaser. Public used oil collection sites are sites where used oil collection tanks are placed for the purpose of collecting household-generated used oil, or vehicles designed or operated to collect used oil from the public.

Used oil must be delivered to a person collecting used oil for recycling, treatment, or disposal. A person who knowingly disposes of used oil in a manner not provided for in statute is guilty of a misdemeanor.

The Board, in cooperation with the Department of Ecology (DOE), is required to develop standards for the placement of above-ground tanks to collect used oil from private individuals for recycling purposes.

Summary of Bill:

The entity responsible for promulgating rules and regulations governing the design, manufacture, and installation of smoke alarms in dwelling units is changed from the Chief, acting through the Director, to the Council.

A statutory provision requiring the Chief to develop rules for the design, size, and placement of a reflective placard for motor vehicles fueled by an alternative fuel source, in the event that one has not been issued by the NFPA, is eliminated.

The entity responsible for developing, in cooperation with the DOE, a statewide standard for the placement of above-ground tanks to collect used oil from private individuals for recycling purposes, is changed from the Board to the Council.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is agency-request legislation, brought forward as a housekeeping measure and language cleanup. The House of Representatives' version of the bill was previously heard and passed by the committee. The changes made by the bill remove statutory redundancies and potential conflicts with existing laws regarding smoke detection devices, alternative fuel placards, and other statewide standards. It allows the rulemaking and promulgation process to shift from the WSP to the Council to ensure that redundancies and potential conflicts are addressed and avoided. The WSP has been working with the Council regarding these changes, and the Council has been very supportive.

(Opposed) None.

Persons Testifying: Rob Huss, Washington State Patrol.

Persons Signed In To Testify But Not Testifying: None.