

---

**SUBSTITUTE HOUSE BILL 1971**

---

**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** House Local Government (originally sponsored by Representatives Robertson, Senn, Eslick, and Leavitt)

READ FIRST TIME 02/03/22.

1 AN ACT Relating to installation, inspection, testing, and  
2 maintenance of smoke control systems and fire dampers, smoke dampers,  
3 and combination fire and smoke dampers; amending RCW 19.27.720,  
4 19.27.730, and 43.43.944; adding new sections to chapter 19.27 RCW;  
5 creating a new section; repealing RCW 19.27.710 and 19.27.740;  
6 prescribing penalties; providing an effective date; providing a  
7 contingent expiration date; and declaring an emergency.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9 NEW SECTION. **Sec. 1.** The Washington state building code council  
10 shall:

11 (1)(a) Provide rules or amend codes by December 31, 2022, to  
12 require the creation of a periodic testing plan for smoke control  
13 systems in existing buildings where no such plan is available;

14 (b) Provide an appropriate transition period prior to the  
15 effective date of this requirement; and

16 (c) Request recommendations from interested stakeholders as part  
17 of the rule-making or code amendment process;

18 (2) Provide rules or amend codes by December 31, 2023, to  
19 accomplish the purpose of section 2 of this act regarding the  
20 installation, inspection, testing, and maintenance of smoke control

1 systems, and request recommendations from interested stakeholders as  
2 part of the rule-making or code amendment process; and

3 (3) Provide rules or amend codes by December 31, 2023, to  
4 accomplish the purpose of section 3 of this act regarding the  
5 installation, inspection, testing, and maintenance of fire dampers,  
6 smoke dampers, and combination fire and smoke dampers, and request  
7 recommendations from the Washington state association of fire  
8 marshals and other interested stakeholders as part of the rule-making  
9 or code amendment process.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.27  
11 RCW to read as follows:

12 Smoke control systems must be installed and tested in accordance  
13 with the following provisions:

14 (1) A special inspections plan detailing the testing of new smoke  
15 control systems must be included as part of the construction  
16 documents required when new smoke control systems are installed. The  
17 special inspections plan must meet the requirements of the  
18 International Building Code and any other requirements from the local  
19 authority. The engineer of record for the smoke control system shall  
20 prepare the special inspection plan.

21 (2) The building owner or delegee shall name the special  
22 instructor to perform or lead the testing detailed in the special  
23 inspections plan at the time of system installation. The special  
24 inspector may also coordinate testing, assemble test reports and  
25 documentation, and provide the reports and documentation to the local  
26 authority upon request. The special inspector must possess the  
27 qualifications identified in RCW 19.27.720.

28 (3) A plan for periodic testing of newly installed smoke control  
29 systems is required as part of the construction documents for new  
30 smoke control systems. The engineer of record for the smoke control  
31 system shall prepare the periodic test plan. The plan must specify  
32 the procedures and methods to be used, the items subject to the  
33 inspections and tests, and the frequency the inspections and tests  
34 are to be implemented. This plan must be stored on the site and  
35 provided to the local authority upon request.

36 (4) Existing buildings with a smoke control system but without a  
37 periodic testing plan for the smoke control system are required to  
38 develop such a plan within the timeline to be provided by the  
39 Washington state building code council in section 1(1) of this act.

1 (5) Both dedicated and nondedicated smoke control systems must be  
2 operated for each control sequence annually, and components bypassing  
3 weekly tests must be tested annually, except where these time frames  
4 are modified by the periodic testing plan for the system or the local  
5 authority.

6 (6) A special inspector for periodic testing must be identified  
7 to perform or coordinate the special inspections during periodic  
8 testing. The special inspector for periodic testing may also serve as  
9 the integrated testing agent as stated in the national fire  
10 protection administration standard number 4, standard for integrated  
11 fire protection and life safety system testing, when smoke control  
12 testing is performed as part of integrated systems testing at the  
13 time of installation or periodic operational testing. The special  
14 inspector for periodic testing may also coordinate testing, assemble  
15 test reports and documentation, and provide these to the local  
16 authority upon request.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 19.27  
18 RCW to read as follows:

19 Smoke dampers, fire dampers, and combination fire and smoke  
20 dampers must be installed and tested in accordance with the following  
21 provisions:

22 (1) The building owner or delegee shall maintain records of the  
23 locations and functions of dampers. The documentation must be stored  
24 on a site and provided to the local authority upon request.

25 (2) The building owner or delegee shall inspect all dampers  
26 annually, except for those dampers excluded by the fire code due to  
27 their concealed location, and repair them as needed. In addition,  
28 testing and maintenance of fire dampers, smoke dampers, and  
29 combination fire and smoke dampers must be conducted in accordance  
30 with the technical specifications and required time periods specified  
31 by national fire protection association standards, including: In the  
32 first year after installation, 100 percent of dampers must be tested;  
33 thereafter, testing is required every four years, except for those  
34 dampers excluded from testing by code due to their concealed  
35 location, or dampers in hospitals, where 100 percent of dampers must  
36 be tested every six years. Testing and maintenance of dampers in a  
37 building may be divided into quarters or other groups and  
38 accomplished over a period of years so that 100 percent of the  
39 dampers are tested and repaired within the time frames.

1       **Sec. 4.** RCW 19.27.720 and 2020 c 88 s 3 are each amended to read  
2 as follows:

3       ~~(1) ((Inspections and tests under this section must be performed  
4 by a contractor or engineer with the following qualifications:~~

5       ~~(a) For inspection and testing of fire dampers, smoke dampers,  
6 and combination fire and smoke dampers, such inspector must have a  
7 current and valid certification to inspect and test fire dampers,  
8 smoke dampers, and combination fire and smoke dampers and hold  
9 certification from the international certification board as a fire  
10 life safety 1 or fire and smoke damper technician through a program  
11 accredited by the American national standards institute under the  
12 ISO/IEC 17024 standard.~~

13       ~~(b) For inspection and testing of smoke control systems, such  
14 inspector must have a current and valid certification from the  
15 international certification board as a fire life safety 2 or smoke  
16 control system technician through a program accredited by the  
17 American national standards institute under the ISO/IEC 17024  
18 standard.~~

19       ~~(2))~~ (a) The personnel or company that serves as the special  
20 inspector for smoke control systems installation or periodic testing  
21 shall possess skills that demonstrate an experience or knowledge of  
22 integrated operations of the design, installation, operation, and  
23 maintenance of the smoke control system installed, identified by  
24 possession of an appropriate accredited certification recognized by  
25 Washington state, including but not limited to certification as a  
26 smoke control special inspector through a relevant program accredited  
27 by the American national standards institute, an appropriate  
28 Washington state recognized license, or other qualifications verified  
29 by the local authority as stated in national fire protection  
30 association standard number 3, recommended practice for commissioning  
31 of fire protection and life safety systems annex B; national fire  
32 protection association standard number 4, standard for integrated  
33 fire protection and life safety system testing; and International  
34 Building Code section 17.

35       (b)(i) Additional firms and personnel may be involved to test  
36 subcomponents of the smoke control system as well as other systems  
37 integrated with the smoke control system.

38       (ii) The additional firms and personnel must have qualifications  
39 that meet the laws and codes required in Washington state or, where  
40 no provision exists, they shall possess qualifications as stated by

1 national fire protection association standards that are verified by  
2 the local authority.

3 (2) The personnel or company that performs the installation,  
4 inspection, testing, and maintenance of fire dampers, smoke dampers,  
5 and combination fire and smoke dampers shall possess an accredited  
6 certification recognized by Washington state, including but not  
7 limited to certification through a relevant program accredited by the  
8 American national standards institute, or an appropriate Washington  
9 state recognized license, or other qualifications as established by  
10 national fire protection association standards that are verified by  
11 the local authority. Fire dampers, smoke dampers, and combination  
12 fire and smoke dampers that are not part of a smoke control system  
13 may be installed, inspected, tested, and maintained by the local  
14 authority or properly qualified personnel as required in this  
15 subsection (2) and do not require a special inspector as identified  
16 in section 2 (2) and (6) of this act.

17 (3) A building engineer or other person knowledgeable with the  
18 building system must be available in person or by phone to the  
19 inspector during the inspection and testing in order to provide  
20 building and systems access and information.

21 ~~((3))~~ (4) If an inspection reveals compliance with the  
22 requirements of this section, the inspector shall issue a certificate  
23 of compliance, which includes the name of the inspector and the  
24 inspector's employer; the name of the building owner and address of  
25 the property; the location of all smoke dampers, fire dampers,  
26 combination fire and smoke dampers, and smoke control systems  
27 inspected or tested; and the date of the inspection or test.

28 ~~((4))~~ (5) In the event an inspection or test reveals  
29 deficiencies in smoke dampers, fire dampers, combination fire and  
30 smoke dampers, or smoke control systems, the inspector shall prepare  
31 a deficiency report for the building owner identifying the nature of  
32 the deficiency and the reasons for noncompliance. The building owner  
33 shall, within ~~((one hundred twenty))~~ 120 days of the date of the  
34 inspection or upon the timeline provided by the local authority, take  
35 necessary steps to ensure the defective equipment is replaced or  
36 repaired and reinspected to ensure that the deficiency is corrected  
37 and is in compliance with the requirements of all applicable  
38 standards pursuant to ~~((chapter 88, Laws of 2020))~~ the International  
39 Fire Code. The ~~((authority having jurisdiction))~~ local authority  
40 shall have the authorization to extend the compliance period. The

1 building owner or their contractor shall provide documentation of  
2 when and how the deficiencies were corrected to the local authority.  
3 If the building owner does not correct the deficiency within (~~one~~  
4 ~~hundred twenty~~) 120 days of the date of the inspection or upon the  
5 timeline provided by the local authority, the local authority may  
6 (~~issue a citation as described in RCW 19.27.740~~) pursue enforcement  
7 consistent with chapter 1 of the International Fire Code.

8 (~~(5)~~) (6) In addition to identifying the location and nature of  
9 a deficiency, the report shall contain the name of the inspector and  
10 the inspector's employer; the name of the building owner; address of  
11 the property; the location of all fire dampers, smoke dampers,  
12 combination fire and smoke dampers, and smoke control systems  
13 inspected or tested; and the date of the inspection or test.

14 (~~(6) Tests and inspections of fire dampers, smoke dampers,~~  
15 ~~combination fire and smoke dampers, and smoke control systems shall~~  
16 ~~be conducted in accordance with the technical specifications and~~  
17 ~~required time periods specified by national fire protection~~  
18 ~~association standards 80, 90a, 90b, 92, and 105, as applicable.~~)

19 **Sec. 5.** RCW 19.27.730 and 2020 c 88 s 4 are each amended to read  
20 as follows:

21 The state building code council shall work in conjunction with  
22 the director of fire protection to coordinate the implementation and  
23 enforcement of sections 2 and 3 of this act and RCW ((19.27.710 and))  
24 19.27.720.

25 NEW SECTION. **Sec. 6.** A new section is added to chapter 19.27  
26 RCW to read as follows:

27 Owners of buildings equipped with smoke control systems or  
28 dampers shall follow installation, inspection, testing, maintenance,  
29 and recordkeeping requirements in the International Building Code and  
30 International Fire Code. Failure to follow these requirements may  
31 result in civil or criminal penalties provided in chapter 1 of the  
32 International Building Code and chapter 1 of the International Fire  
33 Code.

34 **Sec. 7.** RCW 43.43.944 and 2020 c 88 s 6 are each amended to read  
35 as follows:

36 (1) The fire service training account is hereby established in  
37 the state treasury. The primary purpose of the account is firefighter

1 training for both volunteer and career firefighters. The fund shall  
2 consist of:

3 (a) All fees received by the Washington state patrol for fire  
4 service training;

5 (b) All grants and bequests accepted by the Washington state  
6 patrol under RCW 43.43.940;

7 (c) Twenty percent of all moneys received by the state on fire  
8 insurance premiums; and

9 ~~((Revenue from penalties established under RCW 19.27.740; and~~  
10 ~~(e)))~~ General fund—state moneys appropriated into the account by  
11 the legislature.

12 (2) Moneys in the account may be appropriated for: (a) Fire  
13 service training; (b) school fire prevention activities within the  
14 Washington state patrol; and (c) the maintenance, operations, and  
15 capital projects of the state fire training academy. However,  
16 expenditures for purposes of (b) and (c) of this subsection may only  
17 be made to the extent that these expenditures do not adversely affect  
18 expenditures for the purpose of (a) of this subsection. The state  
19 patrol may use amounts appropriated from the fire service training  
20 account under this section to contract with the Washington state  
21 firefighters apprenticeship trust for the operation of the  
22 firefighter joint apprenticeship training program. The contract may  
23 call for payments on a monthly basis.

24 (3) Any general fund—state moneys appropriated into the account  
25 shall be allocated solely to the firefighter joint apprenticeship  
26 training program. The Washington state patrol may contract with  
27 outside entities for the administration and delivery of the  
28 firefighter joint apprenticeship training program.

29 NEW SECTION. **Sec. 8.** RCW 19.27.710 (Owners of buildings  
30 equipped with fire dampers, smoke dampers, combination fire and smoke  
31 dampers, or smoke control systems—Duties—Penalty) and 2020 c 88 s 2  
32 are each repealed.

33 NEW SECTION. **Sec. 9.** RCW 19.27.740 (Building owner—Violations—  
34 Penalties) and 2020 c 88 s 5 are each repealed.

1        NEW SECTION.    **Sec. 10.**    (1) Sections 2, 3, and 4 of this act  
2 expire at the time the Washington state building code council passes  
3 other rules or codes to expressly supersede these sections.

4        (2) The Washington state building code council must provide  
5 written notice of the expiration date of sections 2, 3, and 4 of this  
6 act to affected parties, the chief clerk of the house of  
7 representatives, the secretary of the senate, the office of the code  
8 reviser, and others as deemed appropriate by the council.

9        NEW SECTION.    **Sec. 11.**    Sections 1, 5, 6, 7, and 9 of this act  
10 take effect July 1, 2022.

11        NEW SECTION.    **Sec. 12.**    Sections 2, 3, 4, 8, and 10 of this act  
12 are necessary for the immediate preservation of the public peace,  
13 health, or safety, or support of the state government and its  
14 existing public institutions, and take effect immediately.

--- END ---