
HOUSE BILL 1971

State of Washington

67th Legislature

2022 Regular Session

By Representatives Robertson, Senn, Eslick, and Leavitt

Read first time 01/13/22. Referred to Committee on Local Government.

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 the Washington state association
17 of fire marshals and other interested stakeholders as part of the
18 rule-making or code amendment process;

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

1 systems, and request recommendations from the Washington state
2 association of fire marshals and other interested stakeholders as
3 part of the rule-making or code amendment process; and

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

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

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

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

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

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

37 (4) Existing buildings with a smoke control system but without a
38 periodic testing plan for the smoke control system are required to

1 develop such a plan within the timeline to be provided by the
2 Washington state building code council in section 1(1) of this act.

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

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

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

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

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

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

1 accomplished over a period of years so that 100 percent of the
2 dampers are tested and repaired within the time frames.

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

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

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

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

21 ~~(2))~~ (a) The personnel or company that serves as the special
22 inspector for smoke control systems installation or periodic testing
23 shall possess skills that demonstrate an experience or knowledge of
24 integrated operations of the design, installation, operation, and
25 maintenance of the smoke control system installed, identified by
26 possession of an appropriate accredited certification recognized by
27 Washington state, or an appropriate Washington state recognized
28 license, or other qualifications that are acceptable to the local
29 authority as stated in national fire protection association standard
30 number 3, recommended practice for commissioning of fire protection
31 and life safety systems annex B; national fire protection association
32 standard number 4, standard for integrated fire protection and life
33 safety system testing; and International Building Code section 17.

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

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

1 national fire protection association standards that are acceptable to
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, a Washington state
7 recognized license, or other qualifications as established by
8 national fire protection association standards that are acceptable to
9 the local authority. Fire dampers, smoke dampers, and combination
10 fire and smoke dampers that are not part of a smoke control system
11 may be installed, inspected, tested, and maintained by the local
12 authority or properly qualified personnel and do not require a
13 special inspector as identified in section 2(2) and (6) of this act.

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

18 ~~((3))~~ (4) If an inspection reveals compliance with the
19 requirements of this section, the inspector shall issue a certificate
20 of compliance, which includes the name of the inspector and the
21 inspector's employer; the name of the building owner and address of
22 the property; the location of all smoke dampers, fire dampers,
23 combination fire and smoke dampers, and smoke control systems
24 inspected or tested; and the date of the inspection or test.

25 ~~((4))~~ (5) In the event an inspection or test reveals
26 deficiencies in smoke dampers, fire dampers, combination fire and
27 smoke dampers, or smoke control systems, the inspector shall prepare
28 a deficiency report for the building owner identifying the nature of
29 the deficiency and the reasons for noncompliance. The building owner
30 shall, within ~~((one hundred twenty))~~ 120 days of the date of the
31 inspection or upon the timeline provided by the local authority, take
32 necessary steps to ensure the defective equipment is replaced or
33 repaired and reinspected to ensure that the deficiency is corrected
34 and is in compliance with the requirements of all applicable
35 standards pursuant to ~~((chapter 88, Laws of 2020))~~ the International
36 Fire Code. The ~~((authority having jurisdiction))~~ local authority
37 shall have the authorization to extend the compliance period. The
38 building owner or their contractor shall provide documentation of
39 when and how the deficiencies were corrected to the local authority.
40 If the building owner does not correct the deficiency within ~~((one~~

1 ~~hundred twenty~~) 120 days of the date of the inspection or upon the
2 timeline provided by the local authority, the local authority may
3 ~~((issue a citation as described in RCW 19.27.740))~~ pursue enforcement
4 consistent with chapter 1 of the International Fire Code.

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

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

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

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

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

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

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

33 (1) The fire service training account is hereby established in
34 the state treasury. The primary purpose of the account is firefighter
35 training for both volunteer and career firefighters. The fund shall
36 consist of:

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

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

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

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

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

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

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

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

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

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

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

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

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