

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 202

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE STATE FIRE MARSHAL; AMENDING SECTION 41-253, IDAHO  
2 CODE, TO PROVIDE FOR STRUCTURES, TO REVISE A REFERENCE, TO  
3 PROVIDE FOR ADOPTION OF LATER EDITIONS OF THE INTERNATIONAL FIRE  
4 CODE BY THE LEGISLATURE, TO REVISE APPLICABILITY PROVISIONS AND  
5 TO PROVIDE FOR ENFORCEMENT ACTIONS BY ASSISTANTS RELATING TO  
6 SPECIFIED PROPERTY; AMENDING CHAPTER 2, TITLE 41, IDAHO CODE, BY  
7 THE ADDITION OF A NEW SECTION 41-253A, IDAHO CODE, TO PROVIDE  
8 ELIGIBILITY REQUIREMENTS FOR THE STATE FIRE MARSHAL; AMENDING  
9 SECTION 41-254, IDAHO CODE, TO PROVIDE THAT THE STATE FIRE  
10 MARSHAL SHALL HAVE CERTAIN POWERS AND DUTIES OVER BUILDINGS,  
11 STRUCTURES AND PREMISES OWNED OR LEASED BY THE STATE OR  
12 ITS POLITICAL SUBDIVISIONS AND TO DELETE CERTAIN POWERS AND  
13 DUTIES; AMENDING SECTION 41-255, IDAHO CODE, TO PROVIDE THAT THE  
14 STATE FIRE MARSHAL SHALL TRANSMIT SPECIFIED ANNUAL REPORTS  
15 TO THE GOVERNOR AND LEGISLATURE; AND AMENDING SECTION 41-259,  
16 IDAHO CODE, TO REVISE INSPECTION PROVISIONS AND TO PROVIDE THAT  
17 COUNTIES AND CITIES MAY CONTRACT WITH THE STATE FIRE MARSHAL TO  
18 PROVIDE INSPECTIONS.  
19

20 Be It Enacted by the Legislature of the State of Idaho:

21 SECTION 1. That Section 41-253, Idaho Code, be, and the same is hereby amended to  
22 read as follows:

23 41-253. STATEMENT OF PURPOSE – ADOPTION OF INTERNATIONAL FIRE  
24 CODE. (1) The purpose of sections 41-253 through 41-269, Idaho Code, is to protect human  
25 life from fire, and to prevent fires. These sections are intended to prescribe regulations  
26 consistent with nationally recognized good practice for the safeguarding of life and property  
27 from hazards of fire and explosion arising from the storage, handling and use of hazardous  
28 substances, materials, and devices, and from conditions hazardous to life or property in  
29 the use or occupancy of buildings, structures or premises, ~~and~~. There is hereby adopted  
30 the "International Fire Code," 20006 edition, with appendices thereto, published by the  
31 International Code Council, Inc. and such later editions as may be so published and adopted  
32 by the ~~state fire marshal~~ legislature, as the minimum standards for the protection of life and  
33 property from fire and explosions in ~~the state of Idaho~~ or upon buildings, structures and  
34 premises owned or leased by the state or its political subdivisions.

35 (2) Assistants to the state fire marshal, as provided in section 41-256, Idaho Code, shall  
36 apply a reasonable interpretation to the International Fire Code as adopted by the ~~state fire~~  
37 ~~marshal~~ legislature, and rules of the state fire marshal, when undertaking any enforcement

1 action pertaining to buildings, structures and premises owned or leased by the state or its  
 2 political subdivisions.

3 (3) For the purposes of sections 41-253 through 41-269, Idaho Code, the "International  
 4 Fire Code" shall mean the publications as adopted under subsection (1) of this section.

5 SECTION 2. That Chapter 2, Title 41, Idaho Code, be, and the same is hereby amended  
 6 by the addition thereto of a NEW SECTION, to be known and designated as Section 41-253A,  
 7 Idaho Code, and to read as follows:

8 41-253A. ELIGIBILITY REQUIREMENTS FOR STATE FIRE MARSHAL. No person  
 9 shall be eligible to serve as state fire marshal unless he:

10 (1) Has had at least twelve (12) years of full-time paid experience with a state, city  
 11 or county fire protection agency whose primary function is fire prevention and structural fire  
 12 safety, including at least five (5) years of experience in an administrative capacity as the chief  
 13 agency officer;

14 (2) Holds a four (4) year college degree in one (1) of the physical sciences and has had  
 15 at least five (5) years of full-time experience in fire protection and structural fire safety with a  
 16 fire protection agency; or

17 (3) Is a member of the American society of fire protection engineers.

18 SECTION 3. That Section 41-254, Idaho Code, be, and the same is hereby amended to  
 19 read as follows:

20 41-254. POWERS AND DUTIES OF STATE FIRE MARSHAL – INTERNATIONAL  
 21 FIRE CODE, ENFORCEMENT AND REGULATIONS – REPORTS. The state fire marshal  
 22 shall be appointed by the director of the department of insurance, with the approval of the  
 23 governor and shall serve at the pleasure of the director. The state fire marshal shall have the  
 24 following powers and duties over buildings, structures and premises owned or leased by the  
 25 state or its political subdivisions:

26 ~~(1-)~~ To enforce the international fire code.

27 ~~(2-)~~ To prescribe regulations in addition to the international fire code as adopted, which  
 28 may be deemed necessary for the prevention of fires and protection of life and property, and  
 29 such regulations are to be enforced by the state fire marshal.

30 ~~(3-)~~ To make interpretations and rules of the intent of the various provisions of the  
 31 international fire code as adopted.

32 ~~(4-)~~ To adopt, rescind, modify or amend rules and regulations for the exercise of  
 33 functional powers and duties.

34 ~~(5-)~~ ~~To transmit to the governor and legislature, on or before the 15th day of July of~~  
 35 ~~every year, a full report of proceedings under sections 41 253 through 41 269, Idaho Code, and~~  
 36 ~~such statistics as he may wish to include therein unless some other time for reporting is fixed~~  
 37 ~~by law, and such report shall be available to the public.~~

38 ~~6-~~ To make recommendations for amendments to the international fire code to be  
 39 submitted to the promulgating authority for its consideration.

40 ~~7-~~~~(6)~~ To have exclusive jurisdiction over single service integrated fire sprinkler systems.  
 41 A "single service integrated fire sprinkler system" is defined as an integrated system of  
 42 underground and overhead piping, valves and sprinklers used exclusively for fire protection  
 43 purposes and designed in accordance with fire protection engineering standards, including the

1 international fire code, beginning with the first connection to a public water system regardless  
2 of the existence or location of a back flow prevention device.

3 ~~8. No person shall be eligible to serve as state fire marshal unless he:~~

4 ~~(a) Has had at least twelve (12) years' full time paid experience with a state, city or~~  
5 ~~county fire protection agency whose primary function is fire prevention and structural fire~~  
6 ~~safety, including at least five (5) years' experience in an administrative capacity as the~~  
7 ~~chief agency officer; or~~

8 ~~(b) Holds a four (4) year college degree in one of the physical sciences and has had at~~  
9 ~~least five (5) years' full time experience in fire protection and structural fire safety with a~~  
10 ~~fire protection agency; or~~

11 ~~(c) Is a member of the American society of fire protection engineers.~~

12 SECTION 4. That Section 41-255, Idaho Code, be, and the same is hereby amended to  
13 read as follows:

14 41-255. DUTIES OF STATE FIRE MARSHAL. In addition to the duties prescribed in  
15 section 41-254, Idaho Code, the state fire marshal shall:

16 (1) Administer and enforce this act.

17 (2) Appoint, employ and discharge such deputies and other employees as in his judgment  
18 may be necessary, control their powers, prescribe their duties, and fix their compensation.

19 (3) Keep books, records and accounts, which shall be open to inspection and audit by the  
20 state of Idaho at all times.

21 (4) Purchase necessary equipment and supplies, and incur any other reasonable and  
22 necessary expense in connection with or required for the purpose of carrying out the provisions  
23 of this act.

24 (5) Maintain in his office a record of all fires occurring in the state, and of all the  
25 facts concerning the same, including statistics as to the extent of such fires and the damage  
26 caused thereby and whether such losses were covered by insurance, and if so, in what amount.  
27 All such records shall be public, except any testimony taken in an investigation under the  
28 provisions of this act which the state fire marshal in his discretion may withhold from the  
29 public.

30 (6) Establish by rule uniform training provisions for all persons acting as assistants to the  
31 state fire marshal as provided in section 41-256, Idaho Code.

32 (7) Transmit to the governor and the legislature, on or before the 15th day of July of  
33 every year, a full report of proceedings under sections 41-253 through 41-269, Idaho Code, and  
34 such statistics as he may wish to include therein unless some other time for reporting is fixed  
35 by law, and such report shall be available to the public.

36 SECTION 5. That Section 41-259, Idaho Code, be, and the same is hereby amended to  
37 read as follows:

38 41-259. INSPECTION OF BUILDINGS – ORDER OF REMEDY OR REMOVAL  
39 – SERVICE OF ORDER. (1) The state fire marshal, his deputies or assistants, upon the  
40 written and signed complaint of any person relating to buildings, structures and premises  
41 owned or leased by the state or its political subdivisions, or whenever he or they shall deem  
42 it necessary to inspect buildings, structures and premises owned or leased by the state or its  
43 political subdivisions, may at reasonable hours inspect such buildings, structures and premises

1 owned or leased by the state or its political subdivisions within ~~their~~ his jurisdiction, upon  
2 the presentation of proper credentials, except the interior of private dwellings, private garages  
3 appertaining to such residences, or buildings on farms of more than five (5) acres.

4 (2) Counties and cities may contract with the state fire marshal to provide inspections  
5 upon request consistent with the limitations and procedures of this section.

6 (3) Whenever any of said officers shall find that any building or other structure which,  
7 for want of repairs, or lack of or insufficient fire escapes, automatic or other fire alarm  
8 apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or due  
9 to violation of the International Fire Code or from any other cause, is especially liable to fire,  
10 and is so situated as to endanger life, other buildings or structures or said building or structure,  
11 he or they shall order the same to be remedied or removed, and such order shall forthwith be  
12 complied with by the owner or occupant of such premises or buildings, unless said owner or  
13 occupant avail himself of the appeals procedure set forth in this act.

14 (4) The service of any such order shall be made upon the owner or occupant either by  
15 delivering to and leaving with the said person a true copy of the said order, or, by mailing  
16 such copy to the owner or occupant's last known address. All mailings shall be registered or  
17 certified, with return receipt.