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An act to amend Sections 13108, 13146, 13146.1, 13146.2, 13146.3, and 13217 of, and to add Sections 13146.6 and 16022.5 to, the Health and Safety Code, relating to fire protection.



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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 13108 of the Health and Safety Code is amended to read:
13108. (a) Except as limited by Chapter 6 (commencing with Section 140) of Division 1 of the Labor Code and Section 18930 of this code, the State Fire Marshal shall prepare and adopt building standards, not inconsistent with existing laws or ordinances, relating to fire protection in the design and construction of the means of egress and the adequacy of exits from, and the installation and maintenance of fire alarm and fire extinguishment equipment or systems in, any state institution or other state-owned building or in any specified state-occupied building and submit those building standards to the State Building Standards Commission for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13 of this code. 13. The State Fire Marshal shall prepare and adopt regulations other than building standards for the installation and maintenance of equipment and furnishings that present unusual fire hazards in any state institution or other state-owned building or in any specified state-occupied building. The State Fire Marshal shall adopt those regulations as are reasonably necessary to define what buildings shall be considered as state-occupied buildings.

(b) The fire chief of any city, county, city and county, or fire protection district, or that official's authorized representative, may enter any state institution or any other state-owned or state-occupied building for the purpose of preparing a fire suppression preplanning program or for the purpose of investigating any fire in a state-occupied building.

(c) Except as otherwise provided in this section, the State Fire Marshal shall enforce the regulations adopted by ~~him or her~~ the State Fire Marshal and building standards relating to fire and panic safety published in the California Building Standards Code in all state-owned buildings, specified state-occupied buildings, and state institutions throughout the state. Upon written request from the chief fire official of any city, county, city and county, or fire protection district, or a Designated Campus Fire Marshal, pursuant to Section 13146, the State Fire Marshal may authorize that person and ~~his or her~~ their authorized representatives, in their geographical area of responsibility, to make fire prevention inspections of state-owned or specified state-occupied buildings, other than state institutions, for the purpose of enforcing the regulations relating to fire and panic safety adopted by the State Fire Marshal pursuant to this section and building standards relating to fire and panic safety published in the California Building Standards Code. Authorization from the State Fire Marshal shall be limited to those fire departments or fire districts ~~which~~ that maintain a fire prevention bureau staffed by paid personnel.

(d) Any requirement or order made by ~~any~~ a chief fire official or Designated Campus Fire Marshal pursuant to this section may be appealed to the State Fire Marshal. The State Fire Marshal shall, upon receiving an appeal and subject to ~~the provisions of Chapter 5 (commencing with Section 18945) of Part 2.5 of Division 13 of this code,~~ 13, determine if the requirement or order made is reasonably consistent with the fire and panic safety regulations adopted by ~~him or her~~ the State Fire Marshal and building standards relating to fire and panic safety published in the California Building Standards Code.



(e) For purposes of subdivisions (a) and (c), "specified state-occupied building" shall mean a building that is leased or rented by the state, in whole or in part, and is any of the following:

- (1) A building where the state has entered into a build-to-suit lease.
- (2) A trial court facility with a detention area.
- (3) A building used by the Department of Corrections and Rehabilitation as a reentry facility.
- (4) Any other building specified by the State Fire Marshal through adopted regulations.

(f) This section does not prohibit the State Fire Marshal from entering and enforcing the regulations relating to fire and panic safety adopted by the State Fire Marshal and building standards relating to fire and panic safety published in the California Building Standards Code in any publicly or privately owned building occupied by the state, in whole or in part, whenever the State Fire Marshal determines that enforcement by the State Fire Marshal is necessary for the safety of state workers or wards.

SEC. 2. Section 13146 of the Health and Safety Code is amended to read:

13146. (a) The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall be as follows:

(a)

(1) The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to R-3 dwellings, as described in Section 310.5 of Part 2 of the California Building Standards Code, to either of the following:

(1)

(A) The chief of the fire authority of the city, county, or city and county, or ~~his or her~~ the chief's authorized representative.

(2)

(B) The chief building official of the city, county, or city and county, or ~~his or her~~ the official's authorized representative.

(b)

(2) The chief of any city, county, or city and county fire department or of any fire protection district, and their authorized representatives, shall enforce within its jurisdiction the building standards and other regulations of the State Fire Marshal, except those described in ~~subdivision (a) or (d)~~ paragraph (1) or (4).

(c)

(3) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in areas outside of corporate cities and districts providing fire protection services.

(d)

(4) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in corporate cities and districts providing fire protection services upon request of the chief fire official or the governing body.

(e)



(5) The State Fire Marshal shall enforce the building standards and other regulations of the State Fire Marshal on all University of California campuses and properties administered or occupied by the University of California and on all California State University campuses and properties administered or occupied by the California State University. For each university campus or property the State Fire Marshal may delegate that responsibility to the person of ~~his or her~~ the State Fire Marshal's choice who shall be known as the Designated Campus Fire Marshal.

~~(f) Any~~

(b) A fee may be charged pursuant to the enforcement authority of this section but shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code.

SEC. 3. Section 13146.1 of the Health and Safety Code is amended to read:

13146.1. (a) ~~Notwithstanding the provisions of Section 13146, the State Fire Marshal, or the State Fire Marshal's authorized representative, shall inspect every jail or place of detention for persons charged with or convicted of a crime, unless the chief of any city, county, or city and county fire department or fire protection district, or that chief's authorized representative, indicates in writing to the State Fire Marshal~~ by June 30 of each year, that inspections of jails or places of detention, therein, shall be conducted by the chief, or the chief's authorized representative representative, and submits the reports as required in subdivision (c).

(b) The inspections shall be made at least once every two years for the purpose of enforcing the regulations adopted by the State Fire Marshal, pursuant to Section 13143, and the minimum standards pertaining to fire and life safety adopted by the Board of State and Community Corrections, pursuant to Section 6030 of the Penal Code.

(c) Reports of the inspections shall be submitted to the official in charge of the facility, the local governing body, the State Fire Marshal, and the Board of Corrections within 30 days of the inspections.

(d) The State Fire Marshal, ~~or his or her~~ the State Fire Marshal's authorized representative, who performs an inspection pursuant to subdivision (a) may charge and collect a fee for the inspection from the local government. Any fee collected pursuant to this subdivision shall be in an amount, as determined by the State Fire Marshal, sufficient to pay the costs of that inspection or those related fire and life safety activities.

SEC. 4. Section 13146.2 of the Health and Safety Code is amended to read:

13146.2. (a) ~~(1) Every city or city, county, or city and county fire department or district providing fire protection services required by Sections 13145 and 13146 to enforce building standards adopted by the State Fire Marshal and other regulations of the State Fire Marshal shall, annually, inspect all structures subject to subdivision (b) of Section 17921, except dwellings, for compliance with building standards and other regulations of the State Fire Marshal.~~

(2) The city, county, or city and county with jurisdiction in the area affected by the standards and regulations specified in paragraph (1) may delegate the inspection specified in paragraph (1) to either the chief building official or chief housing official of the city, county, or city and county, or the official's authorized representative.

(b) A city, county, or city and county fire department or district providing fire protection services, or a building or housing department, that inspects a structure pursuant to subdivision (a) may charge and collect a fee for the inspection from the



owner of the structure in an amount, as determined by the city, county, or city and county fire department or district, district providing fire protection services, or building or housing department, sufficient to pay the costs of that inspection. ~~A city, county, or district that provides related fire and life safety activities may charge and collect a fee for the inspection from the owner of the structure in an amount, as determined by the city, county, or district, sufficient to pay the costs of that inspection.~~

(c) A city, county, or city and county fire department or district providing fire protection services that provides related fire and life safety activities for structures subject to subdivision (b) of Section 17921, such as plan review, construction consulting, fire watch, and investigation, may charge and collect a fee from the owner of the structure in an amount, as determined by the city, county, city and county, or district, sufficient to pay the costs of those related fire and life safety activities.

~~(c)~~

(d) The State Fire Marshal, or his or her the State Fire Marshal's authorized representative, who inspects a structure subject to subdivision (b) of Section 17921, except dwellings, for compliance with building standards and other regulations of the State Fire Marshal, may charge and collect a fee for the inspection from the owner of the structure. The State Fire Marshal may also charge and collect a fee from the owner of the structure for related fire and life safety activities, such as plan review, construction consulting, fire watch, and investigation. Any fee collected pursuant to this subdivision shall be in an amount, as determined by the State Fire Marshal, sufficient to pay the costs of that inspection or those related fire and life safety activities.

SEC. 5. Section 13146.3 of the Health and Safety Code is amended to read:

~~13146.3. The chief of any city~~ (a) A city, county, or city and county fire department or district providing fire protection services and his or her authorized representatives shall inspect every building used as a public or private school within his or her its jurisdiction, for the purpose of enforcing regulations promulgated pursuant to Section 13143, not less than once each year. The State Fire Marshal and his or her the State Fire Marshal's authorized representatives shall make these inspections not less than once each year in areas outside of corporate cities and districts providing fire protection services.

(b) A city, county, or city and county fire department or district that, or the State Fire Marshal or the State Fire Marshal's authorized representative who, inspects a structure pursuant to subdivision (a) may charge and collect a fee for the inspection in an amount sufficient to pay the costs of that inspection.

SEC. 6. Section 13146.6 is added to the Health and Safety Code, to read:

13146.6. If the governing body of a city, county, or city and county fire department or district providing fire protection services relies on an all-volunteer fire department for the provision of fire protection services pursuant to Sections 13145, 13146, 13146.2, and 13146.3, they may do so through one of the following methods:

(a) They may request the State Fire Marshal to enforce the building standards and other regulations of the State Fire Marshal, in accordance with paragraph (4) of subdivision (a) of Section 13146.

(b) They may request another city, county, or city and county fire department or district providing fire protection services that has regular full-time members of a regularly organized fire department to enforce the building standards and other regulations of the State Fire Marshal.



SEC. 7. Section 13217 of the Health and Safety Code is amended to read:

13217. (a) ~~The A city, county, or city and county fire department of any city or county or district providing fire protection services~~ may annually inspect all high-rise highrise structures for compliance with building standards and other regulations of the State Fire Marshal. If a local agency elects to perform the inspection, the results of the inspection shall be submitted to the State Fire Marshal's office in a form and manner approved by the State Fire Marshal no later than 30 days after the date of the inspection. If the local fire department or district providing fire protection services elects not to conduct an inspection, the local fire department or district shall notify, by June 30 of each year, the State Fire Marshal of this election. If the State Fire Marshal receives this notification, the State Fire Marshal shall conduct the inspection.

(b) A local agency ~~which that, or the State Fire Marshal who,~~ inspects a high-rise highrise structure pursuant to subdivision (a) may charge and collect a fee for the inspection from the owner of the high-rise highrise structure in an amount, as determined by the local agency, inspecting entity, sufficient to pay its costs of that inspection.

(c) ~~If the State Fire Marshal conducts an inspection pursuant to subdivision (a), the State Fire Marshal shall determine his or her costs of the inspection and submit a claim for that amount, together with a designation of the city or county in which the inspection was conducted, to the Controller. Notwithstanding Section 11005 of the Revenue and Taxation Code, the Controller shall deduct the claimed amount from the moneys allocated pursuant to Section 11005 of the Revenue and Taxation Code to the designated city or county and transfer that amount to the State Fire Marshal to pay the costs of the inspections, and the Controller shall distribute the balance to the designated city or county.~~

SEC. 8. Section 16022.5 is added to the Health and Safety Code, to read:

16022.5. Following completion of construction of a state-owned or state-occupied essential services building, the State Fire Marshal may conduct regular inspections of those buildings for compliance with building standards relating to fire and panic safety.



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LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, _____.

General Subject: Fire protection: State Fire Marshal: inspections: enforcement: fees.

(1) Existing law, except as provided, requires the State Fire Marshal to prepare and adopt building standards relating to fire protection in the design and construction of the means of egress and the adequacy of exit from, and the installation and maintenance of fire alarm and fire extinguishment equipment or systems in, any state-occupied building, as provided. Existing law requires the State Fire Marshal to prepare and adopt regulations other than building standards for the installation and maintenance of equipment and furnishings that present unusual fire hazards in any state-occupied building. Existing law requires, except as provided, the State Fire Marshal to enforce those regulations in all state-occupied buildings.

This bill would instead require the above provisions to apply to specified state-occupied buildings and would define specified state-occupied building for these purposes.

(2) Existing law establishes responsibility for enforcement of building standards adopted by the State Fire Marshal relating to fire and panic safety and other regulations of the State Fire Marshal among various state and local entities and provides that any fee charged pursuant to this enforcement authority shall not exceed the estimated costs of providing the service for which the fee is charged, as provided.

This bill would clarify that a fee may be charged by the various state and local entities for those purposes.

(3) Existing law requires the State Fire Marshal to inspect every jail or place of detention unless specified local officials indicate in writing to the State Fire Marshal that the inspections of jails or places of detention are to be conducted by the specified local official, as provided.

This bill would require this writing to be given to the State Fire Marshal by June 30 of each year.

(4) Existing law requires every city or county fire department or district providing fire protection services to annually inspect specified structures, and charge a fee for that inspection, for compliance with building standards and other regulations of the State Fire Marshal.

This bill would clarify that the above also applies to a city and county fire department and would authorize the city, county, or city and county to delegate that



inspection duty to either the chief building official or chief housing official of the city, county, or city and county. The bill would authorize a city and county fire department or a building or housing department to charge and collect a fee for that inspection, as provided.

Existing law authorizes a city, county, or district that provides related fire and life safety activities to charge and collect a fee for the inspection from the owner of the structure, as provided.

The bill would instead clarify that a city, county, or city and county fire department or district providing fire protection services that provides related fire and life safety activities for specified structures, such as plan review, construction consulting, fire watch, and investigation, is authorized to charge and collect a fee from the owner of the structure in an amount sufficient to pay the costs of those related fire and life safety activities, as provided.

(5) Existing law requires the chief of a city or county fire department or district providing fire protection services to inspect every building used as a public or private school within their jurisdiction not less than once each year. Existing law requires the State Fire Marshal to make these inspections not less than once each year in areas outside of corporate cities and districts providing fire protection services.

This bill would clarify that a city, county, or city and county fire department or district providing fire protection services is required to perform the inspections described above. The bill would authorize a city, county, or city and county fire department or district providing fire protection services and the State Fire Marshal to charge and collect a fee for this inspection.

(6) Existing law requires that specified requirements regarding building standards relating to fire and panic safety be carried out, as far as practicable, at the local level by persons who are regular full-time members of a regularly organized fire department of a city, county, or district providing fire protection services, as provided.

This bill would authorize the governing body of a city, county, or city and county fire department or district providing fire protection services, if it relies on an all-volunteer fire department for the provision of specified fire protection services, to provide those services by either requesting the State Fire Marshal or another city, county, or city and county fire department or district providing fire protection services to enforce those building standards and other regulations, as provided.

(7) Existing law authorizes the fire department of any city or county to annually inspect all highrise structures for compliance with building standards and other regulations of the State Fire Marshal and to charge and collect a fee for this inspection. Existing law provides that, if the local fire department elects not to conduct an inspection, the State Fire Marshal shall conduct the inspection. Existing law establishes a procedure for the State Fire Marshal to collect a fee for this inspection.

This bill would clarify that the annual highrise inspection authorization applies to a city, county, and city and county fire department and district providing fire protection services. The bill would require, if the local entity elects not to conduct an inspection, the local entity to notify, by June 30 of each year, the State Fire Marshal of this election not to inspect. The bill would require the State Fire Marshal to perform the inspection if it receives notification of this election. The bill would delete the procedures for the State Fire Marshal to collect a fee for the inspection and instead



authorize the State Fire Marshal to charge and collect a fee for the inspection in an amount sufficient to pay its costs of that inspection, as provided.

(8) Existing law requires, during construction or alteration of an essential services building, as defined, the building owner to provide for, and the local enforcement agency to require, competent, adequate, and detailed inspection by a qualified inspector.

This bill would, following the completion of construction of a state-owned or state-occupied essential services building, authorize the State Fire Marshal to conduct regular inspections of those buildings for compliance with building standards relating to fire and panic safety.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

