

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

COMMITTEE SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 1031

By: Cozort, Sullivan and  
Graves of the House

and

Weedn of the Senate

COMMITTEE SUBSTITUTE

An Act relating to state government; amending 74 O.S. 1991, Sections 324.11 and 324.11a, which relate to building permits and smoke detectors required for certain buildings and structures; deleting exception to types of buildings or structures requiring construction permit; authorizing certain change made in conformity with state law; requiring certain permit be obtained from State Fire Marshal; requiring application for certain building permit be issued by State Fire Marshal; allowing State Fire Marshal to require the submission of certain plans and specifications; allowing the State Fire Marshal to refuse to issue certain permit under certain circumstances; exempting certain buildings from certain requirement; deleting certain building codes as prerequisites to issuance of certain permits; authorizing State Fire Marshal Commission to establish certain fees and providing procedures thereto; requiring certain monies be deposited into State Fire Marshal Revolving Fund and providing for use of such funds; requiring smoke detectors be installed in certain building or structure; modifying definition; requiring the tenant or lessee to determine if certain smoke detectors are operational; requiring landlords to install and explain testing method of certain smoke detectors; requiring owner of certain rental property to install specific fire detectors for deaf or hearing impaired individuals; allowing certain water sprinkler systems to be installed in lieu of smoke detectors; requiring local authorities to issue smoke detector installation order under certain circumstances; stating penalty for violations including tampering with smoke detectors; requiring smoke detectors installed after certain date to be continuously powered by property's electrical service; requiring actuation of certain smoke detectors under certain circumstances; stating that violation of section does not constitute evidence of negligence in certain actions; stating that violation of section does not constitute a defense in certain actions; stating construction of section; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 74 O.S. 1991, Section 324.11, is amended to read as follows:

Section 324.11 A. No person, firm, corporation, partnership, organization, city, town, school district, county or other subdivision of government shall commence the construction or major alteration of any building or structure ~~to be used as a school, hospital, church, asylum, theater, meeting hall, hotel, motel, apartment house, rooming house, rest home, nursing home, day nursery, convalescent home, orphanage, auditorium, or install original equipment for the operation or maintenance thereof~~ without obtaining a permit. Said permit, for which a charge may be made in conformity with the local or state ordinance, except as limited herein as to governmental agencies, shall be obtained from the city, town ~~or~~, county, or State Fire Marshal in whose jurisdiction the construction or alteration is planned.

B. All such construction or alteration so planned shall conform to the applicable provisions of the BOCA National Building Code, as last revised, the Southern Standard Building Code Congress International (SBCCI), or the Uniform Building Code (ICBO), except that in the event any city, town or county having jurisdiction to issue such permit has adopted by ordinance one of the other building codes designated in Section 324.8 of this title, then such construction or alteration shall conform to such other code so adopted.

C. Application for such building permit shall be made to, and such building permit shall be issued by, any city, town ~~or~~, county, or State Fire Marshal in whose jurisdiction the construction or alteration is planned. The city, town ~~or~~, county, or State Fire Marshal may require the submission of plans and specifications covering the proposed construction or alteration and may refuse to issue such permit unless the work so planned is in accordance with the applicable provisions of the city, town ~~or county's~~, county, or State Fire Marshal's building code. In all geographical areas wherein no such permit is required by local authorities such permit, except for one- and two-family dwellings

and farm buildings, must be obtained from the State Fire Marshal, who may require the submission of plans and specifications covering the proposed construction or alteration, and he shall refuse to issue such permit unless the work so planned is in accordance with the applicable provisions of said BOCA National Building Code, as last revised,~~the Southern Standard Building Code Congress International (SBCCI), or the Uniform Building Code (ICBO).~~ The State Fire Marshal Commission may establish a system of fees to be charged for building, inspection, and occupancy permits, aboveground tank application, construction plans review, and sprinkler plans review. These fees may be charged for inspections and plans review performed by state inspectors in jurisdictions where there is no lawfully established local program of building code enforcement. The Commission shall base its fee schedule upon the reasonable costs of review and inspection services and its schedule of monitoring fees upon the reasonable costs of travel and inspection as the Commission shall determine. The Commission shall follow the procedures required by Sections 301 through 325 of Title 75 of the Oklahoma Statutes for adoption of rules in establishing or amending any such schedule of fees. Fees charged pursuant to this section shall be paid into the State Fire Marshal Revolving Fund, created in Section 50001 of Title 68 of the Oklahoma Statutes, and shall be used by the State Fire Marshal in administering the agency operations. If a city, town or county requests the State Fire Marshal to review plans and specifications and issue a permit, a fee may be established by the State Fire Marshal Commission covering such service.

D. Nothing in this act shall be construed as repealing any ordinance of any city, town or county requiring the submission to the local authorities of plans and specifications and the obtaining of permits, but the power or authority of any such city, town or county to levy or assess any charge for such permit or to make and enforce requirements prerequisite to the issuance of such permit, other than requiring compliance with such building code, shall, as to governmental agencies, be limited as hereinafter set forth.

E. No city, town or county requested to issue any such permit to any city, town, school district, county or other subdivision of government shall charge, assess or collect any fee or other charge for such permit except the regular and customary inspection fees fixed by ordinance for inspection of the work to be done under such permit, and no other charge, fee or other conditions of any kind under the authority of this title shall be made a condition of or prerequisite to the obtaining of such permit by any such governmental agency.

F. No bids may be let for the construction or major alteration of any correctional facility as defined by Section 317 of this title until plans and specifications for such construction or alteration have been submitted to the State Fire Marshal for his approval. The State Fire Marshal shall approve said plans and specifications if the work so planned conforms with the applicable provisions of the BOCA National Building Code, as last revised, the Southern Standard Building Code Congress International (SBCCI), or the Uniform Building Code (ICBO).

SECTION 2. AMENDATORY 74 O.S. 1991, Section 324.11a, is amended to read as follows:

Section 324.11a A. Any person, partnership, corporation, organization, the state, or city, town, county, or other subdivision of this state, owning a building or structure used as a one- or two-family dwelling, hospital, church, theater, hotel, motel, apartment house, rooming house, dormitory, rest home, nursing home, day nursery, convalescent home, auditorium, or child care institution, existing or constructed in the State of Oklahoma, including "manufactured home" as that term is defined in Section 1102 of Title 47 of the Oklahoma Statutes, shall install in such building or structure a smoke detector or detectors in accordance with the nationally recognized codes, standards, or practices adopted by the State Fire Marshal Commission to safeguard life and property from the hazards of smoke and fire.

B. For the purpose of this section, the term smoke detector means a device which is:

1. Designed to detect visible or invisible products of combustion; ~~and~~

2. Designed with an alarm audible to the rooms it serves; ~~and~~

3. Powered by either battery, alternating current, or other power source; and

4. Tested and listed for use as a smoke detector by ~~Underwriters Laboratories, Inc., Factory Mutual Research Corporation, or United States Testing Company, Inc.~~ a recognized testing laboratory.

C. Any person, partnership, corporation, state, municipality, county, or other subdivision of this state renting or leasing such a residential rental property shall equip each dwelling with a workable smoke detector.

D. Any person, partnership, corporation, state, municipality, county, or other subdivision of this state renting or leasing such a residential rental property shall explain to the lessee or tenant the method of testing the smoke detector to ensure that it is in working order. The responsibility for checking a smoke detector to find out whether such detector is in working order is with the tenant or lessee leasing or renting a one- or two-family dwelling, including an apartment in each apartment house and not with the person, partnership, corporation, state, municipality, county, or other subdivision of this state leasing or renting such a residential rental property to the lessee or tenant.

E. Where a dwelling is not occupied by the owner and is occupied by an individual who is deaf or hearing impaired, the owner shall, upon written request by or on behalf of such individual, provide and install a smoke detector with a light signal sufficient to warn the deaf or hearing-impaired individual of the danger of fire.

F. An automatic fire sprinkler system installed in accordance with the National Fire Protection Association Standard 13D, "Standard for the Installation of Sprinkler Systems in Residential Occupancies", 1989 edition, may be provided in lieu of a smoke detector.

G. After investigating a fire in any dwelling described in subsection A of this section, the local investigating authority shall issue to the owner a smoke detector installation order in the absence of the required smoke detectors.

H. Any person who violates any provisions of subsections A, C, E, F, G or I of this section, upon conviction, is guilty of a misdemeanor and may be fined not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00), including any person who tampers with, removes, destroys, disconnects or removes power from any installed smoke detector, except in the course of inspection, maintenance or replacement of the detector.

I. Any residential property newly constructed, reconstructed or substantially remodeled after September 1, 1993, shall have a smoke detector installed that is continuously powered by the property's electrical service. If more than one detector is required to be installed, the detectors shall be wired so that the actuation of one detector will actuate all the detectors within each property unit.

J. A violation of this section shall not be deemed by virtue of such violation to constitute evidence of negligence or contributory negligence or comparative negligence in any civil action or proceeding for damage.

K. A violation of this section shall not constitute a defense in any civil action or proceeding involving any insurance policy.

L. Nothing in this section shall be construed to limit the rights of any political subdivision in this state to enact laws imposing upon owners of any dwelling described in subsection A of this section a greater duty with regard to the installation, testing, repair and replacement of smoke detectors than is required by this section.

M. The State Fire Marshal Commission shall prescribe, adopt, and promulgate the rules and regulations necessary to effectuate the provisions of this section which shall include a practical time table for compliance with the provisions of this act.

~~D.~~ N. Municipalities may enact ordinances in order to enforce the rules and regulations of the State Fire Marshal Commission as provided by this section.

SECTION 3. This act shall become effective September 1, 1993.

44-1-0903

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