

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 553

By: Horner

AS INTRODUCED

An Act relating to the Office of the State Fire Marshal; amending 74 O.S. 1991, Sections 324.4, 324.5, 324.8, 324.11 and 324.20, which relate to the State Fire Marshal; making language gender-neutral; stating duties for the Office of the State Fire Marshal; modifying qualifications; moving the creation of the Office of the Assistant State Fire Marshal from one section of law to another and deleting obsolete language; providing for qualifications and duties; exempting the State Fire Marshal and Assistant State Fire Marshal from the provisions of the Merit System of Personnel Administration; providing for appointments of Fire Marshal agents; stating qualifications and duties; providing for certain testing to Fire Marshal agents; authorizing municipality or subdivision to adopt a renovation code for existing building; requiring approval of such code by the Office of the State Fire Marshal; adding International Building Code to list of approved codes; changing designation of funds collected by the Office of the State Fire Marshal to the State Fire Marshal Revolving Fund; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 324.4, is amended to read as follows:

Section 324.4 A. The State Fire Marshal Commission shall appoint a full-time State Fire Marshal. ~~He~~ The State Fire Marshal shall administer and enforce the provisions of law pertaining to ~~his~~ the Office to include but be not limited to Arson Investigations, Code Enforcement, and Public Education under the supervision of the Commission and in accordance with ~~its~~ Commission policies. ~~The State Fire Marshal shall be retired upon reaching sixty-five (65) years of age.~~ The State Fire Marshal shall be a person of good moral character, and a resident ~~taxpayer~~ of Oklahoma.

~~and shall not have attained fifty-five (55) years of age at the time of his original appointment. The State Fire Marshal must have had a minimum of ten (10) years' experience in some phase of fire protection, fire prevention, or fire investigations, or criminal justice, which may include experience with any state, county, municipal, federal, military, or industrial fire protection agencies. He~~ or criminal justice agency. Successful completion of a degree in fire protection and prevention, criminal justice or administration from an accredited college or university, may be substituted for experience on a year-for-year basis. This person shall possess administrative ability and experience and be able to obtain facts in connection with the duties of his office by field investigations and to accurately report his findings. Such person may be required to obtain certification as a peace officer in the State of Oklahoma in accordance with Section 3311 of Title 70 of the Oklahoma Statutes, and shall be subject to extensive background investigation, psychological testing, and drug testing. The Commission may also require additional qualifications. The person must have or be able to obtain a valid Oklahoma driver license and be a citizen of the United States.

B. The Commission shall appoint a full-time Assistant State Fire Marshal upon recommendation from the Fire Marshal. The Assistant State Fire Marshal must have a minimum of seven (7) years' experience in fire protection, fire prevention, investigations or criminal justice, which may include experience with any state, county, municipal, federal, military, or industrial fire protection or criminal justice agency. Successful completion of a degree in fire protection and prevention, criminal justice, or administration from an accredited college or university, may be substituted for experience on a year-for-year basis. Such person shall possess administrative ability and experience. Such person may be required to obtain certification as a peace officer in the State of Oklahoma

in accordance with Section 3311 of Title 70 of the Oklahoma Statutes, and shall be subject to extensive background investigation, psychological testing, and drug testing. The Commission may require additional qualifications. The person must have or be able to obtain a valid Oklahoma driver license and be a citizen of the United States.

C. The State Fire Marshal and the Assistant State Fire Marshal shall not be subject to the provisions of the Merit System of Personnel Administration.

SECTION 2. AMENDATORY 74 O.S. 1991, Section 324.5, is amended to read as follows:

Section 324.5 Fire Marshal agents.

~~There is hereby created in the office of the State Fire Marshal an Arson Division and a Fire Protection and Prevention Division. An Assistant Fire Marshal shall be appointed to direct the operations of said Divisions, subject to the supervision and control of the State Fire Marshal at all times. The Assistant Fire Marshal, deputies and agents at the time of their original employment shall undergo and pass a physical examination by a duly authorized physician. The Fire Marshal and the Assistant Fire Marshal shall not be subject to the provisions of the Merit System of Personnel Administration. The Assistant Fire Marshal and the agents in the Arson Division must have had at least five (5) years' experience in fire investigation, which may include service in state, municipal, military or industrial fire protection and investigation agencies, and shall have attended at least one of the several specialized training schools on arson detection and investigation, such as those courses offered at a recognized college or university, or other schools. The Assistant Fire Marshal and the agents in the Fire Protection and Prevention Division must have had at least five (5) years' experience in fire protection and prevention, which may include service in state, municipal, military or industrial fire~~

~~protection and prevention agencies. Proof of successful matriculation and completion from a recognized college or university in fire protection or prevention may be substituted for experience on a year-for-year basis.~~ Fire Marshal agents shall be appointed by and subject to the supervision and control of the State Fire Marshal or designee. All agents are employees of the State of Oklahoma and subject to the provisions of the Oklahoma Merit System of Personnel Management. Agents must have a minimum of a high school diploma or equivalent and must be at least twenty-one (21) years of age. Agents must have at least two (2) years' experience in fire investigations, protections, prevention or criminal justice, which may include service in a state, county, municipal, federal, military, industrial or criminal justice agency. Successful completion of a degree in fire protection and prevention, criminal justice or a degree relevant to the needs of the Office of the State Fire Marshal from an accredited college or university, may be substituted for experience on a year-for-year basis. Fire Marshal agents shall be eligible for and obtain certification as a peace officer in the State of Oklahoma in accordance with Section 3311 of Title 70 of the Oklahoma Statutes, within twelve (12) months of appointment. The agent shall be subject to extensive background investigation, psychological testing and drug testing. The agent must have or be able to obtain a valid Oklahoma driver license and be a citizen of the United States. The State Fire Marshal Commission shall have the authority to appoint such other employees as shall be necessary in discharging the duties of their office.

SECTION 3. AMENDATORY 74 O.S. 1991, Section 324.8, is amended to read as follows:

Section 324.8 The rules ~~and regulations~~ promulgated pursuant to this act shall have uniform force and effect throughout the state and no municipality or subdivision shall enact or enforce any ordinances, rules ~~or regulations~~ for construction of or major

alterations to buildings with standards other than the Building Officials and Code Administrators (BOCA) National Building Code, as last adopted by the State Fire Marshal Commission, except that a municipality or subdivision which requires permits for construction of or major alterations to buildings may elect to adopt, by ordinance, a renovation code for existing buildings approved by the Office of the State Fire Marshal as an equivalent code to the existing building provisions of the state-adopted Building Code, or any other recognized national building code, in lieu of the Building Officials and Code Administrators (BOCA) National Building Code. Provided, nothing in this act shall prevent or take away from any city, town or county, the authority to enact and enforce rules ~~and regulations~~ containing higher standards and requirements than those provided herein nor prevent or take away from any city, town or county the authority to amend such adopted codes to make changes necessary to accommodate local conditions. And provided further, that nothing in this act shall in any way impair the power of any municipality, county or subdivision to regulate the use of land by zoning, building codes or restricted fire district regulations.

SECTION 4. 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 ordinance, except as limited herein as to governmental agencies, shall be obtained from the city, town or

county 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) or International Building Code, 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 in whose jurisdiction the construction or alteration is planned. The city, town or county 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 building code. In all geographical areas wherein no such permit is required by local authorities such permit 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) or International Building Code.

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) or International Building Code.

SECTION 5. AMENDATORY 74 O.S. 1991, Section 324.20, is amended to read as follows:

Section 324.20 All funds collected by the Office of the State Fire Marshal from contracts or other sources, for services performed, shall be deposited in the State Treasury for credit to the ~~General Revenue Fund of the State Treasury~~ State Fire Marshal Revolving Fund. ~~Provided that funds received to defray the cost of seminars, conferences or training mandated by contractual agreement with the funding agency may be treated in the manner authorized by Section 581 of this title, and these funds shall be excluded from the limits in Section 285 of this title.~~

SECTION 6. This act shall become effective November 1, 2001.

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