

**COMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1108 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Kevin West

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

PROPOSED COMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 1108

By: West (Kevin)

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to the State Fire Marshal; amending 74 O.S. 2011, Sections 324.1, as amended by Section 1, Chapter 268, O.S.L. 2012, 324.2, as amended by Section 17, Chapter 111, O.S.L. 2013, 324.4, 324.7, 324.9 and 324.11a (74 O.S. Supp. 2018, Sections 324.1 and 324.2), which relate to the State Fire Marshal Commission; making Commission an advisory body; transferring duties to the State Fire Marshal; modifying appointment of members of the Commission; authorizing Governor to appoint State Fire Marshal; modifying powers and duties of the Commission; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 324.1, as amended by Section 1, Chapter 268, O.S.L. 2012 (74 O.S. Supp. 2018, Section 324.1), is amended to read as follows:

Section 324.1 There is hereby re-created the State Fire Marshal Commission, which shall be an advisory body to the State Fire Marshal. All duties and powers of the Commission shall be transferred to the State Fire Marshal. Any provision in statute

1 that provides to the Commission authority that is not advisory in  
2 nature shall be deemed to grant the duty or power to the State Fire  
3 Marshal. The Commission shall consist of the following seven (7)  
4 ~~members appointed by the Governor. The Governor shall appoint~~  
5 ~~initially one member who shall serve for a term of five (5) years,~~  
6 ~~one member from a statewide association of career and volunteer~~  
7 ~~firefighters who shall serve for a term of four (4) years, one~~  
8 ~~member from a statewide association of municipalities who shall~~  
9 ~~serve for a term of three (3) years, one member from a statewide~~  
10 ~~association of Fire Chiefs, both career and volunteer, who shall~~  
11 ~~serve for a term of two (2) years, one member who shall be a Fire~~  
12 ~~Investigator who shall serve for a term of one (1) year, one member~~  
13 ~~representing a statewide association of electrical workers who shall~~  
14 ~~serve a term of one (1) year, and one member representing a~~  
15 ~~statewide organization of exclusively professional firefighters who~~  
16 ~~shall serve a term of two (2) years. The members of the Commission~~  
17 ~~shall thereafter be appointed for a term of five (5) years and the~~  
18 ~~appointments shall be subject to Senate confirmation; provided the~~  
19 ~~associations named shall be represented by at least one member:~~

20 1. Three members appointed by the Governor;

21 2. Two members appointed by the Speaker of the House of  
22 Representatives; and

23 3. Two members appointed by the President Pro Tempore of the  
24 Senate.

1        Each member shall serve at the pleasure of his or her appointing  
2 authority and may be removed or replaced without cause.

3        SECTION 2.        AMENDATORY        74 O.S. 2011, Section 324.2, as  
4 amended by Section 17, Chapter 111, O.S.L. 2013 (74 O.S. Supp. 2018,  
5 Section 324.2), is amended to read as follows:

6        Section 324.2    The Commission shall select a chair.    The  
7 ~~Commission~~ State Fire Marshal is hereby authorized to adopt rules  
8 necessary for the licensure, regulation and enforcement of the fire  
9 extinguishers pursuant to the Fire Extinguisher Licensing Act ~~and~~  
10 ~~for conducting its proceedings.~~ Any four members shall constitute a  
11 quorum. The Commission shall meet monthly on such date as it may  
12 designate and may meet at such other times as it may deem necessary,  
13 or when called by the ~~chairman or by any four members~~ State Fire  
14 Marshal. Complete minutes of each meeting shall be kept and filed  
15 in the office of the State Fire Marshal and shall be available for  
16 public inspection during reasonable office hours. The ~~Commission~~  
17 State Fire Marshal shall report annually to the Governor and to the  
18 Speaker of the House of Representatives and the President Pro  
19 Tempore of the Senate of the affairs of the Commission and the  
20 office of the State Fire Marshal.

21        SECTION 3.        AMENDATORY        74 O.S. 2011, Section 324.4, is  
22 amended to read as follows:

23        Section 324.4    A.    The State Fire Marshal ~~Commission~~ shall  
24 ~~appoint a full-time State Fire Marshal~~ be appointed by the Governor,

1 with the advice and consent of the Senate, and shall serve at the  
2 pleasure of the Governor and may be removed or replaced without  
3 cause. Compensation for the State Fire Marshal shall be determined  
4 pursuant to Section 3601.2 of this title. The State Fire Marshal  
5 shall administer and enforce the provisions of law pertaining to the  
6 Office of the State Fire Marshal to include, but not be limited to,  
7 fire and arson investigations, code enforcement, and public  
8 ~~education under the supervision of the State Fire Marshal Commission~~  
9 ~~and in accordance with Commission policies.~~ The State Fire Marshal  
10 shall be a person of good moral character and a resident of Oklahoma  
11 at the time of appointment. The State Fire Marshal must have a  
12 minimum of ten (10) years' experience in fire protection, fire  
13 prevention, investigation, or criminal justice, which may include  
14 experience with any state, county, municipal, federal, military, or  
15 industrial fire protection or criminal justice agency. Successful  
16 completion of a degree in fire protection and prevention, criminal  
17 justice or administration from an accredited college or university,  
18 may be substituted for experience on a year-to-year basis. The  
19 State Fire Marshal shall possess administrative ability and  
20 experience. The State Fire Marshal may be required to obtain  
21 certification as a peace officer in the State of Oklahoma from the  
22 Council on Law Enforcement Education and Training, and shall be  
23 subject to an extensive background investigation, psychological  
24 testing, and drug testing. ~~The Commission may also require~~

1 ~~additional qualifications.~~ The State Fire Marshal must have or be  
2 able to obtain a valid Oklahoma driver license and be a citizen of  
3 the United States.

4 B. The ~~Commission~~ State Fire Marshal shall appoint a full-time  
5 Assistant State Fire Marshal ~~upon recommendation from the State Fire~~  
6 ~~Marshal.~~ The Assistant State Fire Marshal must have a minimum of  
7 seven (7) years experience in fire protection, fire prevention,  
8 investigations or criminal justice, which may include experience  
9 with any state, county, municipal, federal, military, or industrial  
10 fire protection or criminal justice agency. Successful completion  
11 of a degree in fire protection and prevention, criminal justice, or  
12 administration from an accredited college or university, may be  
13 substituted for experience on a year-to-year basis. The Assistant  
14 State Fire Marshal shall possess administrative ability and  
15 experience. The Assistant State Fire Marshal may be required to  
16 obtain certification as a peace officer from the Council on Law  
17 Enforcement and Education Training, and shall be subject to an  
18 extensive background investigation, psychological testing, and drug  
19 testing. ~~The Commission may require additional qualifications.~~ The  
20 Assistant State Fire Marshal must have or be able to obtain a valid  
21 Oklahoma driver license and be a citizen of the United States.

22 SECTION 4. AMENDATORY 74 O.S. 2011, Section 324.7, is  
23 amended to read as follows:  
24

1       Section 324.7 A. Except as otherwise specified by subsection B  
2 of this section, the State Fire Marshal ~~Commission~~ shall have the  
3 power and duty to prescribe, adopt, and promulgate, in the manner  
4 set forth in this act, such reasonable rules, regulations, or  
5 specifications on matters relating to the safeguarding of life and  
6 property from the hazards of fire and explosion arising from  
7 storage, handling, and use of flammable and combustible materials,  
8 and from conditions hazardous to life or property in the use or  
9 occupancy of buildings or premises, as are deemed just and  
10 reasonable and in accordance with the codes as last adopted by the  
11 Oklahoma Uniform Building Code Commission, and not inconsistent with  
12 this act, and to revoke, amend, or supersede the same. Exceptions  
13 to these standards shall be granted to detention and correction  
14 facilities in existence on November 1, 1985, when noncompliance  
15 would not result in a life-threatening condition to inmates  
16 incarcerated in such facilities. All such rules, regulations, and  
17 specifications or any revisions or amendments thereto shall not  
18 become effective until promulgated in accordance with the provisions  
19 of the Administrative Procedures Act.

20       B. 1. Liquefied petroleum ~~gas~~ gases defined by Section 420.1  
21 of Title 52 of the Oklahoma Statutes shall be regulated by the  
22 Oklahoma Liquefied Petroleum Gas Board.

23       2. Flammable liquids stored in tanks at service stations shall  
24 be regulated by the Corporation Commission.

1 C. For the purpose of this section:

2 1. "Flammable liquids" means all petroleum products used as  
3 motor fuel and all grades of gasoline, kerosene, diesel fuel and  
4 aviation fuel having a vapor pressure not exceeding forty (40)  
5 pounds per square inch absolute at one hundred (100) degrees  
6 Fahrenheit;

7 2. "Service station" means any facility including but not  
8 limited to businesses serving the public, marinas and airports where  
9 flammable liquids are stored in aboveground tanks and dispensed for  
10 retail sales into the fuel tanks of airplanes, vessels or motor  
11 vehicles of the public; and

12 3. "Aboveground tank" means any stationary vessel at a service  
13 station and is located above the surface of the ground or on the  
14 ground which is designed to contain an accumulation of flammable  
15 liquids and which is constructed of nonearthen materials that  
16 provide structural support.

17 SECTION 5. AMENDATORY 74 O.S. 2011, Section 324.9, is  
18 amended to read as follows:

19 Section 324.9 A. The State Fire Marshal or deputies of the  
20 State Fire Marshal may make investigations to determine the origin  
21 and cause of fires, explosions, or suspected arson, and violations  
22 of other related laws and codes. The State Fire Marshal and the  
23 agents of the State Fire Marshal shall be peace officers and have  
24 and exercise all the powers and authority of other peace officers,



1 with responsibility for the enforcement of statutes relating to the  
2 State Fire Marshal. This shall include the authority to enforce,  
3 and issue citations for violations of, state and city-adopted  
4 codes, and make arrests for felony offenses relevant to the duties  
5 of the State Fire Marshal. All reports and all results of  
6 investigations relevant to the State Fire Marshal statutes shall be  
7 available and shall be freely interchanged between the Office of the  
8 State Fire Marshal and the Oklahoma State Bureau of Investigation.

9 B. The State Fire Marshal ~~Commission~~ may establish fees, fines,  
10 and administrative penalties for inspections, plan reviews, and  
11 permits as provided in the adopted codes of the ~~Commission~~ State  
12 Fire Marshal, as long as the fees, fines, and administrative  
13 penalties do not conflict with any applicable state law. All fees,  
14 fines, and administrative penalties shall be adopted in accordance  
15 with the Administrative Procedures Act.

16 SECTION 6. AMENDATORY 74 O.S. 2011, Section 324.11a, is  
17 amended to read as follows:

18 Section 324.11a A. Any person, partnership, corporation,  
19 organization, the state, or city, town, county, or other subdivision  
20 of this state, owning a building or structure used as a hospital,  
21 church, theater, hotel, motel, apartment house, rooming house,  
22 dormitory, rest home, nursing home, day nursery, convalescent home,  
23 auditorium, or child care institution, existing or constructed in  
24 the State of Oklahoma, shall install in such building or structure a

1 smoke detector or detectors in accordance with the nationally  
2 recognized codes, standards, or practices adopted by the State Fire  
3 Marshal ~~Commission~~ to safeguard life and property from the hazards  
4 of smoke and fire.

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

7 1. Designed to detect visible or invisible products of  
8 combustion;

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

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

12 4. Tested and listed for use as a smoke detector by a  
13 recognized testing laboratory.

14 C. Any person, partnership, corporation, state, municipality,  
15 county, or other subdivision of this state who is a lessor of a  
16 residential rental property shall explain to the lessee or tenant  
17 the method of testing the smoke detector to ensure that it is in  
18 working order. The responsibility for checking a smoke detector to  
19 find out whether such detector is in working order is with the  
20 tenant or lessee leasing or renting a one- or two-family dwelling,  
21 including an apartment in each apartment house, and not with the  
22 person, partnership, corporation, state, municipality, county, or  
23 other subdivision of this state who is a lessor of the residential  
24 rental property to the lessee or tenant.

1 D. Beginning November 1, 1997, all new construction or  
2 remodeling of residential dwellings which require a building permit  
3 shall include the installment of smoke detectors or the electrical  
4 wiring necessary for the installment of electrical smoke detectors.

5 E. Any person who violates any provision of subsection A of  
6 this section or any person who tampers with, removes, destroys,  
7 disconnects or removes power from any installed smoke detector,  
8 except in the course of inspection, maintenance or replacement of  
9 the detector, upon conviction, is guilty of a misdemeanor and may be  
10 fined not less than Fifty Dollars (\$50.00) nor more than One Hundred  
11 Dollars (\$100.00).

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

17 G. The State Fire Marshal ~~Commission~~ shall prescribe, adopt,  
18 and promulgate the rules necessary to effectuate the provisions of  
19 this section which shall include a practical ~~time table~~ timetable  
20 for compliance with the provisions of this ~~act~~ section.

21 H. Municipalities may enact ordinances in order to enforce the  
22 rules of the State Fire Marshal ~~Commission~~ as provided by this  
23 section.

SECTION 7. This act shall become effective November 1, 2019.

57-1-7784 LRB 02/05/19