

SHB 1971 - H AMD 1147

By Representative Senn

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 19.27.720 and 2020 c 88 s 3 are each amended to
4 read as follows:

5 (1) Inspections and tests under this section must be performed by
6 a contractor or engineer with the following qualifications:

7 (a) For inspection and testing of fire dampers, smoke dampers,
8 and combination fire and smoke dampers, such inspector must have a
9 current and valid certification to inspect and test fire dampers,
10 smoke dampers, and combination fire and smoke dampers and hold
11 certification from the international certification board as a fire
12 life safety 1 or fire and smoke damper technician through a program
13 accredited by the American national standards institute under the
14 ISO/IEC 17024 standard.

15 (b) For inspection and testing of smoke control systems, such
16 inspector must have a current and valid certification from the
17 international certification board as a fire life safety 2 or smoke
18 control system technician through a program accredited by the
19 American national standards institute under the ISO/IEC 17024
20 standard.

21 (2) As an alternative to the requirements in subsection (1) of
22 this section, an inspector of fire dampers, smoke dampers, and
23 combination fire and smoke dampers, and of smoke control systems, may
24 perform inspections and tests if they meet the qualifications the
25 department of labor and industries shall establish in emergency rule.

26 (a) The emergency rules adopted in accordance with this
27 subsection shall expire July 1, 2026.

28 (b) The department of labor and industries shall consult with the
29 Washington state association of fire marshals and with contractors
30 with experience installing, inspecting, testing, and maintaining
31 smoke control systems, fire dampers, smoke dampers, and combination
32 fire and smoke dampers prior to adopting these rules.

1 (3) A building engineer or other person knowledgeable with the
2 building system must be available in person or by phone to the
3 inspector during the inspection and testing in order to provide
4 building and systems access and information.

5 ~~((3))~~ (4) If an inspection reveals compliance with the
6 requirements of this section, the inspector shall issue a certificate
7 of compliance, which includes the name of the inspector and the
8 inspector's employer; the name of the building owner and address of
9 the property; the location of all smoke dampers, fire dampers,
10 combination fire and smoke dampers, and smoke control systems
11 inspected or tested; and the date of the inspection or test.

12 ~~((4))~~ (5) In the event an inspection or test reveals
13 deficiencies in smoke dampers, fire dampers, combination fire and
14 smoke dampers, or smoke control systems, the inspector shall prepare
15 a deficiency report for the building owner identifying the nature of
16 the deficiency and the reasons for noncompliance. The building owner
17 shall, within ~~((one hundred twenty))~~ 120 days of the date of the
18 inspection or upon the timeline provided by the local authority, take
19 necessary steps to ensure the defective equipment is replaced or
20 repaired and reinspected to ensure that the deficiency is corrected
21 and is in compliance with the requirements of all applicable
22 standards pursuant to chapter 88, Laws of 2020 and the International
23 Fire Code. The ~~((authority having jurisdiction))~~ local authority
24 shall have the authorization to extend the compliance period. The
25 building owner or their contractor shall provide documentation of
26 when and how the deficiencies were corrected to the local authority.
27 If the building owner does not correct the deficiency within ~~((one~~
28 ~~hundred twenty))~~ 120 days of the date of the inspection or upon the
29 timeline provided by the local authority, the local authority may
30 ~~((issue a citation as described in RCW 19.27.740))~~ pursue enforcement
31 consistent with section 3 of this act.

32 ~~((5))~~ (6) In addition to identifying the location and nature of
33 a deficiency, the report shall contain the name of the inspector and
34 the inspector's employer; the name of the building owner; address of
35 the property; the location of all fire dampers, smoke dampers,
36 combination fire and smoke dampers, and smoke control systems
37 inspected or tested; and the date of the inspection or test.

38 ~~((6))~~ (7) Tests and inspections of fire dampers, smoke dampers,
39 combination fire and smoke dampers, and smoke control systems shall
40 be conducted in accordance with the technical specifications and

1 required time periods specified by national fire protection
2 association standards 80, 90a, 90b, 92, and 105, as applicable.

3 **Sec. 2.** RCW 19.27.710 and 2020 c 88 s 2 are each amended to read
4 as follows:

5 (1) At a minimum, owners of buildings equipped with fire dampers,
6 smoke dampers, combination fire and smoke dampers, or smoke control
7 systems must:

8 (a) Have all newly installed fire dampers, smoke dampers,
9 combination fire and smoke dampers, and smoke control systems tested
10 and inspected within (~~twelve~~) 12 months of installation;

11 (b) Have all fire dampers, smoke dampers, and combination fire
12 and smoke dampers tested and inspected at least once every four
13 years, or every six years for hospitals, regardless of the date of
14 initial installation; and

15 (c) Have all smoke control systems tested and inspected at least
16 once every six to (~~twelve~~) 12 months, as required by the applicable
17 national fire protection association standard.

18 (2) All owners of buildings subject to chapter 88, Laws of 2020
19 must maintain full inspection and testing reports on the property and
20 make such reports available for inspection upon request by the local
21 authority.

22 (3) Fire dampers, smoke dampers, combination fire and smoke
23 dampers, and smoke control systems must be installed, inspected,
24 tested, and maintained in accordance with chapter 88, Laws of 2020,
25 manufacturers' guidelines, and the applicable industry standards.

26 (4) A building owner who fails to comply with the requirements of
27 this section may be issued a civil infraction (~~by the local
28 authority in accordance with RCW 19.27.740~~) in accordance with
29 section 3 of this act.

30 NEW SECTION. **Sec. 3.** A new section is added to chapter 19.27
31 RCW to read as follows:

32 Owners of buildings equipped with smoke control systems or
33 dampers shall follow installation, inspection, testing, maintenance,
34 and recordkeeping requirements in the International Building Code and
35 International Fire Code and in sections 1 and 2 of this act. Failure
36 to follow these requirements may result in civil penalties provided
37 in chapter 1 of the International Building Code and chapter 1 of the
38 International Fire Code, or by the local authority.

1 **Sec. 4.** RCW 43.43.944 and 2020 c 88 s 6 are each amended to read
2 as follows:

3 (1) The fire service training account is hereby established in
4 the state treasury. The primary purpose of the account is firefighter
5 training for both volunteer and career firefighters. The fund shall
6 consist of:

7 (a) All fees received by the Washington state patrol for fire
8 service training;

9 (b) All grants and bequests accepted by the Washington state
10 patrol under RCW 43.43.940;

11 (c) Twenty percent of all moneys received by the state on fire
12 insurance premiums; and

13 (d) ~~((Revenue from penalties established under RCW 19.27.740; and~~
14 ~~(e)))~~ General fund—state moneys appropriated into the account by
15 the legislature.

16 (2) Moneys in the account may be appropriated for: (a) Fire
17 service training; (b) school fire prevention activities within the
18 Washington state patrol; and (c) the maintenance, operations, and
19 capital projects of the state fire training academy. However,
20 expenditures for purposes of (b) and (c) of this subsection may only
21 be made to the extent that these expenditures do not adversely affect
22 expenditures for the purpose of (a) of this subsection. The state
23 patrol may use amounts appropriated from the fire service training
24 account under this section to contract with the Washington state
25 firefighters apprenticeship trust for the operation of the
26 firefighter joint apprenticeship training program. The contract may
27 call for payments on a monthly basis.

28 (3) Any general fund—state moneys appropriated into the account
29 shall be allocated solely to the firefighter joint apprenticeship
30 training program. The Washington state patrol may contract with
31 outside entities for the administration and delivery of the
32 firefighter joint apprenticeship training program.

33 NEW SECTION. **Sec. 5.** RCW 19.27.740 (Building owner—Violations—
34 Penalties) and 2020 c 88 s 5 are each repealed.

35 NEW SECTION. **Sec. 6.** Sections 1 through 4 of this act are
36 necessary for the immediate preservation of the public peace, health,

1 or safety, or support of the state government and its existing public
2 institutions, and take effect immediately."

3 Correct the title.

EFFECT: Strikes the underlying bill and makes the following changes:

Removes provisions related to the State Building Code Council adopting rules for the inspection and testing of smoke control systems, fire dampers, smoke dampers, and combination dampers (the systems), and removes provisions related to such rules superseding the provisions in the bill.

Removes provisions related to new installation, inspecting, and testing requirements for the systems.

Removes provisions related to new qualifications for those installing, inspecting, and testing the systems.

Restores provisions in current law related to installation, inspecting, and testing requirements for the systems and to qualifications for those installing, inspecting, and testing the systems.

Requires the Department of Labor and Industries to adopt emergency rules, in consultation with the Washington State Association of Fire Marshals and with contractors with experience installing, inspecting, testing, and maintaining the systems to provide for alternative qualifications for those installing, inspecting, and testing the systems through July 1, 2026.

Removes reference to criminal penalties for violations of the International Building Code and International Fire Code.

--- END ---