

HB 2701 - S COMM AMD

By Committee on Local Government

ADOPTED 03/05/2020

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

3 "NEW SECTION. **Sec. 1.** The definitions in this section apply
4 throughout sections 2 through 5 of this act.

5 (1) "Combination fire and smoke damper" has the same meaning as
6 provided in the International Fire Code as of January 1, 2020.

7 (2) "Fire damper" means a device installed in ducts and air
8 transfer openings designed to close automatically upon detection of
9 heat and resist the passage of flame.

10 (3) "Hospital" has the same meaning as provided in RCW 70.41.020.

11 (4) "Local authority" means a fire department or code official
12 with the authority to conduct inspections and issue infractions in a
13 jurisdiction.

14 (5) "Smoke control system" means an engineered system that
15 includes all methods that can be used singly or in combination to
16 modify smoke movement, including engineered systems that use
17 mechanical fans to produce pressure differences across smoke barriers
18 to inhibit smoke movement.

19 (6) "Smoke damper" means a device installed in ducts and air
20 transfer openings designed to resist the passage of smoke.

21 NEW SECTION. **Sec. 2.** (1) At a minimum, owners of buildings
22 equipped with fire dampers, smoke dampers, combination fire and smoke
23 dampers, or smoke control systems must:

24 (a) Have all newly installed fire dampers, smoke dampers,
25 combination fire and smoke dampers, and smoke control systems tested
26 and inspected within twelve months of installation;

27 (b) Have all fire dampers, smoke dampers, and combination fire
28 and smoke dampers tested and inspected at least once every four
29 years, or every six years for hospitals, regardless of the date of
30 initial installation; and

1 (c) Have all smoke control systems tested and inspected at least
2 once every six to twelve months, as required by the applicable
3 national fire protection association standard.

4 (2) All owners of buildings subject to this act must maintain
5 full inspection and testing reports on the property and make such
6 reports available for inspection upon request by the local authority.

7 (3) Fire dampers, smoke dampers, combination fire and smoke
8 dampers, and smoke control systems must be installed, inspected,
9 tested, and maintained in accordance with this act, manufacturers'
10 guidelines, and the applicable industry standards.

11 (4) A building owner who fails to comply with the requirements of
12 this section may be issued a civil infraction by the local authority
13 in accordance with section 5 of this act.

14 NEW SECTION. **Sec. 3.** (1) Inspections and tests under this
15 section must be performed by a contractor or engineer with the
16 following qualifications:

17 (a) For inspection and testing of fire dampers, smoke dampers,
18 and combination fire and smoke dampers, such inspector must have a
19 current and valid certification to inspect and test fire dampers,
20 smoke dampers, and combination fire and smoke dampers and hold
21 certification from the international certification board as a fire
22 life safety 1 or fire and smoke damper technician through a program
23 accredited by the American national standards institute under the
24 ISO/IEC 17024 standard.

25 (b) For inspection and testing of smoke control systems, such
26 inspector must have a current and valid certification from the
27 international certification board as a fire life safety 2 or smoke
28 control system technician through a program accredited by the
29 American national standards institute under the ISO/IEC 17024
30 standard.

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

35 (3) If an inspection reveals compliance with the requirements of
36 this section, the inspector shall issue a certificate of compliance,
37 which includes the name of the inspector and the inspector's
38 employer; the name of the building owner and address of the property;
39 the location of all smoke dampers, fire dampers, combination fire and

1 smoke dampers, and smoke control systems inspected or tested; and the
2 date of the inspection or test.

3 (4) In the event an inspection or test reveals deficiencies in
4 smoke dampers, fire dampers, combination fire and smoke dampers, or
5 smoke control systems, the inspector shall prepare a deficiency
6 report for the building owner identifying the nature of the
7 deficiency and the reasons for noncompliance. The building owner
8 shall, within one hundred twenty days of the date of the inspection,
9 take necessary steps to ensure the defective equipment is replaced or
10 repaired and reinspected to ensure that the deficiency is corrected
11 and is in compliance with the requirements of all applicable
12 standards pursuant to this act. The authority having jurisdiction
13 shall have the authorization to extend the compliance period. The
14 building owner shall provide documentation of when and how the
15 deficiencies were corrected. If the building owner does not correct
16 the deficiency within one hundred twenty days of the date of the
17 inspection, the local authority may issue a citation as described in
18 section 5 of this act.

19 (5) In addition to identifying the location and nature of a
20 deficiency, the report shall contain the name of the inspector and
21 the inspector's employer; the name of the building owner; address of
22 the property; the location of all fire dampers, smoke dampers,
23 combination fire and smoke dampers, and smoke control systems
24 inspected or tested; and the date of the inspection or test.

25 (6) Tests and inspections of fire dampers, smoke dampers,
26 combination fire and smoke dampers, and smoke control systems shall
27 be conducted in accordance with the technical specifications and
28 required time periods specified by national fire protection
29 association standards 80, 90a, 90b, 92, and 105, as applicable.

30 NEW SECTION. **Sec. 4.** The state building code council shall work
31 in conjunction with the director of fire protection to coordinate the
32 implementation and enforcement of sections 2 and 3 of this act.

33 NEW SECTION. **Sec. 5.** (1) If a building owner has not complied
34 with the testing schedule under section 2 of this act, or has not
35 received a certificate of compliance within one hundred twenty days
36 of an inspection under section 4 of this act that revealed a
37 deficiency, then the building owner has committed a violation and may
38 be issued a citation by the local authority. A violation of this

1 section is a civil infraction, subject to all applicable local fees
2 and other remedies for noncompliance. The monetary penalties in
3 subsection (3) of this section apply when other penalties are not
4 required by the local authority having jurisdiction.

5 (2) The authority having jurisdiction may require the building
6 owner to conspicuously post the citation at all pedestrian entrances
7 and exits until a certificate of compliance has been issued pursuant
8 to section 3 of this act or the citation has been dismissed.

9 (3) After the issuance of an initial citation, additional
10 citations may be issued if the violations are not corrected:

11 (a) If the violations are not corrected within one hundred twenty
12 days of the initial citation, a second citation may be issued with a
13 monetary penalty of five cents per square foot of occupied space;

14 (b) If the violations are not corrected within two hundred forty
15 days of the initial citation, a third citation may be issued with an
16 additional monetary penalty of ten cents per square foot of occupied
17 space and shall require mandatory in-person attendance by the
18 building's head facilities manager at a four-hour fire life safety
19 course given by the international certification board or equivalent
20 provider of fire life safety programs accredited by the American
21 national standards institute; and

22 (c) After the issuance of a citation pursuant to (b) of this
23 subsection, additional citations may be issued every sixty days until
24 any and all prior violations are resolved and all penalties imposed
25 are satisfied. Each citation issued under this subsection (3)(c)
26 shall assess a penalty of ten cents per square foot of occupied
27 space.

28 (4) Revenue from the penalties in subsection (2) of this section
29 shall be forwarded to the state treasurer for deposit in the fire
30 service training account under RCW 43.43.944.

31 **Sec. 6.** RCW 43.43.944 and 2012 c 173 s 1 are each amended to
32 read as follows:

33 (1) The fire service training account is hereby established in
34 the state treasury. The primary purpose of the account is firefighter
35 training for both volunteer and career firefighters. The fund shall
36 consist of:

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

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

3 (c) Twenty percent of all moneys received by the state on fire
4 insurance premiums; (~~and~~)

5 (d) Revenue from penalties established under section 5 of this
6 act; and

7 (e) General fund—state moneys appropriated into the account by
8 the legislature.

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

21 (3) Any general fund—state moneys appropriated into the account
22 shall be allocated solely to the firefighter joint apprenticeship
23 training program. The Washington state patrol may contract with
24 outside entities for the administration and delivery of the
25 firefighter joint apprenticeship training program.

26 NEW SECTION. Sec. 7. Sections 1 through 5 of this act are each
27 added to chapter 19.27 RCW and codified with the subchapter heading
28 of "fire and smoke control systems testing."

29 NEW SECTION. Sec. 8. This act takes effect July 1, 2021."

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30 On page 1, line 2 of the title, after "dampers;" strike the
31 remainder of the title and insert "amending RCW 43.43.944; adding new

1 sections to chapter 19.27 RCW; prescribing penalties; and providing
2 an effective date."

EFFECT: Amends reference to "fire control systems" to "smoke control systems" as applied to minimum testing and inspection requirements.

Requires that a building engineer or other person knowledgeable with the building system be available in person or by phone to the inspector during the inspection and testing in order to provide building and systems access and information.

Authorizes the authority having jurisdiction to extend the one hundred twenty day compliance period for smoke damper, fire damper, combination fire and smoke damper, or smoke control system deficiencies revealed through inspections.

Specifies that the monetary penalties for noncompliance apply when other penalties are not required by the local authority having jurisdiction.

Provides that the authority having jurisdiction may require the building owner to conspicuously post the citation at all pedestrian entrances and exits until a certificate of compliance has been issued or the citation has been dismissed.

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