**1971-S AMH SENN H2735.1 - NOT FOR FLOOR USE**

**SHB 1971** - H AMD **1147**

By Representative Senn

Strike everything after the enacting clause and insert the following:

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

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

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

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

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

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

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

(3) A building engineer or other person knowledgeable with the building system must 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.

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

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

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

((~~(6)~~)) (7) Tests and inspections of fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems shall be conducted in accordance with the technical specifications and required time periods specified by national fire protection association standards 80, 90a, 90b, 92, and 105, as applicable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) ((~~Revenue from penalties established under RCW 19.27.740; and~~

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

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

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

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

NEW SECTION. **Sec.**  Sections 1 through 4 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

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.