

FINAL BILL REPORT

ESHB 1401

C 148 L 05

Synopsis as Enacted

Brief Description: Regulating fire safety.

Sponsors: By House Committee on Local Government (originally sponsored by Representatives Simpson, Hankins, O'Brien, Ormsby and Chase).

House Committee on Local Government

Senate Committee on Government Operations & Elections

Senate Committee on Labor, Commerce, Research & Development

Background:

The State Building Code Council (SBCC) is responsible for the adoption and maintenance of the building, residential, mechanical, fire, and plumbing model codes that comprise the state building code (SBC). The SBCC is required to regularly review updated versions of the Uniform Model Codes and amend these codes as appropriate. The SBC, which includes provisions describing the powers and duties of fire code officials and building officials, must be enforced by counties and cities. However, these local governments may amend the SBC as it applies within their jurisdiction, subject to limitations prescribed in law.

The State Fire Protection Policy Board (SFPPB) is an eight member board appointed by the Governor to develop a comprehensive state policy regarding fire protection services. Among other duties, the SFPPB must adopt a state fire training and education master plan and a state fire protection master plan.

Property taxes are imposed by state and local governments and apply to the assessed value of all taxable property, which includes all real and personal property located within the state, unless specifically exempted. Real property includes land, structures, and certain equipment that is affixed to the structure. Personal property includes machinery, supplies, certain utility property, and items which are generally movable. The assessed value of most real property is determined by the county assessor.

Summary:

The SBCC must adopt rules by December 1, 2005 requiring that all nightclubs be provided with an automatic sprinkler system. In adopting the rules, the SBCC must consider certain fire and building code standards, as well as local conditions. The rules become effective December 1, 2007.

"Nightclub" is defined as an establishment, other than a theater with fixed seating, that:

- provides live entertainment by paid performing artists or by way of recorded music conducted by a person employed or engaged to do so;
- has as its primary source of revenue the sale of beverages of any kind for consumption on the premises, cover charges, or both; and
- has an occupant load of 100 or more where the occupant load for any portion of the occupancy is calculated at one person per 10 square feet or less, excluding the entry foyer.

The SBCC must transmit copies of the adopted rules to the SFPPB by December 12, 2005. The SBCC must consider any changes recommended by the SFPPB.

The construction, use, conversion, or occupancy of a building as a nightclub is prohibited except in accordance with the provisions of the State Building Code.

Prior to the installation of an automatic sprinkler system under the act, a property owner may apply for a special tax exemption. The application must be made to the appropriate county assessor and in accordance with specified requirements. "Special tax exemption" means the determination of the assessed value of the property subtracting, for 10 years, the increase in value attributable to the installation of the automatic sprinkler system. If the exemption is granted, the assessor must place a special property tax exemption on eligible property for 10 consecutive assessment years following the calendar year in which application is made.

Votes on Final Passage:

House	96	0
Senate	44	3

Effective: July 24, 2005