

HOUSE BILL REPORT

HB 1401

As Reported by House Committee On:
Local Government

Title: An act relating to fire safety.

Brief Description: Requiring certain buildings to add automatic sprinkler systems.

Sponsors: Representatives Simpson, Hankins, O'Brien, Ormsby and Chase.

Brief History:

Committee Activity:

Local Government: 2/3/05, 2/24/05 [DPS].

Brief Summary of Substitute Bill

- Specifies new regulatory requirements for the Liquor Control Board.
- Requires code officials to compel the owners of qualifying buildings or structures to install approved systems automatic sprinklers (sprinkler systems) throughout assembly and common areas.
- Requires the cost of installing a sprinkler system to be borne entirely by the owner of the building or structure.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Simpson, Chair; Clibborn, Vice Chair; B. Sullivan and Takko.

Minority Report: Do not pass. Signed by 2 members: Representatives Schindler, Ranking Minority Member; and Ahern, Assistant Ranking Minority Member.

Staff: Ethan Moreno (786-7386).

Background:

The Liquor Control Board (Board) is an appointed three member board charged with overseeing the sale and distribution of alcohol beverages. Among other powers, the Board has authority to make regulations, with the force and effect of law, to fulfill its statutory obligations. The authority of the board extends to:

- prescribing the terms and conditions contained in permits and licenses issued for the sale and distribution of liquor;
- regulating the sale of liquor kept by the holders of licenses which entitle the holder to purchase and keep liquor for sale; and
- prescribing the conditions, accommodations and qualification requisite for the obtaining of licenses to sell beer and wines, and regulating the sale of beer and wines thereunder.

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. These local governments, however, may amend the SBC as it applies within their jurisdiction, subject to limitations prescribed in law.

Summary of Substitute Bill:

Regulatory Provisions

New regulatory requirements for the Liquor Control Board (Board) are specified. The Board must require applicants seeking beverage licenses authorizing the consumption of alcohol on the premises of a nightclub to submit a valid certificate of inspection (certificate) issued by a local inspector for the jurisdiction. The certificate must comply with requirements of the state building code (SBC) and applicable rules that the State Building Code Council (SBCC) must adopt for this purpose.

Failure by a code official to issue a certificate may be appealed in accordance with locally administered appeal procedures provided in the SBC.

"Nightclub" is defined as an establishment with the principal business of live entertainment having an assembly area occupancy capacity of 100 or more persons where alcohol is served.

The Board must also rescind the license of any owner, occupant, lessee, or other person having control or supervision of any assembly use group building who:

- causes or permits a dangerous condition to exist on the premises at any time, as determined by a code official; or
- does not have a valid certificate.

Automatic Sprinkler System Requirements

The code official must require the owner of any building, structure, or portion thereof that includes a place of business designed or used for occupancy as a nightclub, to install an approved system of automatic sprinklers (sprinkler system), throughout the assembly area and any common connected areas. The cost of the sprinkler system installation must be borne entirely by the owner of the building or structure. The sprinkler system installation must comply with rules that the SBCC must adopt for this purpose. An exemption to this sprinkler system requirement is provided for the construction or substantial alteration of buildings or

structures approved by building permit on or after July 1, 2004. The SBCC is not precluded from prescribing more stringent sprinkler requirements.

Within 18 months after the effective date of the legislation, the owner of any building, structure, or portion thereof subject to the sprinkler system requirements must file an installation plan with a designated local authority. The plan is subject to approval by the local authority. The owner must complete the sprinkler system installation, as set forth in the plan, within three years after the effective date of the legislation.

Substitute Bill Compared to Original Bill:

The proposed substitute deletes most substantive provisions of the original bill, including provisions pertaining to the Director of Fire Protection and tax exemptions. Requirements for the filing, and subsequent implementation of, sprinkler system installation plans are retained. The new provisions are summarized as follows:

- specifies new regulatory requirements for the Liquor Control Board (Board). The Board must require applicants seeking beverage licenses authorizing the consumption of alcohol on the premises of a nightclub to submit a valid certificate of inspection (certificate) issued by a local inspector for the jurisdiction;
- defines "nightclub" as an establishment with the principal business of live entertainment, with an assembly area occupancy capacity of 100 or more persons, and where alcohol is served;
- provides that failure by a local code inspector to issue a certificate of inspection may be appealed according to specified procedures;
- requires the State Building Code Council to adopt applicable rules to implement new requirements;
- specifies that the code official must require the owner of any building, structure, or portion thereof that includes a place of business designed or used as a nightclub to install an approved system of automatic sprinklers (sprinkler system) throughout the assembly area and any common connected areas;
- exempts the construction or substantial alteration of buildings or structures approved by building permit on or after July 1, 2004, from the sprinkler system requirement;
- provides that the cost of installing a sprinkler system must be borne entirely by the owner of a qualifying building or structure; and
- requires the Board to rescind the license of any owner, occupant, lessee, or other person having control or supervision of an assembly use group building who causes or permits a dangerous condition to exist on the premises or does not have a certificate.

Appropriation: None.

Fiscal Note: Requested on February 25, 2005.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill is a response to nightclub fires that took place in Rhode Island and Minnesota in 2003. Pyrotechnics were responsible for fires that spread quickly and ignited the ceilings of the businesses. More than 100 people lost their lives in the Rhode Island nightclub that did not have a sprinkler system. The Minnesota nightclub had a sprinkler system and lives were not lost. This bill is a work in progress. Rule-making and enforcement aspects within the bill need to be modified. A new version is forthcoming. Sprinkler systems would help to solve safety issues. Support exists for a modified bill. Concerns exist about creating new inspection requirements that may burden local officials. Tax incentives could help to offset sprinkler system installation costs. This bill is needed and it represents an opportunity to save lives.

(With concerns) Support exists for working with proponents of the bill to clarify existing provisions. The State Building Code Council should be consulted about the bill. The sprinkler system provisions of the bill should be limited to common assembly areas and should not apply to residential dwelling areas. State law requires residential units to have working smoke detectors.

Testimony Against: Retrofitting existing buildings with sprinkler systems will be very expensive. A more appropriate response to the concern of nightclub fires may be to ban pyrotechnics. The bill may establish duplicative requirements.

Persons Testifying: (In support) John Brooks, Sprinkler Fitters Apprenticeship; Rick Jansen and Paul O'Conner, Fire Sprinkler Advisory Board of Puget Sound; Miriam Israel Moses, Rebound; Lee Russel, Local 699 Sprinkler Fitters; John McDonald, Washington State Association of Fire Marshalls; and Mike Brown and Warren Burns, Washington State Association of Fire Chiefs.

(With concerns) Mark Triplett, Washington Association of Building Officials; Stan Bowman, American Institute of Architects Washington Council; Deputy Chief James Woodbury and Diane Hansen, Seattle Fire Department; and Bob Mitchell, Washington Association of Realtors.

(Opposed) Michael Transue, Washington Restaurant Association; Darlene Pennock, Washington Apartment Association; and T.K. Bentler, Washington State Hotel & Lodging Association.

Persons Signed In To Testify But Not Testifying: (With concerns) Anjela Foster, State Fire Marshall.