

SENATE BILL REPORT

ESHB 1401

As Reported By Senate Committee On:
Labor, Commerce, Research & Development, March 31, 2005

Title: An act relating to fire safety.

Brief Description: Regulating fire safety.

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

Brief History: Passed House: 3/09/05, 96-0.

Committee Activity: Labor, Commerce, Research & Development: 3/29/05, 3/31/05 [DP].

SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

Majority Report: Do pass.

Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Parlette, Ranking Minority Member; Brown, Hewitt, Honeyford, Keiser and Prentice.

Staff: John Dziedzic (786-7784)

Background: The State Building Code is the compilation of model codes established by international organizations recognized in statute as authoritative in the areas of building, residential, mechanical, fire, and plumbing codes. The State Building Code Council (SBCC) reviews the model codes as they are periodically updated and adopts or amends them. As adopted by the SBCC, the code applies throughout the state, and is enforced by all cities and counties, unless a city or county increases a provision to a higher standard.

An amended version of the 2003 International Fire Code, adopted by the SBCC effective July 1, 2004, requires automatic sprinkler systems in places of public assembly greater than 5,000 square feet in size or with an approved occupant load of 100 or more.

Since 1995, the State Fire Marshall has been appointed by the Chief of the Washington State Patrol, and serves as the Director of the Patrol's Fire Protection Bureau. The Fire Marshall is advised by the Fire Protection Policy Board, which is comprised of representatives of fire commissioners and fire chiefs, career and volunteer firefighters, insurance companies, the Department of Natural Resources, and local jurisdictions. The State Fire Marshall is responsible for licensing companies that design, install, test, and/or maintain fire sprinkler systems in the state.

As a general rule, all privately owned real property in Washington is subject to assessment and taxation for state, county, and other taxing district purposes. Exemptions to the general rule are contained in Title 84 RCW, and include physical improvements to single family residences for the three assessment years subsequent to the completion of the improvements to the extent that the improvements represent 30 percent or less of the value of the original

structure. Another exemption, in the form of a special valuation, has been provided for improvements to historic property.

Summary of Bill: Construction, conversion, or occupancy of a building as a nightclub is prohibited unless the facility is equipped with an automatic sprinkler system meeting the requirements provided for in this bill.

A nightclub is defined as an establishment that: (1) provides live entertainment by paid performing artists or by way of recorded music conducted by a person, such as a disc jockey, who is employed or engaged to conduct the music; (2) has as its primary source of revenue from either the sale of beverages of any kind which are to be consumed on the premises, cover charges, or both; and (3) has an occupant load of one hundred or more, where the occupant load for any portion of the occupancy is calculated at one person per ten square feet or less, excluding the entry foyer. Fixed seat theaters are excluded from the definition of a nightclub.

The SBCC is charged with adopting rules by December 1, 2005 requiring that all "nightclubs" be provided with an automatic sprinkler system. By December 15, 2005, the SBCC is to share these rules with the fire protection policy board, which is to respond to the SBCC, by February 15, 2006, with any recommended changes. The SBCC is to consider any such recommendations. The rules are to become effective December 1, 2007.

Owners of property required to install automatic sprinkler systems in nightclubs may apply for a property tax exemption. To be eligible for the exemption the owner must apply to the assessor of the county in which the property is located prior to installation of the system. For ten years thereafter, the owner is exempt from property tax on the increase in value attributable to the installation of an automatic sprinkler system in a nightclub.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill addresses a clear life safety issue, and is in response to recent fires in nightclubs in two other states. In both instances, the nightclubs were packed with patrons and there was loud music, light-show special effects, and other confusing conditions. In the nightclub that had no sprinkler system, many people died. In the nightclub that had a sprinkler system, no one died. The clear conclusion is that sprinklers save lives. The bill recognizes that retrofitting a facility with a sprinkler system costs money, and addresses that issue with a property tax exemption, and by carefully defining what constitutes a nightclub.

Testimony Against: None.

Who Testified: PRO: Representative Simpson, prime sponsor; Paul O'Connor, Rick Jensen, Fire Sprinkler Advisory Board of Puget Sound; Lee Russell, Local 699 Sprinkler Fitters; Michael Transue, WA Restaurant Association.