

**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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