

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2701

66th Legislature
2020 Regular Session

Passed by the House March 7, 2020
Yeas 97 Nays 0

**Speaker of the House of
Representatives**

Passed by the Senate March 5, 2020
Yeas 45 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2701** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 2701

AS AMENDED BY THE SENATE

Passed Legislature - 2020 Regular Session

State of Washington **66th Legislature** **2020 Regular Session**

By Representatives Ormsby, Eslick, and Riccelli

Read first time 01/20/20. Referred to Committee on Local Government.

1 AN ACT Relating to inspection and testing of fire and smoke
2 control systems and dampers; amending RCW 43.43.944; adding new
3 sections to chapter 19.27 RCW; prescribing penalties; and providing
4 an effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The definitions in this section apply
7 throughout sections 2 through 5 of this act.

8 (1) "Combination fire and smoke damper" has the same meaning as
9 provided in the International Fire Code as of January 1, 2020.

10 (2) "Fire damper" means a device installed in ducts and air
11 transfer openings designed to close automatically upon detection of
12 heat and resist the passage of flame.

13 (3) "Hospital" has the same meaning as provided in RCW 70.41.020.

14 (4) "Local authority" means a fire department or code official
15 with the authority to conduct inspections and issue infractions in a
16 jurisdiction.

17 (5) "Smoke control system" means an engineered system that
18 includes all methods that can be used singly or in combination to
19 modify smoke movement, including engineered systems that use
20 mechanical fans to produce pressure differences across smoke barriers
21 to inhibit smoke movement.

1 (6) "Smoke damper" means a device installed in ducts and air
2 transfer openings designed to resist the passage of smoke.

3 NEW SECTION. **Sec. 2.** (1) At a minimum, owners of buildings
4 equipped with fire dampers, smoke dampers, combination fire and smoke
5 dampers, or smoke control systems must:

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

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

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

16 (2) All owners of buildings subject to this act must maintain
17 full inspection and testing reports on the property and make such
18 reports available for inspection upon request by the local authority.

19 (3) Fire dampers, smoke dampers, combination fire and smoke
20 dampers, and smoke control systems must be installed, inspected,
21 tested, and maintained in accordance with this act, manufacturers'
22 guidelines, and the applicable industry standards.

23 (4) A building owner who fails to comply with the requirements of
24 this section may be issued a civil infraction by the local authority
25 in accordance with section 5 of this act.

26 NEW SECTION. **Sec. 3.** (1) Inspections and tests under this
27 section must be performed by a contractor or engineer with the
28 following qualifications:

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

37 (b) For inspection and testing of smoke control systems, such
38 inspector must have a current and valid certification from the

1 international certification board as a fire life safety 2 or smoke
2 control system technician through a program accredited by the
3 American national standards institute under the ISO/IEC 17024
4 standard.

5 (2) A building engineer or other person knowledgeable with the
6 building system must be available in person or by phone to the
7 inspector during the inspection and testing in order to provide
8 building and systems access and information.

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

16 (4) In the event an inspection or test reveals deficiencies in
17 smoke dampers, fire dampers, combination fire and smoke dampers, or
18 smoke control systems, the inspector shall prepare a deficiency
19 report for the building owner identifying the nature of the
20 deficiency and the reasons for noncompliance. The building owner
21 shall, within one hundred twenty days of the date of the inspection,
22 take necessary steps to ensure the defective equipment is replaced or
23 repaired and reinspected to ensure that the deficiency is corrected
24 and is in compliance with the requirements of all applicable
25 standards pursuant to this act. The authority having jurisdiction
26 shall have the authorization to extend the compliance period. The
27 building owner shall provide documentation of when and how the
28 deficiencies were corrected. If the building owner does not correct
29 the deficiency within one hundred twenty days of the date of the
30 inspection, the local authority may issue a citation as described in
31 section 5 of this act.

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

38 (6) Tests and inspections of fire dampers, smoke dampers,
39 combination fire and smoke dampers, and smoke control systems shall
40 be conducted in accordance with the technical specifications and

1 required time periods specified by national fire protection
2 association standards 80, 90a, 90b, 92, and 105, as applicable.

3 NEW SECTION. **Sec. 4.** The state building code council shall work
4 in conjunction with the director of fire protection to coordinate the
5 implementation and enforcement of sections 2 and 3 of this act.

6 NEW SECTION. **Sec. 5.** (1) If a building owner has not complied
7 with the testing schedule under section 2 of this act, or has not
8 received a certificate of compliance within one hundred twenty days
9 of an inspection under section 4 of this act that revealed a
10 deficiency, then the building owner has committed a violation and may
11 be issued a citation by the local authority. A violation of this
12 section is a civil infraction, subject to all applicable local fees
13 and other remedies for noncompliance. The monetary penalties in
14 subsection (3) of this section apply when other penalties are not
15 required by the local authority having jurisdiction.

16 (2) The authority having jurisdiction may require the building
17 owner to conspicuously post the citation at all pedestrian entrances
18 and exits until a certificate of compliance has been issued pursuant
19 to section 3 of this act or the citation has been dismissed.

20 (3) After the issuance of an initial citation, additional
21 citations may be issued if the violations are not corrected:

22 (a) If the violations are not corrected within one hundred twenty
23 days of the initial citation, a second citation may be issued with a
24 monetary penalty of five cents per square foot of occupied space;

25 (b) If the violations are not corrected within two hundred forty
26 days of the initial citation, a third citation may be issued with an
27 additional monetary penalty of ten cents per square foot of occupied
28 space and shall require mandatory in-person attendance by the
29 building's head facilities manager at a four-hour fire life safety
30 course given by the international certification board or equivalent
31 provider of fire life safety programs accredited by the American
32 national standards institute; and

33 (c) After the issuance of a citation pursuant to (b) of this
34 subsection, additional citations may be issued every sixty days until
35 any and all prior violations are resolved and all penalties imposed
36 are satisfied. Each citation issued under this subsection (3)(c)
37 shall assess a penalty of ten cents per square foot of occupied
38 space.

1 (4) Revenue from the penalties in subsection (2) of this section
2 shall be forwarded to the state treasurer for deposit in the fire
3 service training account under RCW 43.43.944.

4 **Sec. 6.** RCW 43.43.944 and 2012 c 173 s 1 are each amended to
5 read as follows:

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

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

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

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

16 (d) Revenue from penalties established under section 5 of this
17 act; and

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

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

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

1 NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act are each
2 added to chapter 19.27 RCW and codified with the subchapter heading
3 of "fire and smoke control systems testing."

4 NEW SECTION. **Sec. 8.** This act takes effect July 1, 2021.

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