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**SUBSTITUTE HOUSE BILL 1971**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** House Local Government (originally sponsored by Representatives Robertson, Senn, Eslick, and Leavitt)

AN ACT Relating to installation, inspection, testing, and maintenance of smoke control systems and fire dampers, smoke dampers, and combination fire and smoke dampers; amending RCW 19.27.720, 19.27.730, and 43.43.944; adding new sections to chapter 19.27 RCW; creating a new section; repealing RCW 19.27.710 and 19.27.740; prescribing penalties; providing an effective date; providing a contingent expiration date; and declaring an emergency.

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

NEW SECTION. **Sec.**  The Washington state building code council shall:

(1)(a) Provide rules or amend codes by December 31, 2022, to require the creation of a periodic testing plan for smoke control systems in existing buildings where no such plan is available;

(b) Provide an appropriate transition period prior to the effective date of this requirement; and

(c) Request recommendations from interested stakeholders as part of the rule-making or code amendment process;

(2) Provide rules or amend codes by December 31, 2023, to accomplish the purpose of section 2 of this act regarding the installation, inspection, testing, and maintenance of smoke control systems, and request recommendations from interested stakeholders as part of the rule-making or code amendment process; and

(3) Provide rules or amend codes by December 31, 2023, to accomplish the purpose of section 3 of this act regarding the installation, inspection, testing, and maintenance of fire dampers, smoke dampers, and combination fire and smoke dampers, and request recommendations from the Washington state association of fire marshals and other interested stakeholders as part of the rule-making or code amendment process.

NEW SECTION. **Sec.**  A new section is added to chapter 19.27 RCW to read as follows:

Smoke control systems must be installed and tested in accordance with the following provisions:

(1) A special inspections plan detailing the testing of new smoke control systems must be included as part of the construction documents required when new smoke control systems are installed. The special inspections plan must meet the requirements of the International Building Code and any other requirements from the local authority. The engineer of record for the smoke control system shall prepare the special inspection plan.

(2) The building owner or delegee shall name the special instructor to perform or lead the testing detailed in the special inspections plan at the time of system installation. The special inspector may also coordinate testing, assemble test reports and documentation, and provide the reports and documentation to the local authority upon request. The special inspector must possess the qualifications identified in RCW 19.27.720.

(3) A plan for periodic testing of newly installed smoke control systems is required as part of the construction documents for new smoke control systems. The engineer of record for the smoke control system shall prepare the periodic test plan. The plan must specify the procedures and methods to be used, the items subject to the inspections and tests, and the frequency the inspections and tests are to be implemented. This plan must be stored on the site and provided to the local authority upon request.

(4) Existing buildings with a smoke control system but without a periodic testing plan for the smoke control system are required to develop such a plan within the timeline to be provided by the Washington state building code council in section 1(1) of this act.

(5) Both dedicated and nondedicated smoke control systems must be operated for each control sequence annually, and components bypassing weekly tests must be tested annually, except where these time frames are modified by the periodic testing plan for the system or the local authority.

(6) A special inspector for periodic testing must be identified to perform or coordinate the special inspections during periodic testing. The special inspector for periodic testing may also serve as the integrated testing agent as stated in the national fire protection administration standard number 4, standard for integrated fire protection and life safety system testing, when smoke control testing is performed as part of integrated systems testing at the time of installation or periodic operational testing. The special inspector for periodic testing may also coordinate testing, assemble test reports and documentation, and provide these to the local authority upon request.

NEW SECTION. **Sec.**  A new section is added to chapter 19.27 RCW to read as follows:

Smoke dampers, fire dampers, and combination fire and smoke dampers must be installed and tested in accordance with the following provisions:

(1) The building owner or delegee shall maintain records of the locations and functions of dampers. The documentation must be stored on a site and provided to the local authority upon request.

(2) The building owner or delegee shall inspect all dampers annually, except for those dampers excluded by the fire code due to their concealed location, and repair them as needed. In addition, testing and maintenance of fire dampers, smoke dampers, and combination fire and smoke dampers must be conducted in accordance with the technical specifications and required time periods specified by national fire protection association standards, including: In the first year after installation, 100 percent of dampers must be tested; thereafter, testing is required every four years, except for those dampers excluded from testing by code due to their concealed location, or dampers in hospitals, where 100 percent of dampers must be tested every six years. Testing and maintenance of dampers in a building may be divided into quarters or other groups and accomplished over a period of years so that 100 percent of the dampers are tested and repaired within the time frames.

**Sec.**  RCW 19.27.720 and 2020 c 88 s 3 are each amended to read as follows:

(1) ((~~Inspections and tests under this section must be performed by a contractor or engineer with the following qualifications:~~

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

~~(b) For inspection and testing of smoke control systems, such inspector must have a current and valid certification from the international certification board as a fire life safety 2 or smoke control system technician through a program accredited by the American national standards institute under the ISO/IEC 17024 standard.~~

~~(2)~~)) (a) The personnel or company that serves as the special inspector for smoke control systems installation or periodic testing shall possess skills that demonstrate an experience or knowledge of integrated operations of the design, installation, operation, and maintenance of the smoke control system installed, identified by possession of an appropriate accredited certification recognized by Washington state, including but not limited to certification as a smoke control special inspector through a relevant program accredited by the American national standards institute, an appropriate Washington state recognized license, or other qualifications verified by the local authority as stated in national fire protection association standard number 3, recommended practice for commissioning of fire protection and life safety systems annex B; national fire protection association standard number 4, standard for integrated fire protection and life safety system testing; and International Building Code section 17.

(b)(i) Additional firms and personnel may be involved to test subcomponents of the smoke control system as well as other systems integrated with the smoke control system.

(ii) The additional firms and personnel must have qualifications that meet the laws and codes required in Washington state or, where no provision exists, they shall possess qualifications as stated by national fire protection association standards that are verified by the local authority.

(2) The personnel or company that performs the installation, inspection, testing, and maintenance of fire dampers, smoke dampers, and combination fire and smoke dampers shall possess an accredited certification recognized by Washington state, including but not limited to certification through a relevant program accredited by the American national standards institute, or an appropriate Washington state recognized license, or other qualifications as established by national fire protection association standards that are verified by the local authority. Fire dampers, smoke dampers, and combination fire and smoke dampers that are not part of a smoke control system may be installed, inspected, tested, and maintained by the local authority or properly qualified personnel as required in this subsection (2) and do not require a special inspector as identified in section 2 (2) and (6) of this act.

(3) A building engineer or other person knowledgeable with the building system must 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.

((~~(3)~~)) (4) If an inspection reveals compliance with the requirements of this section, the inspector shall issue a certificate of compliance, which includes the name of the inspector and the inspector's employer; the name of the building owner and address of the property; the location of all smoke dampers, fire dampers, combination fire and smoke dampers, and smoke control systems inspected or tested; and the date of the inspection or test.

((~~(4)~~)) (5) In the event an inspection or test reveals deficiencies in smoke dampers, fire dampers, combination fire and smoke dampers, or smoke control systems, the inspector shall prepare a deficiency report for the building owner identifying the nature of the deficiency and the reasons for noncompliance. The building owner shall, within ((~~one hundred twenty~~)) 120 days of the date of the inspection or upon the timeline provided by the local authority, take necessary steps to ensure the defective equipment is replaced or repaired and reinspected to ensure that the deficiency is corrected and is in compliance with the requirements of all applicable standards pursuant to ((~~chapter 88, Laws of 2020~~)) the International Fire Code. The ((~~authority having jurisdiction~~)) local authority shall have the authorization to extend the compliance period. The building owner or their contractor shall provide documentation of when and how the deficiencies were corrected to the local authority. If the building owner does not correct the deficiency within ((~~one hundred twenty~~)) 120 days of the date of the inspection or upon the timeline provided by the local authority, the local authority may ((~~issue a citation as described in RCW 19.27.740~~)) pursue enforcement consistent with chapter 1 of the International Fire Code.

((~~(5)~~)) (6) In addition to identifying the location and nature of a deficiency, the report shall contain the name of the inspector and the inspector's employer; the name of the building owner; address of the property; the location of all fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems inspected or tested; and the date of the inspection or test.

((~~(6) Tests and inspections of fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems shall be conducted in accordance with the technical specifications and required time periods specified by national fire protection association standards 80, 90a, 90b, 92, and 105, as applicable.~~))

**Sec.**  RCW 19.27.730 and 2020 c 88 s 4 are each amended to read as follows:

The state building code council shall work in conjunction with the director of fire protection to coordinate the implementation and enforcement of sections 2 and 3 of this act and RCW ((~~19.27.710 and~~)) 19.27.720.

NEW SECTION. **Sec.**  A new section is added to chapter 19.27 RCW to read as follows:

Owners of buildings equipped with smoke control systems or dampers shall follow installation, inspection, testing, maintenance, and recordkeeping requirements in the International Building Code and International Fire Code. Failure to follow these requirements may result in civil or criminal penalties provided in chapter 1 of the International Building Code and chapter 1 of the International Fire Code.

**Sec.**  RCW 43.43.944 and 2020 c 88 s 6 are each amended to read as follows:

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

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

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

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

(d) ((~~Revenue from penalties established under RCW 19.27.740; and~~

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

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

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

NEW SECTION. **Sec.**  RCW 19.27.710 (Owners of buildings equipped with fire dampers, smoke dampers, combination fire and smoke dampers, or smoke control systems—Duties—Penalty) and 2020 c 88 s 2 are each repealed.

NEW SECTION. **Sec.**  RCW 19.27.740 (Building owner—Violations—Penalties) and 2020 c 88 s 5 are each repealed.

NEW SECTION. **Sec.**  (1) Sections 2, 3, and 4 of this act expire at the time the Washington state building code council passes other rules or codes to expressly supersede these sections.

(2) The Washington state building code council must provide written notice of the expiration date of sections 2, 3, and 4 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the council.

NEW SECTION. **Sec.**  Sections 1, 5, 6, 7, and 9 of this act take effect July 1, 2022.

NEW SECTION. **Sec.**  Sections 2, 3, 4, 8, and 10 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

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