

AMENDED IN ASSEMBLY MARCH 24, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2021

Introduced by Assembly Member Fletcher

February 17, 2010

An act to amend Sections 13108, 13145, and 13146 of the Health and Safety Code, relating to fire protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 2021, as amended, Fletcher. Fire protection: Designated Campus Fire Marshal.

Existing law requires the State Fire Marshall, the chief fire official of any city, county, or fire protection district and their authorized representatives to enforce regulations and building standards relating to fire and panic safety published in the California Building Standards Code in all state-owned buildings, state-occupied buildings, and state institutions throughout the state, as specified. Under existing law, the California Building Standards Code is in Title 24 of the California Code of Regulations *and the building design and construction standards for the State Fire Marshall are in Title 19 of the California Code of Regulations*.

The bill would authorize the State Fire Marshal to enforce the building standards and other regulations of the State Fire Marshal on all University of California campuses and properties administered or occupied by the University of California. The bill would authorize the State Fire Marshal to delegate that authority to the person of his or her choice for each university campus or property who would be known as the Designated Campus Fire Marshal. This bill would require any Designated Campus Fire Marshal to enforce those regulations and

building standards relating to fire and panic safety, as specified. This bill would also replace those references, and related references, to the California Building Standards Code with references to ~~Title~~ *Titles 19 and 24* of the California Code of Regulations.

Existing law authorizes the State Fire Marshal to authorize the chief fire official of any city, county, or fire protection district and his or her authorized representatives, in their geographical area of responsibility, to make fire prevention inspections of state-owned or state-occupied buildings, as specified, upon written request of that chief fire official.

This bill would extend the authority to make those written requests and perform those inspections to a Designated Campus Fire Marshal.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13108 of the Health and Safety Code is
2 amended to read:

3 13108. (a) Except as limited by Chapter 6 (commencing with
4 Section 140) of Division 1 of the Labor Code and Section 18930
5 of this code, the State Fire Marshal shall prepare and adopt building
6 standards, not inconsistent with existing laws or ordinances,
7 relating to fire protection in the design and construction of the
8 means of egress and the adequacy of exits from, and the installation
9 and maintenance of fire alarm and fire extinguishment equipment
10 or systems in, any state institution or other state-owned building
11 or in any state-occupied building and submit those building
12 standards to the State Building Standards Commission for approval
13 pursuant to the provisions of Chapter 4 (commencing with Section
14 18935) of Part 2.5 of Division 13 of this code. The State Fire
15 Marshal shall prepare and adopt regulations other than building
16 standards for the installation and maintenance of equipment and
17 furnishings that present unusual fire hazards in any state institution
18 or other state-owned building or in any state-occupied building.
19 The State Fire Marshal shall adopt those regulations as are
20 reasonably necessary to define what buildings shall be considered
21 as state-occupied buildings.

22 (b) The fire chief of any city, county, or fire protection district,
23 or that official’s authorized representative, may enter any state
24 institution or any other state-owned or state-occupied building for

1 the purpose of preparing a fire suppression preplanning program
2 or for the purpose of investigating any fire in a state-occupied
3 building.

4 (c) Except as otherwise provided in this section, the State Fire
5 Marshal shall enforce the regulations adopted by him or her and
6 building standards relating to fire and panic safety published in
7 ~~Title~~ *Titles 19 and 24* of the California Code of Regulations in all
8 state-owned buildings, state-occupied buildings, and state
9 institutions throughout the state. Upon written request from the
10 chief fire official of any city, county, or fire protection district, or
11 a Designated Campus Fire Marshal, the State Fire Marshal may
12 authorize that person and his or her authorized representatives, in
13 their geographical area of responsibility, to make fire prevention
14 inspections of state-owned or state-occupied buildings, other than
15 state institutions, for the purpose of enforcing the regulations
16 relating to fire and panic safety adopted by the State Fire Marshal
17 pursuant to this section and building standards relating to fire and
18 panic safety published in ~~Title~~ *Titles 19 and 24* of the California
19 Code of Regulations. Authorization from the State Fire Marshal
20 shall be limited to those fire departments or fire districts which
21 maintain a fire prevention bureau staffed by paid personnel.

22 (d) Any requirement or order made by any chief fire official
23 pursuant to this section may be appealed to the State Fire Marshal.
24 The State Fire Marshal shall, upon receiving an appeal and subject
25 to the provisions of Chapter 5 (commencing with Section 18945)
26 of Part 2.5 of Division 13 of this code, determine if the requirement
27 or order made is reasonably consistent with the fire and panic
28 safety regulations adopted by him or her and building standards
29 relating to fire and panic safety published in ~~Title~~ *Titles 19 and 24*
30 of the California Code of Regulations.

31 SEC. 2. Section 13145 of the Health and Safety Code is
32 amended to read:

33 13145. The State Fire Marshal, the chief of any city or county
34 fire department or district providing fire protection services, or a
35 Designated Campus Fire Marshal, and their authorized
36 representatives, shall enforce in their respective areas building
37 standards relating to fire and panic safety adopted by the State Fire
38 Marshal and published in ~~Title~~ *Titles 19 and 24* of the California
39 Code of Regulations and other regulations that have been formally

1 adopted by the State Fire Marshal for the prevention of fire or for
2 the protection of life and property against fire or panic.

3 SEC. 3. Section 13146 of the Health and Safety Code is
4 amended to read:

5 13146. The responsibility for enforcement of building standards
6 adopted by the State Fire Marshal and published in the ~~Title~~ *Titles*
7 *19 and 24* of the California Code of Regulations relating to fire
8 and panic safety and other regulations of the State Fire Marshal
9 shall be as follows:

10 (a) The city, county, or city and county with jurisdiction in the
11 area affected by the standard or regulation shall delegate the
12 enforcement of the building standards relating to fire and panic
13 safety and other regulations of the State Fire Marshal as they relate
14 to R-3 dwellings, as described in Section 1201 of Part 2 of ~~Title~~
15 *Titles 19 and 24* of the California Code of Regulations, to either
16 of the following:

17 (1) The chief of the fire authority of the city, county, or city and
18 county, or his or her authorized representative.

19 (2) The chief building official of the city, county, or city and
20 county, or his or her authorized representative.

21 (b) The chief of any city or county fire department or of any
22 fire protection district, and their authorized representatives, shall
23 enforce within its jurisdiction the building standards and other
24 regulations of the State Fire Marshal, except those described in
25 subdivision (a) or (d).

26 (c) The State Fire Marshal shall have authority to enforce the
27 building standards and other regulations of the State Fire Marshal
28 in areas outside of corporate cities and districts providing fire
29 protection services.

30 (d) The State Fire Marshal shall have authority to enforce the
31 building standards and other regulations of the State Fire Marshal
32 in corporate cities and districts providing fire protection services
33 upon request of the chief fire official or the governing body.

34 (e) The State Fire Marshal may enforce the building standards
35 and other regulations of the State Fire Marshal on all University
36 of California campuses and properties administered or occupied
37 by the University of California. For each university campus or
38 property the State Fire Marshal may delegate that authority to the
39 person of his or her choice who shall be known as the Designated
40 Campus Fire Marshal.

1 (f) Any fee charged pursuant to the enforcement authority of
2 this section shall not exceed the estimated reasonable cost of
3 providing the service for which the fee is charged, pursuant to
4 Section 66014 of the Government Code.

O