

2010 -- S 2845

LC02320

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO MAKING IT EASIER TO DO BUSINESS IN RI - PART 3 -- HEALTH AND SAFETY -- FIRE SAFETY CODE

Introduced By: Senators Lynch, Walaska, Metts, Connors, and Gallo

Date Introduced: May 04, 2010

Referred To: Senate Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-28.1-6 of the General Laws in Chapter 23-28.1 entitled  
2 "Comprehensive Fire Safety Act" is hereby amended to read as follows:  
3 **23-28.1-6. Applicability to new or existing structures.** -- (a) All regulations contained  
4 in this code apply to all structures unless specifically exempted. Prior to a building permit, other  
5 than a foundation permit, being issued, all plans for buildings regulated under this code shall be  
6 submitted to the authority having jurisdiction. The authority having jurisdiction shall approve or  
7 disapprove the completed set of plans within a reasonable time not to exceed ~~ninety (90)~~ fifteen  
8 (15) days; for fire alarm, smoke detection and/or carbon monoxide detector plans. The authority  
9 having jurisdiction shall further approve or disapprove a completed set of plans, covering any  
10 other project, within the specific time lines recommended by the state fire marshal, and  
11 established on or before October 15, 2010 within the rules and regulations of the state fire safety  
12 code board. In no case shall the authority having jurisdictional review of a completed set of plans  
13 exceed ninety (90) days to complete that review without the express written approval of the state  
14 fire marshal. The failure of an authority having jurisdiction to comply within the timelines  
15 established pursuant to this section, may result in the issuance of a building permit. The above  
16 examination of plans may be waived by the authority having jurisdiction when the plans for the  
17 erection or alteration of a building are prepared by a professional engineer or architect, licensed  
18 and/or registered by the State of Rhode Island, and the professional engineer or architect has

1 stated in a written, signed and stamped document, that he or she has supervised the preparation of  
2 the applicable architectural, structural, electrical, mechanical, fire alarm and/or sprinkler design  
3 contract documents, and that he or she will review and approve all working drawings for  
4 construction, conduct on-site supervision of the construction process throughout the project, and  
5 that the project shall, to the best of his or her knowledge conform to all provisions of the fire  
6 safety code, and all rules and regulations, formal interpretations and blanket variances adopted  
7 under its provisions. When a change of use or type of occupancy is made in an existing building,  
8 the building shall conform to the requirements established by the rehabilitation building and fire  
9 code for existing buildings and structures, or if the rehabilitation building and fire code for  
10 existing structures is not applicable, to the requirements for new structures as related to the  
11 proposed use or type of occupancy. ~~Notwithstanding the foregoing, any completed set of plans~~  
12 ~~relating to the construction or rehabilitation of a residential dwelling occupied by one, two (2),~~  
13 ~~and/or three (3) families shall be approved or disapproved within sixty (60) days.~~

14 (b) In existing structures, since it is not always practical or efficient to strictly apply all  
15 of the provisions of the code, the authority having jurisdiction shall have the power to implement  
16 and enforce the provisions of the code as provided for in the Uniform Fire Code (NFPA 1) and  
17 the Life Safety Code (NFPA 101) with annexes, as applicable to existing structures, consistent  
18 with such rules and regulations as may be adopted and such decisions as may be rendered by the  
19 Fire Safety Code Board of Appeal and Review.

20 (c) Application of the code to new and existing structures shall be consistent with such  
21 blanket variances, variances, and rules, as may be approved by the Fire Safety Code Board of  
22 Appeal and Review, and such modifications as may be issued in writing by the authority having  
23 jurisdiction, in accordance with NFPA 101, with annexes.

24 SECTION 2. Section 23-28.2-9 of the General Laws in Chapter 23-28.2 entitled  
25 "Division of Fire Safety" is hereby amended to read as follows:

26 **23-28.2-9. Nonsalaried assistant deputy state fire marshals.** -- (a) The fire marshal  
27 may appoint as many nonsalaried assistant deputy state fire marshals as he or she may deem  
28 necessary to carry out the purposes of chapters 28.1 -- 28.39 of this title; the assistant deputy fire  
29 marshals shall serve at the pleasure of the state fire marshal.

30 (b) The chief of the fire department of the several cities, towns, and fire districts may be  
31 an assistant deputy fire marshal subject to the approval of the state fire marshal, and may continue  
32 to serve as an assistant deputy fire marshal as long as he or she is fire chief.

33 (c) ~~Enforcement powers of assistant deputy state fire marshals.~~ Standardized fire code  
34 interpretation through certification of assistant deputy state fire marshals. No individual may

1 serve as an assistant deputy fire marshal without first satisfying minimum qualifications as  
2 determined through regulation by the state fire marshal. Such qualifications shall include meeting  
3 the NFPA standard for professional qualifications for fire inspector, or such other comparable  
4 national standard as determined by the state fire marshal.

5 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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RELATING TO MAKING IT EASIER TO DO BUSINESS IN RI - PART 3 -- HEALTH AND  
SAFETY -- FIRE SAFETY CODE

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1           This act would delete the provisions of the general laws which would require that plans  
2 for the erection and alteration of a building must be approved by the state fire marshal if prepared  
3 by a professional engineer or architect.

4           This act would take effect upon passage.

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