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HOUSE BILL 2701

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State of Washington

66th Legislature

2020 Regular Session

By Representative Ormsby

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 fire 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 accompany the inspector during the inspection  
7 and testing in order to provide building and systems access and  
8 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 building owner shall provide  
26 documentation of when and how the deficiencies were corrected. If the  
27 building owner does not correct the deficiency within one hundred  
28 twenty days of the date of the inspection, the local authority may  
29 issue a citation as described in section 5 of this act.

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

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

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

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

14        (2) Upon the issuance of a citation for violating this act, the  
15 building owner must conspicuously post the citation at all pedestrian  
16 entrances and exits until a certificate of compliance has been issued  
17 pursuant to section 3 of this act or the citation has been dismissed.

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

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

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

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

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

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

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

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

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

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

13       (d) Revenue from penalties established under section 5 of this  
14 act; and

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

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

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

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

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

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