

1 **H. B. 2079**

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3 (By Delegates Fleischauer, Marshall and Martin)
4 [Introduced January 12, 2011; referred to the
5 Committee on the Judiciary.]
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10 A BILL to amend and reenact §29-3-5 of the Code of West Virginia,
11 1931, as amended, relating to the Fire Prevention and Control
12 Act; providing that all fire alarm systems, including all
13 components, shall be electronically supervised; and providing
14 an exception for existing lodging and rooming houses as
15 defined by the State Fire Code.

16 *Be it enacted by the Legislature of West Virginia:*

17 That §29-3-5 of the Code of West Virginia, 1931, as amended,
18 be amended and reenacted to read as follows:

19 **ARTICLE 3. FIRE PREVENTION AND CONTROL ACT.**

20 **§29-3-5. Promulgation of Regulations and State Fire Code.**

21 (a) The State Fire Commission shall have the power to
22 promulgate, amend and repeal ~~regulations~~ rules for the safeguarding
23 of life and property from the hazards of fire and explosion
24 pursuant to ~~the provisions of~~ chapter twenty-nine-a of this code.

1 Such ~~regulations, amendments or repeals thereof~~ rules shall be in
2 accordance with standard safe practice as embodied in widely
3 recognized standards of good practice for fire prevention and fire
4 protection and shall have the force and effect of law in the
5 several counties, municipalities and political subdivisions of the
6 state.

7 (b) Pursuant to ~~the provisions of~~ chapter twenty-nine-a of
8 this code, the State Fire Commission, by January 1, 1977, shall
9 promulgate comprehensive ~~regulations~~ rules for the safeguarding of
10 life and property from the hazards of fire and explosion to be
11 known as the State Fire Code. Regulations embodied in the State
12 Fire Code shall be in accordance with standard safe practice as
13 embodied in widely recognized standards of good practice for fire
14 prevention and fire protection and shall have the force and effect
15 of law in the several counties, municipalities and political
16 subdivisions of the state. Whenever any other state law, county or
17 municipal ordinance or regulation of any fire codes published by
18 the national protection association. ~~Provided, That Such~~ These
19 rules shall be effective as emergency rules when so promulgated
20 until acted upon by the Legislature: ~~Provided, however, That~~
21 However, the State Fire Marshal shall provide compliance
22 alternatives for historic structures as provided ~~for~~ in section
23 five, article one of this chapter, which compliance alternatives
24 shall take into account the historic integrity of said historic

1 structures; and shall coordinate with the Director of the Archives
2 and History Division the application of the rules ~~and regulations~~
3 of that division.

4 (c) In interpretation and application, the state Fire Code
5 shall be held to be the minimum requirements for the safeguarding
6 of life and property from the hazards of fire and explosion.
7 ~~Provided, That~~ However, the State Fire Marshal shall provide
8 compliance alternatives for historic structures and sites as
9 provided ~~for~~ in section five, article one of this chapter, which
10 compliance alternatives shall take into account the historic
11 integrity of said historic structures and sites. Whenever any
12 other state law, county or municipal ordinance or ~~regulation~~ rule
13 of any agency ~~thereof~~ is more stringent or imposes a higher
14 standard than is required by the State Fire Code, the provisions of
15 such state law, county or municipal ordinance or regulation of any
16 agency ~~thereof~~ shall govern, provided they are not inconsistent
17 with the laws of West Virginia and are not contrary to recognized
18 standards and good engineering practices. In any question, the
19 decision of the State Fire Commission determines the relative
20 priority of any such state law, county or municipal ordinance or
21 ~~regulation~~ rule of any agency ~~thereof~~ and determines compliance
22 with state fire regulations by officials of the state, counties,
23 municipalities and political subdivisions of the state.

24 (d) Notwithstanding any other provision of the code, all fire

1 alarm systems, including all components, shall be electronically
2 supervised. However, existing lodging and rooming houses as
3 defined by the State Fire Code, shall be permitted to use low-power
4 wireless supervision in accordance with Standard 6.16 of the
5 National Fire Protection Association's National Fire Code, and
6 otherwise permitted under successive provisions within The National
7 Fire Codes.

NOTE: The purpose of this is to provide that all fire alarm systems, including all components, shall be electronically supervised. It provides the exception that existing lodging and rooming houses as defined by the state Fire Code, be permitted to use low-power wireless supervision in accordance with Standard 6.16 of the National Fire Protection Association's National Fire Code published by the National Fire Protection Association, and permitted by successive provisions within The National Fire Codes.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.