

**H. B. 2382**

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(By Delegates Fleischauer and Marshall)  
[Introduced February 13, 2013; referred to the  
Committee on the Judiciary.]

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 may propose rules for  
22 legislative approval in accordance with the provisions of article  
23 three, chapter twenty-nine-a of this code for the safeguarding of

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

7 (b) Pursuant to the provisions of chapter twenty-nine-a of  
8 this code, the State Fire Commission shall propose and promulgate  
9 comprehensive rules for the safeguarding of life and property from  
10 the hazards of fire and explosion to be known as the State Fire  
11 Code. Rules embodied in the State Fire Code shall be in accordance  
12 with standard safe practice as embodied in widely recognized  
13 standards of good practice for fire prevention and fire protection  
14 and have the force and effect of law in the several counties,  
15 municipalities and political subdivisions of the state. Whenever  
16 any new or revised code or standard is adopted by the fire codes  
17 published by the National Fire Protection Association, the State  
18 Fire Commission may propose and promulgate revised rules reflecting  
19 such updated codes and standards: *Provided*, That the rules shall  
20 be effective as emergency rules when so promulgated until acted  
21 upon by the Legislature: *Provided, however*, That the State Fire  
22 Marshal shall provide compliance alternatives for historic  
23 structures as provided for in section five, article one of this  
24 chapter, which compliance alternatives shall take into account the

1 historic integrity of the historic structures; and shall coordinate  
2 with the Director of the Archives and History Division the  
3 application of the rules 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 the State Fire Marshal shall provide compliance  
8 alternatives for historic structures and sites as provided in  
9 section five, article one of this chapter, which compliance  
10 alternatives shall take into account the historic integrity of the  
11 historic structures and sites. Whenever any other state law,  
12 county or municipal ordinance or regulation of any agency thereof  
13 is more stringent or imposes a higher standard than is required by  
14 the State Fire Code, the provisions of the state law, county or  
15 municipal ordinance or regulation of any agency thereof governs, if  
16 they are not inconsistent with the laws of West Virginia and are  
17 not contrary to recognized standards and good engineering  
18 practices: *Provided*, That on and after July 1, 2010, if a  
19 municipal or county fire ordinance or regulation of any agency  
20 thereof is more stringent or imposes a higher standard than is  
21 required by the State Fire Code, it must be presented for review  
22 and approval and sanctioned for use by the West Virginia State Fire  
23 Commission. In any question, the decision of the State Fire  
24 Commission determines the relative priority of any such state law,

1 county or municipal ordinance or regulation of any agency thereof  
2 and determines compliance with state fire rules by officials of the  
3 state, counties, municipalities and political subdivisions of the  
4 state.

5 (d) Notwithstanding any other provision of the code, all fire  
6 alarm systems, including all components, shall be electronically  
7 supervised. However, existing lodging and rooming houses as  
8 defined by the State Fire Code, shall be permitted to use low-power  
9 wireless supervision in accordance with Standard 6.16 of the  
10 National Fire Protection Association's National Fire Code and  
11 otherwise permitted under successive provisions within The National  
12 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.