# WEST VIRGINIA LEGISLATURE

## 2024 REGULAR SESSION

## Committee Substitute

## for

# Senate Bill 738

By Senators Trump, Woelfel, and Rucker

[Originating in the Committee on Government

Organization; reported February 16, 2024]

1    A BILL to amend and reenact §15A-10-7 of the Code of West Virginia, 1931, as amended, relating

2          to authorizing the State Fire Marshal to promulgate emergency rules relating to increased

3          fees.

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

## ARTICLE 10. FIRE MARSHAL.

### §15A-10-7. Fees.

1       (a) The State Fire Marshal ~~is authorized to~~ may propose rules for legislative authorization

2   pursuant to §29A-3-1 *et seq.* of this code to establish fees in accordance with the following:

3       (1) For blasting;

4       (2) For inspections of schools or day care facilities;

5       (3) For inspections of hospitals or nursing homes;

6       (4) For inspections of personal care homes or board and care facilities;

7       (5) For inspections of residential occupancies;

8       (6) For inspections of mercantile occupancies;

9       (7) For business occupancies; and

10      (8) For inspections of assembly occupancies.

11      For purposes of this subdivision, an "assembly occupancy" includes, but is not limited to,

12  all buildings or portions of buildings used for gathering together 50 or more persons for ~~such~~

13  purposes <u>such</u> as deliberation, worship, entertainment, eating, drinking, amusement, or awaiting

14  transportation. For purposes of this section, a "Class C assembly facility" is one that

15  accommodates 50 to 300 persons, a "Class B facility" is one which accommodates more than 300

16  persons but ~~less~~ <u>fewer</u> than 1,000 persons, and a "Class A facility" is one which accommodates

17  more than 1,000 persons.

18      (b) The State Fire Marshal may collect fees for the fire safety review of plans and

19  specifications for new and existing construction. Fees shall be paid by the party or parties

20  receiving the review.

21        (1) Structural barriers and fire safety plans review;

22        (2) Sprinkler system review;

23        (3) Fire alarm systems review;

24        (4) Range hood extinguishment system review;

25        (5) Carpet specifications.

26        (c) All fees authorized and collected pursuant to this article, §29-3B-1 *et seq.*, §29-3C-1 *et*

27    *seq.,* and §29-3D-1 *et seq.* of this code shall be paid to the State Fire Marshal and thereafter

28    deposited into the special account in the State Treasury known as the Fire Marshal Fees Fund.

29    Expenditures from the fund shall be for the purposes set forth in this article and §29-3B-1 *et seq.*,

30    §29-3C-1 *et seq.,* and §29-3D-1 *et seq.* of this code and are not authorized from collections but are

31    to be made only in accordance with appropriation by the Legislature and in accordance with the

32    provisions of §12-3-1 *et seq.* of this code and upon fulfillment of the provisions of §5A-2-1 *et seq.* of

33    this code. Any balance remaining in the special account at the end of any fiscal year shall be

34    reappropriated to the next fiscal year.

35        (d) If the owner or occupant of any occupancy arranges a time and place for an inspection

36    with the State Fire Marshal and is not ready for the occupancy to be inspected at the appointed

37    time and place, the owner or occupant thereof shall be charged the inspection fee provided in this

38    section unless at least 48 hours prior to the scheduled inspection the owner or occupant requests

39    the State Fire Marshal to reschedule the inspection. In the event a second inspection is required

40    by the State Fire Marshal as a result of the owner or occupant failing to be ready for the inspection

41    when the State Fire Marshal arrives, the State Fire Marshal shall charge the owner or occupant of

42    the occupancy the inspection fees set forth ~~above~~ in the legislative rule for each inspection trip

43    required.

44        (e) The State Fire Marshal has not raised the fees for its services since 2005, making it

45    difficult to employ sufficient personnel to render new services mandated by statute. Therefore, the

46    State Fire Marshal may promulgate emergency rules relating to fees pursuant to the provisions of

47    §29A-3-1 *et seq.* of this code.