

ASSEMBLY BILL NO. 424—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 25, 2013

Referred to Committee on Government Affairs

SUMMARY—Authorizes the State Fire Marshal and the State Board of Fire Services to issue administrative citations. (BDR 42-1151)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the State Fire Marshal; authorizing the State Fire Marshal and the State Board of Fire Services to issue administrative citations; requiring the Board to establish by regulation a schedule of administrative fines; establishing provisions for the contest of such citations; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law sets forth the membership and duties of the State Fire Marshal and
2 the State Board of Fire Services. (NRS 477.030, 477.071-477.090) **Section 2** of this
3 bill authorizes the State Fire Marshal and the Board to issue a written
4 administrative citation if the State Fire Marshal or the Board, based upon a
5 preponderance of the evidence, has reason to believe that a person has violated any
6 statute or regulation relating to the State Fire Marshal. **Section 2** also requires
7 the Board to establish by regulation a schedule of administrative fines based on the
8 severity or frequency of the violation. **Section 3** of this bill establishes the
9 procedure by which a person may contest an administrative citation.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 477 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1.** *If the State Fire Marshal or the Board, based*
4 *upon a preponderance of the evidence, has reason to believe that a*
5 *person has committed a violation of this chapter or the regulations*
6 *of the State Fire Marshal, the State Fire Marshal or the Board*
7 *may issue a written administrative citation to the person.*

8 **2.** *A citation issued pursuant to this section includes, without*
9 *limitation, an order to:*

10 **(a)** *Take action to correct a condition resulting from an act*
11 *that constitutes a violation of this chapter or the regulations of the*
12 *State Fire Marshal, at the person's cost;*

13 **(b)** *Pay an administrative fine imposed in accordance with the*
14 *schedule of administrative fines prescribed by the Board pursuant*
15 *to subsection 4; and*

16 **(c)** *Reimburse the State Fire Marshal or the Board for the*
17 *amount of the expense incurred to investigate the complaint.*

18 **3.** *If a written citation issued pursuant to subsection 1*
19 *includes an order to take action to correct a condition resulting*
20 *from an act that constitutes a violation of this chapter or the*
21 *regulations of the State Fire Marshal, the citation must state the*
22 *time permitted for compliance, which must be not less than 15*
23 *business days after the date the person receives the citation, and*
24 *must specifically describe the action required to be taken.*

25 **4.** *The Board shall by regulation establish a schedule of at*
26 *least three different levels of administrative fines not to exceed*
27 *\$50,000, based on the severity and frequency of the violation of*
28 *any provision of this chapter or any regulation of the State Fire*
29 *Marshal.*

30 **5.** *The sanctions authorized by subsection 2 are separate*
31 *from, and in addition to, any other remedy, civil or criminal,*
32 *authorized by this chapter.*

33 **6.** *The failure of an unlicensed person to comply with a*
34 *citation or order after it is final is a misdemeanor. If an*
35 *unlicensed person does not pay an administrative fine imposed*
36 *pursuant to this section within 60 days after the order of the State*
37 *Fire Marshal or the Board becomes final, the order may be*
38 *executed upon in the same manner as a judgment issued by a*
39 *court.*

40 **Sec. 3. 1.** *A person who is issued a written citation*
41 *pursuant to section 2 of this act may contest the citation within 15*



1 *business days after the date on which the citation is served on the*
2 *person.*

3 2. *A person may contest, without limitation:*

4 (a) *The facts forming the basis for the determination that the*
5 *person has committed an act which constitutes a violation of this*
6 *chapter or the regulations of the State Fire Marshal;*

7 (b) *The time allowed to take any corrective action ordered;*

8 (c) *The amount of any administrative fine ordered;*

9 (d) *The amount of any order to reimburse the State Fire*
10 *Marshal or the Board for the expenses incurred to investigate the*
11 *person; and*

12 (e) *Whether any corrective action described in the citation is*
13 *reasonable.*

14 3. *If a person does not contest a citation issued pursuant to*
15 *section 2 of this act within 15 business days after the date on*
16 *which the citation is served on the person, or on or before such*
17 *later date as specified by the State Fire Marshal or the Board*
18 *pursuant to subsection 4, the citation shall be deemed a final order*
19 *of the State Fire Marshal or the Board and not subject to review*
20 *by any court or agency.*

21 4. *The State Fire Marshal or the Board may, for good cause*
22 *shown, extend the time to contest a citation issued pursuant to*
23 *section 2 of this act.*

24 5. *For the purposes of this section, a citation shall be deemed*
25 *to have been served on a person on:*

26 (a) *The date on which the citation is personally delivered to the*
27 *person; or*

28 (b) *If the citation is mailed, the date on which the citation is*
29 *mailed by certified mail to the last known business or residential*
30 *address of the person.*

31 **Sec. 4.** NRS 477.071 is hereby amended to read as follows:

32 477.071 As used in NRS 477.071 to 477.090, inclusive, *and*
33 *sections 2 and 3 of this act*, unless the context otherwise requires,
34 "Board" means the State Board of Fire Services created pursuant to
35 NRS 477.073.

36 **Sec. 5.** This act becomes effective:

37 1. Upon passage and approval for the purpose of adopting
38 regulations; and

39 2. On January 1, 2014, for all other purposes.

