
SENATE BILL NO. 118—COMMITTEE ON GOVERNMENT AFFAIRS

FEBRUARY 13, 2003

Referred to Committee on Human Resources and Facilities

SUMMARY—Revises provisions governing ability of State Fire Marshal to regulate construction, maintenance and safety of buildings and structures in certain counties. (BDR 42-850)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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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 county building codes; providing that the regulations of the State Fire Marshal concerning building codes do not apply in a county whose population is 100,000 or more or which has been converted into a consolidated municipality under certain circumstances; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 477.030 is hereby amended to read as follows:
2 477.030 1. Except as otherwise provided in this section, the
3 State Fire Marshal shall enforce all laws and adopt regulations
4 relating to:
5 (a) The prevention of fire.
6 (b) The storage and use of:
7 (1) Combustibles, flammables and fireworks; and
8 (2) Explosives in any commercial construction, but not in
9 mining or the control of avalanches,
10 under those circumstances that are not otherwise regulated by the
11 Division of Industrial Relations of the Department of Business and
12 Industry pursuant to NRS 618.890.
13 (c) The safety, access, means and adequacy of exit in case of fire
14 from mental and penal institutions, facilities for the care of children,



1 foster homes, residential facilities for groups, facilities for
2 intermediate care, nursing homes, hospitals, schools, all buildings,
3 except private residences, which are occupied for sleeping purposes,
4 buildings used for public assembly and all other buildings where
5 large numbers of persons work, live or congregate for any purpose.
6 As used in this paragraph, "public assembly" means a building or a
7 portion of a building used for the gathering together of 50 or more
8 persons for purposes of deliberation, education, instruction, worship,
9 entertainment, amusement or awaiting transportation, or the
10 gathering together of 100 or more persons in establishments for
11 drinking or dining.

12 (d) The suppression and punishment of arson and fraudulent
13 claims or practices in connection with fire losses.

14 ~~[The]~~ *Except as otherwise provided in subsection 11, the*
15 regulations of the State Fire Marshal apply throughout the State, but,
16 except with respect to state-owned or state-occupied buildings, his
17 authority to enforce them or conduct investigations under this
18 chapter does not extend to a county whose population is 100,000 or
19 more or which has been converted into a consolidated municipality,
20 except in those local jurisdictions in those counties where he is
21 requested to exercise that authority by the chief officer of the
22 organized fire department of that jurisdiction.

23 2. The State Fire Marshal may set standards for equipment and
24 appliances pertaining to fire safety or to be used for fire protection
25 within this state, including the threads used on fire hose couplings
26 and hydrant fittings.

27 3. The State Fire Marshal shall cooperate with the State
28 Forester Firewarden in the preparation of regulations relating to
29 standards for fire retardant roofing materials pursuant to paragraph
30 (e) of subsection 1 of NRS 472.040.

31 4. The State Fire Marshal shall cooperate with the Division of
32 Child and Family Services of the Department of Human Resources
33 in establishing reasonable minimum standards for overseeing the
34 safety of and directing the means and adequacy of exit in case of fire
35 from family foster homes and group foster homes.

36 5. The State Fire Marshal shall coordinate all activities
37 conducted pursuant to 15 U.S.C. §§ 2201 et seq. and receive and
38 distribute money allocated by the United States pursuant to that act.

39 6. Except as otherwise provided in subsection 10, the State Fire
40 Marshal shall:

41 (a) Investigate any fire which occurs in a county other than one
42 whose population is 100,000 or more or which has been converted
43 into a consolidated municipality, and from which a death results or
44 which is of a suspicious nature.



1 (b) Investigate any fire which occurs in a county whose
2 population is 100,000 or more or which has been converted into a
3 consolidated municipality, and from which a death results or which
4 is of a suspicious nature, if requested to do so by the chief officer of
5 the fire department in whose jurisdiction the fire occurs.

6 (c) Cooperate with the Commissioner of Insurance, the Attorney
7 General and the Fraud Control Unit established pursuant to NRS
8 228.412 in any investigation of a fraudulent claim under an
9 insurance policy for any fire of a suspicious nature.

10 (d) Cooperate with any local fire department in the investigation
11 of any report received pursuant to NRS 629.045.

12 (e) Provide specialized training in investigating the causes of
13 fires if requested to do so by the chief officer of an organized fire
14 department.

15 7. The State Fire Marshal shall put the National Fire Incident
16 Reporting System into effect throughout the State and publish at
17 least annually a summary of data collected under the system.

18 8. The State Fire Marshal shall provide assistance and
19 materials to local authorities, upon request, for the establishment of
20 programs for public education and other fire prevention activities.

21 9. The State Fire Marshal shall:

22 (a) Assist in checking plans and specifications for construction;

23 (b) Provide specialized training to local fire departments; and

24 (c) Assist local governments in drafting regulations and
25 ordinances,

26 on request or as he deems necessary.

27 10. In a county other than one whose population is 100,000 or
28 more or which has been converted into a consolidated municipality,
29 the State Fire Marshal shall, upon request by a local government,
30 delegate to the local government by interlocal agreement all or a
31 portion of his authority or duties if the local government's personnel
32 and programs are, as determined by the State Fire Marshal, equally
33 qualified to perform those functions. If a local government fails to
34 maintain the qualified personnel and programs in accordance with
35 such an agreement, the State Fire Marshal shall revoke the
36 agreement.

37 *11. The regulations of the State Fire Marshal concerning*
38 *matters relating to building codes, including, without limitation,*
39 *matters relating to the construction, maintenance and safety of*
40 *buildings, structures and property, do not apply, except with*
41 *respect to state-owned or state-occupied buildings, in a county*
42 *whose population is 100,000 or more or which has been converted*
43 *into a consolidated municipality, except in those local jurisdictions*
44 *in those counties where he is requested to apply or enforce the*



1 *regulations by the chief officer of the organized fire department of*
2 *that jurisdiction.*

3 **Sec. 2.** NRS 477.110 is hereby amended to read as follows:
4 477.110 After May 15, 1981, the governing body of a local
5 government may not adopt an ordinance requiring changes to
6 existing structures to enhance the safety of occupants from fire if the
7 ordinance is:

- 8 1. Less stringent than this chapter; or
- 9 2. ~~[More]~~ *Except as otherwise provided in this subsection,*
10 *more* stringent than this chapter unless the governing body has
11 sought and obtained approval of the ordinance from the State Board
12 of Examiners. *The provisions of this subsection do not apply in a*
13 *county whose population is 100,000 or more or which has been*
14 *converted into a consolidated municipality.*

15 **Sec. 3.** NRS 244.3673 is hereby amended to read as follows:
16 244.3673 The board of county commissioners of any county
17 whose population is 100,000 or more or which has been converted
18 into a consolidated municipality may provide by ordinance for the
19 investigation of fires in which a death has occurred or which are of a
20 suspicious origin, and for the enforcement of *any* regulations
21 adopted by the State Fire Marshal ~~[]~~ *which apply to the county.*

22 **Sec. 4.** This act becomes effective on July 1, 2003.

