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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1993

— ● —

ENROLLED

HOUSE BILL No. 2106

(By Delegates *Love, Doyle, Warner, Kiss,
L. White, Tribett and McKinley*)

— ● —

Passed April 10, 1993

In Effect Ninety Days From Passage

ENROLLED
H. B. 2106

(By DELEGATES LOVE, DOYLE, WARNER, KISS, L. WHITE,
TRIBETT AND MCKINLEY)

[Passed April 10, 1993, in effect ninety days from passage.]

AN ACT to amend and reenact section twelve-b, article three, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the fire prevention and control act; establishing certain fees; and specifying fees for fire safety review of new and existing construction plans and specifications.

Be it enacted by the Legislature of West Virginia:

That section twelve-b, article three, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 3. FIRE PREVENTION AND CONTROL ACT.

§29-3-12b. Fees.

1 (a) The state fire marshal may establish fees in
2 accordance with the following:

3 (1) *For blasting.* — Any person storing, selling or
4 using explosives shall first obtain a permit from the
5 state fire marshal. Such permit shall be valid from the
6 first day of July through the thirtieth day of June of the
7 succeeding year beginning on the first day of July, one
8 thousand nine hundred eighty-nine. The state fire
9 marshal may charge a fee not to exceed fifty dollars for
10 such permit.

11 (2) *For inspections of schools or day care facilities.* —
12 The state fire marshal may charge a fee of up to twenty-
13 five dollars per annual inspection for inspection of
14 schools or day care facilities: *Provided*, That only one
15 such fee may be charged per year for any building in
16 which a school and a day care facility are co-located:
17 *Provided, however*, That any school or day care facility
18 may not be charged for an inspection more than one
19 time per twelve-month period.

20 (3) *For inspections of hospitals or nursing homes.* —
21 The state fire marshal may charge an inspection fee of
22 up to one hundred dollars per annual inspection of
23 hospitals or nursing homes: *Provided*, That any hospital
24 or nursing home may not be charged for an inspection
25 more than one time per twelve-month period.

26 (4) *For inspections of personal care homes or board*
27 *and care facilities.* — The state fire marshal may charge
28 an inspection fee of up to fifty dollars per annual
29 inspection for inspections of personal care homes or
30 board and care facilities: *Provided*, That any personal
31 care home or board and care facility may not be charged
32 for an inspection more than one time per twelve-month
33 period.

34 (5) *For inspections of residential occupancies.* — The
35 state fire marshal may charge an inspection fee of up
36 to one hundred dollars for each inspection of a residen-
37 tial occupancy. For purposes of this subdivision,
38 "residential occupancies" are those buildings in which
39 sleeping accommodations are provided for normal
40 residential purposes.

41 (6) *For inspections of mercantile occupancies.* — The
42 state fire marshal may charge an inspection fee of up
43 to one hundred dollars for inspections of mercantile
44 occupancies: *Provided*, That if such inspection is in
45 response to a complaint made by a member of the
46 public, the state fire marshal shall obtain from the
47 complainant an advance inspection fee of twenty-five
48 dollars. This fee shall be returned to the complainant if,
49 after the state fire marshal has made the inspection, he
50 or she finds that the complaint was accurate and

51 justified, and he or she shall thereafter collect an
52 inspection fee of up to one hundred dollars from the
53 mercantile occupancy. If, after the inspection has been
54 performed, it appears to the state fire marshal that such
55 complaint was not accurate or justified, the state fire
56 marshal shall keep the twenty-five dollar advance
57 inspection fee obtained from the complainant and may
58 not collect any fees from the mercantile occupant. For
59 purposes of this section, "mercantile occupancy" in-
60 cludes stores, markets and other rooms, buildings or
61 structures for the display and sale of merchandise.

62 (7) *For business occupancies.* — The state fire marshal
63 may charge an inspection fee of up to one hundred
64 dollars for inspections of business occupancies: *Provided,*
65 That the provisions in subdivision (6) of this section shall
66 apply regarding complaints by members of the public.
67 For purposes of this section, "business occupancies" are
68 those buildings used for the transaction of business,
69 other than mercantile occupancies, for the keeping of
70 accounts and records, and similar purposes.

71 (8) *For inspections of assembly occupancies.* — The
72 state fire marshal may charge an inspection fee not
73 more than one time per twelve-month period for the
74 inspection of assembly occupancies. The inspection fee
75 shall be assessed as follows: For Class C assembly
76 facilities, an inspection fee not to exceed fifty dollars; for
77 Class B assembly facilities, an inspection fee not to
78 exceed seventy-five dollars; and for Class A facilities, an
79 inspection fee not to exceed one hundred dollars.

80 For purposes of this subdivision, an "assembly
81 occupancy" includes, but is not limited to, all buildings
82 or portions of buildings used for gathering together fifty
83 or more persons for such purposes as deliberation,
84 worship, entertainment, eating, drinking, amusement or
85 awaiting transportation. For purposes of this section, a
86 "Class C assembly facility" is one that accommodates
87 fifty to three hundred persons; a "Class B facility" is one
88 which accommodates more than three hundred persons
89 but less than one thousand persons; and a "Class A
90 facility" is one which accommodates more than one
91 thousand persons.

92 (b) The state fire marshal may collect the following
93 fees for the fire safety review of plans and specifications
94 for new and existing construction. Such fees shall be
95 paid by such party or parties receiving the review.

96 (1) *Structural barriers and fire safety plans review.* —
97 The fee is one dollar for each one thousand dollars of
98 construction cost up to the first one million dollars.
99 Thereafter, the fee is forty cents for each one thousand
100 dollars of construction cost.

101 (2) *Sprinkler system review.* — The fee charged for the
102 review of an individual sprinkler system is as follows:
103 Number of heads: One to two hundred — eighty-five
104 dollars; two hundred one to three hundred — one
105 hundred dollars; three hundred one to seven hundred
106 fifty — one hundred twenty dollars; over seven hundred
107 fifty — one hundred twenty dollars plus ten cents per
108 head over seven hundred fifty.

109 (3) *Fire alarm systems review.* — The fee charged for
110 the review of a fire alarm system is fifty dollars for each
111 ten thousand square feet of space with a fifty dollar
112 minimum charge.

113 (4) *Range hood extinguishment system review.* — The
114 fee is twenty-five dollars per individual system
115 reviewed.

116 (5) *Carpet specifications.* — The fee for carpet review
117 and approval is twenty dollars per installation.

118 (c) All fees authorized and collected pursuant to this
119 article and article three-b of this chapter shall be paid
120 to the state fire marshal and thereafter deposited into
121 a special account for the operation of the state fire
122 commission in administering this article and article
123 three-b of this chapter. The Legislature shall appropri-
124 ate the moneys in said account by a specific numbered
125 account in the budget bill. Beginning on the first day
126 of July, one thousand nine hundred ninety-two, and
127 every fiscal year thereafter, at the end of each fiscal
128 year there shall be transferred from the special account,
129 to the general revenue fund of the state, ten percent of
130 all money collected by the fire marshal during the year:

131 *Provided*, That any balance remaining in the special
132 account at the end of any fiscal year, after the transfer
133 of the ten percent, shall be reappropriated to the next
134 fiscal year: *Provided, however*, That in addition to said
135 ten percent, amounts collected which are found from
136 time to time to exceed the funds needed for purposes for
137 which the fees are collected may be transferred to other
138 accounts or redesignated for other purposes by appro-
139 priation of the Legislature.

140 (d) If the owner or occupant of any occupancy
141 arranges a time and place for an inspection with the
142 state fire marshal and is not ready for the occupancy
143 to be inspected at the appointed time and place, the
144 owner or occupant thereof shall be charged the inspec-
145 tion fee provided in this section unless at least forty-
146 eight hours prior to the scheduled inspection the owner
147 or occupant requests the state fire marshal to reschedule
148 such inspection. In the event a second inspection is
149 required by the state fire marshal as a result of the
150 owner or occupant failing to be ready for the inspection
151 when the state fire marshal arrives, the state fire
152 marshal shall charge the owner or occupant of such
153 occupancy the inspection fees set forth above for each
154 inspection trip required.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Handwritten Signature]

Chairman Senate Committee

Ernest C. Moore

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

[Handwritten Signature]

Clerk of the Senate

Donald L. Kopp

Clerk of the House of Delegates

[Handwritten Signature]

President of the Senate

[Handwritten Signature]

Speaker of the House of Delegates

The within *is* approved this the *12th* day of *May* 1993.

[Handwritten Signature]

Governor

PRESENTED TO THE

GOVERNOR

Date 4/29/03

Time 11:15 am