WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2010

ENROLLED

Senate Bill No. 635
(By Senator Prezioso)

[Passed March 13, 2010; in effect ninety days from passage.]
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AN ACT to amend and reenact §29-3-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-3-5 of said code, relating to the State Fire Code; clarifying the State Fire Commission’s process for updating the State Fire Code upon adoption of revised codes or standards by the National Fire Protection Association; requiring review and approval of county and municipal fire ordinances and agency regulations which impose more stringent standards than those required by the State Fire Code by the West Virginia State Fire Commission; and effective date.

Be it enacted by the Legislature of West Virginia:

That §29-3-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 3. FIRE PREVENTION AND CONTROL ACT.

§29-3-5. Promulgation of rules and State Fire Code.

1 (a) The State Fire Commission may propose rules for legislative approval in accordance with the provisions of
article three, chapter twenty-nine-a of this code for the
safeguarding of life and property from the hazards of fire
and explosion. The rules, amendments or repeals thereof
shall be in accordance with standard safe practice as
embodied in widely recognized standards of good practice
for fire prevention and fire protection and have the force
and effect of law in the several counties, municipalities
and political subdivisions of the state.

(b) Pursuant to the provisions of chapter twenty-nine-a
of this code, the State Fire Commission shall propose and
promulgate comprehensive rules for the safeguarding of
life and property from the hazards of fire and explosion to
be known as the State Fire Code. Rules embodied in the
State Fire Code shall be in accordance with standard safe
practice as embodied in widely recognized standards of
good practice for fire prevention and fire protection and
have the force and effect of law in the several counties,
municipalities and political subdivisions of the state.
Whenever any new or revised code or standard is adopted
by the fire codes published by the National Fire Protection
Association, the State Fire Commission may propose and
promulgate revised rules reflecting such updated codes
and standards: Provided, That the rules shall be effective
as emergency rules when so promulgated until acted upon
by the Legislature: Provided, however, That the State Fire
Marshal shall provide compliance alternatives for historic
structures as provided for in section five, article one of this
chapter, which compliance alternatives shall take into
account the historic integrity of the historic structures;
and shall coordinate with the Director of the Archives and
History Division the application of the rules of that
division.

(c) In interpretation and application, the State Fire Code
shall be held to be the minimum requirements for the
safeguarding of life and property from the hazards of fire
and explosion: Provided, That the State Fire Marshal shall
provide compliance alternatives for historic structures and sites as provided in section five, article one of this chapter, which compliance alternatives shall take into account the historic integrity of the historic structures and sites. Whenever any other state law, county or municipal ordinance or regulation of any agency thereof is more stringent or imposes a higher standard than is required by the State Fire Code, the provisions of the state law, county or municipal ordinance or regulation of any agency thereof governs, if they are not inconsistent with the laws of West Virginia and are not contrary to recognized standards and good engineering practices: Provided, That, on and after July 1, 2010, if a municipal or county fire ordinance or regulation of any agency thereof is more stringent or imposes a higher standard than is required by the State Fire Code, it must be presented for review and approval and sanctioned for use by the West Virginia State Fire Commission. In any question, the decision of the State Fire Commission determines the relative priority of any such state law, county or municipal ordinance or regulation of any agency thereof and determines compliance with state fire rules by officials of the state, counties, municipalities and political subdivisions of the state.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 31st Day of 2010.

Governor