

FEB 23 1981

HOUSE FILE 467

Place On Calendar

BY COMMITTEE ON STATE GOVERNMENT

(Formerly Study Bill 59)

Passed House, Date 3-5-81 (p. 655) Passed Senate, Date 4-27-81 (P. 1441)

Vote: Ayes 98 Nays 1 Vote: Ayes 38 Nays 4

Approved June 19, 1981

### A BILL FOR

- 1 An Act relating to rules of the fire marshal.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 467

H-3216

- 1 Amend amendment H-3203 to House File 467 as follows:
- 2 1. Page 1, line 6, by striking the words "a civil"
- 3 and inserting in lieu thereof the words "an administrative"
- 4 2. Page 1, by striking lines 15 and 16 and inserting
- 5 in lieu thereof the words "the finding pursuant to
- 6 chapter 17A. ~~as in other criminal cases~~ If a final
- 7 administrative penalty remains unpaid, the district
- 8 court shall grant the fire marshal a civil judgment to
- 9 enforce its collection."

H-3216 FILED MARCH 5, 1981 BY CONLON of Muscatine  
ADOPTED (p. 654)

HOUSE FILE 467

H-3203

- 1 Amend House File 467 as follows:
- 2 1. Page 1, by striking lines 14 through 18 and
- 3 inserting in lieu thereof the following: "corporation
- 4 ~~violating any of such rules~~ who violates a rule of
- 5 the fire marshal shall be ~~deemed guilty of a simple~~
- 6 ~~misdeemeanor~~ subject to a civil penalty of not more
- 7 than one thousand dollars. Each day of the continuing
- 8 violation of ~~such rules~~ a rule after conviction being
- 9 found in violation, shall be considered a separate
- 10 offense violation and a single charge alleging
- 11 continuing violation".
- 12 2. Page 1, by striking lines 20 and 21 and
- 13 inserting in lieu thereof the following: "violation.
- 14 Appeals Appeal may be taken made from such convictions
- 15 the finding as may be made from a conviction in other
- 16 a criminal cases case."

H-3203 FILED MARCH 3, 1981  
Adopted as amended by 3216  
1/5 (p. 654)

BY SPEAR of Lee  
S. Remond 2/4

1 Section 1. Section 100.35, Code 1981, is amended to read  
2 as follows:

3 100.35 RULES OF MARSHAL. The fire marshal shall adopt,  
4 amend, promulgate and enforce rules and standards relating  
5 to exits and exit lights, fire escapes, fire protection, fire  
6 safety and the elimination of fire hazards, in and for  
7 churches, schools, hotels, theaters, amphitheaters, hospitals,  
8 health care facilities as defined in section 135C.1, boarding  
9 homes or housing, rest homes, dormitories, college buildings,  
10 lodge halls, club rooms, public meeting places, places of  
11 amusement, apartment buildings, and all other buildings or  
12 structures in which persons congregate from time to time,  
13 whether publicly or privately owned. Any person, firm or  
14 corporation violating ~~any-of-such-rules~~ a rule of the fire  
15 marshal ~~shall-be-deemed-guilty-of~~ commits a simple serious  
16 misdemeanor. Each day of the continuing violation of ~~such~~  
17 ~~rules a rule~~ a rule after conviction shall be considered a separate  
18 offense and a single charge alleging continuing violation  
19 may be made in lieu of filing charges for each day of  
20 violation. Appeals may be taken from ~~such~~ convictions as  
21 in other criminal cases.

22 Sec. 2. Chapter 103, Code 1981, is repealed.

23 Sec. 3. This Act takes effect July 1 following its enact-  
24 ment with the increased penalty for violation of the fire  
25 marshal's rules applicable to violations committed or continued  
26 after the effective date of this Act.

27 EXPLANATION

28 This bill repeals chapter 103 concerning fire escapes and  
29 exits but provides the fire marshal the authority to adopt  
30 rules on these subjects. The bill also increases the penalty  
31 for violation of the rules from a simple misdemeanor to a  
32 serious misdemeanor and provides for the filing of only one  
33 charge in a continuing violation situation.

34 The bill takes effect July 1 following its enactment.

35

State Government  
Lura, Chairperson  
Craft  
Gallagher

*3/1/81*  
*Amend per 55184*  
*to Pass 4/21 (p. 1349)*

HOUSE FILE 467

BY COMMITTEE ON STATE  
GOVERNMENT

(As Amended and Passed by the House)

Passed House, Date 5-13-81 (p. 1387) Passed Senate, Date 4-27-81 (p. 1441)

Vote: Ayes 95 Nays 1 Vote: Ayes 38 Nays 4

Approved June 19, 1981

# A BILL FOR

1 An Act relating to rules of the fire marshal.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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\_\_\_\_\_ House Amendments

1 Section 1. Section 100.35, Code 1981, is amended to read  
2 as follows:

3 100.35 RULES OF MARSHAL. The fire marshal shall adopt,  
4 amend, promulgate and enforce rules and standards relating  
5 to exits and exit lights, fire escapes, fire protection, fire  
6 safety and the elimination of fire hazards, in and for  
7 churches, schools, hotels, theaters, amphitheaters, hospitals,  
8 health care facilities as defined in section 135C.1, boarding  
9 homes or housing, rest homes, dormitories, college buildings,  
10 lodge halls, club rooms, public meeting places, places of  
11 amusement, apartment buildings, and all other buildings or  
12 structures in which persons congregate from time to time,  
13 whether publicly or privately owned. Any person, firm or  
14 corporation ~~violating any of such rules~~ who violates a rule  
15 of the fire marshal shall be deemed guilty of a simple  
16 misdemeanor subject to an administrative penalty of not more  
17 than one thousand dollars. Each day of the continuing  
18 violation of such rules a rule after conviction being found  
19 in violation, shall be considered a separate offense violation  
20 and a single charge alleging continuing violation may be made  
21 in lieu of filing charges for each day of violation. Appeals  
22 Appeal may be taken made from such convictions the finding  
23 pursuant to chapter 17A. as in other criminal cases. If a  
24 final administrative penalty remains unpaid, the district  
25 court shall grant the fire marshal a civil judgment to enforce  
26 its collection.

27 Sec. 2. Chapter 103, Code 1981, is repealed.

28 Sec. 3. This Act takes effect July 1 following its enact-  
29 ment with the increased penalty for violation of the fire  
30 marshal's rules applicable to violations committed or continued  
31 after the effective date of this Act.

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S-3519

1 Amend House File 467 as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1, the  
4 following:

5 "Section 1. Section 100.1, subsection 5, Code  
6 1981, is amended to read as follows:

7 5. To promulgate fire safety regulations rules.  
8 The state fire marshal shall have exclusive right  
9 to promulgate fire safety rules as they apply to  
10 enforcement or inspection requirements by the state  
11 fire marshal, but ~~such regulations~~ the rules shall  
12 be promulgated only after public hearing. Wherever  
13 by any statute the fire marshal or the department  
14 of public safety is authorized or required to  
15 promulgate, proclaim, or amend rules and minimum  
16 standards regarding fire hazards or fire safety or  
17 protection in any establishment, building or structure,  
18 ~~such~~ the rules and standards shall promote and enforce  
19 fire safety, fire protection and the elimination of  
20 fire hazards as the same rules may relate to the use,  
21 occupancy and construction of ~~such~~ the buildings,  
22 establishments or structures. The word "construction"  
23 shall include, but is not limited to, electrical  
24 wiring, plumbing, heating, lighting, ventilation,  
25 construction materials, entrances and exits, and all  
26 other physical conditions of the building which may  
27 affect fire hazards, safety or protection. ~~Such~~ The  
28 rules and minimum standards shall be in substantial  
29 compliance except as otherwise specifically provided  
30 in this chapter, with the standards of the National  
31 Fire Protection Association relating to fire safety  
32 as published in the national fire codes."

33 2. Page 1, by striking lines 15 through 17 and  
34 inserting in lieu thereof the following: "of the  
35 fire marshal shall upon conviction or a plea of guilty,  
36 be deemed guilty of a ~~simple~~ serious misdemeanor.  
37 Each day of the continuing".

38 3. Page 1, by striking lines 21 through 26 and  
39 inserting in lieu thereof the following: "in lieu  
40 of filing charges for each day of violation. Appeals  
41 Appeal may be ~~taken~~ made from ~~such convictions~~ the  
42 conviction as in other criminal cases.

43 Rules by the fire marshal affecting the construction  
44 of new buildings, additions to buildings or  
45 rehabilitation of existing buildings and related to  
46 fire protection, shall be substantially in accord  
47 with the provisions of the nationally recognized  
48 building and related codes adopted as the state  
49 building code or with codes adopted by a local  
50 subdivision which are in substantial accord with the

*Page 1*  
*Lines 3-32*  
*Lines 38-50*  
*Div A*  
*Lines 33-37*  
*Division B*

S-3542

1 Amend the Committee on State Government amendment,  
 2 S-3519, to House File 467 as amended, passed and  
 3 reprinted, by the House as follows:  
 4 1. Page 1, line 36, by striking the words "simple  
 5 serious" and inserting in lieu thereof the word "simple".

S-3542 FILED

BY RICHARD COMITO

APRIL 22, 1981

*Placed out of order 4/27/81 (p. 1441)*  
 HOUSE FILE 467

S-3550

1 Amend the Committee amendment S-3519 to House File  
 2 467 as follows:  
 3 1. Page 1, by striking lines 38 through 42 and  
 4 inserting in lieu thereof the following:  
 5 "2. Page 1, by striking lines 13 through 26 and  
 6 inserting in lieu thereof the following: "whether  
 7 publicly or privately owned. ~~Any person, firm or~~  
 8 ~~corporation violating any of such rules of the fire~~  
 9 ~~marshal shall be deemed guilty of a simple misdemeanor.~~  
 10 Violation of a rule adopted by the fire marshal is  
 11 a misdemeanor, punishable by a fine not to exceed  
 12 one thousand dollars as determined by the court.  
 13 Each day of the continuing violation of such rules  
 14 a rule after conviction shall be considered of a  
 15 violation of the rule is a separate offense. Appeals  
 16 ~~may be taken from such convictions~~ A conviction is  
 17 subject to appeal as in other criminal cases."

S-3550 FILED &amp; LOST

BY MICK LURA

APRIL 24, 1981 *(p. 1387)*

S-3558

1 Amend the Committee amendment S-3519 to House File  
 2 467 as follows:  
 3 1. Page 1, by striking lines 38 through 42 and  
 4 inserting in lieu thereof the following:  
 5 "2. Page 1, by striking lines 13 through 26 and  
 6 inserting in lieu thereof the following: "whether  
 7 publicly or privately owned. ~~Any person, firm or~~  
 8 ~~corporation violating any of such rules of the fire~~  
 9 ~~marshal shall be deemed guilty of a simple misdemeanor.~~  
 10 Violation of a rule adopted by the fire marshal is  
 11 a simple misdemeanor; provided, however, that upon  
 12 proof that the fire marshal gave written notice to  
 13 the defendant of the violation, and proof that the  
 14 violation constituted a clear and present danger to  
 15 life, and proof that the defendant failed to eliminate  
 16 the condition giving rise to the violation within  
 17 thirty days after receipt of notice from the fire  
 18 marshal, the penalty shall be that provided by law  
 19 for a serious misdemeanor. Each day of the continuing  
 20 violation of such rules a rule after conviction shall  
 21 be considered of a violation of the rule is a separate  
 22 offense. Appeals may be taken from such convictions  
 23 A conviction is subject to appeal as in other criminal  
 24 cases."

S-3558 FILED

BY ARTHUR A. SMALL, JR.

APRIL 23, 1981

MICK LURA

*Adopted 4/27/81 (p. 1441)*

LUCAS J. DeKOSTER

SENATE AMENDMENT TO  
HOUSE FILE 467

890

1 Amend House File 467 as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1, the  
4 following:

5 "Section 1. Section 100.1, subsection 5, Code  
6 1981, is amended to read as follows:

7 5. To promulgate fire safety ~~regulations~~ rules.  
8 The state fire marshal shall have exclusive right  
9 to promulgate fire safety rules as they apply to  
10 enforcement or inspection requirements by the state  
11 fire marshal, but ~~such regulations~~ the rules shall  
12 be promulgated only after public hearing. Wherever  
13 by any statute the fire marshal or the department  
14 of public safety is authorized or required to  
15 promulgate, proclaim, or amend rules and minimum  
16 standards regarding fire hazards or fire safety or  
17 protection in any establishment, building or structure,  
18 ~~such~~ the rules and standards shall promote and enforce  
19 fire safety, fire protection and the elimination of  
20 fire hazards as the ~~same~~ rules may relate to the use,  
21 occupancy and construction of ~~such~~ the buildings,  
22 establishments or structures. The word "construction"  
23 shall include, but is not limited to, electrical  
24 wiring, plumbing, heating, lighting, ventilation,  
25 construction materials, entrances and exits, and all  
26 other physical conditions of the building which may  
27 affect fire hazards, safety or protection. ~~Such~~ The  
28 rules and minimum standards shall be in substantial  
29 compliance except as otherwise specifically provided  
30 in this chapter, with the standards of the National  
31 Fire Protection Association relating to fire safety  
32 as published in the national fire codes."

33 2. Page 1, by striking lines 13 through 26 and  
34 inserting in lieu thereof the following: "whether  
35 publicly or privately owned. ~~Any person, firm or~~  
36 ~~corporation violating any of such rules of the fire~~  
37 ~~marshal shall be deemed guilty of a simple misdemeanor.~~  
38 Violation of a rule adopted by the fire marshal is  
39 a simple misdemeanor; provided, however, that upon  
40 proof that the fire marshal gave written notice to  
41 the defendant of the violation, and proof that the  
42 violation constituted a clear and present danger to  
43 life, and proof that the defendant failed to eliminate  
44 the condition giving rise to the violation within  
45 thirty days after receipt of notice from the fire  
46 marshal, the penalty shall be that provided by law  
47 for a serious misdemeanor. Each day of the continuing  
48 violation of ~~such~~ rules a rule after conviction shall  
49 be considered of a violation of the rule is a separate  
offense. ~~Appeals may be taken from such convictions~~

Page 4  
April 30, 1981

Page Two  
H-3890

1 A conviction is subject to appeal as in other criminal  
2 cases."  
3 Rules by the fire marshal affecting the construction  
4 of new buildings, additions to buildings or  
5 rehabilitation of existing buildings and related to  
6 fire protection, shall be substantially in accord  
7 with the provisions of the nationally recognized  
8 building and related codes adopted as the state  
9 building code or with codes adopted by a local  
10 subdivision which are in substantial accord with the  
11 codes comprising the state building code."  
12 4. By renumbering to conform to this amendment.

H-3890 FILED  
APRIL 29, 1981

RECEIVED FROM THE SENATE  
*House concurred 5/13/81 (H 1787)*

H-4011

HOUSE FILE 467

1 Amend amendment H-3890 to House File 467 as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 2, by striking lines 9 through 11 and  
5 inserting in lieu thereof the words "building code."

H-4011 FILED MAY 6, 1981  
*H/10 5/13/81 (H 1787)*

BY SCHROEDER of Pottawattamie

HOUSE FILE 467

AN ACT

RELATING TO RULES OF THE FIRE MARSHAL.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 100.1, subsection 5, Code 1981, is amended to read as follows:

5. To promulgate fire safety ~~regulations~~ rules. The state fire marshal shall have exclusive right to promulgate fire safety rules as they apply to enforcement or inspection requirements by the state fire marshal, but ~~such regulations~~ the rules shall be promulgated only after public hearing. Wherever by any statute the fire marshal or the department of public safety is authorized or required to promulgate, proclaim, or amend rules and minimum standards regarding fire hazards or fire safety or protection in any establishment, building or structure, ~~such the~~ the rules and standards shall promote and enforce fire safety, fire protection and the elimination of fire hazards as the ~~same~~ same rules may relate to the use, occupancy and construction of ~~such the~~ the buildings, establishments or structures. The word "construction" shall include, but is not limited to, electrical wiring, plumbing, heating, lighting, ventilation, construction materials, entrances and exits, and all other physical conditions of the building which may affect fire hazards, safety or protection. ~~Such~~ The rules and minimum standards shall be in substantial compliance except as otherwise specifically provided in this chapter, with the standards of the National Fire Protection Association relating to fire safety as published in the national fire codes.

Sec. 2. Section 100.35, Code 1981, is amended to read as follows:

100.35 RULES OF MARSHAL. The fire marshal shall adopt, amend, promulgate and enforce rules and standards relating to exits and exit lights, fire escapes, fire protection, fire safety and the elimination of fire hazards, in and for churches, schools, hotels, theaters, amphitheaters, hospitals, health care facilities as defined in section 135C.1, boarding homes or housing, rest homes, dormitories, college buildings, lodge halls, club rooms, public meeting places, places of amusement, apartment buildings, and all other buildings or structures in which persons congregate from time to time, whether publicly or privately owned. Any person, firm or corporation violating any of such rules of the fire marshal shall be deemed guilty of a simple misdemeanor. Violation of a rule adopted by the fire marshal is a simple misdemeanor; provided, however, that upon proof that the fire marshal gave written notice to the defendant of the violation, and proof that the violation constituted a clear and present danger to life, and proof that the defendant failed to eliminate the condition giving rise to the violation within thirty days after receipt of notice from the fire marshal, the penalty shall be that provided by law for a serious misdemeanor. Each day of the continuing violation of ~~such rules~~ a rule after conviction ~~shall be considered of a violation of the rule~~ is a separate offense. Appeals may be taken from such convictions. A conviction is subject to appeal as in other criminal cases.

Rules by the fire marshal affecting the construction of new buildings, additions to buildings or rehabilitation of existing buildings and related to fire protection, shall be substantially in accord with the provisions of the nationally recognized building and related codes adopted as the state building code or with codes adopted by a local subdivision which are in substantial accord with the codes comprising the state building code.

H.F. 467

Sec. 3. Chapter 103, Code 1981, is repealed.

Sec. 4. This Act takes effect July 1 following its enactment with the increased penalty for violation of the fire marshal's rules applicable to violations committed or continued after the effective date of this Act.

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DELWYN STROMER  
Speaker of the House

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TERRY E. BRANSTAD  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 467, Sixty-ninth General Assembly.

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PAT H. HARPER  
Chief Clerk of the House

Approved 6/19, 1981

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ROBERT D. RAY  
Governor