HOUSE DOCKET, NO. 2868 FILED ON: 1/21/2011

HOUSE . . . . . No. 2406

The Commonwealth of Massachusetts

PRESENTED BY:

Louis L. Kafka

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to fire protection systems for buildings and structures.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Louis L. Kafka	*8th Norfolk*
Jennifer E. Benson	*37th Middlesex*
George T. Ross	*2nd Bristol*
James M. Murphy	*4th Norfolk*
James J. Dwyer	*30th Middlesex*
Michael D. Brady	*9th Plymouth*
James E. Timilty	☐ *[District]* ☐
William C. Galvin	*6th Norfolk*

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HOUSE . . . . . No. 2406

By Mr. Kafka of Stoughton, a petition (accompanied by bill, House, No. 2406) of Louis L. Kafka and others relative to fire protection systems for buildings and structures. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

An Act relative to fire protection systems for buildings and structures.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 201 of Chapter 6 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out in line 1, the words "automatic sprinkler appeals board" and substituting, in place thereof, the words: "fire protection and life safety systems".

SECTION 2. Section 201 of Chapter 6 of the General Laws, as so appearing, is hereby further amended by striking out, in lines 53 and 54, the words "sprinkler installation", and inserting, in place thereof, the words "fire protection and life safety systems board", as defined in Section 1 of Chapter 148.

SECTION 3. Section 4 of Chapter 22D, as so appearing, is hereby amended by inserting, in line 42, after the word "code", the following paragraph:

"The provisions of the fire safety code shall apply to all buildings and structures, other than the State House, including buildings and structures owned, operated, or controlled by the Commonwealth, its agencies, departments, boards, commissions, or political subdivisions. The State Fire Marshall or his/her designee shall enforce the State Fire Code in all state owned or controlled buildings."

SECTION 4. Subsection (a) of Section 94 of Chapter 143 of the Massachusetts General Laws, as so appearing in the 2008 Official Edition, is hereby amended by adding the following sentence to the second paragraph:

"This shall not include standards for fire protection or life safety systems, as defined in Section 1 of Chapter 148, installed in new or substantially modified buildings in accordance with regulations prescribed by the Board of Fire Prevention Regulations."

22 SECTION 5. Section 95 of Chapter 143 of the Massachusetts General Laws, as so
23 appearing, is hereby amended by striking out, in subsection (a), in line 5, the words “and fire
24 prevention”.

25 SECTION 6. Section 96 of Chapter 143 of the Massachusetts General Laws, as so
26 appearing, is hereby amended by inserting in line 3, between the words “demolition” and
27 “promulgated”, the following words: “or fire prevention”.

28 SECTION 7. Section 1 of Chapter 148 of the Massachusetts General Laws, as so
29 appearing in the 2008 Official Edition, is hereby amended by inserting, between the definitions
30 of “Division” and “Head of the Fire Department”, the new definition:

31 “Fire Protection and Life Safety Systems,” any equipment or system relating to fire
32 protection, fire detection, fire warning, fire suppression or carbon monoxide alarms installed in
33 residential or institutional occupancies as defined in 780 CMR or as otherwise defined by the
34 Board through regulation.

35 SECTION 8. Section 1 of Chapter 148 of the Massachusetts General Laws, as so
36 appearing in the 2008 Official Edition, is hereby amended by inserting, after the definition of
37 “Fire Protection and Life Safety Systems”, the following definition:

38 “Fire Safety Code,” the comprehensive regulations promulgated by the Board of Fire
39 Prevention Regulations pursuant to the provisions of Section 4 of Chapter 22D of the General
40 Laws and pursuant to this chapter.

41 SECTION 9. Section 26A of Chapter 148 of the Massachusetts General Laws, as so
42 appearing in the 2008 Official Edition, is hereby amended by striking out in lines 3 and 4, the
43 words “state building code”, and substituting in place thereof the following words: “state fire
44 code”.

45 SECTION 10. Section 26A of Chapter 148, as so appearing, is hereby amended by
46 striking out, in lines 12 and 13, the words “board of appeals as provided in the state building
47 code and section twenty-three of chapter twenty-three B”, and substituting in place thereof the
48 following words: “to the fire protection and life safety systems of the fire safety commission as
49 provided in Section Two Hundred and One of Chapter Six”.

50 SECTION 11. Section 26A½ of Chapter 148, as so appearing, is hereby amended by
51 striking out, in lines 4 and 5, the words “state building code”, and substituting in place thereof
52 the following words: “state fire code”.

53 SECTION 12. Section 26B of Chapter 148, as so appearing, is hereby amended by
54 striking out, in lines 4 and 5, the words “state building code”, and substituting in place thereof
55 the following words: “state fire code”.

56 SECTION 13. Section 26B of Chapter 148, as so appearing, is hereby further amended
57 by striking out, in lines 12 and 13, the words “the board of appeals as provided in the state
58 building code and section twenty-three of chapter twenty-three B”, and substituting in place
59 thereof the following words: “to the fire protection and life safety systems of the fire safety
60 commission as provided in Section Two Hundred and One of Chapter Six”.

61 SECTION 14. Subsection (d) of Section 26F½ of Chapter 148, as so appearing, is hereby
62 amended by striking out, in lines 25-28, the first sentence of the subsection.

63 SECTION 15. Section 26G of Chapter 148, as so appearing, is hereby amended by
64 striking out, in lines 4 and 5, the words “state building code”, and substituting in place thereof
65 the following words: “state fire code”.

66 SECTION 16. Section 26G of Chapter 148, as so appearing, is further amended by
67 striking out, in line 33, the words “automatic sprinkler appeals board” and substituting in place
68 thereof the following words: “fire protection and life safety systems of the fire safety
69 commission as provided in Section 201 of Chapter 6 of the General Laws”.

70 SECTION 17. Section 26G½ of Chapter 148, as so appearing, is hereby amended by
71 striking out in lines 6, 7, 18, 19, 23, and 24 the words “state building code” and substituting in
72 place thereof the following words: “state fire code”.

73 SECTION 18. Section 26G½ of Chapter 148, as so appearing, is further amended by
74 striking out, in line 62, the words “automatic sprinkler appeals board” and substituting in place
75 thereof, the following words: “fire protection and life safety systems”.

76 SECTION 19. Section 26H of Chapter 148, as so appearing, is hereby amended by
77 striking out, in lines 3 and 4, the words “state building code”, and substituting in place thereof
78 the following words: “state fire code”.

79 SECTION 20. Section 26I of Chapter 148, as so appearing, is hereby amended by
80 striking out, in lines 8 and 9, the words “state building code”, and substituting in place thereof
81 the following words: “state fire code”.

82 SECTION 21. Section 26I of Chapter 148, as so appearing, is further amended by adding
83 the following sentence at the end of the section:

84 “Whomever is aggrieved by the head of the fire department’s interpretation, order,
85 requirement, direction, or failure to act under the provisions of this section, may, within forty-
86 five days after the service of notice thereof, appeal from such interpretation, order, requirement,
87 direction, or failure to act to the fire protection and life safety systems as provided in Section 201
88 of Chapter 6.”

89 SECTION 22. Section 28 of Chapter 148, as so appearing, is hereby amended by adding,
90 after subsection (3), the following new subsection:

91 (4) to provide adequate standards for the design, installation, or maintenance of fire
92 protection and life safety systems in buildings or structures.

93 SECTION 23. The provisions of this act shall take effect on January 1, 2012. The
94 provisions of this act shall not apply to any building or structure which was issued a building
95 permit prior to January 1, 2012.