

# HOUSE BILL NO. 3003

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE STEINMEYER.

6775H.011

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To amend chapter 320, RSMo, by adding thereto one new section relating to fire suppression and safety, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 320, RSMo, is amended by adding thereto one new section, to be  
2 known as section 320.103, to read as follows:

**320.103. 1. This section shall be known and may be cited as the "Fire Life-Safety  
2 Damper Inspection Verification Act".**

**3 2. As used in this section, the following terms mean:**

**4 (1) "Approved skills training program", a Class A apprenticeship registered  
5 with the United States Department of Labor or a state apprenticeship agency, totaling at  
6 least eight thousand hours of practical HVAC experience and including fire-safety-  
7 related HVAC skills;**

**8 (2) "Combination fire-and-smoke damper", a device that meets both fire  
9 damper and smoke damper requirements;**

**10 (3) "Fire damper", a device installed in ducts or air-transfer openings that closes  
11 on heat detection to resist flame or dynamic dampers that are rated for elevated-  
12 temperature airflow;**

**13 (4) "Fire life-safety damper", any fire damper, smoke damper, or combination  
14 fire-and-smoke damper;**

**15 (5) "Fire life-safety damper testing", physical and visual inspection or testing  
16 required by the National Fire Protection Association's standards 80, 92, and 105 and this  
17 section to verify proper damper operation;**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 (6) "HVAC", heating, ventilation, and air-conditioning;

19 (7) "Smoke damper", a device installed in ducts or air-transfer openings that  
20 resists smoke passage and operates automatically by a detection system.

21 3. This section shall apply to every fire life-safety damper required by a code or  
22 standard of any Missouri political subdivision that requires a fire life-safety damper  
23 other than those in one- and two-family dwellings or townhouses three stories or fewer  
24 above grade plane.

25 4. Any Missouri political subdivision that requires a fire life-safety damper shall  
26 require that such fire life-safety dampers are:

27 (1) Tested for compliance with this section and political subdivision codes or  
28 standards within twelve months after its installation; and

29 (2) Periodically tested not less than once every four years thereafter.

30 5. All tests and inspections required by this section shall comply with National  
31 Fire Protection Association standards 80 and 105. Remote methods shall not replace  
32 physical visual inspection.

33 6. The following qualifications are required to perform tests and inspections  
34 required by this section:

35 (1) A contractor providing smoke damper, fire damper, or combination fire-and-  
36 smoke damper testing or inspection services shall hold an International Certification  
37 Board (ICB) fire-and-smoke Damper Contractor Certification or equivalent  
38 certification from an organization that has been accredited under the International  
39 Organization for Standardization's and International Electrotechnical Commission's  
40 Personnel Certification 17024 (ISO/IEC 17024) in HVAC Fire Life-Safety Damper  
41 inspections; and

42 (2) A person performing smoke dampers, fire dampers, or combination fire-and-  
43 smoke dampers testing or inspection services shall:

44 (a) Be employed by an enforcing agency or by a contractor certified in  
45 accordance with subdivision (1) of this subsection; or

46 (b) Have successfully completed an approved skill training program or be  
47 enrolled in an approved skill training program and be working under the supervision of  
48 a person having completed such a program; and

49 (c) Hold a certification from the ICB as a fire-and-smoke Damper Technician or  
50 an equivalent certification from an organization that has been accredited under the ISO/  
51 IEC 17024 Personnel Certification standard in HVAC-Life-Safety Damper inspections.

52 7. After the required testing and inspection, if the smoke damper, fire damper, or  
53 combination fire-and-smoke damper passes the applicable inspections and tests, the

54 **person performing the inspection or test shall execute a compliance certification that**  
55 **shall:**

56 **(1) Verify such compliance; and**

57 **(2) Contain the following:**

58 **(a) The name of the individual or individuals conducting the inspection or test;**

59 **(b) The employer of the individual or individuals;**

60 **(c) The name of the building owner and address of the building;**

61 **(d) The location of all smoke dampers, fire dampers, and combination fire-and-**  
62 **smoke dampers; and**

63 **(e) The date of the inspection or test.**

64

65 **The building owner shall maintain a copy of the compliance certification in the building**  
66 **and make the certification available for inspection upon request from an entity with the**  
67 **relevant political subdivision with authority to make such a request.**

68 **8. After the required testing and inspection, in the event an inspection or test**  
69 **reveals deficiencies in smoke dampers, fire dampers, or combination fire-and-smoke**  
70 **dampers, the individual or individuals who conducted the inspection or test shall**  
71 **prepare a deficiency report for the building owner identifying the nature of the**  
72 **deficiency and reasons for noncompliance. The deficiency report shall:**

73 **(1) Verify such deficiency; and**

74 **(2) Contain the following:**

75 **(a) The name of the individual or individuals conducting the inspection or test;**

76 **(b) The employer of the individual or individuals;**

77 **(c) The name of the building owner and address of the building;**

78 **(d) The location of all smoke dampers, fire dampers, and combination fire-and-**  
79 **smoke dampers; and**

80 **(e) The date of the inspection or test.**

81 **9. Upon receipt of a deficiency report under subsection 8 of this section, the**  
82 **building owner shall, without delay, take the necessary steps to ensure the defective**  
83 **equipment is replaced or repaired and that compliance with the applicable inspection**  
84 **and testing requirements has been achieved. A building that does not achieve**  
85 **compliance within thirty days shall be in violation of this section.**

86 **10. (1) The building owner shall post a notice of verification of the testing and**  
87 **inspection of fire dampers, smoke dampers, or combination fire-and-smoke dampers in**  
88 **the outside lobby window of the building or other area clearly visible to the public. The**  
89 **verification shall be substantially similar to the following:**

90	<b>VERIFICATION OF FIRE SAFETY BUILDING INSPECTION</b>	
91	<b>Building address:</b>	_____
92	<b>Date of last inspection of fire dampers, smoke dampers, and combination fire- and-smoke dampers:</b>	_____
93		_____
94		
95	<b>Pass:</b>	<b>Yes/No</b>
96	<b>Date of expiration of inspection:</b>	_____
97	<b>Name of inspector:</b>	_____
98	<b>Date of last inspection of smoke control systems:</b>	_____
99		_____
100	<b>Pass:</b>	<b>Yes/No</b>
101	<b>Date of expiration of inspection:</b>	_____
102	<b>Name of inspector:</b>	_____

103           (2) A written record of the smoke dampers, fire dampers, combination fire-and-  
104 smoke dampers, and smoke control systems testing and maintenance shall be  
105 maintained on the premises. The written record shall include the date of the  
106 maintenance, identification of the servicing personnel, and notification of any  
107 unsatisfactory condition and the corrective action taken, including parts replaced.

108           (3) Building owners shall submit copies of all valid operation certificates to the  
109 department of public safety to verify compliance with the testing requirements of this  
110 section within thirty days of obtaining the certificate. The department, state fire  
111 marshal, or entity within the relevant political subdivision with authority to require fire  
112 life-safety dampers shall commence enforcement actions under this section in any  
113 instance of noncompliance and review compliance with this section when conducting  
114 investigations of buildings for annual fire inspections. If the inspection is conducted by  
115 the political subdivision, the political subdivision shall report its findings to the  
116 department and the state fire marshal and refer the matter to the department or the  
117 state fire marshal for enforcement.

118           11. (1) Any failure to comply with any requirement of this section shall  
119 constitute a violation of this section and shall be subject to the administrative civil

120 penalties authorized by sections 320.200 to 320.273. A civil penalty of not more than one  
121 thousand dollars may be assessed for each violation and for each day the violation  
122 continues.

123 (2) The state fire marshal may deny, suspend, or revoke any license, certificate,  
124 approval, or other authorization issued under sections 320.200 to 320.273 when a  
125 person, firm, or entity fails to comply with the fire-prevention code, including this  
126 regulation. This provision shall not deny the enforcement powers or obligations of  
127 political subdivisions.

128 (3) In accordance with this section, the state fire marshal or department of  
129 public safety may seek injunctive relief in a court of competent jurisdiction to restrain  
130 any continuing condition that presents an imminent danger to life or property. This  
131 provision shall not deny the enforcement powers or obligations of political subdivisions.

132 (4) Any administrative penalty order the state fire marshal or department of  
133 public safety issues under this subsection shall state the violation, the amount of the  
134 penalty, and the right to request a hearing under the provisions of chapter 536.

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