

# SENATE BILL NO. 1659

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR NURRENBERN.

6959S.02I

KRISTINA MARTIN, Secretary

## AN ACT

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

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

Section A. Chapter 320, RSMo, is amended by adding thereto  
2 one new section, to be known as section 320.223, to read as  
3 follows:

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

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

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

10 (2) "Combination fire and smoke damper", a device that  
11 meets both fire damper and smoke damper requirements;

12 (3) "Department", the department of public safety;

13 (4) "Enforcing agency", a state or local fire marshal  
14 who has been granted the authority to enforce state or local  
15 fire protection statutes;

16 (5) "Fire damper", a device installed in ducts or air-  
17 transfer openings that closes on heat detection to resist

18 flame or dynamic dampers that are rated for elevated-  
19 temperature airflow;

20 (6) "Fire life-safety damper", any fire damper, smoke  
21 damper, or combination fire-and-smoke damper;

22 (7) "Fire life-safety damper testing", physical and  
23 visual inspection or testing required by the National Fire  
24 Protection Association's standards 80, 92, and 105 and this  
25 section to verify proper damper operation;

26 (8) "HVAC", heating, ventilation, and air-conditioning;

27 (9) "ICB", the International Certification Board;

28 (10) "ISO/IEC 17024", the International Organization  
29 for Standard 17024, Conformity Assessment-General  
30 Requirements for Bodies Operating Certification of Persons;

31 (11) "NFPA 80", the National Fire Protection  
32 Association standard 80, Standard for Fire Doors and Other  
33 Opening Protectives;

34 (12) "NFPA 105", the National Fire Protection  
35 Association standard 105, Standard for Smoke Door  
36 Assemblies and Other Opening Protectives;

37 (13) "Smoke damper", a device installed in ducts or  
38 air-transfer openings that resists smoke passage and  
39 operates automatically by a detection system.

40 3. This section shall apply to every fire life-safety  
41 damper required by any political subdivision's code or  
42 standard that requires a fire life-safety damper other than  
43 those in one- and two-family dwellings or townhouses three  
44 stories or fewer above grade plane.

45 4. In any political subdivision that requires a fire  
46 life-safety damper, each fire life-safety damper shall be:

47 (1) Tested for acceptance within twelve months after  
48 its installation; and

49           (2) Thereafter periodically tested not less than once  
50 every four years thereafter.

51           5. All tests and inspections required by this section  
52 shall comply with NFPA 80(2016) and NFPA 105(2016). Remote  
53 methods shall not replace physical visual inspection.

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

56           (1) A contractor providing smoke damper, fire damper,  
57 combination fire-and-smoke damper testing or inspection  
58 services shall hold an ICB Fire and Smoke Damper Contractor  
59 Certification or equivalent certification from an  
60 organization that has been accredited under the ISO/IEC  
61 17024 Personnel Certification standard in HVAC Fire Life-  
62 Safety Damper inspections;

63           (2) A person performing smoke dampers, fire dampers,  
64 or combination fire-and-smoke dampers testing or inspection  
65 services shall:

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

69           (b) Have successfully completed an approved skill  
70 training program, or be enrolled in an approved skill  
71 training program, and be working under the supervision of a  
72 person having completed such a program; and

73           (c) Hold a certification from the ICB as a Fire and  
74 Smoke Damper Technician or an equivalent certification from  
75 an organization that has been accredited under the ISO/IEC  
76 17024 Personnel Certification standard in HVAC Life Safety  
77 Damper inspections.

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

81 person performing the inspection or test shall execute a  
82 compliance certification that shall verify such compliance,  
83 and provide the name of the individual or individuals  
84 conducting the inspection or test and that person's  
85 employer; the name of the building owner and address of the  
86 property; the location of all smoke dampers, fire dampers,  
87 and combination fire-and-smoke dampers; and the date of the  
88 inspection or test. The building owner shall maintain a  
89 copy of the compliance certification in the building and  
90 make the certification available for inspection upon request  
91 from an entity with the relevant political subdivision with  
92 authority to make such a request.

93 8. After the required testing and inspection, in the  
94 event an inspection or test reveals deficiencies in smoke  
95 dampers, fire dampers, or combination fire-and-smoke  
96 dampers, the individual or individuals who conducted the  
97 inspection or test shall prepare a deficiency report for the  
98 building owner identifying the nature of the deficiency and  
99 reasons for noncompliance. The deficiency report shall  
100 contain the name of the individuals conducting the  
101 inspection or test and that person's employer, the name of  
102 the building owner, address of the property; the location of  
103 all fire dampers, smoke dampers, and combination fire-and-  
104 smoke dampers; and the date of the inspection or test. The  
105 building owner shall, without delay, take the necessary  
106 steps to ensure the defective equipment is replaced or  
107 repaired and that compliance with the applicable inspection  
108 and testing requirements has been achieved. A building that  
109 does not achieve compliance within thirty days shall be in  
110 violation of this section.

111 9. (1) The building owner shall post a notice of  
112 verification of the testing and inspection of fire dampers,

113 smoke dampers, or combination fire-and-smoke dampers in the  
114 outside lobby window of the building or other area clearly  
115 visible to the public. The verification shall state the  
116 address of the building and the date of the last fire damper  
117 inspection, smoke damper inspection, and smoke control  
118 system inspection, and the date that each inspection expires  
119 in a form substantially similar to the following:

120 VERIFICATION OF FIRE SAFETY BUILDING INSPECTION

121 Building address: \_\_\_\_\_

122 Date of Last Inspection of \_\_\_\_\_  
123 Fire Dampers, Smoke Dampers,  
124 and Combination Fire/Smoke  
125 Dampers:

126 Pass: Yes/No. Date of \_\_\_\_\_  
127 expiration of inspection:

128 Name of inspector: \_\_\_\_\_

129 Date of Last Inspection of \_\_\_\_\_  
130 Smoke Control Systems:

131 Pass: Yes/No Date of \_\_\_\_\_  
132 Expiration of Inspection:

133 Name of inspector: \_\_\_\_\_

134 (2) A written record of the smoke dampers, fire  
135 dampers, combination fire-and-smoke dampers, and smoke  
136 control systems testing and maintenance shall be maintained  
137 on the premises. The written record shall include the date  
138 of the maintenance, identification of the servicing  
139 personnel, and notification of any unsatisfactory condition  
140 and the corrective action taken, including parts replaced.

141           (3) Building owners shall submit copies of all valid  
142 operation certificates to the department showing they are in  
143 compliance with the testing requirements of this section  
144 within thirty days of obtaining the certificate. The  
145 department, state fire marshal, or entity within the  
146 relevant political subdivision with authority to require  
147 fire life-safety dampers shall commence enforcement actions  
148 pursuant to this section in any instance of noncompliance  
149 and review compliance when conducting investigations of  
150 buildings for other reasons. When the department or local  
151 enforcing agency acting pursuant to department regulations  
152 conducts the annual fire inspection of any building that is  
153 subject to this section, the department or enforcing agency  
154 shall inspect the building owner's smoke dampers, fire  
155 dampers, combination fire-and-smoke dampers certificate of  
156 operation to ensure it complies with the requirements of  
157 this section, inform the division of its inspection, and  
158 commence enforcement actions if the local enforcing agency  
159 finds violations. A local enforcing agency that discovers a  
160 building owner's noncompliance shall report this  
161 noncompliance to the division.

162           10. (1) Each failure to comply with any requirement  
163 of this section shall constitute a violation of this section  
164 and shall be subject to the administrative civil penalties  
165 authorized by sections 320.200 to 320.273 and regulations  
166 thereto. A civil penalty of not more than one thousand  
167 dollars may be assessed for each violation and for each day  
168 the violation continues.

169           (2) Pursuant to this section, the state fire marshal  
170 may deny, suspend, or revoke any license, certificate,  
171 approval, or other authorization issued under sections  
172 320.200 to 320.273 when a person, firm, or entity fails to

173 comply with the state or local fire-prevention code,  
174 including this section. This provision shall not deny the  
175 local enforcing agencies either enforcement powers or  
176 obligations.

177 (3) In accordance with this section, the state fire  
178 marshal or division may seek injunctive relief in a court of  
179 competent jurisdiction to restrain any continuing condition  
180 that presents an imminent danger to life or property. This  
181 provision shall not deny local enforcing agencies either  
182 enforcement powers or obligations.

183 (4) Any administrative penalty order the state fire  
184 marshal or division issues under this subsection shall state  
185 the violation, the amount of the penalty, and the right to  
186 request a hearing under chapter 536.

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