

By: Representatives Formby, Akins

To: Insurance

HOUSE BILL NO. 1132

1 AN ACT TO AMEND SECTION 45-11-101, MISSISSIPPI CODE OF 1972,
2 TO ALLOW THE STATE FIRE MARSHAL'S OFFICE TO INSPECT ALL SORORITY
3 AND FRATERNITY HOUSES LOCATED ON STATE PROPERTY; AND FOR RELATED
4 PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 45-11-101, Mississippi Code of 1972, is
7 amended as follows:

8 45-11-101. (1) The State Fire Marshal shall promulgate the
9 Mississippi Fire Prevention Code which shall apply to:

10 (a) All buildings owned by the state or state agencies;

11 (b) All buildings utilized for public assembly, except
12 in any county or municipality which has adopted a fire prevention
13 code with standards not less stringent than the Mississippi Fire
14 Prevention Code; however, the State Fire Marshal or his authorized
15 representative shall perform investigations or inspections of such
16 buildings only when advised by interested persons of a danger or
17 hazardous inflammable condition existing in any building that
18 would tend to impair the safety of persons or property, or when
19 the State Fire Marshal or his authorized representative believes
20 the investigation or inspection is in the interest of public
21 safety. The investigation or inspection shall be made in
22 accordance with Section 45-11-3;

23 (c) All buildings, the permits for the construction of
24 which are issued subsequent to the effective date of Sections
25 45-11-101 through 45-11-111 and which are not less than
26 seventy-five (75) feet in height; provided, however, that in any
27 county or municipality which has adopted a fire prevention code
28 with standards not less stringent than the Mississippi Fire

29 Prevention Code, the provisions and enforcement mechanism thereof
30 shall apply and not the Mississippi Fire Prevention Code;

31 (d) All buildings, the permits for construction of
32 which are issued subsequent to July 1, 2004, constructed as
33 private correctional facilities that house state inmates. Before
34 such construction, construction plans must be submitted for review
35 and approval to the State Fire Marshal's Office to ensure
36 compliance with the Mississippi Fire Prevention Code; however, in
37 any county or municipality that has adopted a fire prevention code
38 with standards not less stringent than the Mississippi Fire
39 Prevention Code, the provisions and enforcement mechanism thereof
40 shall apply instead of the Mississippi Fire Prevention Code. All
41 private correctional facilities may be inspected as required by
42 the State Fire Marshal or his duly authorized representative.
43 Inspection fees and expenses authorized by Section 45-11-105(2)
44 shall be assessed for each inspection conducted by the State Fire
45 Marshal's Office and shall be paid to the State Fire Marshal's
46 Office;

47 (e) Any buildings, the permits for construction of
48 which are issued subsequent to July 1, 2004, upon the request of
49 any interested person. The interested person may submit the
50 construction plans to the State Fire Marshal's Office for review
51 and approval before construction to ensure compliance with the
52 Mississippi Fire Prevention Code; however, in any county or
53 municipality that has adopted a fire prevention code with
54 standards not less stringent than the Mississippi Fire Prevention
55 Code, the provisions and enforcement mechanism thereof shall apply
56 instead of the Mississippi Fire Prevention Code. Inspection fees
57 and expenses authorized by Section 45-11-105(2) shall be assessed
58 for each inspection conducted by the State Fire Marshal's Office
59 and shall be paid to the State Fire Marshal's Office.

60 (f) All buildings, the permits for construction of
61 which are issued subsequent to July 1, 2005, constructed as

62 private fraternity and sorority houses located on state property.
63 Before such construction, construction plans shall be submitted
64 for review and approval to the State Fire Marshal's office to
65 ensure compliance with the Mississippi Fire Prevention Code. All
66 private fraternity and sorority houses located on state property
67 may be inspected as required by the State Fire Marshal or his duly
68 authorized representative. All fraternity and sorority houses
69 located on state property shall be equipped with an approved fire
70 alarm and smoke detector system to be in compliance with the
71 National Fire Code (NFPA) Standard 72 as published by the National
72 Fire Protection Association and as same may be revised or amended.
73 Within five (5) years from July 1, 2005, all fraternity and
74 sorority houses located on state property shall be equipped with
75 an approved automatic fire sprinkler system to be in compliance
76 with the National Fire Code (NFPA) Standard 13 as published by the
77 National Fire Protection Association and as same may be revised or
78 amended.

79 (2) The State Fire Marshal shall annually examine the fire
80 prevention codes adopted by counties and municipalities within the
81 State of Mississippi and prepare a list thereof specifying which
82 codes have provisions not less stringent than those of the
83 Mississippi Fire Prevention Code.

84 **SECTION 2.** This act shall take effect and be in force from
85 and after July 1, 2005.