

By: Representatives Formby, Akins

To: Insurance

HOUSE BILL NO. 1132
(As Passed the House)

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; TO PROVIDE THAT
4 IN ANY COUNTY OR MUNICIPALITY WHICH HAS ADOPTED A FIRE PREVENTION
5 CODE WITH STANDARDS NOT LESS STRINGENT THAN THE MISSISSIPPI FIRE
6 PREVENTION CODE, THE PROVISIONS AND ENFORCEMENT MECHANISM THEREOF
7 SHALL APPLY AND NOT THE MISSISSIPPI FIRE PREVENTION CODE; AND FOR
8 RELATED PURPOSES.

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

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

12 45-11-101. (1) The State Fire Marshal shall promulgate the
13 Mississippi Fire Prevention Code which shall apply to:

14 (a) All buildings owned by the state or state agencies;
15 however, in any county or municipality which has adopted a fire
16 prevention code with standards not less stringent than the
17 Mississippi Fire Prevention Code, the provisions and enforcement
18 mechanism thereof shall apply and not the Mississippi Fire
19 Prevention Code. All such buildings may be inspected as required
20 by the State Fire Marshal or his duly authorized representative;

21 (b) All buildings utilized for public assembly, except
22 in any county or municipality which has adopted a fire prevention
23 code with standards not less stringent than the Mississippi Fire
24 Prevention Code; however, the State Fire Marshal or his authorized
25 representative shall perform investigations or inspections of such
26 buildings only when advised by interested persons of a danger or
27 hazardous inflammable condition existing in any building that
28 would tend to impair the safety of persons or property, or when
29 the State Fire Marshal or his authorized representative believes
30 the investigation or inspection is in the interest of public

31 safety. The investigation or inspection shall be made in
32 accordance with Section 45-11-3;

33 (c) All buildings, the permits for the construction of
34 which are issued subsequent to the effective date of Sections
35 45-11-101 through 45-11-111 and which are not less than
36 seventy-five (75) feet in height; provided, however, that in any
37 county or municipality which 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 and not the Mississippi Fire Prevention Code;

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

57 (e) Any buildings, the permits for construction of
58 which are issued subsequent to July 1, 2004, upon the request of
59 any interested person. The interested person may submit the
60 construction plans to the State Fire Marshal's Office for review
61 and approval before construction to ensure compliance with the
62 Mississippi Fire Prevention Code; however, in any county or
63 municipality that has adopted a fire prevention code with

64 standards not less stringent than the Mississippi Fire Prevention
65 Code, the provisions and enforcement mechanism thereof shall apply
66 instead of the Mississippi Fire Prevention Code. Inspection fees
67 and expenses authorized by Section 45-11-105(2) shall be assessed
68 for each inspection conducted by the State Fire Marshal's Office
69 and shall be paid to the State Fire Marshal's Office.

70 (f) All buildings, the permits for construction of
71 which are issued subsequent to July 1, 2005, constructed as
72 private fraternity and sorority houses located on state property.
73 Before such construction, construction plans shall be submitted
74 for review and approval to the State Fire Marshal's office to
75 ensure compliance with the Mississippi Fire Prevention Code. All
76 private fraternity and sorority houses located on state property
77 may be inspected as required by the State Fire Marshal or his duly
78 authorized representative. All fraternity and sorority houses
79 located on state property shall be equipped with an approved fire
80 alarm and smoke detector system to be in compliance with the
81 National Fire Code (NFPA) Standard 72 as published by the National
82 Fire Protection Association and as same may be revised or amended.
83 Within five (5) years from July 1, 2005, all fraternity and
84 sorority houses located on state property shall be equipped with
85 an approved automatic fire sprinkler system to be in compliance
86 with the National Fire Code (NFPA) Standard 13 as published by the
87 National Fire Protection Association and as same may be revised or
88 amended.

89 (2) The State Fire Marshal shall annually examine the fire
90 prevention codes adopted by counties and municipalities within the
91 State of Mississippi and prepare a list thereof specifying which
92 codes have provisions not less stringent than those of the
93 Mississippi Fire Prevention Code.

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