

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

SENATE BILL

553

By: Senator Bookout

For An Act To Be Entitled

"AN ACT TO AMEND VARIOUS PROVISIONS OF THE FIRE PREVENTION
ACT; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code 12-13-102(3) and (4) are hereby amended to read as follows:

"(3) 'Building' means any structure, framework, or housing, public or private, excluding all hospitals and long-term care facilities;

(4) 'Premises' means any parcel of land other than that owned or occupied by a hospital or long-term care facility, exclusive of buildings thereon, and includes parking lots, tourist camps, airports, stockyards, junkyards, and other places or enclosures, however owned, used, or occupied;"

SECTION 2. Arkansas Code 12-13-102(6) is hereby amended to read as follows:

"(6) 'Person' means any individual, copartnership, corporation, or voluntary association, excluding all hospitals and long-term care facilities;"

SECTION 3. Arkansas Code 12-13-104 is hereby amended by inserting an additional subsection at the end thereof to read as follows:

"(c) The designated State Fire Marshal for hospitals shall be the Health Facilities Division of the Arkansas Department of Health. The designated State Fire Marshal for long-term care facilities shall be the Office of Long-Term Care of the Department of Human Services. The State fire code for hospitals and long-term care facilities shall be the current edition of the National Fire Protection Association Life Safety Code."

SECTION 4. Arkansas Code 12-13-105 is hereby amended to read as follows:

"12-13-105. Duties of State Fire Marshal Enforcement Section.

(a) The State Fire Marshal Enforcement Section shall have the responsibility to:

(1) Provide sufficient training to the several deputy fire marshals in the State of Arkansas to enable them to better understand their duties and their authority and to motivate them to perform their duties in an effective and efficient manner;

(2) Coordinate fire prevention efforts with other agencies and groups;

(3) Develop and present public awareness programs in fire prevention and protection;

(4) Develop and disseminate fire prevention information and material;

(5) Enforce the fire prevention code and periodically revise and update such code;

(6) Investigate fires of a suspicious nature in the state; and

(7) Do and perform such other functions as will promote an efficient and effective fire prevention and control program in the State.

(b) The State Fire Marshals for hospitals and long-term care facilities shall have the responsibility to:

(1) Coordinate fire prevention efforts with other agencies and groups;

(2) Develop and present public awareness programs in fire prevention and protection;

(3) Develop and disseminate fire prevention information and material;

(4) Enforce the current edition of the National Fire Protection Association Life Safety Code;

(5) Investigate fires of a suspicious nature in the State; and

(6) Do and perform such other functions as will promote an efficient and effective fire prevention and control program in the State."

SECTION 5. Arkansas Code 12-13-110 is hereby amended to read as follows:

"12-13-110. Inspection of buildings.

(a) (1) The Director of the Department of Arkansas State Police, his officers, or deputies, and the State Fire Marshals for hospitals and long-term care facilities, upon complaint of any person or on their own motion, may

inspect all buildings and premises within their jurisdiction and issue orders for the compliance with such regulations.

(2) Failure or refusal to comply with the instructions of the Director of the Department of Arkansas State Police or State Fire Marshals for hospitals and long-term care facilities in the enforcement of such regulations shall be a misdemeanor and punishable as such.

(b) (1) The Director of the Department of Arkansas State Police and his officers and deputies shall inspect all places of public assembly, including factories or industrial plants normally employing ten (10) or more persons, where hazards to the lives and safety of citizens might be present. The State Fire Marshals for hospitals and long-term care facilities shall inspect all facilities within their jurisdiction.

(2) If upon completion of the inspection an unsafe or hazardous condition is found to exist, then the Director of the Department of Arkansas State Police, or State Fire Marshals for hospitals and long-term care facilities, shall promptly notify the owner or operator thereof in writing.

(3) Upon the receipt of the written notice, the owner or operator shall remove the hazardous or unsafe condition.

(4) On failure to remedy the condition, the Director of the Department of Arkansas State Police may file injunction proceedings in the chancery court of the jurisdiction to abate the condition as being a nuisance. The suit shall be filed in the name of the Director of the Department of Arkansas State Police for the use and benefit of the State of Arkansas, without bond for costs."

SECTION 6. Arkansas Code 12-13-111 is hereby amended to read as follows:

"12-13-111. Investigation of fires.

(a) (1) The deputies to the Director of the Department of Arkansas State Police and the State Fire Marshals for hospitals and long-term care facilities shall investigate each fire causing loss of life or damage to property within their jurisdiction to determine if the fire was caused by negligence or design.

(2) If it appears that a fire is of suspicious origin or that a crime has been committed in connection therewith, the deputy or State Fire Marshals for hospitals or long-term care facilities shall immediately notify the Director of the Department of Arkansas State Police, who shall promptly

initiate an inquiry to ascertain the cause of the fire and the person, if any, responsible therefor.

(b) On his own motion and at any time, the Director of the Department of Arkansas State Police may investigate the origin and circumstances of any fire in this state without restraint or liability for trespass.

(c) Any building or premises may be inspected along with the contents and occupancy thereof.

(d) On request, every fire insurance company licensed in this state shall furnish to the Director of the Department of Arkansas State Police or State Fire Marshal for hospitals and long-term care facilities any information it may have concerning any fire in this State."

SECTION 7. Arkansas Code Sections 12-13-114 and 115 are hereby amended to read as follows:

"12-13-114. Civil actions.

No act taken by the Director of the Department of Arkansas State Police or State Fire Marshal for hospitals and long-term care facilities shall affect the rights of any policyholder or of any insurance company with regard to a loss by reason of any fire which he has investigated; nor shall the result of any investigation be given in evidence upon the trial of any civil action upon any policy. No statement made by any insurance company, its officers or agents, or by anyone representing him or them, made with reference to the origin, cause, or supposed origin or cause of the fire to the Director of the Department of Arkansas State Police or his officers or deputies or State Fire Marshal for hospitals and long-term care facilities or their designated representatives, shall be admitted in evidence or made the basis for any civil action for damages."

12-13-115. Annual report to Governor.

Annually on or before July 1, the Director of the Department of Arkansas State Police and State Fire Marshal for hospitals and long-term care facilities shall transmit to the Governor a full report of his proceedings under this subchapter, including statistics and recommendations he may deem advisable."

SECTION 8. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 9. All laws and parts of laws in conflict with this Act are hereby repealed.