

HOUSE BILL NO. HB0216

Fire and electrical safety plan reviews.

Sponsored by: Representative(s) Henderson and Senator(s)
Nethercott

A BILL

for

1 AN ACT relating to fire prevention and electrical safety;
2 authorizing third parties to perform plan reviews of
3 certain proposed projects; requiring the state fire marshal
4 to approve third parties as specified; authorizing third
5 parties to collect fees; making conforming amendments; and
6 providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 35-9-102(a) by creating a new
11 paragraph (xx), 35-9-107(a) by creating a new paragraph
12 (ix) and 35-9-108(a)(intro), (b) through (e), (j) and
13 (q)(ii) through (iv) are amended to read:

14

15 **35-9-102. Definitions.**

1

2 (a) As used in W.S. 35-9-101 through 35-9-130:

3

4 (xx) "Approved third party" means a person
5 approved by the state fire marshal in accordance with W.S.
6 35-9-107(a)(ix).

7

8 **35-9-107. Duties and powers of state fire marshal.**

9

10 (a) The state fire marshal shall:

11

12 (ix) Approve third parties to perform plan
13 reviews under W.S. 35-9-108. A third party approved by the
14 state fire marshal shall:

15

16 (A) Be a Wyoming resident or an entity
17 formed under Wyoming law or qualified to do business under
18 Wyoming law;

19

20 (B) Be certified by the International Code
21 Council as a building plans examiner, building inspector
22 and building official;

23

1 (C) Perform plan reviews in accordance with
2 the International Code Council's building, plumbing,
3 mechanical, fuel gas and accessibility codes and the
4 National Electrical Code;

5
6 (D) Submit the determination of any plan
7 review performed under W.S. 35-9-108 to the state fire
8 marshal within fourteen (14) days of receiving initial
9 plans or seven (7) days of receiving corrected plans.

10
11 **35-9-108. Plan review; procedure; fees.**

12
13 (a) Except as otherwise provided ~~under subsections~~
14 ~~(h) and (g) of in~~ this section and W.S. 35-9-118, prior to
15 beginning any new construction, the remodeling of existing
16 buildings or the installation of aboveground flammable or
17 combustible fuel storage tanks for the buildings and
18 entities listed in this subsection, the owner or the
19 owner's designated representative shall submit plans to the
20 state fire marshal for review of the proposed project for
21 compliance with the codes specified in W.S.
22 35-9-107(a)(ix)(C) and applicable fire and electrical
23 safety standards. For new construction or the remodeling

1 of existing buildings, the plans may be submitted instead
2 to an approved third party for review for codes and
3 standards compliance. This subsection applies to the
4 following:

5
6 (b) If the state fire marshal or an approved third
7 party does not notify the sender in writing of violations
8 of the fire or electrical safety standards within
9 twenty-one (21) working days of receiving the plans, they
10 are approved as submitted. If code deficiencies are
11 discovered through inspection by the fire marshal during
12 the construction or remodeling of buildings, the plan and
13 plan review shall be amended to bring the building into
14 compliance with applicable codes.

15
16 (c) Plans which are disapproved may be corrected and
17 resubmitted. The state fire marshal or an approved third
18 party shall review only the corrections made in response to
19 the violations cited in the initial review. If the state
20 fire marshal or an approved third party does not notify the
21 sender in writing of violations of the fire and electrical
22 safety standards within ten (10) working days of receiving
23 the corrected plans, they are approved as resubmitted.

1

2 (d) The department shall collect fees for plan
3 reviews and other inspections except as provided in
4 subsections (q) and (r) of this section, in the amount
5 provided in the 1997 Uniform Building Code and adjusted for
6 inflation as adopted by rule or regulation by the
7 department. Fees collected under this subsection by the
8 department shall be deposited into the general fund. An
9 approved third party may collect fees for plan reviews
10 under this section provided that the fees do not exceed
11 those authorized under this subsection.

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13 (e) For publicly owned buildings, the department may
14 charge fees not in excess of fees authorized under W.S.
15 ~~35-9-108(d)~~ subsection (d) of this section to any entity
16 for which it performs any plan inspection or review.

17

18 (j) Except as otherwise provided under subsections
19 (h) and (g) of in this section and W.S. 35-9-118, no new
20 construction or remodeling of buildings or installation of
21 aboveground flammable or combustible fuel storage tanks
22 shall begin until the state fire marshal has approved the
23 plans for compliance with applicable fire and electrical

1 ~~safety standards~~ as specified in subsection (a) of this
2 section. For new construction or the remodeling of
3 existing buildings, approval may be received instead from
4 an approved third party.

5

6 (q) A plan review is:

7

8 (ii) Required for remodeling that costs less
9 than forty thousand dollars (\$40,000.00) and affects a
10 built-in fire protection system for the building, provided
11 a fee of no more than fifty dollars (\$50.00) per hour shall
12 be paid to the department or an approved third party for
13 the review;

14

15 (iii) Required for remodeling that costs forty
16 thousand dollars (\$40,000.00) or more, provided the
17 department or an approved third party shall collect a fee
18 pursuant to subsection (d) of this section;

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20 (iv) Not required to be submitted to the state
21 fire marshal or an approved third party if the plan review
22 is submitted to a local governmental entity which has been

1 granted sole plan review authority pursuant to W.S.
2 35-9-121(b).

3

4 **Section 2.** This act is effective July 1, 2020.

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(END)