

Sixty-fifth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2316

Introduced by

Senators Oehlke, Schaible, Grabinger

Representatives Dockter, Pyle, Guggisberg

1 A BILL for an Act to amend and reenact sections 18-01-06, 18-01-33, 18-04-01, 18-12-03,  
2 18-12-05, and 18-12-25, ~~and 23-13-16~~ of the North Dakota Century Code, relating to powers  
3 and duties of the state fire marshal regarding explosives, participation in the fire insurance tax  
4 distribution fund, and the submission plans and specifications for school buildings, ~~and~~  
5 ~~aboveground-petroleum-storage-tanks~~; to repeal sections 18-01-34 and 18-10-16 of the North  
6 Dakota Century Code, relating to disclosure of information concerning toxic or hazardous  
7 substances and the duty of the state fire marshal to establish a rural routing system; and to  
8 provide a penalty.

9 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

10 **SECTION 1. AMENDMENT.** Section 18-01-06 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **18-01-06. Fire chiefs and auditors or secretaries of cities and rural fire protection**  
13 **districts must report fires.**

14 Within ~~fifty~~thirty days after the occurrence of any fire in which property in a city or rural fire  
15 protection district has been destroyed or damaged in an amount which exceeds twenty-five  
16 dollars, an organization that is contracted by a political subdivision for fire protection or the fire  
17 chief of such city or rural fire protection district, if a fire department is maintained therein, or the  
18 auditor of the city or the secretary of the rural fire protection district, if a fire department is not  
19 maintained therein, shall report the cause, if known, and the origin and circumstances of the fire  
20 and the name of the owner and occupant of such property, to the state fire marshal or enter the  
21 information in the national fire incident reporting system software. Such report must show  
22 whether such fire was the result of carelessness, accident, or design. The provisions of this  
23 section must be complied with, insofar as the same are applicable, if the fire is of unknown  
24 origin, regardless of the amount of damage caused thereby.

1       **SECTION 2. AMENDMENT.** Section 18-01-33 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **18-01-33. State fire marshal may adopt rules for explosives - Penalty.**

4       The state fire marshal may adopt safety rules for the storage, sale, and use of combustibles  
5 and explosives, not otherwise provided by law. Any person who willfully refuses to comply with  
6 the safety rules adopted by the state fire marshal is guilty of a class B misdemeanor. Rules  
7 adopted by the state fire marshal may not be more restrictive than those promulgated by the  
8 ~~national fire codes of the national fire protection association~~current international state and local  
9 building codes and international fire codes of the international code council and do not apply to  
10 the transportation of explosives and dangerous articles regulated by the interstate commerce  
11 commission. The state fire marshal may make reasonable provision for the application or  
12 nonapplication of all or any portion of the national fire codes.

13       **SECTION 3. AMENDMENT.** Section 18-04-01 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15       **18-04-01. Eligibility for participation in fund created from premium tax on fire**  
16 **insurance companies.**

17       1. To become eligible for the benefits provided under this chapter, a city, or one or more  
18 townships or fire districts ~~or private or public contracted fire service agency~~, shall  
19 maintain therein for ~~a period of~~ at least eight months before the filing of the certificate  
20 required under section 18-04-02 ~~an organized~~ a fire district, fire protection district, or  
21 department which that:

22       1. a. Has been in actual existence for the period specified in this section;  
23       2. b. ~~Meets~~Provides the minimum requirements for class 9 fire protection or better;  
24               and  
25       3. c. Has been in compliance with the requirements to report fires as set forth in  
26               section 18-01-06.

27       2. Change in a fire department's name, or incorporation into a fire district, ~~must be~~is  
28               deemed a waiver of the eight-month waiting period for filing a certificate of existence  
29               under section 18-04-02.

30       **SECTION 4. AMENDMENT.** Section 18-12-03 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1       **18-12-03. Plans and specifications.**

2       Plans and specifications for all new public school buildings and for all additions to and  
3 remodeling of existing public school buildings must be submitted for approval to the state fire  
4 marshal, chief of the fire department or fire protection district with jurisdiction, and the  
5 superintendent of public instruction or to the state board of higher education. In the case  
6 of ~~Architects and engineers preparing private~~ Private school plans and specifications, they must  
7 be submitted ~~shall submit school plans and specifications~~ directly to the state fire marshal and  
8 the chief of the fire department or fire protection district with jurisdiction for approval.

9       **SECTION 5. AMENDMENT.** Section 18-12-05 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11       **18-12-05. State fire marshal.**

12       The state fire marshal and the chief of the fire department or fire protection district shall  
13 approve plans and specifications for school buildings before construction is started. ~~The state~~  
14 ~~fire marshal shall review public school building plans upon referral from the superintendent of~~  
15 ~~public instruction or the state board of higher education. In the case of private school buildings~~  
16 ~~the architects and engineers preparing plans shall submit them to the state fire marshal for~~  
17 ~~approval. It is the duty of the ~~architect or engineer preparing~~ person that prepared the plans or~~  
18 the person that is supervising the construction to notify the state fire marshal and the chief of  
19 the fire department or fire protection district when the building has been completed.

20       **SECTION 6. AMENDMENT.** Section 18-12-25 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22       **18-12-25. Reference data.**

23       The following data must be used as reference and as an aid in the interpretation of this  
24 chapter:

- 25       1.   ~~State building code~~ The international building code State and local fire and building  
26       codes.
- 27       2.   ~~The national fire codes—national fire protection association~~ international fire code.
- 28       ~~3.~~ ~~The National Electrical Code - national fire protection association.~~
- 29       4.3. The national fire protection association.

30       ~~**SECTION 7. AMENDMENT.** Section 23-13-16 of the North Dakota Century Code is~~  
31 ~~amended and reenacted as follows:~~

1 ~~— **23-13-16. Aboveground storage tanks permitted – Limitations.**~~

2 ~~— Subject to local zoning ordinances, a business selling petroleum products for dispensing~~  
3 ~~into motor vehicles may install and utilize new aboveground tanks with a maximum capacity not~~  
4 ~~exceeding nineteen thousand gallons [71922.6 liters] for the storage of petroleum products. No~~  
5 ~~business selling petroleum products for dispensing into motor vehicles may use aboveground~~  
6 ~~storage tanks with an aggregate capacity of more than ninety five thousand gallons [359613-~~  
7 ~~liters] for the storage of petroleum products at one location that comply with the current editions~~  
8 ~~of the National Fire Protection Association Code 30 for flammable and combustible liquids and~~  
9 ~~the National Fire Protection Association Code 30A for motor fuel dispensing facilities and repair~~  
10 ~~garages.~~

11 **SECTION 7. REPEAL.** Sections 18-01-34 and 18-10-16 of the North Dakota Century Code  
12 are repealed.