

The House Committee on Insurance offers the following substitute to SB 319:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 25 and Code Section 16-7-92 of the Official Code of Georgia Annotated,  
2 relating to fire protection and safety and compelling attendance of witnesses and production  
3 of evidence, respectively, so as to revise the appointment of the state fire marshal to  
4 appointment by the executive director of the Georgia Firefighter Standards and Training  
5 Council; to transfer the office of state fire marshal to the Georgia Firefighter Standards and  
6 Training Council; to revise the duties and authority of the Safety Fire Commissioner; to make  
7 a conforming change; to provide for related matters; to provide for an effective date; to  
8 repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 PART I  
11 SECTION 1-1.

12 Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, is  
13 amended in Chapter 4, relating to firefighter standards and training, by adding a new article  
14 to read as follows:

15 "ARTICLE 2

16 25-4-30.

17 The executive director of the Georgia Firefighter Standards and Training Council shall  
18 appoint a state fire marshal. Qualifications for appointment as state fire marshal shall  
19 include previous training and experience in endeavors similar to those prescribed in this  
20 article. The executor director shall fix the salary of the state fire marshal.

21 25-4-31.

22 The state fire marshal, subject to the approval of the executive director of the Georgia  
23 Firefighter Standards and Training Council, shall appoint a deputy state fire marshal and  
24 administrative fire safety specialists and shall employ such office personnel as may be  
25 required to carry out this article. The deputy state fire marshal and administrative fire  
26 safety specialists shall be chosen by virtue of their previous training and experience in the  
27 particular duties which shall be assigned to them. They shall take an oath to perform  
28 faithfully the duties of their office.

29 25-4-32.

30 All state employees connected with the state fire marshal's office shall be allowed  
31 subsistence, lodging, and other expenses in connection with the execution of their duties  
32 when away from their headquarters. Transportation for such employees shall be paid at the  
33 mileage rate fixed by law for other state employees.

34 25-4-33.

35 (a) Upon the request of the sheriff of the county, the chief of police of the jurisdiction, the  
36 district attorney of the judicial circuit, or a local fire official, the state fire marshal and any  
37 employees of such official shall have the authority to investigate the cause and origin of  
38 any fire which occurred in said county, jurisdiction, or judicial circuit.

39 (b) Personnel employed and authorized by the state fire marshal shall have the power to  
40 make arrests for criminal violations established as a result of investigations. Such  
41 personnel must hold certification as a peace officer from the Georgia Peace Officer  
42 Standards and Training Council and shall have the power to execute arrest warrants and  
43 search warrants for criminal violations and to arrest, upon probable cause and without  
44 warrant, any person found violating any of the provisions of applicable criminal laws.  
45 Personnel authorized to make arrests pursuant to this Code section shall be permitted to  
46 carry firearms as authorized by the state fire marshal in the performance of their duties.  
47 It shall be unlawful for any person to resist an arrest authorized by this Code section or to  
48 interfere in any manner, including abetting or assisting such resistance or interference, with  
49 personnel employed by the state fire marshal in the duties imposed upon such personnel  
50 by law.

51 25-4-34.

52 Should any person, firm, corporation, or public entity be dissatisfied with any ruling or  
53 decision of the state fire marshal, such person, firm, corporation, or public entity may  
54 appeal within ten days to the executive director of the Georgia Firefighter Standards and

55 Training Council. If the person, firm, corporation, or public entity is dissatisfied with the  
 56 decision of such executive director, appeal is authorized to the superior court within 30  
 57 days in the manner provided under Chapter 13 of Title 50, the 'Georgia Administrative  
 58 Procedure Act.' In the event of such appeal, the person, firm, corporation, or public entity  
 59 shall give a surety bond which will be conditioned upon compliance with the order and  
 60 direction of the state fire marshal or the executive director or both. The amount of bond  
 61 shall be fixed by the executive director in such amount as will reasonably cover the order  
 62 issued by the executive director or the state fire marshal or both.

63 25-4-35.

64 (a) As used in this Code section, the term:

65 (1) 'Deputy local fire marshal' means any person who is employed by, supervised by, or  
 66 otherwise assists a local fire marshal and who has been or is seeking to be deputized  
 67 pursuant to this Code section.

68 (2) 'Local fire marshal' means any employee or independent contractor of any  
 69 municipality, county, or other governing authority not adopting the state minimum fire  
 70 safety standards as provided in subsection (a) of Code Section 25-2-12 who is responsible  
 71 for performing fire safety duties for such municipality, county, or governing authority and  
 72 who has been or is seeking to be deputized pursuant to this Code section.

73 (3) 'State inspector' means any person who is employed by any board, commission, or  
 74 other administrative authority of any state owned and operated or occupied facility, who  
 75 is responsible for performing fire safety duties within such facility, and who has been or  
 76 is seeking to be deputized pursuant to this Code section.

77 (b) Upon application submitted by any governing authority or administrative authority, the  
 78 state fire marshal, in accordance with this Code section, shall have the authority to deputize  
 79 local fire marshals, deputy local fire marshals, or state inspectors, as appropriate, as state  
 80 officers. The application shall be verified by an appropriate official and shall contain the  
 81 name, address, and current place of employment for each applicant seeking to be deputized  
 82 and the dates and places of past employment, educational background, training experience,  
 83 any area of specialization and the basis therefor, and such other information as may be  
 84 required by the state fire marshal.

85 (c)(1) Prior to deputizing any local fire marshal, deputy local fire marshal, or state  
 86 inspector, the state fire marshal shall examine the applicant's education, training, and  
 87 employment experience to ascertain whether the applicant is qualified to perform duties  
 88 in one or more of the following areas:

89 (A) Fire safety inspections;

90 (B) Review of plans and specifications; or

91 (C) Arson investigations.

92 (2) If the state fire marshal is satisfied that the applicant is qualified, he or she shall  
93 deputize the applicant as a state officer to perform the appropriate duties on behalf of the  
94 state.

95 (d) It shall be the responsibility of the governing authority to notify the state fire marshal  
96 when a local fire marshal is no longer employed by or accountable to such governing  
97 authority. It shall be the responsibility of the local fire marshal to ensure that his or her  
98 deputy local fire marshals perform their appointed duties and to notify the state fire marshal  
99 when a deputy local fire marshal is no longer employed under his or her authority. It shall  
100 be the responsibility of the administrative authority to ensure that state inspectors perform  
101 their appointed duties and to notify the state fire marshal when a state inspector is no longer  
102 employed by such administrative authority.

103 (e) All deputized local fire marshals, deputy local fire marshals, and state inspectors shall  
104 submit monthly reports of their activities to the state fire marshal and shall comply with the  
105 administrative procedures of the state fire marshal's office. Any deputized local fire  
106 marshal, deputy local fire marshal, or state inspector who is found by the state fire marshal  
107 to be negligent in performing his or her appointed duties or in fulfilling his or her  
108 responsibilities shall be removed from his or her position as a state officer.

109 25-4-36.

110 (a) The state fire marshal and the various officials delegated by him or her to carry out this  
111 article shall have the authority at all times of the day and night to enter and to examine any  
112 building or premises where a fire is in progress or has occurred, as well as other buildings  
113 or premises adjacent to or near the same. The state fire marshal and his or her deputized  
114 officials shall have the right to enter all buildings and premises subject to this article, at any  
115 reasonable time, for the purpose of examination or inspection.

116 (b) Upon complaint submitted in writing, the state fire marshal and the various officials  
117 to whom enforcement authority is delegated under this article may enter any building or  
118 premises between the hours of sunrise and sunset for the purpose of investigating the  
119 complaint. Upon the complaint of any person, the state fire marshal or his or her deputized  
120 officials may inspect or cause to be inspected all buildings and premises within their  
121 jurisdiction whenever he or she or they deem it necessary.

122 25-4-37.

123 (a) The state fire marshal, his or her delegate, or any other person authorized under this  
124 title to conduct inspections of property, in addition to other procedures now or hereafter  
125 provided, may obtain an inspection warrant under the conditions specified in this Code

126 section. Such warrant shall authorize the state fire marshal or his or her delegate or such  
127 authorized person to conduct a search or inspection of property either with or without the  
128 consent of the person whose property is to be searched or inspected if such search or  
129 inspection is one that is elsewhere authorized under this title or the rules and regulations  
130 duly promulgated under this title.

131 (b) Inspection warrants may be issued by any judge of the superior, state, municipal, or  
132 magistrate court upon proper oath or affirmation showing probable cause for the purpose  
133 of conducting inspections authorized by this title or rules promulgated under this title and  
134 for the seizure of property or the taking of samples appropriate to the inspection. For the  
135 purposes of issuance of inspection warrants, probable cause exists upon showing a valid  
136 public interest in the effective enforcement of this title or rules promulgated under this title  
137 sufficient to justify inspection of the area, premises, building, or conveyance in the  
138 circumstances specified in the application for the warrant.

139 (c) A warrant shall be issued only upon affidavit of the state fire marshal or his or her  
140 designee or any person authorized to conduct inspections pursuant to this title, sworn to  
141 before the judicial officer and establishing the grounds for issuing the warrant. The issuing  
142 judge may issue the warrant when he or she is satisfied that the following conditions have  
143 been met:

144 (1) The person seeking the warrant shall establish under oath or affirmation that the  
145 property to be inspected is to be inspected as a part of a legally authorized program of  
146 inspection which includes such property or that there is probable cause to believe that  
147 there is a condition, object, activity, or circumstance which legally justifies such an  
148 inspection of such property; and

149 (2) The issuing judge determines that the issuance of the warrant is authorized by this  
150 Code section.

151 (d) The warrant shall:

152 (1) State the grounds for its issuance and the name of each person whose affidavit has  
153 been taken in support thereof;

154 (2) Be directed to persons authorized by this title to conduct inspections to execute such  
155 warrant;

156 (3) Command the persons to whom such warrant is directed to inspect the area, premises,  
157 building, or conveyance identified for the purpose specified and, if appropriate, direct the  
158 seizure of the property specified;

159 (4) Identify the item or types of property to be seized, if any; and

160 (5) Designate the judicial officer to whom such warrant shall be returned.

161 (e) A warrant issued pursuant to this Code section shall be executed and returned within  
162 ten days of its date of issuance unless, upon a showing of a need for additional time, the

163 court orders otherwise. If property is seized pursuant to a warrant, a copy of the warrant  
164 shall be provided upon request to the person from whom or from whose premises the  
165 property is taken, together with a receipt for the property taken. The return of the warrant  
166 shall be made promptly, accompanied by a written inventory of any property taken. A  
167 copy of the inventory shall be delivered upon request to the person from whom or from  
168 whose premises the property was taken and to the applicant for the warrant.

169 (f) The judicial officer who has issued a warrant shall attach thereto a copy of the return  
170 and all papers returnable in connection therewith and file them with the clerk of the  
171 superior court of the county in which the inspection was made.

172 25-4-38.

173 The state fire marshal or his or her deputized officials, when in his or her opinion such  
174 proceedings are necessary, shall take the testimony on oath of all persons believed to be  
175 cognizant of or to have information or knowledge in relation to suspected arson and shall  
176 cause the testimony to be reduced to writing. If he or she is of the opinion that there is  
177 evidence sufficient to charge any person with the crime of arson, he or she shall cause such  
178 person to be arrested in accordance with the law. He or she shall also furnish the district  
179 attorney of the circuit in which the fire occurred with all information obtained by him or  
180 her in his or her investigation. The district attorney shall thereupon proceed according to  
181 law.

182 25-4-39.

183 (a) The state fire marshal or the deputy state fire marshal shall have the power to summon  
184 and compel the attendance of witnesses before either or both of them, in any county in  
185 which such witnesses reside, to testify in relation to any matter as a subject of inquiry and  
186 to issue subpoenas to compel the production of all books, records, documents, and papers  
187 pertaining to such subject of inquiry. The state fire marshal and deputy state fire marshal  
188 may also administer oaths and affirmations to persons appearing as witnesses before them.  
189 Any person summoned shall have the right of counsel at the hearing if he or she desires.

190 (b) Should any person fail to comply with this Code section, the state fire marshal or his  
191 or her agent is authorized to procure an order from the superior court of the county in  
192 which the proposed witness resides, requiring compliance under the law.

193 25-4-40.

194 All hearings held by or under the direction of the state fire marshal shall be conducted in  
195 accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' and  
196 the state fire marshal may also satisfy the procedure for conduct of hearings on contested

197 cases and rule making required under such chapter by following and complying with  
198 Chapter 2 of Title 33.

199 25-4-41.

200 It shall be the duty of the state fire marshal to contact individuals, associations, and state  
201 agencies, both within and outside this state, which have a direct interest in the  
202 fundamentals of fire prevention and safety, for the purpose of promoting the objectives of  
203 this title.

204 25-4-42.

205 (a) The state fire marshal may promote any plan or program which tends to disseminate  
206 information on fire prevention and similar projects and may aid any association or group  
207 of individuals which is primarily organized for such purpose.

208 (b) It shall be the duty of the state fire marshal to carry on a state-wide program of fire  
209 prevention education in the schools of this state and to establish fire drills therein. All local  
210 school boards and authorities are required to cooperate with the state fire marshal in  
211 carrying out programs designed to protect the lives of school children from fire and related  
212 hazards.

213 25-4-43.

214 (a) It shall be the duty of the state fire marshal to keep an up-to-date record of all fire  
215 losses, together with statistical data concerning the same. Fire insurance companies doing  
216 business in this state shall submit quarterly to the state fire marshal a report stating all the  
217 losses sustained by such companies, together with such pertinent data as may be required  
218 by the state fire marshal.

219 (b) All incidents of fires, whether accidental or incendiary, shall be reported to the state  
220 fire marshal. Every fire department in this state shall submit incident data either via a  
221 uniform electronic reporting method or on a uniform reporting form prescribed by the state  
222 fire marshal and at intervals established by the state fire marshal.

223 (c) The state fire marshal shall disseminate all information obtained pursuant to this Code  
224 section to the Safety Fire Commissioner.

225 25-4-44.

226 (a) The state fire marshal, any deputy designated by the state fire marshal, the director of  
227 the Georgia Bureau of Investigation, or the chief of a fire department of any municipal  
228 corporation or county where a fire department is established may request any insurance  
229 company investigating a fire loss of real or personal property to release any information in

230 its possession relative to that loss. The company shall release the information to and  
231 cooperate with any official authorized to request such information pursuant to this Code  
232 section. The information to be released shall include, but is not limited to:

233 (1) Any insurance policy relevant to the fire loss under investigation and any application  
234 for such a policy;

235 (2) Policy premium payment records on the policy, to the extent available;

236 (3) Any history of previous claims made by the insured for fire loss with the reporting  
237 carrier; and

238 (4) Material relating to the investigation of the loss, including statements of any person,  
239 proof of loss, and any other relevant evidence.

240 (b) If an insurance company has reason to suspect that a fire loss to its insured's real or  
241 personal property was caused by incendiary means, the company shall notify the state fire  
242 marshal and furnish him or her with all relevant material acquired by the company during  
243 its investigation of the fire loss. The insurer shall also cooperate with and take such action  
244 as may be requested of it by the state fire marshal's office or by any law enforcement  
245 agency of competent jurisdiction. The company shall also permit any person to inspect its  
246 records pertaining to the policy and to the loss if the person is authorized to do so by law  
247 or by an appropriate order of a superior court of competent jurisdiction.

248 (c) In the absence of fraud or malice, no insurance company or person who furnishes  
249 information on its behalf shall be liable for damages in a civil action or subject to criminal  
250 prosecution for any oral or written statement made or any other action taken which is  
251 necessary to supply information required pursuant to this Code section.

252 (d) The officials and departmental and agency personnel receiving any information  
253 furnished pursuant to this Code section shall hold the information in confidence until such  
254 time as its release is required pursuant to a criminal or civil proceeding, provided that  
255 nothing contained in this Code section shall be deemed to prohibit representatives of the  
256 state fire marshal's office or other authorized law enforcement officials from discussing  
257 such matters with other agency or departmental personnel or with other law enforcement  
258 officials or from releasing or disclosing any such information during the conduct of their  
259 investigation, if the release or disclosure is necessary to enable them to conduct their  
260 investigation in an orderly and efficient manner; provided, further, that nothing contained  
261 in this Code section shall prohibit an insurance company which furnishes information to  
262 an authorized agency or agencies pursuant to this Code section from having the right to  
263 request relevant information and receive, within a reasonable time not to exceed 30 days,  
264 the information requested.

265 (e) Any official referred to in subsection (a) of this Code section may be required to testify  
266 as to any information in his or her possession regarding the fire loss of real or personal



267 property in any civil action against an insurance company for the fire loss in which any  
 268 person seeks recovery under a policy.

269 (f) No person shall purposely:

270 (1) Refuse to release any information requested pursuant to subsection (a) of this Code  
 271 section;

272 (2) Refuse to notify the state fire marshal of a fire loss required to be reported pursuant  
 273 to subsection (b) of this Code section;

274 (3) Refuse to supply the state fire marshal with pertinent information required to be  
 275 furnished pursuant to subsection (b) of this Code section; or

276 (4) Fail to hold in confidence information required to be held in confidence by  
 277 subsection (d) of this Code section.

278 (g) Any person willfully violating this Code section shall be guilty of a misdemeanor.

279 (h) The state fire marshal shall disseminate all information obtained pursuant to this Code  
 280 section to the Safety Fire Commissioner.

281 25-4-45.

282 (a) The fire department of each county and municipality and any other organized fire  
 283 department operating within this state shall report every incident or suspected incident of  
 284 arson to the local law enforcement agency, the state fire marshal, and every insurance  
 285 company with a known pecuniary interest in the cause of the fire in which arson is involved  
 286 or suspected to be involved. In any local jurisdiction where an organized fire department  
 287 is not operating, the local law enforcement agency investigating a fire shall make the  
 288 reports required by this Code section. Such reports shall be made on forms provided for  
 289 such purpose by the state fire marshal.

290 (b) Any insurance company which has received a report of an incident or suspected  
 291 incident of arson under subsection (a) of this Code section shall not pay any claim relating  
 292 thereto prior to notifying in writing the state fire marshal and local fire department of the  
 293 date by which the claim is to be paid.

294 (c) The state fire marshal shall disseminate all information obtained pursuant to this Code  
 295 section to the Safety Fire Commissioner.

296 25-4-46.

297 The state fire marshal is authorized to pay sheriffs and other peace officers reasonable fees  
 298 for assistance given in assembling evidence as to the causes or criminal origin of fires and  
 299 in apprehending persons guilty of arson.

300 25-4-47.

301 In addition to the duties and responsibilities under this article, the state fire marshal shall  
 302 perform all other duties and responsibilities provided for under Chapter 2 of this title and  
 303 as otherwise provided for by law.

304 25-4-48.

305 (a) The state fire marshal appointed by the executive director of the Georgia Firefighter  
 306 Standards and Training Council shall succeed to all rules, regulations, policies, procedures,  
 307 and pending and finalized administrative orders of the state fire marshal appointed by the  
 308 Safety Fire Commissioner which are in effect on June 30, 2019. Such rules, regulations,  
 309 policies, procedures, and orders shall remain in effect until amended, repealed, superseded,  
 310 or nullified by the state fire marshal appointed by the executive director.

311 (b) All valid agreements, licenses, permits, certificates, and similar authorizations  
 312 previously issued by the Safety Fire Commissioner or the state fire marshal appointed by  
 313 the Safety Fire Commissioner with respect to any function transferred to the state fire  
 314 marshal appointed by the executive director of the Georgia Firefighter Standards and  
 315 Training Council shall continue in effect until the same expire by their terms unless they  
 316 are suspended, revoked, or otherwise made ineffective as provided by law.

317 (c) Effective July 1, 2019, the state fire marshal appointed by the executive director of the  
 318 Georgia Firefighter Standards and Training Council shall carry out all of the functions and  
 319 obligations and exercise all of the powers formerly held by the state fire marshal appointed  
 320 by the Safety Fire Commissioner under this title."

321

## **PART II**

322

### **SECTION 2-1.**

323 Said title is further amended by revising Chapter 2, relating to the regulation of fire and other  
 324 hazards to persons and property generally, as follows:

325

#### **"CHAPTER 2**

326 25-2-1.

327 As used in this chapter, the term 'Commissioner' means the Safety Fire Commissioner.

328 25-2-2.

329 The office of Safety Fire Commissioner is created. The Commissioner of Insurance shall  
 330 be the Safety Fire Commissioner.

331 25-2-3.

332 Except as provided in Code Section 25-2-12, the Commissioner is charged with the duties  
333 and chief responsibility for the enforcement of this chapter. He or she may, consistent with  
334 this chapter, delegate to the officers and employees appointed under this chapter such  
335 duties and powers as in his or her discretion he or she shall deem necessary or advisable  
336 for the proper enforcement of this chapter and shall have full supervision and control over  
337 such officers and employees in the performance of their duties or in the exercise of any  
338 powers granted to such officers and employees by him or her or by this chapter. Except  
339 as provided in Code Section 25-2-12, the Commissioner shall be the final authority in all  
340 matters relating to the interpretation and enforcement of this chapter, except insofar as his  
341 or her orders may be reversed or modified by the courts.

342 25-2-4.

343 The Commissioner shall adopt such rules and regulations as he or she deems necessary to  
344 promote the enforcement of this chapter. Such rules and regulations shall have the force  
345 and effect of law and shall have state-wide application as being the state minimum fire  
346 safety standards and shall not require adoption by a municipality or county. The governing  
347 authority of any municipality or county in this state is authorized to enforce the state  
348 minimum fire safety standards on all buildings and structures except one-family and  
349 two-family dwellings and those buildings and structures listed in Code Section 25-2-13.  
350 All other applications of the state minimum fire safety standards and fees are specified in  
351 Code Sections 25-2-4.1; and 25-2-12, and 25-2-12.1. Before the Commissioner shall adopt  
352 as a part of his or her rules and regulations for the enforcement of this chapter any of the  
353 principles of the various codes referred to in this chapter, he or she shall first consider and  
354 approve them as reasonably suitable for the enforcement of this chapter. Not less than 15  
355 days before any rules and regulations are promulgated, a public hearing shall be held.  
356 Notice of the hearing shall be advertised in a newspaper of general circulation.

357 25-2-4.1.

358 (a) The Commissioner is authorized to assess and collect, and persons so assessed shall  
359 pay in advance to the Commissioner, fees and charges under this chapter as follows:

360	(1) New anhydrous ammonia permit for storage in bulk (more than	
361	2,000 gallons aggregate capacity) for sale or distribution one-time	
362	fee .....	\$ 150.00
363	(2) Annual license for manufacture of explosives other than	
364	fireworks .....	150.00

365	(3) Annual license for manufacture, storage, or transport of	
366	fireworks . . . . .	1,500.00
367	(4) Carnival license . . . . .	150.00
368	(5) Certificate of occupancy . . . . .	100.00
369	(6) Construction plan review:	
370	(A) Bulk storage construction . . . . .	150.00
371	(B) Building construction, 10,000 square feet or less . . . . .	150.00
372	(C) Building construction, more than 10,000 square feet . . . . .	.015 per square foot
373	(D) Other construction . . . . .	150.00
374	(7) Fire sprinkler contractor certificate of competency . . . . .	150.00
375	(8) Liquefied petroleum gas storage license:	
376	(A) 2,000 gallons or less . . . . .	150.00
377	(B) More than 2,000 gallons . . . . .	600.00
378	(9) Building construction inspection:	
379	(A) 80 percent completion, 100 percent completion, annual, and	
380	first follow-up . . . . .	none
381	(B) Second follow-up . . . . .	150.00
382	(C) Third and each subsequent follow-up . . . . .	220.00
383	(10) Purchase, storage, sale, transport, or use of explosives other	
384	than fireworks:	
385	(A) 500 pounds or less . . . . .	75.00
386	(B) More than 500 pounds . . . . .	150.00
387	(11) New self-service gasoline station permit one-time fee . . . . .	150.00
388	(12) New permit to dispense compressed natural gas (CNG) for	
389	vehicular fuel one-time fee . . . . .	150.00

390 (b) The licenses and permits for which fees or charges are required pursuant to this Code  
391 section shall not be transferable. A new license or permit and fee are required upon change  
392 of ownership.

393 25-2-5.  
394 ~~The Commissioner shall appoint a state fire marshal. Qualifications for appointment as~~  
395 ~~state fire marshal shall be previous training and experience in endeavors similar to those~~  
396 ~~prescribed in this chapter. The Commissioner shall fix the salary of the state fire marshal~~  
397 Reserved.

398 25-2-6.

399 The Safety Fire Division of the office of the Commissioner of Insurance shall be headed  
400 by ~~the state fire marshal~~ an individual appointed by the Commissioner.

401 25-2-7.

402 ~~The state fire marshal, subject to the approval of the Commissioner, shall appoint a deputy~~  
403 ~~state fire marshal and administrative fire safety specialists and shall employ such office~~  
404 ~~personnel as may be required to carry out this chapter. The deputy state fire marshal and~~  
405 ~~administrative fire safety specialists shall be chosen by virtue of their previous training and~~  
406 ~~experience in the particular duties which shall be assigned to them. They shall take an oath~~  
407 ~~to perform faithfully the duties of their office~~ Reserved.

408 25-2-8.

409 ~~All state employees connected with the state fire marshal's office shall be allowed~~  
410 ~~subsistence, lodging, and other expenses in connection with the execution of their duties~~  
411 ~~when away from their headquarters. Transportation for such employees shall be paid at the~~  
412 ~~mileage rate fixed by law for other state employees~~ Reserved.

413 25-2-9.

414 (a) ~~Upon the request of the sheriff of the county, the chief of police of the jurisdiction, the~~  
415 ~~district attorney of the judicial circuit, or a local fire official, the state fire marshal and any~~  
416 ~~employees of such official shall have the authority to investigate the cause and origin of~~  
417 ~~any fire which occurred in said county, jurisdiction, or judicial circuit.~~

418 (b) ~~Personnel employed and authorized by the state fire marshal shall have the power to~~  
419 ~~make arrests for criminal violations established as a result of investigations. Such~~  
420 ~~personnel must hold certification as a peace officer from the Georgia Peace Officer~~  
421 ~~Standards and Training Council and shall have the power to execute arrest warrants and~~  
422 ~~search warrants for criminal violations and to arrest, upon probable cause and without~~  
423 ~~warrant, any person found violating any of the provisions of applicable criminal laws.~~  
424 ~~Authorized personnel empowered to make arrests pursuant to this Code section shall be~~  
425 ~~empowered to carry firearms as authorized by the state fire marshal in the performance of~~  
426 ~~their duties. It shall be unlawful for any person to resist an arrest authorized by this Code~~  
427 ~~section or to interfere in any manner, including abetting or assisting such resistance or~~  
428 ~~interference, with personnel employed by the state fire marshal in the duties imposed upon~~  
429 ~~such personnel by law~~ Reserved.

430 25-2-10.

431 ~~Should any person, firm, corporation, or public entity be dissatisfied with any ruling or~~  
 432 ~~decision of the state fire marshal, the right is granted to appeal within ten days to the~~  
 433 ~~Commissioner. If the person, firm, corporation, or public entity is dissatisfied with the~~  
 434 ~~decision of the Commissioner, appeal is authorized to the superior court within 30 days in~~  
 435 ~~the manner provided under Chapter 13 of Title 50. In the event of such appeal, the person,~~  
 436 ~~firm, corporation, or public entity shall give a surety bond which will be conditioned upon~~  
 437 ~~compliance with the order and direction of the state fire marshal or the Commissioner or~~  
 438 ~~both. The amount of bond shall be fixed by the Commissioner in such amount as will~~  
 439 ~~reasonably cover the order issued by the Commissioner or the state fire marshal or both~~  
 440 Reserved.

441 25-2-11.

442 Reserved.

443 25-2-12.

444 (a)(1) The county governing authority in any county having a population of 100,000 or  
 445 more, and the municipal governing authority in any municipality having a population of  
 446 45,000 or more, each as determined by the most recent decennial census published by the  
 447 United States Bureau of the Census, and those municipalities pursuant to subsection (b)  
 448 of this Code section shall adopt the state minimum fire safety standards adopted in the  
 449 rules and regulations promulgated pursuant to this chapter, including all subsequent  
 450 revisions thereof.

451 (2) With respect to those buildings and structures listed in Code Section 25-2-13, except  
 452 for hospitals, nursing homes, jails, ambulatory health care centers, and penal institutions  
 453 and except for buildings and structures which are owned and operated or occupied by the  
 454 state, every such local governing authority shall be responsible for enforcing such fire  
 455 safety standards within its jurisdiction and shall:

456 (A) Conduct fire safety inspections of existing buildings and structures;

457 (B) Review plans and specifications for proposed buildings and structures, issue  
 458 building permits when plans are approved, and conduct fire safety inspections of such  
 459 buildings and structures; and

460 (C) Issue permanent and temporary certificates of occupancy.

461 (3) Nothing in this subsection shall be construed so as to prohibit fire service personnel  
 462 of any such local governing authority from making inspections of any state owned and  
 463 operated or occupied building or structure listed in Code Section 25-2-13 and from filing  
 464 reports of such inspections with the office of the Commissioner.

465 (4) Nothing in this subsection shall be construed so as to place upon any municipality,  
 466 county, or any officer or employee thereof, the responsibility to take enforcement action  
 467 regarding any existing building or structure listed in Code Section 25-2-13, if such  
 468 building or structure was granted a certificate of occupancy pursuant to a waiver granted  
 469 prior to January 1, 1982, and which was granted pursuant to the recommendation of the  
 470 engineering staff over the objection of the local authority having jurisdiction.

471 (5) Every such local governing authority shall have the authority to charge and retain  
 472 appropriate fees for performing the duties required in subparagraphs (A) and (B) of  
 473 paragraph (2) of this subsection. In cases where the governing authority of a municipality  
 474 enforcing fire safety standards pursuant to this subsection contracts for the enforcement  
 475 of fire safety standards, any municipal or county office or authority providing such  
 476 enforcement shall not charge fees in excess of those charged in its own political  
 477 subdivision for such enforcement.

478 (6) Every such local governing authority shall be responsible for investigating all cases  
 479 of arson and other suspected incendiary fires within its jurisdiction, shall have the duties  
 480 and powers authorized by Code Sections ~~25-2-27, 25-2-28, and 25-2-29~~ 25-4-38,  
 481 25-4-39, and 25-4-40 in carrying out such responsibility, and shall submit quarterly  
 482 reports to the state fire marshal containing fire-loss data regarding all fires within its  
 483 jurisdiction. The state fire marshal shall have the authority to initiate any arson  
 484 investigation upon request of any such local governing authority, and he or she shall  
 485 provide assistance to the requesting authority regarding any of the duties and  
 486 responsibilities required by this paragraph.

487 (7) No such local governing authority shall have the authority to grant any waiver or  
 488 variance which would excuse any building, structure, or proposed plans for buildings or  
 489 structures from compliance with the state minimum fire safety standards as adopted in  
 490 the rules and regulations promulgated pursuant to this chapter.

491 (b) Municipalities having a population of less than 45,000 as determined by the most  
 492 recent decennial census published by the United States Bureau of the Census may adopt  
 493 the state minimum fire safety standards adopted in the rules and regulations promulgated  
 494 pursuant to this chapter, including all subsequent revisions thereof. The municipal  
 495 governing authority shall indicate its intention to adopt and enforce the state minimum fire  
 496 safety standards by forwarding a resolution so indicating to the Commissioner. The  
 497 municipality shall then adopt and enforce the state minimum fire safety standards as set  
 498 forth in subsection (a) of this Code section.

499 (c) With respect to those buildings and structures listed in Code Section 25-2-13, in  
 500 jurisdictions other than those jurisdictions covered under subsection (a) of this Code  
 501 section, and with respect to every such hospital and every such building and structure

502 owned and operated or occupied by the state, wherever located, the office of the  
 503 Commissioner shall perform those duties specified in paragraph (2) of subsection (a) of this  
 504 Code section and shall perform all other duties required by this chapter.

505 (d) Except as specifically stated in this Code section, nothing in this Code section shall  
 506 reduce or avoid the duties and responsibilities of the office of the Commissioner or the state  
 507 fire marshal imposed by other Code sections of this chapter, other provisions of this Code,  
 508 or any existing contract or agreement and all renewals thereof between the office of the  
 509 Commissioner or the state fire marshal and any other state or federal government agency.  
 510 Nothing in this Code section shall prohibit the office of the Commissioner, state fire  
 511 marshal, or any local governing authority from entering into any future contract or  
 512 agreement regarding any of the duties imposed under this Code section.

513 (e)(1) The office of the Commissioner shall be responsible for interpretations of the state  
 514 minimum fire safety standards as adopted in the rules and regulations promulgated  
 515 pursuant to this chapter.

516 (2) On the construction on existing buildings, local governments authorized to enforce  
 517 the state minimum fire safety standards pursuant to subsection (a) and subsection (b) of  
 518 this Code section, notwithstanding paragraph (7) of subsection (a) of this Code section,  
 519 may grant variances from compliance with the state minimum fire safety standards as  
 520 adopted in the rules and regulations promulgated pursuant to this chapter.

521 (3) On the construction on existing buildings not under the jurisdiction of a local  
 522 government for purposes of paragraph (2) of this subsection, the Commissioner may  
 523 grant variances from compliance with the state minimum fire safety standards as adopted  
 524 in the rules and regulations promulgated pursuant to this chapter.

525 (4) On the construction of new buildings, the Commissioner, upon the written  
 526 recommendation of the state fire marshal and the written request of the fire or building  
 527 official responsible for enforcing the state minimum fire safety standards, may grant  
 528 variances from compliance with the state minimum fire safety standards as adopted in the  
 529 rules and regulations promulgated pursuant to this chapter in jurisdictions covered under  
 530 subsection (a) of this Code section and jurisdictions other than those covered under  
 531 subsection (a) of this Code section.

532 (5) Variances granted pursuant to paragraphs (2), (3), and (4) of this subsection shall be  
 533 as nearly equivalent as practical to the standards required in this chapter.

534 ~~25-2-12.1.~~

535 ~~(a) As used in this Code section, the term:~~



536 ~~(1) 'Deputy local fire marshal' means any person who is employed by, supervised by, or~~  
 537 ~~otherwise assists a local fire marshal and who has been or is seeking to be deputized~~  
 538 ~~pursuant to this Code section.~~

539 ~~(2) 'Local fire marshal' means any employee or independent contractor of any~~  
 540 ~~municipality, county, or other governing authority not adopting the state minimum fire~~  
 541 ~~safety standards as provided in subsection (a) of Code Section 25-2-12 who is responsible~~  
 542 ~~for performing fire safety duties for such municipality, county, or governing authority and~~  
 543 ~~who has been or is seeking to be deputized pursuant to this Code section.~~

544 ~~(3) 'State inspector' means any person who is employed by any board, commission, or~~  
 545 ~~other administrative authority of any state owned and operated or occupied facility, who~~  
 546 ~~is responsible for performing fire safety duties within such facility, and who has been or~~  
 547 ~~is seeking to be deputized pursuant to this Code section.~~

548 ~~(b) Upon application submitted by any governing authority or administrative authority~~  
 549 ~~described in subsection (a) of this Code section, the state fire marshal, subject to the~~  
 550 ~~approval of the Commissioner and in accordance with this Code section, shall have the~~  
 551 ~~authority to deputize local fire marshals, deputy local fire marshals, or state inspectors, as~~  
 552 ~~appropriate, as state officers. The application shall be verified by an appropriate official~~  
 553 ~~and shall contain the name, address, and current place of employment for each applicant~~  
 554 ~~seeking to be deputized and the dates and places of past employment, educational~~  
 555 ~~background, training experience, any area of specialization and the basis therefor, and such~~  
 556 ~~other information as may be required by the state fire marshal.~~

557 ~~(c)(1) Prior to deputizing any local fire marshal, deputy local fire marshal, or state~~  
 558 ~~inspector, the state fire marshal shall examine the applicant's education, training, and~~  
 559 ~~employment experience to ascertain whether the applicant is qualified to perform duties~~  
 560 ~~in one or more of the following areas:~~

- 561 ~~(A) Fire safety inspections;~~
- 562 ~~(B) Review of plans and specifications; or~~
- 563 ~~(C) Arson investigations.~~

564 ~~(2) If the state fire marshal is satisfied that the applicant is qualified, he shall recommend~~  
 565 ~~to the Commissioner that the applicant be deputized as a state officer to perform the~~  
 566 ~~appropriate duties on behalf of the state.~~

567 ~~(d) It shall be the responsibility of the governing authority to notify the state fire marshal~~  
 568 ~~when a local fire marshal is no longer employed by or accountable to such governing~~  
 569 ~~authority. It shall be the responsibility of the local fire marshal to ensure that his deputy~~  
 570 ~~local fire marshals perform their appointed duties and to notify the state fire marshal when~~  
 571 ~~a deputy local fire marshal is no longer employed under his authority. It shall be the~~  
 572 ~~responsibility of the administrative authority to ensure that state inspectors perform their~~

573 ~~appointed duties and to notify the state fire marshal when a state inspector is no longer~~  
 574 ~~employed by such administrative authority.~~

575 ~~(e) All deputized local fire marshals, deputy local fire marshals, and state inspectors shall~~  
 576 ~~submit monthly reports of their activities to the state fire marshal and shall comply with the~~  
 577 ~~administrative procedures of the state fire marshal's office. Any deputized local fire~~  
 578 ~~marshal, deputy local fire marshal, or state inspector who is found by the state fire marshal~~  
 579 ~~to be negligent in performing his appointed duties or in fulfilling his responsibilities shall~~  
 580 ~~be removed from his position as a state officer.~~

581 25-2-13.

582 (a) As used in this Code section, the term:

583 (1) 'Capacity' means the maximum number of persons who may be reasonably expected  
 584 to be present in any building or on any floor thereof at a given time according to the use  
 585 which is made of such building. The Commissioner shall determine and by rule declare  
 586 the formula for determining capacity for each of the uses described in this Code section.

587 (2) 'Historic building or structure' means any individual building or any building which  
 588 contributes to the historic character of a historic district, so designated by the state  
 589 historic preservation officer pursuant to rules and regulations adopted by the Board of  
 590 Natural Resources, or as so designated pursuant to the provisions of Article 2 of Chapter  
 591 10 of Title 44, the 'Georgia Historic Preservation Act.'

592 (3) 'Landmark museum building' means a historic building or structure used as an exhibit  
 593 of the building or structure itself which exhibits a high degree of architectural integrity  
 594 and which is open to the public not fewer than 12 days per year; however, additional uses,  
 595 original or ancillary, to the use as a museum shall be permitted within the same building  
 596 subject to the provisions of paragraph (3) of subsection (b) of this Code section.  
 597 Landmark museum buildings must be so designated by the state historic preservation  
 598 officer pursuant to rules and regulations adopted by the Board of Natural Resources.

599 (b)(1) Certain buildings and structures, because of construction or use, may constitute  
 600 a special hazard to property or to the life and safety of persons on account of fire or panic  
 601 from fear of fire. Buildings constructed or used in the following manner present such a  
 602 special hazard:

603 (A) Buildings or structures more than three stories in height; provided, however, that  
 604 nothing in this Code section shall apply to any individually owned residential unit  
 605 within any such building;

606 (B) Any building three or more stories in height and used as a residence by three or  
 607 more families, with individual cooking and bathroom facilities for each family;

608 provided, however, that nothing in this Code section shall apply to any individually  
609 owned residential unit within any such building;

610 (C) Any building in which there are more than 15 sleeping accommodations for hire,  
611 with or without meals but without individual cooking facilities, whether designated as  
612 a hotel, motel, inn, club, dormitory, rooming or boarding house, or by any other name;

613 (D) Any building or group of buildings which contain schools and academies for any  
614 combination of grades one through 12 having more than 15 children or students in  
615 attendance at any given time and all state funded kindergarten programs;

616 (E) Hospitals, health care centers, mental health institutions, orphanages, nursing  
617 homes, convalescent homes, old age homes, jails, prisons, reformatories, and all  
618 administrative, public assembly, and academic buildings of colleges, universities, and  
619 vocational-technical schools. As used in this subparagraph, the terms 'nursing homes,'  
620 'convalescent homes,' and 'old age homes' mean any building used for the lodging,  
621 personal care, or nursing care on a 24 hour basis of four or more invalids,  
622 convalescents, or elderly persons who are not members of the same family;

623 (F) Racetracks, stadiums, and grandstands;

624 (G) Theaters, auditoriums, restaurants, bars, lounges, nightclubs, dance halls,  
625 recreation halls, and other places of public assembly having an occupant load of 300  
626 or more persons, except that the occupant load shall be 100 or more persons in those  
627 buildings where alcoholic beverages are served;

628 (G.1) Churches having an occupant load of 500 or more persons in a common area or  
629 having an occupant load greater than 1,000 persons based on total occupant load of the  
630 building or structure;

631 (H) Department stores and retail mercantile establishments having a gross floor area  
632 of 25,000 square feet on any one floor or having three or more floors that are open to  
633 the public. For purposes of this subparagraph, shopping centers and malls shall be  
634 assessed upon the basis of the entire area covered by the same roof or sharing common  
635 walls; provided, however, that nothing in this Code section shall apply to single-story  
636 malls or shopping centers subdivided into areas of less than 25,000 square feet by a  
637 wall or walls with a two-hour fire resistance rating and where there are unobstructed  
638 exit doors in the front and rear of every such individual occupancy which open directly  
639 to the outside;

640 (I) Child care learning centers, as such term is defined in Code Section 20-1A-2. Fire  
641 safety standards adopted by rules of the Commissioner pursuant to Code Section 25-2-4  
642 which are applicable to child care learning centers shall not require staff-to-child ratios;  
643 and

644 (J) Personal care homes and assisted living communities required to be licensed as  
645 such by the Department of Community Health and having at least seven beds for  
646 nonfamily adults, and the Commissioner shall, pursuant to Code Section 25-2-4, by rule  
647 adopt state minimum fire safety standards for those homes, and any structure  
648 constructed as or converted to a personal care home on or after April 15, 1986, shall be  
649 deemed to be a proposed building pursuant to subsection (d) of Code Section 25-2-14  
650 and that structure may be required to be furnished with a sprinkler system meeting the  
651 standards established by the Commissioner if he or she deems this necessary for proper  
652 fire safety.

653 (2) Any building or structure which is used exclusively for agricultural purposes and  
654 which is located in an unincorporated area shall be exempt from the classification set  
655 forth in paragraph (1) of this subsection.

656 (3)(A) The provisions of this paragraph relating to landmark museum buildings shall  
657 apply only to those portions of such buildings which meet all the requirements of a  
658 landmark museum building, except as otherwise provided in subparagraphs (B) and (C)  
659 of this paragraph. Subparagraphs (B) and (C) of this paragraph shall, unless otherwise  
660 provided in such subparagraphs, preempt all state laws, regulations, or rules governing  
661 reconstruction, alteration, repair, or maintenance of landmark museum buildings. Local  
662 governing authorities may recognize the designation of landmark museum buildings by  
663 ordinance and authorize the local enforcement authority to incorporate the provisions  
664 of subparagraphs (B) and (C) of this paragraph into their local building and fire codes.  
665 Subparagraphs (D) and (E) of this paragraph shall apply to other historic buildings or  
666 structures.

667 (B) A landmark museum building shall be subject to the following provisions:

668 (i) Repairs, maintenance, and restoration shall be allowed without conformity to any  
669 state building or fire safety related code, standard, rule, or regulation, provided that  
670 the building is brought into and remains in full compliance with this paragraph;

671 (ii) In the case of fire or other casualty to a landmark museum building, it may be  
672 rebuilt, in total or in part, using such techniques and materials as are necessary to  
673 restore it to the condition prior to the fire or casualty and use as a totally preserved  
674 building; or

675 (iii) If a historic building or structure, as a result of proposed work or changes in use,  
676 would become eligible and would be so certified as a landmark museum building, and  
677 the state historic preservation officer so certifies and such is submitted to the state fire  
678 and building code official with the construction or building permit application, then  
679 the work may proceed under the provisions of this paragraph.

680 (C) All landmark museum buildings shall comply with the following requirements:

- 681 (i) Every landmark museum building shall have portable fire extinguishers as deemed  
682 appropriate by the state or local fire authority having jurisdiction based on the  
683 applicable state or local fire safety codes or regulations;
- 684 (ii) All landmark museum buildings which contain residential units shall have  
685 electrically powered smoke or products of combustion detectors installed within each  
686 living unit between living and sleeping areas. Such detectors shall be continuously  
687 powered by the building's electrical system. When activated, the detector shall initiate  
688 an alarm which is audible in sleeping rooms of that living unit. These unit detectors  
689 shall be required in addition to any other protective system that may be installed in  
690 the building;
- 691 (iii) For all landmark museum buildings, except those protected by a total automatic  
692 fire suppression system and one and two family dwellings, approved automatic fire  
693 warning protection shall be provided as follows: install at least one listed smoke or  
694 products of combustion detector for every 1,200 square feet of floor area per floor or  
695 story. In addition, all lobbies, common corridors, hallways, and ways of exit access  
696 shall be provided with listed smoke or products of combustion detectors not more  
697 than 30 feet apart. Detectors shall be so connected as to sound an alarm audible  
698 throughout the structure or building. With respect to buildings which are totally  
699 protected by an automatic fire suppression system, activation of the sprinkler system  
700 shall sound an alarm throughout the structure or building;
- 701 (iv) Smoke or products of combustion detectors shall be listed by a nationally  
702 recognized testing laboratory;
- 703 (v) All multistory landmark museum buildings, except one and two family dwellings,  
704 with occupancy above or below the street or grade level shall have manual fire alarm  
705 pull stations in the natural path of egress. The activation of a manual pull station shall  
706 cause the building fire warning system to sound;
- 707 (vi) Approved exit signs shall be located where designated by the local or state  
708 authority having jurisdiction in accordance with the applicable state or local code,  
709 standard, rule, or regulation;
- 710 (vii) Except for one and two family dwellings, every landmark museum building  
711 occupied after daylight, or which has occupied areas subject to being totally darkened  
712 during daylight hours due to a power failure or failure of the electrical system, shall  
713 be equipped with approved emergency lighting meeting the provisions of the  
714 applicable state or local code, standard, rule, or regulation;
- 715 (viii) Occupant loading of landmark museum buildings or structures shall be limited  
716 by either the actual structural floor load capacity or by the limitations of means of  
717 egress or by a combination of factors. Actual floor load capacity shall be determined

718 by a Georgia registered professional engineer. Said floor load shall be posted at a  
719 conspicuous location. The building owner shall submit evidence of this certification  
720 and related computations to the enforcement authority having jurisdiction, upon  
721 request. Where one or more floors of a landmark museum building have only one  
722 means of egress, the occupant load shall be computed and occupancy limited as  
723 determined by the state or local fire marshal; and

724 (ix) The electrical, heating, and mechanical systems of landmark museum buildings  
725 shall be inspected and any conditions that create a threat of fire or a threat to life shall  
726 be corrected in accordance with applicable standards to the extent deemed necessary  
727 by the state or local authority having jurisdiction.

728 (D) Historic buildings not classified as landmark museum buildings shall meet the  
729 requirements of applicable state or local building and fire safety laws, ordinances,  
730 codes, standards, rules, or regulations as they pertain to existing buildings. If a historic  
731 building or structure is damaged from fire or other casualty, it may be restored to the  
732 condition prior to the fire or casualty using techniques and methods consistent with its  
733 original construction, or it shall meet the requirements for new construction of the  
734 applicable state or local codes, standards, rules, or regulations, provided that these  
735 requirements do not significantly compromise the features for which the building was  
736 considered historically significant.

737 (E) As to any buildings or structures in the State of Georgia which meet the criteria of  
738 paragraph (1) of subsection (b) of this Code section and thus fall under the jurisdiction  
739 of the Safety Fire Commissioner and which also have been designated as historically  
740 significant by the state historic preservation officer, the appropriate enforcement  
741 official, in granting or denying a variance pursuant to subsection (e) of Code Section  
742 25-2-12, shall consider the intent of this chapter, with special attention to paragraph (3)  
743 of this subsection, Article 3 of Chapter 2 of Title 8, 'The Uniform Act for the  
744 Application of Building and Fire Related Codes to Existing Buildings,' Article 2 of  
745 Chapter 10 of Title 44, the 'Georgia Historic Preservation Act,' and the Secretary of  
746 Interior's Standards for Preservation Projects.

747 (4) Nothing in this subsection shall be construed as exempting any building, structure,  
748 facility, or premises from ordinances enacted by any municipal governing authority in  
749 any incorporated area or any county governing authority in any unincorporated area,  
750 except to the extent stated in paragraph (3) of this subsection relative to landmark  
751 museum buildings or historic buildings or structures.

752 (c) Every person who owns or controls the use of any building, part of a building, or  
753 structure described in paragraph (1) of subsection (b) of this Code section, which, because  
754 of floor area, height, location, use or intended use as a gathering place for large groups, or

755 use or intended use by or for the aged, the ill, the incompetent, or the imprisoned,  
756 constitutes a special hazard to property or to the life and safety of persons on account of  
757 fire or panic from fear of fire, must so construct, equip, maintain, and use such building or  
758 structure as to afford every reasonable and practical precaution and protection against  
759 injury from such hazards. No person who owns or controls the use or occupancy of such  
760 a building or structure shall permit the use of the premises so controlled for any such  
761 specially hazardous use unless he or she has provided such precautions against damage to  
762 property or injury to persons by these hazards as are found and determined by the  
763 Commissioner in the manner described in subsection (d) of this Code section to be  
764 reasonable and practical.

765 (d) The Commissioner is directed to investigate and examine construction and engineering  
766 techniques; properties of construction materials, fixtures, facilities, and appliances used in,  
767 upon, or in connection with buildings and structures; and fire prevention and protective  
768 techniques, including, but not limited to, the codes and standards adopted, recommended,  
769 or issued from time to time by the National Fire Protection Association (National Fire Code  
770 and National Electric Code), the American Insurance Association (National Building  
771 Code), the successor to the National Board of Fire Underwriters, the American Standards  
772 Association, and the Standard Building Code Congress (Southern Standard Building Code).  
773 Based upon such investigation, the Commissioner is authorized to determine and by rule  
774 to provide what reasonable and practical protection must be afforded property and persons  
775 with respect to: exits; fire walls and internal partitions adequate to resist fire and to retard  
776 the spread of fire, smoke, heat, and gases; electrical wiring, electrical appliances, and  
777 electrical installations; safety and protective devices, including, but not limited to, fire  
778 escapes, fire prevention equipment, sprinkler systems, fire extinguishers, panic hardware,  
779 fire alarm and detection systems, exit lights, emergency auxiliary lights, and other similar  
780 safety devices; flameproofing; motion picture equipment and projection booths; and similar  
781 facilities; provided, however, that any building described in subparagraph (b)(1)(C) of this  
782 Code section shall be required to have a smoke or products of combustion detector listed  
783 by a nationally recognized testing laboratory; and, regardless of the manufacturer's  
784 instructions, such detectors in these buildings shall be located in all interior corridors, halls,  
785 and basements no more than 30 feet apart or more than 15 feet from any wall; where there  
786 are no interior halls or corridors, the detectors shall be installed in each sleeping room. All  
787 detection systems permitted after April 1, 1992, shall be powered from the building's  
788 electrical system and all detection systems required by this chapter, permitted after April 1,  
789 1992, shall have a one and one-half hour emergency power supply source. Required  
790 corridor smoke detector systems shall be electrically interconnected to the fire alarm, if a

791 fire alarm is required. If a fire alarm is not required, the detectors at a minimum shall be  
792 approved single station detectors powered from the building electrical service.

793 (e) All rules and regulations promulgated before April 1, 1968, by the Commissioner or  
794 the state fire marshal and the minimum fire safety standards adopted therein shall remain  
795 in full force and effect where applicable until such time as they are amended by the  
796 appropriate authority.

797 (f) The municipal governing authority in any incorporated area or the county governing  
798 authority in any unincorporated area of the state shall have the authority to enact such  
799 ordinances as it deems necessary to perform fire safety inspections and related activities  
800 for those buildings and structures not covered in this Code section.

801 (g) Notwithstanding any other provision of law or any local ordinance to the contrary, in  
802 the event of a conflict between any code or standard of the National Fire Protection  
803 Association (National Fire Code and National Electric Code) and of the Standard Building  
804 Code Congress (Southern Standard Building Code), the code or standard of the National  
805 Fire Protection Association (National Fire Code and National Electric Code) shall prevail.  
806 The order of precedence established by this subsection shall apply to all buildings and  
807 structures whether or not such buildings and structures are covered under this Code section.

808 25-2-14.

809 (a)(1) Plans and specifications for all proposed buildings which come under  
810 classification in paragraph (1) of subsection (b) of Code Section 25-2-13 and which come  
811 under the jurisdiction of the office of the Commissioner pursuant to Code Section  
812 25-2-12 shall be submitted to and receive approval by either the state fire marshal, the  
813 proper local fire marshal, or state inspector before any state, municipal, or county  
814 building permit may be issued or construction started. All such plans and specifications  
815 submitted as required by this subsection shall be accompanied by a fee in the amount  
816 provided in Code Section 25-2-4.1 and shall bear the seal and Georgia registration  
817 number of the drafting architect or engineer or shall otherwise have the approval of the  
818 Commissioner.

819 (2)(A) If the state fire marshal, the proper local fire marshal, state inspector, or  
820 designated code official cannot provide plan review within 30 business days of  
821 receiving a written application for permitting in accordance with the code official's plan  
822 submittal process, then, in lieu of plan review by personnel employed by such  
823 governing authority, any person, firm, or corporation engaged in a construction project  
824 which requires plan review, regardless if the plan review is required by subsection (a)  
825 of this Code section or by local county or municipal ordinance, shall have the option  
826 of retaining, at its own expense, a private professional provider to provide the required



827 plan review. As used in this paragraph, the term 'private professional provider' means  
828 a professional engineer who holds a certificate of registration issued under Chapter 15  
829 of Title 43 or a professional architect who holds a certificate of registration issued  
830 under Chapter 4 of Title 43, who is not an employee of or otherwise affiliated with or  
831 financially interested in the person, firm, or corporation engaged in the construction  
832 project to be reviewed.

833 (B) The state fire marshal, the proper local fire marshal, state inspector, or designated  
834 code official shall advise the permit applicant at the time the complete submittal  
835 application for a permit in accordance with the code official's plan submittal process is  
836 received that the state fire marshal, the proper local fire marshal, state inspector, or  
837 designated code official intends to complete the required plan review within the time  
838 prescribed by this paragraph or that the applicant may immediately secure the services  
839 of a private professional provider to complete the required plan review pursuant to this  
840 subsection. The plan submittal process shall include those procedures and approvals  
841 required by the local jurisdiction before plan review can take place. If the state fire  
842 marshal, the proper local fire marshal, state inspector, or designated code official states  
843 its intent to complete the required plan review within the time prescribed by this  
844 paragraph, the applicant shall not be authorized to use the services of a private  
845 professional provider as provided in this subsection. The permit applicant and the state  
846 fire marshal, the proper local fire marshal, state inspector, or designated code official  
847 may agree by mutual consent to extend the time period prescribed by this paragraph for  
848 plan review if the characteristics of the project warrant such an extension. However,  
849 if the state fire marshal, the proper local fire marshal, state inspector, or designated code  
850 official states its intent to complete the required plan review within the time prescribed  
851 by this paragraph, or any extension thereof mutually agreed to by the applicant and the  
852 state fire marshal, the proper local fire marshal, state inspector, or designated code  
853 official and does not permit the applicant to use the services of a private professional  
854 provider and the state fire marshal, the proper local fire marshal, state inspector, or  
855 designated code official fails to complete such plan review in the time prescribed by  
856 this paragraph, or any extension thereof mutually agreed to by the applicant and the  
857 state fire marshal, the proper local fire marshal, state inspector, or designated code  
858 official, the state fire marshal, the proper local fire marshal, state inspector, or  
859 designated code official shall issue the applicant a project initiation permit to allow the  
860 applicant to begin work on the project, provided that portion of the initial phase of work  
861 is compliant with applicable codes, laws, and rules. If a full permit is not issued for the  
862 portion requested for permitting, then the state fire marshal, the proper local fire  
863 marshal, state inspector, or designated code official shall have an additional 20 business

864 days to complete the review and issue the full permit. If the plans submitted for  
865 permitting are denied for any deficiency, the time frames and process for resubmittal  
866 shall be governed by divisions (2)(H)(iii) through (2)(H)(v) of this subsection.

867 (C) Any plan review or inspection conducted by a private professional provider shall  
868 be no less extensive than plan reviews or inspections conducted by state, county, or  
869 municipal personnel responsible for review of plans for compliance with the state's  
870 minimum fire safety standards and, where applicable, the state's minimum accessibility  
871 standards.

872 (D) The person, firm, or corporation retaining a private professional provider to  
873 conduct a plan review shall be required to pay to the state fire marshal, the proper local  
874 fire marshal, state inspector, or designated code official which requires the plan review  
875 the same regulatory fees and charges which would have been required had the plan  
876 review been conducted by the state fire marshal, the proper local fire marshal, state  
877 inspector, or designated code official.

878 (E) A private professional provider performing plan reviews under this subsection shall  
879 review construction plans to determine compliance with the state's minimum fire safety  
880 standards in effect which were adopted pursuant to this chapter and, where applicable,  
881 the state's minimum accessibility standards adopted pursuant to Chapter 3 of Title 30.  
882 Upon determining that the plans reviewed comply with the applicable codes and  
883 standards as adopted, such private professional provider shall prepare an affidavit or  
884 affidavits on a form prescribed by the Safety Fire Commissioner certifying under oath  
885 that the following is true and correct to the best of such private professional provider's  
886 knowledge and belief and in accordance with the applicable professional standard of  
887 care:

888 (i) The plans were reviewed by the affiant who is duly authorized to perform plan  
889 review pursuant to this subsection and who holds the appropriate license or  
890 certifications and insurance coverage and insurance coverage stipulated in this  
891 subsection; and

892 (ii) The plans comply with the state's minimum fire safety standards in effect which  
893 were adopted pursuant to this chapter and, where applicable, the state's minimum  
894 accessibility standards adopted pursuant to Chapter 3 of Title 30.

895 (F) All private professional providers providing plan review services pursuant to this  
896 subsection shall secure and maintain insurance coverage for professional liability  
897 (errors and omissions) insurance. The limits of such insurance shall be not less than \$1  
898 million per claim and \$1 million in aggregate coverage. Such insurance may be a  
899 practice policy or project-specific coverage. If the insurance is a practice policy, it shall  
900 contain prior acts coverage for the private professional provider. If the insurance is

901 project-specific, it shall continue in effect for two years following the issuance of the  
 902 certificate of final completion for the project. The state fire marshal, the proper local  
 903 fire marshal, state inspector, or designated code official may establish, for private  
 904 professional providers working within their respective jurisdictions specified by this  
 905 chapter, a system of registration listing the private professional providers within their  
 906 areas of competency and verifying compliance with the insurance requirements of this  
 907 subsection.

908 (G) The private professional provider shall be empowered to perform any plan review  
 909 required by the state fire marshal, the proper local fire marshal, state inspector, or  
 910 designated code official, regardless if the plan review is required by this subsection or  
 911 by local county or municipal ordinance, provided that the plan review is within the  
 912 scope of such private professional provider's area of expertise and competency. This  
 913 subsection shall not apply to hospitals, ambulatory health care centers, nursing homes,  
 914 jails, penal institutions, airports, buildings or structures that impact national or state  
 915 homeland security, or any building defined as a high-rise building in the State  
 916 Minimum Standards Code, provided that interior tenant build-out projects within  
 917 high-rise buildings are not exempt from this subsection, or plans related to Code  
 918 Section 25-2-16 or 25-2-17 or Chapter 8, 9, or 10 of this title.

919 (H)(i) The permit applicant shall submit a copy of the private professional provider's  
 920 plan review report to the state fire marshal, the proper local fire marshal, state  
 921 inspector, or designated code official. Such plan review report shall include at a  
 922 minimum all of the following:

923 (I) The affidavit of the private professional provider required pursuant to this  
 924 subsection;

925 (II) The applicable fees required for permitting;

926 (III) Other documents deemed necessary due to unusual construction or design,  
 927 smoke removal systems where applicable with engineering analysis, and additional  
 928 documentation required where performance based code options are used; and

929 (IV) Any documents required by the state fire marshal, the proper local fire  
 930 marshal, state inspector, or designated code official to determine that the permit  
 931 applicant has secured all other governmental approvals required by law.

932 (ii) No more than 30 business days after receipt of a permit application and the  
 933 private professional provider's plan review report required pursuant to this subsection,  
 934 the state fire marshal, the proper local fire marshal, state inspector, or designated code  
 935 official shall issue the requested permit or provide written notice to the permit  
 936 applicant identifying the specific plan features that do not comply with the applicable  
 937 codes or standards, as well as the specific reference to the relevant requirements. If

938 the state fire marshal, the proper local fire marshal, state inspector, or designated code  
939 official does not provide a written notice of the plan deficiencies within the prescribed  
940 30 day period, the permit application shall be deemed approved as a matter of law and  
941 the permit shall be issued by the state fire marshal, the proper local fire marshal, state  
942 inspector, or designated code official on the next business day.

943 (iii) If the state fire marshal, the proper local fire marshal, state inspector, or  
944 designated code official provides a written notice of plan deficiencies to the permit  
945 applicant within the prescribed 30 day period, the 30 day period shall be tolled  
946 pending resolution of the matter. To resolve the plan deficiencies, the permit  
947 applicant may elect to dispute the deficiencies pursuant to this chapter, the  
948 promulgated rules and regulations adopted thereunder, or, where appropriate for  
949 existing buildings, the local governing authority's appeals process or the permit  
950 applicant may submit revisions to correct the deficiencies.

951 (iv) If the permit applicant submits revisions, the state fire marshal, the proper local  
952 fire marshal, state inspector, or designated code official shall have the remainder of  
953 the tolled 30 day period plus an additional five business days to issue the requested  
954 permit or to provide a second written notice to the permit applicant stating which of  
955 the previously identified plan features remain in noncompliance with the applicable  
956 codes or standards, with specific reference to the relevant requirements. If the state  
957 fire marshal, the proper local fire marshal, state inspector, or designated code official  
958 does not provide the second written notice within the prescribed time period, the  
959 permit shall be issued by the state fire marshal, the proper local fire marshal, state  
960 inspector, or designated code official on the next business day.

961 (v) If the state fire marshal, the proper local fire marshal, state inspector, or  
962 designated code official provides a second written notice of plan deficiencies to the  
963 permit applicant within the prescribed time period, the permit applicant may elect to  
964 dispute the deficiencies pursuant to this chapter, the rules and regulations promulgated  
965 thereunder, or, where applicable for existing buildings, the local governing authority's  
966 appeals process or the permit applicant may submit additional revisions to correct the  
967 deficiencies. For all revisions submitted after the first revision, the state fire marshal,  
968 the proper local fire marshal, state inspector, or designated code official shall have an  
969 additional five business days to issue the requested permit or to provide a written  
970 notice to the permit applicant stating which of the previously identified plan features  
971 remain in noncompliance with the applicable codes or standards, with specific  
972 reference to the relevant requirements.

973 (I) The state fire marshal may provide for the prequalification of private professional  
974 providers who may perform plan reviews pursuant to this subsection by rule or

975 regulation authorized in Code Section 25-2-4. In addition, any local fire marshal, state  
 976 inspector, or designated code official may provide for the prequalification of private  
 977 professional providers who may perform plan reviews pursuant to this subsection;  
 978 however, no additional local ordinance implementing prequalification shall become  
 979 effective until notice of the proper local fire marshal, state inspector, or designated code  
 980 official's intent to require prequalification and the specific requirements for  
 981 prequalification have been advertised in the newspaper in which the sheriff's  
 982 advertisements for that locality are published. The ordinance implementing  
 983 prequalification shall provide for evaluation of the qualifications of a private  
 984 professional provider only on the basis of the private professional provider's expertise  
 985 with respect to the objectives of this subsection, as demonstrated by the private  
 986 professional provider's experience, education, and training. Such ordinance may  
 987 require a private professional provider to hold additional certifications, provided that  
 988 such certifications are required by ordinance or state law for plan review personnel  
 989 currently directly employed by such local governing authority.

990 (J) Nothing in this subsection shall be construed to limit any public or private right of  
 991 action designed to provide protection, rights, or remedies for consumers.

992 (K) If the state fire marshal, the proper local fire marshal, state inspector, or designated  
 993 code official determines that the building construction or plans do not comply with the  
 994 applicable codes or standards, the state fire marshal, the proper local fire marshal, state  
 995 inspector, or designated code official may deny the permit or request for a certificate  
 996 of occupancy or certificate of completion, as appropriate, or may issue a stop-work  
 997 order for the project or any portion thereof as provided by law or rule or regulation,  
 998 after giving notice and opportunity to remedy the violation, if the state fire marshal, the  
 999 proper local fire marshal, state inspector, or designated code official determines that  
 1000 noncompliance exists with state laws, adopted codes or standards, or local ordinances,  
 1001 provided that:

1002 (i) The state fire marshal, the proper local fire marshal, state inspector, or designated  
 1003 code official shall be available to meet with the private professional provider within  
 1004 two business days to resolve any dispute after issuing a stop-work order or providing  
 1005 notice to the applicant denying a permit or request for a certificate of occupancy or  
 1006 certificate of completion; and

1007 (ii) If the state fire marshal, the proper local fire marshal, state inspector, or  
 1008 designated code official and the private professional provider are unable to resolve the  
 1009 dispute, the matter shall be referred to the local enforcement agency's board of  
 1010 appeals, except as provided in Code Section 25-2-12 and appeals for those proposed  
 1011 buildings classified under paragraph (1) of subsection (b) of Code Section 25-2-13 or

1012 any existing building under the specific jurisdiction of the state fire marshal's office  
1013 shall be made to the state fire marshal and further appeal shall be under Code Section  
1014 ~~25-2-10~~.

1015 (L) The state fire marshal, the proper local fire marshal, state inspector, local  
1016 government, designated code official enforcement personnel, or agents of the governing  
1017 authority shall be immune from liability to any person or party for any action or  
1018 inaction by an owner of a building or by a private professional provider or its duly  
1019 authorized representative in connection with building plan review services by private  
1020 professional providers as provided in this subsection.

1021 (M) Except as provided in this paragraph, no proper local fire marshal, state inspector,  
1022 or designated code official shall adopt or enforce any rules, procedures, policies, or  
1023 standards more stringent than those prescribed in this subsection related to private  
1024 professional provider services.

1025 (N) Nothing in this subsection shall limit the authority of the state fire marshal, the  
1026 proper local fire marshal, state inspector, or designated code official to issue a  
1027 stop-work order for a building project or any portion of such project, as provided by  
1028 law or rule or regulation authorized pursuant to Code Section 25-2-4, after giving notice  
1029 and opportunity to remedy the violation, if the official determines that a condition on  
1030 the building site constitutes an immediate threat to public safety and welfare.

1031 (O) When performing building code plan reviews related to determining compliance  
1032 with the Georgia State Minimum Standard Codes most recently adopted by the  
1033 Department of Community Affairs, the state's minimum fire safety standards adopted  
1034 by the safety fire marshal, or the state's minimum accessibility standards pursuant to  
1035 Chapter 3 of Title 30, a private professional provider is subject to the disciplinary  
1036 guidelines of the applicable professional licensing board with jurisdiction over such  
1037 private professional provider's license or certification under Chapters 4 and 15 of  
1038 Title 43, as applicable. Any complaint processing, investigation, and discipline that  
1039 arise out of a private professional provider's performance of the adopted building, fire  
1040 safety, or accessibility codes or standards plan review services shall be conducted by  
1041 the applicable professional licensing board or as allowed by state rule or regulation.  
1042 Notwithstanding any disciplinary rules of the applicable professional licensing board  
1043 with jurisdiction over such private professional provider's license or certification under  
1044 Chapters 4 and 15 of Title 43, the state fire marshal, the proper local fire marshal, state  
1045 inspector, or designated code official enforcement personnel may decline to accept  
1046 building plan reviews submitted by any private professional provider who has  
1047 submitted multiple reports which required revisions due to negligence, noncompliance,  
1048 or deficiencies.

1049 (b) A complete set of approved plans and specifications shall be maintained on the  
1050 construction site, and construction shall proceed in compliance with the minimum fire  
1051 safety standards under which such plans and specifications were approved. The owner of  
1052 any such building or structure or his or her authorized representative shall notify the state  
1053 fire marshal, the proper local fire marshal, or state inspector upon completion of  
1054 approximately 80 percent of the construction thereof and shall apply for a certificate of  
1055 occupancy when construction of such building or structure is completed.

1056 (c) Every building or structure which comes under classification in paragraph (1) of  
1057 subsection (b) of Code Section 25-2-13 and which comes under the jurisdiction of the  
1058 office of the Commissioner pursuant to Code Section 25-2-12 shall have a certificate of  
1059 occupancy issued by the state fire marshal, the proper local fire marshal, or the state  
1060 inspector before such building or structure may be occupied. Such certificates of  
1061 occupancy shall be issued for each business establishment within the building, shall carry  
1062 a charge in the amount provided in Code Section 25-2-4.1, shall state the occupant load for  
1063 such business establishment or building, shall be posted in a prominent location within  
1064 such business establishment or building, and shall run for the life of the building, except  
1065 as provided in subsection (d) of this Code section.

1066 (d) For purposes of this chapter, any existing building or structure listed in paragraph (1)  
1067 of subsection (b) of Code Section 25-2-13 and which comes under the jurisdiction of the  
1068 office of the Commissioner pursuant to Code Section 25-2-12 shall be deemed to be a  
1069 proposed building in the event such building or structure is subject to substantial  
1070 renovation, a fire or other hazard of serious consequence, or a change in the classification  
1071 of occupancy. For purposes of this subsection, the term 'substantial renovation' means any  
1072 construction project involving exits or internal features of such building or structure costing  
1073 more than the building's or structure's assessed value according to county tax records at the  
1074 time of such renovation.

1075 (e) In cases where the governing authority of a municipality which is enforcing the fire  
1076 safety standards pursuant to subsection (a) of Code Section 25-2-12 contracts with the  
1077 office of the Commissioner for the enforcement of fire safety standards, the office of the  
1078 Commissioner shall not charge such municipality fees in excess of those charged in this  
1079 Code section.

1080 25-2-14.1.

1081 (a) Every building and structure existing as of April 1, 1968, which building or structure  
1082 is listed in paragraph (1) of subsection (b) of Code Section 25-2-13 shall comply with the  
1083 minimum fire safety standards adopted in the rules and regulations promulgated pursuant  
1084 to this chapter which were in effect at the time such building or structure was constructed,

1085 except that any nonconformance noted under the electrical standards adopted at the time  
1086 such building or structure was constructed shall be corrected in accordance with the current  
1087 electrical standards adopted pursuant to this chapter. A less restrictive provision contained  
1088 in any subsequently adopted minimum fire safety standard may be applied to any existing  
1089 building or structure.

1090 (b) Every proposed building and structure listed in paragraph (1) of subsection (b) of Code  
1091 Section 25-2-13 shall comply with the adopted minimum fire safety standards that were in  
1092 effect on the date that plans and specifications therefor were received by the state fire  
1093 marshal, the proper local fire marshal, or state inspector for review and approval.

1094 25-2-14.2.

1095 (a) As used in this Code section, the term 'written notification' means a typed, printed, or  
1096 handwritten notice citing the specific sections of the applicable codes or standards that have  
1097 been violated and describing specifically where and how the design or construction is  
1098 noncompliant with such codes or standards.

1099 (b) If the state fire marshal, the proper local fire marshal, state inspector, or designated  
1100 code official determines that the building construction or plans for any building or  
1101 structure, which are required under this chapter to meet the state minimum fire safety  
1102 standards, do not comply with any such applicable codes or standards, the state fire  
1103 marshal, the proper local fire marshal, state inspector, or designated code official may deny  
1104 a permit or request for a certificate of occupancy or certificate of completion, as  
1105 appropriate, or may issue a stop-work order for the project or any portion thereof as  
1106 provided by law or rule or regulation, after giving written notification and opportunity to  
1107 remedy the violation.

1108 25-2-15.

1109 In existing buildings which come under the classification in paragraph (1) of subsection (b)  
1110 of Code Section 25-2-13, when substandard conditions are found, a temporary occupancy  
1111 permit may be issued, such permit carrying a time limit adjusted to meet the amount of  
1112 time deemed necessary to make the proper corrections in order to bring the building up to  
1113 standard. All certificates of occupancy shall be issued against the building and shall not  
1114 require renewal because of change of ownership. The same set of fees for certificates of  
1115 occupancy as are applicable to proposed buildings covered in Code Section 25-2-14 shall  
1116 apply. The Commissioner and his or her delegated authorities shall determine the time  
1117 limit for complying with any of the standards established pursuant to this chapter.



1118 25-2-16.

1119 (a) Some substances constitute a special hazard to property and to the life and safety of  
1120 persons because of certain characteristics and properties incident to their storage, handling,  
1121 and transportation. Substances presenting such a special hazard include gasoline, kerosene,  
1122 and other flammable liquids; liquefied petroleum gases; welding and other gases;  
1123 dry-cleaning fluids; anhydrous ammonia; and other gases, liquids, or solids of a highly  
1124 flammable or hazardous nature.

1125 (b) Every person who stores, transports, or handles any of the hazardous substances listed  
1126 in subsection (a) of this Code section shall so store, transport, and handle the substances  
1127 as to afford every precaution and protection as may be found by the Commissioner to be  
1128 reasonable and practical to avoid injury to persons from exposure, fire, or explosion caused  
1129 by the storage, transportation, or handling of these substances, including transportation  
1130 thereof only in vehicles which are in proper condition for that purpose.

1131 (c) The Commissioner is directed to investigate the nature and properties of such  
1132 hazardous substances and the known precautionary and protective techniques for their  
1133 storage, transportation, and handling, including, but not limited to, the codes and standards  
1134 adopted, recommended, or issued by the National Fire Protection Association and the  
1135 Agricultural Nitrogen Institute. Based upon the investigation, the Commissioner is  
1136 authorized to determine and by rule to provide what precautionary and protective  
1137 techniques are reasonable and practical measures for the prevention of injury to persons  
1138 and property from the storage, transportation, and handling of such highly flammable or  
1139 hazardous substances. Such authorization shall include the power to provide, by rule, the  
1140 minimum standards that a vehicle shall meet before it is considered to be in proper  
1141 condition to transport the material. No person shall transport any such material or  
1142 substance in bulk unless the vehicle in which it is transported is in the proper condition, as  
1143 provided by such rules, to transport the material with reasonable safety.

1144 (d)(1) As used in this subsection, the term:

1145 (A) 'Automatic-closing device' means a gasoline or diesel fuel pump nozzle which  
1146 contains a valve which automatically shuts off the flow of gasoline or diesel fuel  
1147 through the nozzle when the level of gasoline in a motor vehicle fuel tank reaches a  
1148 certain level.

1149 (B) 'Hold-open latch' means a device which attaches to a gasoline or diesel fuel pump  
1150 nozzle, which device mechanically holds the nozzle and valve in an open position.

1151 (C) 'Self-service station' means any place of business which sells gasoline or diesel fuel  
1152 at retail and which allows customers to dispense the fuel.

1153 (2) No self-service station shall be prohibited from installing and no customer at such  
1154 station shall be prohibited from using hold-open latches on gasoline or diesel fuel pumps

1155 available for operation by the customer. However, if hold-open latches are used on  
1156 pumps operated by the customer, such pumps shall be equipped with a functioning  
1157 automatic-closing device.

1158 (e) Plans and specifications for all proposed bulk storage facilities which come under  
1159 classification in subsection (a) of this Code section shall be submitted to and receive  
1160 approval by the state fire marshal and the proper local fire marshal before construction is  
1161 started. All such plans and specifications submitted as required by this subsection shall be  
1162 accompanied by a \$100.00 fee for screening and shall bear the seal and Georgia registration  
1163 number of the drafting architect or engineer or shall otherwise have the approval of the  
1164 Commissioner.

1165 25-2-17.

1166 (a) As used in this Code section, the term 'explosive' or 'explosives' means any chemical  
1167 compound or mechanical mixture which is commonly used or intended for the purpose of  
1168 producing an explosion, which compound or mixture contains any oxidizing and  
1169 combustible units or other ingredients in such proportions, quantities, or packing that an  
1170 ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of  
1171 the compound or mixture may cause such a sudden generation of highly heated gases that  
1172 the resultant gaseous pressures are capable of producing destructive effects on contiguous  
1173 objects or of destroying life or limb. Explosives constitute a special hazard to life and  
1174 safety of persons because of the danger incident to their manufacture, transportation, use,  
1175 sale, and storage.

1176 (b) Every person who manufactures, transports, uses, sells, or stores explosives shall so  
1177 manufacture, transport, use, sell, and store them as to afford every precaution and  
1178 protection against injury to persons as the Commissioner may determine and by rule  
1179 declare to be reasonable and practical; provided, however, that nothing contained in this  
1180 Code section shall be construed to extend to storage, use, or sale of small arms  
1181 ammunition.

1182 (c) The Commissioner is directed to investigate and examine the nature and properties of  
1183 various explosives and known safety and protective techniques, including the safety  
1184 standards, recommendations, and codes of the National Fire Protection Association  
1185 (Explosives Ordinance, National Fire Code), and the American Insurance Association, the  
1186 successor to the National Board of Fire Underwriters. Based upon the investigation, the  
1187 Commissioner is authorized to determine and by rule to provide what reasonable and  
1188 practical protection must be afforded persons with respect to the manufacture,  
1189 transportation, use, sale, and storage of explosives.

1190 (d) No person shall manufacture, transport, use, sell, or store explosives without having  
1191 first obtained a license therefor issued by the Commissioner in accordance with reasonable  
1192 rules established by him. The Commissioner is authorized to make reasonable rules  
1193 providing for the issuance of such licenses on an annual basis to those applicants who have  
1194 observed and may be expected to observe safety rules lawfully made under this Code  
1195 section. Graded fees for such licenses shall be as provided in Code Section 25-2-4.1. The  
1196 permits for the use only of explosives may be issued by judges of the probate courts or  
1197 other local elected officials whom the Commissioner may designate. Fees for such permits  
1198 to use explosives shall be \$2.00 for each permit issued, which fee shall be retained by the  
1199 issuing local official.

1200 (e) Every person licensed under this Code section who suffers a larceny or attempted  
1201 larceny of primer cord, blasting agents, powders, and dynamite shall make a report thereof  
1202 to local law enforcement agencies and to the state fire marshal, in accordance with rules  
1203 made by the Commissioner. The Commissioner is authorized to make such rules.

1204 25-2-18.

1205 All federal, state, county, or city publicly owned buildings covered by this chapter are  
1206 exempt from any fee or license which may be specified in this chapter. Such fees or  
1207 licenses may be waived where chargeable to churches and charitable organizations.

1208 25-2-19.

1209 The Commissioner shall promulgate reasonable rules and regulations governing and  
1210 regulating fire hazards in hotels, apartment houses, department stores, warehouses, storage  
1211 places, and places of public assembly.

1212 25-2-20.

1213 All traveling motion picture shows, carnivals, and circuses shall obtain a fire prevention  
1214 regulatory license from the state fire marshal based upon compliance with this chapter, as  
1215 set forth in rules and regulations promulgated by the Commissioner. The fee for the license  
1216 shall be \$150.00 for each calendar year or part thereof, payable to the state fire marshal,  
1217 who shall pay the same into the state treasury.

1218 25-2-21.

1219 Reserved.

1220 25-2-22.

1221 (a) The Commissioner and the various officials delegated by him or her to carry out this  
1222 chapter shall have the authority at all times of the day and night to enter in or upon and to  
1223 examine any building or premises where a fire is in progress or has occurred, as well as  
1224 other buildings or premises adjacent to or near the same. The Commissioner and his or her  
1225 delegated authorities shall have the right to enter in and upon all buildings and premises  
1226 subject to this chapter, at any reasonable time, for the purpose of examination or inspection.

1227 (b) Upon complaint submitted in writing, the Commissioner and the various officials to  
1228 whom enforcement authority is delegated under this chapter may enter in or upon any  
1229 building or premises between the hours of sunrise and sunset for the purpose of  
1230 investigating the complaint. Upon the complaint of any person, the state fire marshal or  
1231 his or her deputized officials may inspect or cause to be inspected all buildings and  
1232 premises within their jurisdiction whenever he or she or they deem it necessary.

1233 25-2-22.1.

1234 (a) The Commissioner, his or her delegate, or any other person authorized under this title  
1235 to conduct inspections of property, in addition to other procedures now or hereafter  
1236 provided, may obtain an inspection warrant under the conditions specified in this Code  
1237 section. Such warrant shall authorize the Commissioner or his or her delegate or such  
1238 authorized person to conduct a search or inspection of property either with or without the  
1239 consent of the person whose property is to be searched or inspected if such search or  
1240 inspection is one that is elsewhere authorized under this title or the rules and regulations  
1241 duly promulgated hereunder.

1242 (b) Inspection warrants may be issued by any judge of the superior, state, municipal, or  
1243 magistrate court upon proper oath or affirmation showing probable cause for the purpose  
1244 of conducting inspections authorized by this title or rules promulgated under this title and  
1245 for the seizure of property or the taking of samples appropriate to the inspection. For the  
1246 purposes of issuance of inspection warrants, probable cause exists upon showing a valid  
1247 public interest in the effective enforcement of this title or rules promulgated under this title  
1248 sufficient to justify inspection of the area, premise, building, or conveyance in the  
1249 circumstances specified in the application for the warrant.

1250 (c) A warrant shall be issued only upon affidavit of the Commissioner or his or her  
1251 designee or any person authorized to conduct inspections pursuant to this title, sworn to  
1252 before the judicial officer and establishing the grounds for issuing the warrant. The issuing  
1253 judge may issue the warrant when he or she is satisfied that the following conditions are  
1254 met:

1255 (1) The one seeking the warrant must establish under oath or affirmation that the  
 1256 property to be inspected is to be inspected as a part of a legally authorized program of  
 1257 inspection which includes that property or that there is probable cause for believing that  
 1258 there is a condition, object, activity, or circumstance which legally justifies such an  
 1259 inspection of that property; and

1260 (2) The issuing judge determines that the issuance of the warrant is authorized by this  
 1261 Code section.

1262 (d) The warrant shall:

1263 (1) State the grounds for its issuance and the name of each person whose affidavit has  
 1264 been taken in support thereof;

1265 (2) Be directed to persons authorized by this title to conduct inspections to execute it;

1266 (3) Command the persons to whom it is directed to inspect the area, premise, building,  
 1267 or conveyance identified for the purpose specified and, if appropriate, direct the seizure  
 1268 of the property specified;

1269 (4) Identify the item or types of property to be seized, if any; and

1270 (5) Designate the judicial officer to whom it shall be returned.

1271 (e) A warrant issued pursuant to this Code section must be executed and returned within  
 1272 ten days of its date of issuance unless, upon a showing of a need for additional time, the  
 1273 court orders otherwise. If property is seized pursuant to a warrant, a copy shall be provided  
 1274 upon request to the person from whom or from whose premises the property is taken,  
 1275 together with a receipt for the property taken. The return of the warrant shall be made  
 1276 promptly, accompanied by a written inventory of any property taken. A copy of the  
 1277 inventory shall be delivered upon request to the person from whom or from whose  
 1278 premises the property was taken and to the applicant for the warrant.

1279 (f) The judicial officer who has issued a warrant shall attach thereto a copy of the return  
 1280 and all papers returnable in connection therewith and file them with the clerk of the  
 1281 superior court for the county in which the inspection was made.

1282 25-2-23.

1283 When ~~any of the officers listed~~ the Commissioner or his or her delegated authorities as  
 1284 provided for in Code Section 25-2-22 finds any building or other structure which, for want  
 1285 of repair or by reason of age or dilapidated condition or any other cause is especially liable  
 1286 to fire hazard or which is so situated as to endanger other property or the safety of the  
 1287 public, or when, in or around any building, ~~such officer~~ the Commissioner or his or her  
 1288 delegated authorities finds combustible or explosive matter, inflammables, or other  
 1289 conditions dangerous to the safety of the building, notice may be given to the owner or  
 1290 agent and occupant of the building to correct such unsafe conditions as may be found.

1291 25-2-24.

1292 If any owner, agent, or occupant fails to comply with the notice prescribed in Code Section  
 1293 25-2-23 within the time specified in the notice, the state fire marshal or his or her delegated  
 1294 officials, with the approval of the Commissioner, may petition the court for a rule nisi to  
 1295 show cause why an order should not be issued by the court that the same be removed or  
 1296 remedied. Such court order shall forthwith be complied with by the owner or occupant of  
 1297 the premises or building within such time as may be fixed in the court order.

1298 25-2-25.

1299 If any person fails to comply with the order of the court made pursuant to Code Section  
 1300 25-2-24 within the time fixed, the city or county in which the building or premises in  
 1301 question are located shall cause the building or premises to be forthwith repaired, torn  
 1302 down, or demolished, the hazardous materials removed, or the dangerous conditions  
 1303 remedied, as the case may be, at the expense of the city or county in which the property is  
 1304 situated. If the owner thereof, within 30 days after notice in writing of the amount of such  
 1305 expense, fails, neglects, or refuses to repay the city or county the expense thereby incurred,  
 1306 the local authorities shall issue a fi. fa. against the owner of the property for the expense  
 1307 actually incurred.

1308 25-2-26.

1309 Code Sections 25-2-22 through 25-2-25 shall be construed so that the final authority for  
 1310 ordering the carrying out and enforcement of such Code sections shall be by order of the  
 1311 court and not by the Commissioner or his or her delegated ~~authority~~ authorities.

1312 25-2-27.

1313 ~~The state fire marshal or his deputy, when in his opinion such proceedings are necessary,~~  
 1314 ~~shall take the testimony on oath of all persons believed to be cognizant of or to have~~  
 1315 ~~information or knowledge in relation to suspected arson and shall cause the testimony to~~  
 1316 ~~be reduced to writing. If he is of the opinion that there is evidence sufficient to charge any~~  
 1317 ~~person with the crime of arson, he shall cause such person to be arrested in accordance with~~  
 1318 ~~the law. He shall also furnish the district attorney of the circuit in which the fire occurred~~  
 1319 ~~with all the information obtained by him in his investigation. The district attorney shall~~  
 1320 ~~thereupon proceed according to law~~ Reserved.

1321 25-2-28.

1322 ~~(a) The state fire marshal or the deputy state fire marshal shall have the power to summon~~  
 1323 ~~and compel the attendance of witnesses before either or both of them, in any county in~~

1324 ~~which the witness resides, to testify in relation to any matter which is designated by Code~~  
 1325 ~~Section 25-2-27 as a subject of inquiry and to issue subpoenas to compel the production~~  
 1326 ~~of all books, records, documents, and papers pertaining to such subject of inquiry. The~~  
 1327 ~~state fire marshal and deputy state fire marshal may also administer oaths and affirmations~~  
 1328 ~~to persons appearing as witnesses before them. Any person summoned shall have the right~~  
 1329 ~~of counsel at the hearing if he desires.~~

1330 ~~(b) Should any person fail to comply with this Code section, the state fire marshal or his~~  
 1331 ~~agent is authorized to procure an order from the superior court of the county in which the~~  
 1332 ~~proposed witness resides, requiring compliance under the law Reserved.~~

1333 25-2-29.

1334 All hearings held by or under the direction of the Commissioner shall be conducted in  
 1335 accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' and  
 1336 the Commissioner may also satisfy the procedure for conduct of hearings on contested  
 1337 cases and rule making required under said chapter by following and complying with  
 1338 Chapter 2 of Title 33.

1339 25-2-30.

1340 ~~It shall be the duty of the state fire marshal to contact individuals, associations, and state~~  
 1341 ~~agencies, both within and outside this state, which have a direct interest in the~~  
 1342 ~~fundamentals of fire prevention and life safety, for the purpose of promoting the objectives~~  
 1343 ~~of this chapter Reserved.~~

1344 25-2-31.

1345 ~~(a) The state fire marshal may promote any plan or program which tends to disseminate~~  
 1346 ~~information on fire prevention and similar projects and may aid any association or group~~  
 1347 ~~of individuals which is primarily organized along such lines:~~

1348 ~~(b) It shall be the duty of the state fire marshal to carry on a state-wide program of fire~~  
 1349 ~~prevention education in the schools of this state and to establish fire drills therein. All local~~  
 1350 ~~school authorities are required to cooperate with the state fire marshal in carrying out~~  
 1351 ~~programs designed to protect the lives of school children from fire and related hazards~~  
 1352 ~~Reserved.~~

1353 25-2-32.

1354 ~~(a) It shall be the duty of the state fire marshal to keep an up-to-date record of all fire~~  
 1355 ~~losses, together with statistical data concerning the same. The various fire insurance~~  
 1356 ~~companies doing business in this state shall submit to the Commissioner, quarterly, a report~~

1357 ~~stating all the losses sustained by them, together with such pertinent data as may be~~  
 1358 ~~required by the Commissioner.~~  
 1359 ~~(b) Effective January 1, 1993, all incidents of fires, whether accidental or incendiary, shall~~  
 1360 ~~be reported to the office of Safety Fire Commissioner. Every fire department shall submit~~  
 1361 ~~incident data either via a uniform electronic reporting method or on a uniform reporting~~  
 1362 ~~form prescribed by the Commissioner and at intervals established by the Commissioner~~  
 1363 Reserved.

1364 25-2-32.1.

1365 Every case of a burn injury or wound where the victim sustained second-degree or  
 1366 third-degree burns to 5 percent or more of the body or any burns to the upper respiratory  
 1367 tract or laryngeal edema due to the inhalation of superheated air, and every case of a burn  
 1368 injury or wound which is likely to or may result in death, shall be reported at once to the  
 1369 Safety Fire Division of the office of the Commissioner of Insurance. The Safety Fire  
 1370 Division shall accept the report and notify the proper investigatory agency as may be  
 1371 appropriate. A written report shall be provided to the Safety Fire Division within 72 hours.  
 1372 The report shall be made by the physician attending or treating the case or by the manager,  
 1373 superintendent, or other person in charge whenever such case is treated in a hospital  
 1374 sanitarium, institution, or other medical facility.

1375 25-2-32.2.

1376 Every county or municipal governing authority or any two or more governing authorities  
 1377 or the Safety Fire Division are authorized and empowered to take such action as may be  
 1378 required to formulate task forces, teams, or fire or police investigative units to investigate  
 1379 any case of a burn injury or wound sustained as reported pursuant to Code Section  
 1380 25-2-32.1, to ascertain the cause of fires or explosions of suspicious origin within the  
 1381 county or municipalities, to pursue necessary investigation thereof, and to assist in the  
 1382 preparation and prosecution of cases stemming from any alleged criminal activity attendant  
 1383 to such fires or explosions.

1384 25-2-33.

1385 ~~(a) The state fire marshal, any deputy designated by the state fire marshal, the director of~~  
 1386 ~~the Georgia Bureau of Investigation or the chief of a fire department of any municipal~~  
 1387 ~~corporation or county where a fire department is established may request any insurance~~  
 1388 ~~company investigating a fire loss of real or personal property to release any information in~~  
 1389 ~~its possession relative to that loss. The company shall release the information to and~~



1390 ~~cooperate with any official authorized to request such information pursuant to this Code~~  
1391 ~~section. The information to be released shall include, but is not limited to:~~

1392 ~~(1) Any insurance policy relevant to the fire loss under investigation and any application~~  
1393 ~~for such a policy;~~

1394 ~~(2) Policy premium payment records on the policy, to the extent available;~~

1395 ~~(3) Any history of previous claims made by the insured for fire loss with the reporting~~  
1396 ~~carrier, and~~

1397 ~~(4) Material relating to the investigation of the loss, including statements of any person,~~  
1398 ~~proof of loss, and any other relevant evidence.~~

1399 ~~(b) If an insurance company has reason to suspect that a fire loss to its insured's real or~~  
1400 ~~personal property was caused by incendiary means, the company shall notify the state fire~~  
1401 ~~marshal and furnish him with all relevant material acquired by the company during its~~  
1402 ~~investigation of the fire loss. The insurer shall also cooperate with and take such action as~~  
1403 ~~may be requested of it by the state fire marshal's office or by any law enforcement agency~~  
1404 ~~of competent jurisdiction. The company shall also permit any person to inspect its records~~  
1405 ~~pertaining to the policy and to the loss if the person is authorized to do so by law or by an~~  
1406 ~~appropriate order of a superior court of competent jurisdiction.~~

1407 ~~(c) In the absence of fraud or malice, no insurance company or person who furnishes~~  
1408 ~~information on its behalf shall be liable for damages in a civil action or subject to criminal~~  
1409 ~~prosecution for any oral or written statement made or any other action taken which is~~  
1410 ~~necessary to supply information required pursuant to this Code section.~~

1411 ~~(d) The officials and departmental and agency personnel receiving any information~~  
1412 ~~furnished pursuant to this Code section shall hold the information in confidence until such~~  
1413 ~~time as its release is required pursuant to a criminal or civil proceeding, provided that~~  
1414 ~~nothing contained in this Code section shall be deemed to prohibit representatives of the~~  
1415 ~~state fire marshal's office or other authorized law enforcement officials from discussing~~  
1416 ~~such matters with other agency or departmental personnel or with other law enforcement~~  
1417 ~~officials or from releasing or disclosing any such information during the conduct of their~~  
1418 ~~investigation, if the release or disclosure is necessary to enable them to conduct their~~  
1419 ~~investigation in an orderly and efficient manner; provided, further, that nothing contained~~  
1420 ~~in this Code section shall prohibit an insurance company which furnishes information to~~  
1421 ~~an authorized agency or agencies pursuant to this Code section from having the right to~~  
1422 ~~request relevant information and receive, within a reasonable time not to exceed 30 days,~~  
1423 ~~the information requested.~~

1424 ~~(e) Any official referred to in subsection (a) of this Code section may be required to testify~~  
1425 ~~as to any information in his possession regarding the fire loss of real or personal property~~

1426 in any civil action against an insurance company for the fire loss in which any person seeks  
1427 recovery under a policy.

1428 ~~(f)(1) No person shall purposely refuse to release any information requested pursuant to  
1429 subsection (a) of this Code section.~~

1430 ~~(2) No person shall purposely refuse to notify the state fire marshal of a fire loss required  
1431 to be reported pursuant to subsection (b) of this Code section.~~

1432 ~~(3) No person shall purposely refuse to supply the state fire marshal with pertinent  
1433 information required to be furnished pursuant to subsection (b) of this Code section.~~

1434 ~~(4) No person shall purposely fail to hold in confidence information required to be held  
1435 in confidence by subsection (d) of this Code section.~~

1436 ~~(g) Any person willfully violating this Code section shall be guilty of a misdemeanor~~  
1437 Reserved.

1438 ~~25-2-33.1.~~

1439 ~~(a) The fire department of each county and municipality and any other organized fire  
1440 department operating within this state shall report every incident or suspected incident of  
1441 arson to the local law enforcement agency, the state fire marshal, and every insurance  
1442 company with a known pecuniary interest in the cause of the fire in which arson is involved  
1443 or suspected to be involved. In any local jurisdiction where an organized fire department  
1444 is not operating, the local law enforcement agency investigating a fire shall make the  
1445 reports required by this Code section. Such reports shall be made on forms provided for  
1446 that purpose by the state fire marshal.~~

1447 ~~(b) Any insurance company which has received a report of an incident or suspected  
1448 incident of arson under subsection (a) of this Code section shall not pay any claim relating  
1449 thereto prior to notifying in writing the state fire marshal and local fire department of the  
1450 date the claim is to be paid.~~

1451 ~~25-2-34.~~

1452 The state fire marshal, the Department of Public Safety, the Georgia State Patrol, and the  
1453 Georgia Bureau of Investigation shall cooperate with the Commissioner and his or her  
1454 deputies and inspectors whenever called upon by him or her or them in enforcing this  
1455 chapter. They shall make available to the Commissioner or his or her deputies and  
1456 inspectors such facilities as lie detectors, broadcasting facilities, and other aid and devices  
1457 as requested.

1458 25-2-35.

1459 ~~The Commissioner is authorized to pay sheriffs and other peace officers reasonable fees~~  
1460 ~~for assistance given in assembling evidence as to the causes or criminal origin of fires and~~  
1461 ~~in apprehending persons guilty of arson~~ Reserved.

1462 25-2-36.

1463 In addition to the civil monetary penalty provided for in Code Section 25-2-37, the  
1464 Commissioner may bring a civil action to enjoin a violation of any provision of this chapter  
1465 or any rule, regulation, or order issued by the Commissioner under this chapter. In  
1466 particular, but not by way of limitation upon the authority granted in this Code section, the  
1467 Commissioner may bring an action to enjoin any construction found to be in contravention  
1468 of Code Section 25-2-13 or 25-2-14 or to obtain an order of court directing the immediate  
1469 evacuation and the secure closure of any structure which, by reason of violation of any  
1470 provision of this chapter or of any rule, regulation, or order issued by the Commissioner  
1471 under this chapter, is found to pose an immediate threat to the property, health, or lives of  
1472 the occupants of the structure. In order to avail himself or herself of the remedies provided  
1473 for in this Code section, it shall not be necessary for the Commissioner to allege or to prove  
1474 the absence of an adequate remedy at law.

1475 25-2-37.

1476 (a) It shall be unlawful for any person to lock an exit door whether or not it is a required  
1477 exit unless such provisions are allowed by this chapter or by any rule, regulation, or order  
1478 issued by the Commissioner under this chapter.

1479 (b) It shall be unlawful for any person to begin construction on any proposed building or  
1480 structure which comes under the classification in paragraph (1) of subsection (b) of Code  
1481 Section 25-2-13 and which comes under the jurisdiction of the office of the Commissioner  
1482 of Insurance pursuant to Code Section 25-2-12 without first having plans approved in  
1483 accordance with Code Section 25-2-14.

1484 (c) Any person who violates this chapter or any rule, regulation, or order issued by the  
1485 Commissioner under this chapter shall be subject to a civil penalty imposed by the  
1486 Commissioner in accordance with the rules and regulations promulgated by the  
1487 Commissioner.

1488 (d) Any person who violates this chapter or any rule, regulation, or order issued by the  
1489 Commissioner under this chapter shall be subject to a civil penalty not to exceed \$1,000.00  
1490 for each day that the violation persists after such person is notified of the Commissioner's  
1491 intent to impose such penalty and of the right to a hearing with respect to same.

1492 (e) Any person violating subsection (a), (b), or (c) of this Code section shall be subject to  
 1493 a fine of not more than \$1,000.00 for a first offense, not less than \$1,000.00 and not more  
 1494 than \$2,000.00 for a second offense, and not less than \$2,000.00 and not more than  
 1495 \$5,000.00 for a third or subsequent offense.

1496 25-2-38.

1497 Any person, firm, or corporation violating this chapter or failing or refusing to comply with  
 1498 any regulation promulgated under this chapter shall be guilty of a misdemeanor.

1499 25-2-38.1.

1500 (a) Nothing in this chapter shall be construed to constitute a waiver of the sovereign  
 1501 immunity of the state, or any officer or employee thereof, in carrying out the provisions of  
 1502 this chapter. No action shall be maintained against the state, any municipality, county, or  
 1503 any officer, elected officer or employees thereof, for damages sustained as a result of any  
 1504 fire or related hazard covered in this chapter by reason of any inspection or other action  
 1505 taken or not taken pursuant to this chapter.

1506 (b) Nothing in this chapter shall be construed to relieve any property owner or lessee  
 1507 thereof from any legal duty, obligation, or liability incident to the ownership, maintenance,  
 1508 or use of such property.

1509 25-2-39.

1510 It is declared that this chapter is necessary for the public safety, health, peace, and welfare,  
 1511 is remedial in nature, and shall be construed liberally.

1512 25-2-40.

1513 (a)(1) Except as otherwise provided in subsection (f) of this Code section, on and after  
 1514 July 1, 1987, every new dwelling and every new dwelling unit within an apartment,  
 1515 house, condominium, and townhouse and every motel, hotel, and dormitory shall be  
 1516 provided with an approved listed smoke detector installed in accordance with the  
 1517 manufacturer's recommendations and listing.

1518 (2) On and after July 1, 1994, every dwelling and every dwelling unit within an  
 1519 apartment, house, condominium, and townhouse and every motel, hotel, and dormitory  
 1520 which was constructed prior to July 1, 1987, shall have installed an approved battery  
 1521 operated smoke detector which shall be maintained in good working order unless any  
 1522 such building is otherwise required to have a smoke detector system pursuant to Code  
 1523 Section 25-2-13.

1524 (3) On and after July 1, 2001, every patient sleeping room of every nursing home shall  
1525 be provided with no less than an approved listed battery operated single station smoke  
1526 detector installed in accordance with their listing. Such detectors shall be maintained in  
1527 good working order by the operator of such nursing home. This paragraph shall not apply  
1528 to nursing homes equipped with automatic sprinkler systems.

1529 (b) In dwellings, dwelling units, and other facilities listed in subsection (a) of this Code  
1530 section, a smoke detector shall be mounted on the ceiling or wall at a point centrally  
1531 located in the corridor or area giving access to each group of rooms used for sleeping  
1532 purposes. Where the dwelling or dwelling unit contains more than one story, detectors are  
1533 required on each story including cellars and basements, but not including uninhabitable  
1534 attics; provided, however, that hotels and motels which are protected throughout by an  
1535 approved supervised automatic sprinkler system installed in accordance with the rules and  
1536 regulations of the Commissioner shall be exempt from the requirement to install smoke  
1537 detectors in interior corridors but shall be subject to all other applicable requirements  
1538 imposed under Code Section 25-2-13.

1539 (c) In dwellings, dwelling units, and other facilities listed in paragraph (1) of subsection  
1540 (a) of this Code section with split levels, a smoke detector need be installed only on the  
1541 upper level, provided that the lower level is less than one full story below the upper level,  
1542 except that if there is a door between levels then a detector is required on each level. Such  
1543 detectors shall be connected to a sounding device or other detector to provide an alarm  
1544 which will be audible in the sleeping areas.

1545 (d) Detectors shall be listed and meet the installation requirements of NFPA 72. In  
1546 addition, a one and one-half hour emergency power supply source is required on all  
1547 detection systems required by this chapter and permitted after April 1, 1992, except where  
1548 battery operated smoke detectors are allowed.

1549 (e) Any complete automatic fire alarm system using automatic smoke detectors shall be  
1550 installed in accordance with NFPA 72.

1551 (f)(1) The provisions of this Code section may be enforced by local building and fire  
1552 code officials in the case of residential buildings which are not covered by Code Section  
1553 25-2-13; provided, however, that this Code section shall not establish a special duty on  
1554 said officials to inspect such residential facilities for compliance with this Code section;  
1555 provided, further, that inspections shall not be conducted for the purpose of determining  
1556 compliance with this Code section absent reasonable cause to suspect other building or  
1557 fire code violations. The jurisdiction enforcing this Code section shall retain any fines  
1558 collected pursuant to this subsection.

1559 (2) Any occupant who fails to maintain a smoke detector in a dwelling, dwelling unit,  
1560 or other facility, other than a nursing home, listed in subsection (a) of this Code section

1561 in good working order as required in this Code section shall be subject to a maximum fine  
 1562 of \$25.00, provided that a warning shall be issued for a first violation.

1563 (3) Any operator of a nursing home who fails to install and maintain the smoke detectors  
 1564 required under paragraph (3) of subsection (a) of this Code section shall be sanctioned  
 1565 in accordance with Code Section 31-2-8.

1566 (g) Failure to maintain a smoke detector in good working order in a dwelling, dwelling  
 1567 unit, or other facility listed in subsection (a) of this Code section in violation of this Code  
 1568 section shall not be considered evidence of negligence, shall not be considered by the court  
 1569 on any question of liability of any person, corporation, or insurer, shall not be any basis for  
 1570 cancellation of coverage or increase in insurance rates, and shall not diminish any recovery  
 1571 for damages arising out of the ownership, maintenance, or occupancy of such dwelling,  
 1572 dwelling unit, or other facility listed in subsection (a) of this Code section.

1573 (h) The Safety Fire Commissioner is authorized and encouraged to inform the public  
 1574 through public service announcements of the availability of a limited number of battery  
 1575 operated smoke detectors which may be obtained by persons in need without charge from  
 1576 the office of Safety Fire Commissioner or local fire departments."

1577

### **PART III**

1578

#### **SECTION 3-1.**

1579 Code Section 16-7-92 of the Official Code of Georgia Annotated, relating to compelling  
 1580 attendance of witnesses and production of evidence, is amended as follows:

1581 "16-7-92.

1582 In any case where there is reason to believe that a destructive device, detonator, explosive,  
 1583 or hoax device has been manufactured, possessed, transported, distributed, or used in  
 1584 violation of this article or Title 25 or that there has been an attempt or a conspiracy to  
 1585 commit such a violation, the Attorney General, any district attorney, the director, or such  
 1586 persons as may be designated in writing by such officials shall have the same power to  
 1587 compel the attendance of witnesses and the production of evidence before such official in  
 1588 the same manner as the state fire marshal as provided in Code Sections ~~25-2-27, 25-2-28,~~  
 1589 ~~and 25-2-29~~ 25-4-38, 25-4-39, and 25-4-40."

1590

### **PART IV**

1591

#### **SECTION 4-1.**

1592 This Act shall become effective on July 1, 2019.

1593

**SECTION 4-2.**

1594 All laws and parts of laws in conflict with this Act are repealed.