

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 1301:7-7-01

Rule Type: Rescission

Rule Title/Tagline: Administration.

Agency Name: Department of Commerce

Division: Division of State Fire Marshal

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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 9/29/2017
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 3737.17, 3737.832, 3737.842, 3737.85, 3737.86, 3743, 5104.05, 5104.051, 3737.22(A), 3737.82, 3737.83, 3721.032, 3721.07, 3731.02
5. **What statute(s) does the rule implement or amplify?** 3737.22(A), 3737.82, 3737.83, 3721.02, 3721.032, 3731, 3737, 3743, 3781.03, 5104
6. **What are the reasons for proposing the rule?**

The State Fire Marshal proposes to rescind the currently existing 2011 Ohio Fire Code (OFC) and adopt other proposed rules, to be known as the 2017 OFC, for the purpose of five-year rule review and to update the rule provisions to conform to national standards, to coordinate with updates to the Ohio Building Code, and to clarify and restructure previously existing rules to better set forth RC requirements, enforcement procedures, and to align the provisions with current practice. The rules will concern all

matters of fire safety and will set the minimum standards in this state for safeguarding life and property from fire and explosion.

Notwithstanding Ohioizations that have been made, the current 2011 OFC is primarily based on the incorporation of the 2009 International Fire Code (IFC). The updated/new rules (the 2017 OFC) will be incorporate the 2012 and 2015 IFC. With this update, the vast majority of the OFC will be reorganized. The first ten rules will address the same topics; however, all other rules will be moved to new locations. In general, the rule content will not change. Non-substantive editorial changes will be made throughout the OFC to reflect the new references. The 2011 OFC contained 47 rules, with Rule 47 being 'referenced standards.' The new format will contain 80 rules, with Rule 80 being 'referenced standards.' The overall / total number of substantive rules, however, has not changed (with the exception of Rule 39); there are large blocks of rule numbers that have been reserved for future use.

- 7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule provides scoping and applicability provisions for the OFC and outlines permitting authority, inspection authority, and enforcement authority and procedures. The rule also contains hotel and SRO facility licensing requirements and procedures.

- 8. Does the rule incorporate material by reference? Yes**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

The rescission of this rule will eliminate the material currently referenced. However, much of the referenced material will be carried forward into the New 1301:7-7-01; for further analysis, please see IBR response for that rule.

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 11. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

Not applicable.

There is no anticipated impact on the agency's budget as a result of the rescission of this rule. However, please see New 1301:7-7-01, that will serve as a replacement rule.

12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

There is no anticipated cost of compliance with the instant rescission of the rule. Please see New 1301:7-7-01 for an analysis of the impact of the new rule that will be filed in place of this rescinded rule.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

III. Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common Sense Initiative Office? Yes

16. Does this rule have an adverse impact on business? Yes

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes

Pursuant to R.C. requirements, some provisions of this rule address licensure requirements for hotel and SRO facilities. The licensure requirements are located in R.C. 3731.03(B) and in OFC sections 118.1, 118.7.1.

In addition, some mandatory permits are required in this rule. Permits are required for the manufacture, processing and storage of explosives (105.1.1.1) (see also OFC sec. 5610 and sec. 5617.1), the installation, alteration, removal, abandonment, or placement out of service of an above ground storage tank (101.1.1.1.2), for fireworks exhibitions (105.1.1.1.6), and for the storage, use, manufacture, processing or handling of ammonium nitrate (105.1.1.1.7). Discretionary permits for other activities are also provided for in sections 105.6 and 105.7).

The rescission of this rule will eliminate this language. However, such will be re-filed in conjunction with the submission of New 1301:7-7-01; please see that rule for adverse impact analysis.

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes

The OFC contains general civil penalties for violations of the OFC (see sec. 109) as specified in R.C. 3737.51(B)-(F); additionally, pursuant to R.C. sec. 3737.51(A), there is a criminal penalty for knowingly violating any provision of the OFC. The rescission of this rule will eliminate the OFC language regarding civil penalties for violations of the provisions of the Ohio Fire Code (sec. 109). However, such will be re-filed in conjunction with the submission of New 1301:7-7-01; please see that rule for penalty and sanction analysis.

C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

The rule requires specified fire departments to report fire investigations to the State Fire Marshal in accordance with R.C. secs. 3737.23 and 3737.24. This language will be retained in New 1301:7-7-01.