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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2537

03/14/2019 Authored by Mahoney and Jurgens The bill was read for the first time and referred to the Committee on Commerce

1.1 A bill for an act
1.2 relating to the State Fire Code; adding fire safety requirements for places of public
1.3 accommodation; requiring inspections by the state fire marshal of places of public
1.4 accommodation; creating a dedicated account in the special revenue fund;
1.5 appropriating money; amending Minnesota Statutes 2018, section 299F.391,
1.6 subdivisions 1, 2; proposing coding for new law in Minnesota Statutes, chapter
1.7 299F.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2018, section 299F.391, subdivision 1, is amended to read:

1.10 Subdivision 1. **Definitions.** For purposes of this section, the following definitions shall
1.11 apply:

1.12 (a) "Lodging house" means any building or portion thereof containing not more than
1.13 five guest rooms which are used or intended to be used for sleeping purposes by guests and
1.14 where rent is paid in money, goods, labor or otherwise.

1.15 (b) "Hospital" has the meaning given it in section 144.50.

1.16 (c) "Hotel" means any building or portion thereof containing six or more guest rooms
1.17 intended or designed to be used, or which are used, rented, hired out to be occupied, or
1.18 which are occupied for sleeping purposes by guests, and which is required to be licensed
1.19 pursuant to chapter 157.

1.20 (d) "Nursing home" has the meaning given it in section 144A.01.

1.21 (e) "Place of public accommodation" means any publicly or privately owned facility
1.22 that:

2.1 (1) is designed for occupancy by 200 or more people based on one person for seven
 2.2 square feet of area;

2.3 (2) is rented for money or for the exchange of goods or services;

2.4 (3) was formerly agricultural in nature and is used for the purposes of hosting weddings,
 2.5 receptions, parties, and similar social events three or more times a year;

2.6 (4) is accessible to and usable by persons with disabilities;

2.7 (5) allows alcohol; and

2.8 (6) is not a lodging house, hospital, hotel, nursing home, school, place of worship, or
 2.9 property owned or operated by a congressionally chartered veterans service organization.

2.10 (f) "School" means any public or private school or educational institution.

2.11 Sec. 2. Minnesota Statutes 2018, section 299F.391, subdivision 2, is amended to read:

2.12 Subd. 2. **Requirements.** All hospitals, nursing homes, schools, lodging houses ~~and~~,
 2.13 hotels, and places of public accommodation shall be operated and maintained in compliance
 2.14 with the State Fire Code as promulgated pursuant to section 326B.02, subdivision 6.

2.15 Sec. 3. **[299F.48] INSPECTIONS OF PLACES OF PUBLIC ACCOMMODATION.**

2.16 Subdivision 1. **Definition.** For the purposes of this section, the following definitions
 2.17 apply:

2.18 (1) "place of public accommodation" has the meaning given in section 299F.391,
 2.19 subdivision 1;

2.20 (2) "new place of public accommodation" means a building constructed or converted
 2.21 for use after August 1, 2019; and

2.22 (3) "existing place of public accommodation" means a building currently used as a place
 2.23 of public accommodation.

2.24 Subd. 2. **Fire safety.** (a) All new and existing places of public accommodation shall be
 2.25 operated and maintained in compliance with the State Fire Code except as amended in this
 2.26 subdivision:

2.27 (1) roads and parking lots shall be provided so that firefighting apparatus are able to get
 2.28 within 150 feet of all portions of the building for firefighting and rescue purposes;

3.1 (2) all rooms and spaces shall be furnished with automatic smoke detection connected
3.2 to a commercial fire alarm system having audible and visual notification throughout the
3.3 building to alert occupants of fire conditions;

3.4 (3) no open flames are allowed in the building and within 20 feet of the building, except
3.5 for flames used for the purposes of reheating or maintaining food temperatures;

3.6 (4) smoking is prohibited in the building and at any location within 20 feet of the building;

3.7 (5) interior finishes, decorations, and means of egress features shall comply with the
3.8 existing building requirements of the State Fire Code;

3.9 (6) an analysis shall be performed by a qualified person to determine the structural
3.10 soundness of the building against wind, applied loads, and sound vibration for wedding
3.11 receptions and similar social events and the results furnished to the state fire marshal upon
3.12 request; and

3.13 (7) a properly installed automatic fire sprinkler system satisfies the requirements of
3.14 clauses (1) and (2).

3.15 (b) All new places of public accommodation shall be provided with a properly installed
3.16 automatic fire sprinkler system.

3.17 (c) The owner or operator of a place of public accommodation shall furnish copies of
3.18 the most recent fire inspection report, upon request, to persons desiring to hold events at
3.19 the place of public accommodation.

3.20 Subd. 3. **Inspections; fees.** The state fire marshal shall develop a plan to inspect every
3.21 place of public accommodation once every three years. The state fire marshal shall charge
3.22 the owner of each place of public accommodation a triennial inspection fee of 15 cents per
3.23 square foot for each building inspected. The fee includes two follow-up inspections or
3.24 on-site consultations. For each additional follow-up inspection conducted in the same
3.25 three-year cycle that is necessary to bring the place of public accommodation into compliance
3.26 with the State Fire Code, the state fire marshal shall charge the owner a fee of five cents
3.27 per square foot for each building inspected.

3.28 Subd. 4. **Special account; appropriation.** Money received by the State Fire Marshal
3.29 Division for inspections of places of public accommodation must be deposited in the state
3.30 treasury and credited to a state fire marshal places of public accommodation inspection
3.31 account in the special revenue fund. All money in the state fire marshal places of public
3.32 accommodation inspection account is annually appropriated to the commissioner of public
3.33 safety to operate and administer the inspections.