

House Engrossed Senate Bill

state fire marshal; phased permitting

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SENATE BILL 1348

AN ACT

AMENDING SECTIONS 37-1382 AND 37-1383, ARIZONA REVISED STATUTES; RELATING
TO THE STATE FIRE MARSHAL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 37-1382, Arizona Revised Statutes, is amended to
3 read:

4 37-1382. Deputy fire marshals and assistants; appointment;
5 duties; recovery of costs

6 A. With the approval of the state forester, the assistant director
7 of the office of the state fire marshal may:

8 1. Hire deputy fire marshals who shall have knowledge in the field
9 of fire safety ~~and have at least five years' experience in fire safety~~ and
10 hire such other assistants and employees as are necessary to properly
11 discharge the duties imposed on the office of the state fire marshal
12 pursuant to this article.

13 2. Appoint as assistant fire inspectors any of the fire chiefs of a
14 city, town, county, volunteer fire company or protective district or an
15 employee of a private fire service provider who meets the requirements of
16 this section to act within their area of jurisdiction or area of service
17 or on the recommendation of the fire chief appoint other assistant fire
18 inspectors if needed to function within the jurisdiction.

19 3. Appoint other assistant fire inspectors who meet the
20 requirements of this section as are necessary in areas that are not under
21 the jurisdiction of a fire chief designated in paragraph 2 of this
22 subsection and who may be employees of this state, the federal government
23 or a private fire service provider.

24 B. Assistant fire inspectors appointed pursuant to subsection A of
25 this section shall carry out their duties only within the geographic areas
26 assigned by the assistant director of the office of the state fire
27 marshal. When designating assistant fire inspectors and when assigning
28 geographic areas, the assistant director of the office of the state fire
29 marshal shall give a preference to assigning assistant fire inspectors to
30 the service area covered by the municipal or private fire service provider
31 where the assistant fire inspector is employed.

32 C. Assistant fire inspectors appointed under subsection A,
33 paragraph 2 or 3 of this section are not entitled to receive additional
34 compensation for performing duties under this article, except that an
35 employee of a public or private fire service provider who acts as an
36 assistant fire inspector may charge fees to recover costs incurred in
37 conducting inspections or for the review of plans and inspections of
38 property. Assistant fire inspectors appointed under subsection A,
39 paragraph 2 or 3 of this section or fire inspectors appointed pursuant to
40 subsection E of this section shall have attended fire inspector training
41 by an entity that meets nationally recognized standards and is approved by
42 the office of the state fire marshal.

43 D. An assistant fire inspector who is appointed pursuant to
44 subsection A of this section may inspect property, issue notices of
45 violation and enforce the jurisdiction's fire code. An assistant fire

1 inspector who is appointed pursuant to subsection A of this section shall
2 report all actions taken to the assistant director of the office of the
3 state fire marshal in a manner prescribed by the assistant director.

4 E. A city, town or county may appoint a fire inspector from one or
5 more public or private fire service providers that service areas in the
6 city, town or county to inspect property. City, town or county fire
7 inspectors may issue notices of violation and enforce the fire code on
8 behalf of the city, town or county within the respective service area of
9 the public or private fire service provider. A fire inspector shall
10 report all actions taken to the city, town or county manager. A fire
11 inspector who is appointed pursuant to this subsection is not entitled to
12 receive additional compensation for performing duties on behalf of the
13 city, town or county, but may charge fees to recover the costs for review
14 of plans and the inspection of public or private premises.

15 F. The assistant director of the office of the state fire marshal,
16 deputy fire marshals, assistant fire inspectors or a fire inspector who is
17 appointed pursuant to this section may inspect buildings and premises in
18 response to an emergency call or at the request of the occupant of the
19 public or private property.

20 G. The amount of the fees charged by a fire inspector or an
21 assistant fire inspector shall be available at the office of the state
22 fire marshal or the city, town or county where the property is located.

23 Sec. 2. Section 37-1383, Arizona Revised Statutes, is amended to
24 read:

25 37-1383. Powers and duties; construction plans and
26 specifications; arson investigators

27 A. Under the authority and direction of the state forester, the
28 assistant director of the office of the state fire marshal or a deputy
29 fire marshal or an assistant fire inspector WHO IS acting at the direction
30 of the assistant director of the office of the state fire marshal shall:

31 1. Assist in the enforcement of state laws and ordinances of cities
32 and counties relating to fire prevention and fire protection.

33 2. Adopt by rule a state fire code establishing minimum standards
34 for:

35 (a) Safeguarding life and property from fire and fire hazards.

36 (b) The prevention of fires and alleviation of fire hazards.

37 (c) The storage, sale, distribution and use of dangerous chemicals,
38 combustibles, flammable liquids, explosives and radioactive materials.

39 (d) The installation, maintenance and use of fire escapes, fire
40 protection equipment, fire alarm systems, smoke detectors and fire
41 extinguishing equipment.

42 (e) The means and adequacy of fire protection and exit in case of
43 fire in places in which numbers of persons work, live or congregate,
44 excluding family dwellings that have fewer than five residential dwelling
45 units.

1 (f) Other matters relating to fire prevention and control that are
2 considered necessary by the office of the state fire marshal.

3 3. Adopt rules and a schedule of fees for permits, plan
4 submissions, plan reviews and reinspections that are payable by persons
5 regulated under this article.

6 4. Adopt rules for the allocation of monies from the arson
7 detection reward fund established by section 37-1387. The rules shall be
8 consistent with the purposes set forth in section 37-1387 and shall
9 promote the effective and efficient use of the fund monies.

10 5. Enforce compliance with the fire code adopted pursuant to this
11 subsection throughout this state except in any city ~~having~~ WITH a
12 population of one hundred thousand persons or more that has in effect a
13 nationally recognized fire code, whether modified or unmodified, and that
14 has enacted an ordinance to assume such jurisdiction from the office of
15 the state fire marshal. Such cities do not have authority that supersedes
16 and are not exempt from the state fire code ~~established~~ ADOPTED pursuant
17 to PARAGRAPH 2 OF this subsection in state or county owned buildings
18 wherever located throughout ~~the~~ THIS state.

19 6. Cooperate and coordinate with other state agencies in the
20 administration of the state fire code.

21 7. Establish a regularly scheduled fire safety inspection program
22 for all state and county owned public buildings and all public and private
23 school buildings wherever located throughout ~~the~~ THIS state, except for
24 private school buildings in cities with a population of one hundred
25 thousand or more persons.

26 8. Inspect as necessary all other occupancies located throughout
27 this state, except family dwellings having fewer than five residential
28 dwelling units and occupancies located in cities with a population of one
29 hundred thousand or more persons.

30 9. At the written request of county or municipal authorities, make
31 and provide to them a written report of the examination made by the office
32 of the state fire marshal of any fire within their jurisdiction.

33 10. Administer the arson detection reward fund established by
34 section 37-1387.

35 B. EXCEPT AS PROVIDED IN SUBSECTION G OF THIS SECTION, all plans
36 and specifications for new construction, remodeling, alterations and
37 additions for state, county and public school buildings and grounds shall
38 be submitted to the state forester for review and approval by the
39 assistant director of the office of the state fire marshal or as
40 authorized to a deputy fire marshal or an assistant fire inspector acting
41 at the direction of the assistant director of the office of the state fire
42 marshal before construction. THE STATE FORESTER SHALL ADOPT RULES TO
43 IMPLEMENT A ONE-PHASE AND A TWO-PHASE CONSTRUCTION, REMODELING, ALTERATION
44 OR ADDITION PERMIT. A PERSON MAY CHOOSE TO SUBMIT EITHER A ONE-PHASE OR A
45 TWO-PHASE PERMIT APPLICATION.

1 C. FOR A ONE-PHASE PERMIT APPLICATION, WITHIN SIXTY DAYS AFTER
2 RECEIVING A VALID PERMIT APPLICATION, THE STATE FORESTER SHALL MAKE A
3 FINAL DETERMINATION TO APPROVE OR DENY THE PERMIT APPLICATION.
4 CONSTRUCTION MAY NOT COMMENCE UNTIL THE PLANS HAVE BEEN APPROVED AND A
5 PERMIT HAS BEEN ISSUED OR UNLESS THE STATE FORESTER HAS NOT TAKEN ACTION
6 ON A PERMIT APPLICATION WITHIN SIXTY DAYS AFTER RECEIVING A VALID
7 APPLICATION.

8 D. FOR A TWO-PHASE APPLICATION, WITHIN THIRTY DAYS AFTER RECEIVING
9 A VALID PERMIT APPLICATION, the STATE FORESTER SHALL REVIEW THE plans and
10 specifications ~~shall be reviewed and approved or disapproved~~ AND MAKE AN
11 INITIAL DETERMINATION TO APPROVE OR DENY THE PERMIT. Within sixty days
12 after A VALID submission, THE STATE FORESTER SHALL MAKE A FINAL
13 DETERMINATION TO APPROVE OR DENY THE PERMIT APPLICATION. Construction
14 shall not commence BEYOND THE CONSTRAINTS OF PHASE ONE until the plans
15 have been approved and a permit has been issued OR UNLESS THE STATE
16 FORESTER HAS NOT TAKEN ACTION ON PHASE TWO OF A PERMIT APPLICATION WITHIN
17 SIXTY DAYS AFTER RECEIVING A VALID APPLICATION.

18 ~~E.~~ E. Under the authority and direction of the state forester, the
19 assistant director of the office of state fire marshal or a deputy fire
20 marshal or an assistant fire inspector acting at the direction of the
21 assistant director of the office of the state fire marshal may:

22 1. Conduct or participate in investigations of causes, origins and
23 circumstances of fires, including cases of possible arson.

24 2. Prescribe a uniform system of reporting fires and their causes
25 and effects.

26 3. Provide and coordinate training in firefighting and fire
27 prevention and cooperate with educational institutions to provide and
28 further such training.

29 4. Impound necessary evidence in conjunction with investigations of
30 causes, origins and circumstances of fires if that evidence might be lost,
31 destroyed or otherwise altered if not impounded.

32 5. Employ specialized testing services to evaluate evidence and
33 conditions involved in fire investigations.

34 6. Designate certain members of the office of the state fire
35 marshal's staff or a deputy fire marshal or an assistant fire inspector as
36 arson investigators.

37 ~~F.~~ F. The primary duty of investigators designated pursuant to
38 subsection ~~E.~~ E, paragraph 6 of this section is the investigation,
39 detection and apprehension of persons who have violated or are suspected
40 of violating any provision of title 13, chapter 17. A person designated
41 as an arson investigator, while engaged in arson investigation in this
42 state, possesses and may exercise law enforcement powers of peace officers
43 of this state. This subsection does not grant any powers of peace
44 officers of this state to arson investigators other than those necessary
45 for the investigation, detection and apprehension authority granted by

1 this subsection. Any individual designated as an arson investigator shall
2 have law enforcement training under section 41-1822.

3 G. A CITY OR TOWN MAY ALLOW ALL PLANS AND SPECIFICATIONS FOR NEW
4 CONSTRUCTION, REMODELING, ALTERATIONS AND ADDITIONS FOR MUNICIPAL OR
5 PRIVATE BUILDINGS AND GROUNDS TO BE SUBMITTED TO THE CITY OR TOWN FOR
6 REVIEW AND APPROVAL BY A PERSON DESIGNATED BY THE CITY OR TOWN AS
7 KNOWLEDGEABLE OF THE STATE FIRE CODE. IF THE CITY OR TOWN ADOPTS A
8 PROCESS TO APPROVE CONSTRUCTION PERMITS PURSUANT TO THIS SUBSECTION, THE
9 PLANS AND SPECIFICATIONS SHALL BE REVIEWED AND APPROVED OR DISAPPROVED
10 WITHIN SIXTY DAYS AFTER SUBMISSION. CONSTRUCTION SHALL NOT COMMENCE UNTIL
11 THE PLANS AND SPECIFICATIONS HAVE BEEN APPROVED AND A PERMIT HAS BEEN
12 ISSUED.