

REFERENCE TITLE: fire code; municipalities; county buildings

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2324

Introduced by
Representative Kupper

AN ACT

AMENDING SECTION 37-1383, ARIZONA REVISED STATUTES; AMENDING TITLE 37, CHAPTER 9, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 37-1392; RELATING TO THE OFFICE OF 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 37-1383, Arizona Revised Statutes, is amended to
3 read:

4 37-1383. Powers and duties; construction plans and
5 specifications; permit applications; arson
6 investigators

7 A. Under the authority and direction of the state forester, the
8 assistant director of the office of the state fire marshal or a deputy
9 fire marshal or an assistant fire inspector who is acting at the direction
10 of the assistant director of the office of the state fire marshal shall:

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

13 2. Adopt by rule a state fire code establishing minimum standards
14 for:

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

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

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

19 (d) The installation, maintenance and use of fire escapes, fire
20 protection equipment, fire alarm systems, smoke detectors and fire
21 extinguishing equipment.

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

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

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

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

35 5. Enforce compliance with the fire code adopted pursuant to this
36 subsection throughout this state except in any city with a population of
37 one hundred thousand persons or more that has in effect a nationally
38 recognized fire code, whether modified or unmodified, and that has enacted
39 an ordinance to assume such jurisdiction from the office of the state fire
40 marshal. **EXCEPT AS PROVIDED IN SECTION 37-1392**, such cities do not have
41 authority that supersedes and are not exempt from the state fire code
42 adopted pursuant to paragraph 2 of this subsection in state or county
43 owned buildings wherever located throughout this state.

44 6. Cooperate and coordinate with other state agencies in the
45 administration of the state fire code.

1 7. Establish a regularly scheduled fire safety inspection program
2 for all state and county owned public buildings and all public and private
3 school buildings wherever located throughout this state, except for
4 private school buildings in cities with a population of one hundred
5 thousand or more persons.

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

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

13 10. Administer the arson detection reward fund established by
14 section 37-1387.

15 B. Except as provided in subsection G of this section, all plans
16 and specifications for new construction, remodeling, alterations and
17 additions for state, county and public school buildings and grounds shall
18 be submitted to the state forester for review and approval by the
19 assistant director of the office of the state fire marshal or as
20 authorized to a deputy fire marshal or an assistant fire inspector acting
21 at the direction of the assistant director of the office of the state fire
22 marshal before construction. The state forester shall adopt rules to
23 implement a one-phase and a two-phase construction, remodeling, alteration
24 or addition permit. A person may choose to submit either a one-phase or a
25 two-phase permit application.

26 C. For a one-phase permit application, within sixty days after
27 receiving a valid permit application, the state forester shall make a
28 final determination to approve or deny the permit application.
29 Construction may not commence until the plans have been approved and a
30 permit has been issued or unless the state forester has not taken action
31 on a permit application within sixty days after receiving a valid
32 application.

33 D. For a two-phase application, within thirty days after receiving
34 a valid permit application, the state forester shall review the plans and
35 specifications and make an initial determination to approve or deny the
36 permit. Within sixty days after a valid submission, the state forester
37 shall make a final determination to approve or deny the permit
38 application. Construction shall not commence beyond the constraints of
39 phase one until the plans have been approved and a permit has been issued
40 or unless the state forester has not taken action on phase two of a permit
41 application within sixty days after receiving a valid application.

42 E. Under the authority and direction of the state forester, the
43 assistant director of the office of state fire marshal or a deputy fire
44 marshal or an assistant fire inspector acting at the direction of the
45 assistant director of the office of the state fire marshal may:

1 1. THE CITY OR TOWN SUBMITS THE PETITION IN CONJUNCTION WITH THE
2 APPLICABLE COUNTY.

3 2. THE REVIEW OF COUNTY-OWNED BUILDINGS IS UNDULY BURDENSOME FOR
4 THE CITY OR TOWN OR THE COUNTY. EVIDENCE OF ANY OF THE FOLLOWING IS
5 SUFFICIENT TO PROVE THE REVIEW IS UNDULY BURDENSOME:

6 (a) THE REVIEW REQUIRES THE HIRING OF ADDITIONAL STAFF.

7 (b) THE REVIEW REQUIRES ADDITIONAL STAFF TRAINING.

8 (c) REVIEW BY THE ASSISTANT DIRECTOR OF THE OFFICE OF THE STATE
9 FIRE MARSHAL SUBSTANTIALLY EXCEEDS THE TIME FRAME FOR REVIEW IF REVIEWED
10 BY THE CITY OR TOWN OR APPLICABLE COUNTY.

11 3. THE CITY'S OR TOWN'S CURRENT FIRE CODE AND ENFORCEMENT,
12 INCLUDING THE OCCUPANCY AND HAZARD REGULATION APPLICABLE TO THE
13 COUNTY-OWNED BUILDINGS, ARE NOT SUBSTANTIALLY LESS STRINGENT THAN THE
14 CURRENT STATE FIRE CODE AS DETERMINED BY THE APPLICABLE OFFICIAL AT THE
15 CITY OR TOWN.

16 B. THE ASSISTANT DIRECTOR OF THE OFFICE OF THE STATE FIRE MARSHAL
17 SHALL TAKE ACTION ON A PETITION WITHIN THIRTY DAYS AFTER RECEIPT AND SHALL
18 STATE THE REASON FOR THE DENIAL OR APPROVAL OF THE PETITION. IF THE
19 ASSISTANT DIRECTOR OF THE OFFICE OF THE STATE FIRE MARSHAL DOES NOT TAKE
20 ACTION ON A PETITION WITHIN THIRTY DAYS AFTER RECEIPT, THE PETITION IS
21 AUTOMATICALLY APPROVED.

22 C. A CITY OR TOWN THAT RECEIVES PETITION APPROVAL PURSUANT TO THIS
23 SECTION IS SOLELY RESPONSIBLE FOR THE INSPECTION AND ENFORCEMENT OF THE
24 FIRE CODE IN ALL COUNTY-OWNED BUILDINGS IN THE CITY'S OR TOWN'S
25 JURISDICTION.

26 D. IF A CITY OR TOWN ADOPTS AN AMENDMENT THAT MATERIALLY WEAKENS
27 THE CITY'S OR TOWN'S FIRE CODE AFTER A PETITION'S APPROVAL BY THE STATE
28 FIRE MARSHAL, THE CITY OR TOWN SHALL PROMPTLY NOTIFY THE OFFICE OF THE
29 STATE FIRE MARSHAL OF THE ADOPTED AMENDMENT. WITHIN THIRTY DAYS AFTER THE
30 DATE OF SUCH AN ADOPTED AMENDMENT, THE CITY OR TOWN MAY REAPPLY FOR A
31 WAIVER. THE PREVIOUS PETITION APPROVAL DOES NOT EXPIRE UNTIL THIRTY DAYS
32 AFTER THE ASSISTANT DIRECTOR OF THE OFFICE OF THE STATE FIRE MARSHAL MAKES
33 A DECISION ON THE NEW WAIVER APPLICATION.

34 E. IF THE OFFICE OF THE STATE FIRE MARSHAL ADOPTS A SUBSTANTIALLY
35 STRICTER STATE FIRE CODE THAN THE ONE CURRENTLY ADOPTED, THE ASSISTANT
36 DIRECTOR OF THE OFFICE OF THE STATE FIRE MARSHAL SHALL PROMPTLY NOTIFY THE
37 AFFECTED CITIES OR TOWNS OF THE ADOPTION. WITHIN THIRTY DAYS AFTER THE
38 DATE OF ADOPTION OF A STRICTER STATE FIRE CODE, EACH AFFECTED CITY OR TOWN
39 MAY REAPPLY FOR A WAIVER. THE PREVIOUS PETITION APPROVAL DOES NOT EXPIRE
40 UNTIL THIRTY DAYS AFTER THE ASSISTANT DIRECTOR OF THE OFFICE OF THE STATE
41 FIRE MARSHAL MAKES A DECISION ON THE NEW WAIVER APPLICATION.

42 Sec. 3. Short title

43 This act may be cited as the "Fire Marshal Bill Burns Act".