

REFERENCE TITLE: public buildings; state fire code

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SB 1562

Introduced by
Senator Dunn

AN ACT

AMENDING SECTIONS 34-461, 37-1307, 37-1382 AND 37-1383, ARIZONA REVISED STATUTES; 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 34-461, Arizona Revised Statutes, is amended to
3 read:

4 34-461. Applicability of local codes; exceptions; definition

5 A. Public buildings shall be constructed in compliance with the
6 state fire code or, if at the request of a school district or charter
7 school, the office of the state fire marshal may authorize through an
8 intergovernmental agreement with a city, town, county or fire district in
9 which the school district or charter school building is located to impose
10 the fire code adopted by the city, town, county or fire district on school
11 district or charter school buildings. An intergovernmental agreement
12 entered into pursuant to this subsection may allow the city, town, county
13 or fire district to conduct regularly scheduled fire safety inspections.
14 Public buildings shall be constructed in compliance with applicable
15 building, plumbing, electrical, fire and mechanical codes adopted by the
16 city, town, county or fire district in which the building is located. The
17 owner of the public building is subject to the same fees required of other
18 persons. Public buildings are subject to inspection during construction
19 pursuant to these codes to determine compliance.

20 B. If a public building is built in an area that has not adopted
21 local codes, the building shall be designed or constructed according to
22 the state fire code adopted by the office of the state fire marshal and
23 the building, plumbing, electrical and mechanical codes that apply in the
24 largest city in the county in which the building is located.

25 C. Public buildings are subject to those codes that apply and are
26 in effect when the building is designed or constructed and to the
27 currently adopted codes when a building is found to be structurally
28 unsafe, without adequate egress or a fire hazard or is otherwise dangerous
29 to human life.

30 D. Subsections A and B of this section do not apply to state owned
31 buildings except for the application of the fire code in effect where a
32 state owned building is located. In complying with the applicable codes
33 pursuant to subsections A and B of this section, the permitting process
34 and fees do not apply to a public school district owned building in a
35 county with a population of more than seven hundred fifty thousand persons
36 but less than two million persons except for the application of the design
37 and permitting process and any fee required of a fire code in effect where
38 such a public school district owned building is located. State department
39 of corrections facilities are exempt from the application of the local
40 fire code in the absence of an intergovernmental agreement between the
41 state department of corrections and the governmental entity responsible
42 for enforcing any local fire code.

43 E. Notwithstanding subsection A of this section, cities prescribed
44 in section 37-1383, subsection A, paragraph ~~5~~ 4 do not have authority

1 that supersedes and are not exempt from the office of the state fire
2 marshal's established fire code in state or county owned buildings
3 wherever located throughout this state. **THE STATE FIRE CODE IS THE**
4 **MINIMUM STANDARD FOR ANY STATE OR COUNTY OWNED BUILDINGS.**

5 F. Notwithstanding subsection A of this section, buildings and
6 properties owned by the Arizona board of regents or a university under its
7 jurisdiction are exempt from any city, town, county or fire district fire
8 code in the absence of an intergovernmental agreement between the Arizona
9 board of regents or the university and the city, town, county or fire
10 district.

11 G. If the office of the state fire marshal enters into an
12 intergovernmental agreement pursuant to subsection A of this section, a
13 school district or charter school ~~may choose to~~ **SHALL** have the plan
14 review, permitting and any related inspections or any regularly scheduled
15 fire safety inspections completed by either the office of the state fire
16 marshal or the city, town, county or fire district **THAT HAS JURISDICTION**
17 **OVER THE SCHOOL DISTRICT OR CHARTER SCHOOL PURSUANT TO THE**
18 **INTERGOVERNMENTAL AGREEMENT.** If the school district or charter school
19 chooses to have the city, town, county or fire district perform the plan
20 review, permitting and any related inspections or the regularly scheduled
21 fire safety inspections, the city, town, county or fire district shall
22 inform the school district or charter school of any fees associated with
23 the inspection process.

24 H. This section does not preclude a public school district in a
25 county with a population of more than seven hundred fifty thousand persons
26 but less than two million persons from submitting, at its discretion, to
27 the building design or construction permitting process of the appropriate
28 local government entity for any given project. A public school district
29 making such a decision is subject to subsections A and B of this section
30 and the permit and code compliance requirements of the local government
31 entity, including inspections and fee payments that may be required, for
32 the duration of the project that the district submitted to the local
33 government entity.

34 I. Public school districts in a county with a population of more
35 than seven hundred fifty thousand persons but less than two million
36 persons shall adopt policies to provide requirements to be followed by
37 licensed or registered contractors or employees in order to ensure that
38 construction projects are in compliance with the applicable codes pursuant
39 to subsections A and B of this section and that records required by code
40 or law for a given project are completed and maintained by the applicable
41 district. At a minimum, these policies shall:

42 1. Include the method by which the public school district will
43 notify the appropriate local government unit or units, and retain a record
44 of the notification, that the public school district will not be using the

1 permitting process for a given project pursuant to subsection D of this
2 section.

3 2. Prohibit a construction contractor from serving as a district's
4 inspector and code compliance official on the same project for which the
5 contractor is providing construction services.

6 3. Require the architect of record for a given district project to
7 be responsible for signing the certificate of occupancy when such a
8 certificate is required for that particular project.

9 J. For the purposes of this section, "public building" means a
10 building or appurtenance to a building that is built in whole or in part
11 with public monies.

12 Sec. 2. Section 37-1307, Arizona Revised Statutes, is amended to
13 read:

14 37-1307. Fire watch; requirements; definition

15 ~~A. The state fire safety committee is established consisting of~~
16 ~~nine members who are appointed for three-year terms by the governor~~
17 ~~pursuant to section 38-211. The governor may remove any member from the~~
18 ~~committee for incompetency, improper conduct, disability or neglect of~~
19 ~~duty. Membership on the committee is as follows:~~

20 ~~1. Two members, not from the same municipality, each of whom is a~~
21 ~~fire chief or fire marshal of a paid municipal fire department of a city~~
22 ~~with a population of one hundred thousand persons or more.~~

23 ~~2. One member who is a fire chief of a paid municipal fire~~
24 ~~department of a town with a population of less than one hundred thousand~~
25 ~~persons.~~

26 ~~3. One member who is a fire chief in a fire district of an~~
27 ~~unincorporated area in a county with a population of less than five~~
28 ~~hundred thousand persons.~~

29 ~~4. One member who is a member of the Arizona fire chiefs~~
30 ~~association.~~

31 ~~5. One member who is a registered architect.~~

32 ~~6. One member who is a chief building official of a city, town or~~
33 ~~county.~~

34 ~~7. One member who is a member of the public.~~

35 ~~8. One member who is a member of the public and who is engaged in~~
36 ~~the business of distributing, selling or providing liquefied petroleum gas~~
37 ~~to consumers.~~

38 ~~B. The state fire safety committee shall annually select from its~~
39 ~~membership a chairperson for the committee. The committee shall meet on~~
40 ~~the call of the chairperson or on the request of at least five members.~~

41 ~~C. The state fire safety committee shall advise the office of the~~
42 ~~state fire marshal on all of the following:~~

43 ~~1. The adoption of a state fire code.~~

1 ~~2. The adoption of a fee schedule for permits, plan submissions,~~
2 ~~plan reviews and reinspections.~~

3 ~~3. The allocation of monies from the arson detection reward fund~~
4 ~~established by section 37-1387.~~

5 ~~D. Members of the committee are not eligible to receive~~
6 ~~compensation for service on the committee but are eligible for~~
7 ~~reimbursement of expenses pursuant to title 38, chapter 4, article 2.~~

8 ~~E.~~ A. If the ASSISTANT DIRECTOR OF THE OFFICE OF THE state fire
9 ~~safety committee~~ MARSHAL requires the use of a fire watch, an employee who
10 works at the building in which a fire watch is required may serve as the
11 fire watch. A person who is designated as a fire watch shall be equipped
12 with means to contact the local fire department, and the person's only
13 duty shall be to perform constant patrols of the protected premises while
14 keeping watch for fires. The local jurisdiction shall provide the fire
15 watch with printed instructions from the office of the state fire marshal
16 and may provide a free training session before the person's deployment as
17 the fire watch begins.

18 B. For the purposes of this ~~subsection~~ SECTION, "fire watch" means
19 a person who is stationed in a building or in a place relative to a
20 building to observe the building and its openings when the fire protection
21 system for the building is temporarily nonoperational or absent.

22 Sec. 3. Section 37-1382, Arizona Revised Statutes, is amended to
23 read:

24 37-1382. Deputy fire marshals and assistants; appointment;
25 duties; recovery of costs

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

28 1. Hire deputy fire marshals who shall have knowledge in the field
29 of fire safety and hire such other assistants and employees as are
30 necessary to properly discharge the duties imposed on the office of the
31 state fire marshal pursuant to this article.

32 2. Appoint as assistant fire inspectors any of the fire chiefs of a
33 city, town, county, volunteer fire company or protective district or an
34 employee of a private fire service provider who meets the requirements of
35 this section to act within their area of jurisdiction or area of service
36 or on the recommendation of the fire chief appoint other assistant fire
37 inspectors if needed to function within the jurisdiction.

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

43 B. Assistant fire inspectors appointed pursuant to subsection A of
44 this section shall:

1 1. Carry out their duties only within the geographic areas assigned
2 by the assistant director of the office of the state fire marshal. When
3 designating assistant fire inspectors and when assigning geographic areas,
4 the assistant director of the office of the state fire marshal shall give
5 a preference to assigning assistant fire inspectors to the service area
6 covered by the municipal or private fire service provider where the
7 assistant fire inspector is employed.

8 2. PROVIDE THE FOLLOWING INFORMATION TO THE OFFICE OF THE STATE
9 FIRE MARSHAL WITHIN THIRTY DAYS AFTER COMPLETION OF THE ACTIVITY AND IN A
10 MANNER AS DETERMINED BY THE OFFICE OF THE STATE FIRE MARSHAL:

- 11 (a) THE RECORD OF A FIRE INSPECTION.
- 12 (b) THE RECORD OF A CERTIFICATE OF OCCUPANCY.
- 13 (c) THE RECORD OF ALL DATES OF INSPECTION.
- 14 (d) THE RECORD OF AN UPDATED BUILDING INVENTORY.

15 C. Assistant fire inspectors appointed under subsection A,
16 paragraph 2 or 3 of this section are not entitled to receive additional
17 compensation for performing duties under this article, except that an
18 employee of a public or private fire service provider who acts as an
19 assistant fire inspector may charge fees to recover costs incurred in
20 conducting inspections or for the review of plans and inspections of
21 property. Assistant fire inspectors appointed under subsection A,
22 paragraph 2 or 3 of this section or fire inspectors appointed pursuant to
23 subsection E of this section shall have attended fire inspector training
24 by an entity that meets nationally recognized standards and is approved by
25 the office of the state fire marshal.

26 D. An assistant fire inspector who is appointed pursuant to
27 subsection A of this section may inspect property, issue notices of
28 violation and enforce the jurisdiction's fire code. An assistant fire
29 inspector who is appointed pursuant to subsection A of this section shall
30 report all actions taken to the assistant director of the office of the
31 state fire marshal in a manner prescribed by the assistant director.

32 E. A city, town or county may appoint a fire inspector from one or
33 more public or private fire service providers that service areas in the
34 city, town or county to inspect property. City, town or county fire
35 inspectors may issue notices of violation and enforce the fire code on
36 behalf of the city, town or county within the respective service area of
37 the public or private fire service provider. A fire inspector WHO IS
38 APPOINTED PURSUANT TO THIS SUBSECTION:

39 1. Shall:

- 40 (a) Report all actions taken to the city, town or county manager.

41 ~~A fire inspector who is appointed pursuant to this subsection is not~~
42 ~~entitled to receive additional compensation for performing duties on~~
43 ~~behalf of the city, town or county, but may charge fees to recover the~~

1 ~~costs for review of plans and the inspection of public or private~~
2 ~~premises.~~

3 (b) PROVIDE THE FOLLOWING INFORMATION TO THE OFFICE OF THE STATE
4 FIRE MARSHAL WITHIN THIRTY DAYS AFTER COMPLETION OF THE ACTIVITY AND IN A
5 MANNER AS DETERMINED BY THE OFFICE OF THE STATE FIRE MARSHAL:

6 (i) THE RECORD OF A FIRE INSPECTION.

7 (ii) THE RECORD OF A CERTIFICATE OF OCCUPANCY.

8 (iii) THE RECORD OF ALL DATES OF INSPECTION.

9 (iv) THE RECORD OF AN UPDATED BUILDING INVENTORY.

10 2. IS NOT ENTITLED TO RECEIVE ADDITIONAL COMPENSATION FOR
11 PERFORMING DUTIES ON BEHALF OF THE CITY, TOWN OR COUNTY BUT MAY CHARGE
12 FEES TO RECOVER THE COSTS INCURRED FOR THE REVIEW OF PLANS AND INSPECTIONS
13 OF PUBLIC OR PRIVATE PREMISES.

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

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

22 Sec. 4. Section 37-1383, Arizona Revised Statutes, is amended to
23 read:

24 37-1383. Powers and duties; construction plans and
25 specifications; permit applications; arson
26 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,

1 excluding family dwellings that have fewer than five residential dwelling
2 units.

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

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

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

12 ~~5.~~ 4. Enforce compliance with the fire code adopted pursuant to
13 this subsection throughout this state except in any city with a population
14 of one hundred thousand persons or more that has in effect a nationally
15 recognized fire code, whether modified or unmodified, and that has enacted
16 an ordinance to assume such jurisdiction from the office of the state fire
17 marshal. Such cities do not have authority that supersedes and are not
18 exempt from the state fire code adopted pursuant to paragraph 2 of this
19 subsection in state or county owned buildings wherever located throughout
20 this state.

21 ~~6.~~ 5. Cooperate and coordinate with other state agencies in the
22 administration of the state fire code.

23 ~~7.~~ 6. Establish a regularly scheduled fire safety inspection
24 program for all state and county owned public buildings and all public and
25 private school buildings wherever located throughout this state, except
26 for private school buildings in cities with a population of one hundred
27 thousand or more persons.

28 ~~8.~~ 7. Inspect as necessary all other occupancies located
29 throughout this state, except family dwellings having fewer than five
30 residential dwelling units and occupancies located in cities with a
31 population of one hundred thousand or more persons.

32 ~~9.~~ 8. At the written request of county or municipal authorities,
33 make and provide to them a written report of the examination made by the
34 office of the state fire marshal of any fire within their jurisdiction.

35 ~~10.~~ 9. Administer the arson detection reward fund established by
36 section 37-1387.

37 B. THE STATE FIRE MARSHAL MAY ADOPT RULES FOR THE DISTRIBUTION OF
38 MONIES FROM THE ARSON DETECTION REWARD FUND ESTABLISHED BY SECTION
39 37-1387. THE RULES SHALL BE CONSISTENT WITH THE PURPOSES SET FORTH IN
40 SECTION 37-1387 AND SHALL PROMOTE THE EFFECTIVE AND EFFICIENT USE OF THE
41 FUND MONIES.

42 ~~8.~~ C. Except as provided in subsection ~~6.~~ H of this section, all
43 plans and specifications for new construction, remodeling, alterations and
44 additions for state, county and public school buildings and grounds shall

1 be submitted to the state forester for review and approval by the
2 assistant director of the office of the state fire marshal or as
3 authorized to a deputy fire marshal or an assistant fire inspector acting
4 at the direction of the assistant director of the office of the state fire
5 marshal before construction. The state forester shall adopt rules to
6 implement a one-phase and a two-phase construction, remodeling, alteration
7 or addition permit. A person may choose to submit either a one-phase or a
8 two-phase permit application.

9 ~~E.~~ D. For a one-phase permit application, within sixty days after
10 receiving a valid permit application, the state forester shall make a
11 final determination to approve or deny the permit application.
12 Construction may not commence until the plans have been approved and a
13 permit has been issued or unless the state forester has not taken action
14 on a permit application within sixty days after receiving a valid
15 application.

16 ~~D.~~ E. For a two-phase application, within thirty days after
17 receiving a valid permit application, the state forester shall review the
18 plans and specifications and make an initial determination to approve or
19 deny the permit. Within sixty days after a valid submission, the state
20 forester shall make a final determination to approve or deny the permit
21 application. Construction shall not commence beyond the constraints of
22 phase one until the plans have been approved and a permit has been issued
23 or unless the state forester has not taken action on phase two of a permit
24 application within sixty days after receiving a valid application.

25 ~~E.~~ F. Under the authority and direction of the state forester, the
26 assistant director of the office of state fire marshal or a deputy fire
27 marshal or an assistant fire inspector acting at the direction of the
28 assistant director of the office of the state fire marshal may:

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

31 2. Prescribe a uniform system of reporting fires and their causes
32 and effects.

33 3. Provide and coordinate training in firefighting and fire
34 prevention and cooperate with educational institutions to provide and
35 further such training.

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

39 5. Employ specialized testing services to evaluate evidence and
40 conditions involved in fire investigations.

41 6. Designate certain members of the office of the state fire
42 marshal's staff or a deputy fire marshal or an assistant fire inspector as
43 arson investigators.

1 ~~F.~~ G. The primary duty of investigators designated pursuant to
2 subsection ~~F~~ F, paragraph 6 of this section is the investigation,
3 detection and apprehension of persons who have violated or are suspected
4 of violating any provision of title 13, chapter 17. A person designated
5 as an arson investigator, while engaged in arson investigation in this
6 state, possesses and may exercise law enforcement powers of peace officers
7 of this state. This subsection does not grant any powers of peace
8 officers of this state to arson investigators other than those necessary
9 for the investigation, detection and apprehension authority granted by
10 this subsection. Any individual designated as an arson investigator shall
11 have law enforcement training under section 41-1822.

12 ~~G.~~ H. A city or town may allow all plans and specifications for
13 new construction, remodeling, alterations and additions for municipal or
14 private buildings and grounds to be submitted to the city or town for
15 review and approval by a person designated by the city or town as
16 knowledgeable of the state fire code. If the city or town adopts a
17 process to approve construction permits pursuant to this subsection, the
18 plans and specifications shall be reviewed and approved or disapproved
19 within sixty days after submission. Construction shall not commence until
20 the plans and specifications have been approved and a permit has been
21 issued.