

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

400R0231

SENATE BILL NO. 15

Introduced by: The Committee on Commerce at the request of the Department of Public Safety

1 FOR AN ACT ENTITLED, An Act to revise certain codes and standards regarding fire
2 prevention.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 34-29B-2 be amended to read as follows:

5 34-29B-2. The State Fire Marshal shall establish a program of fire prevention, fire
6 investigation, fire training, and public fire education. The secretary may promulgate rules,
7 pursuant to chapter 1-26, to protect the health or safety of persons from fire and like
8 emergencies, based on codes and standards set forth by the International Building Code, the
9 International Fire Code, and the International Mechanical Code, ~~2003~~ 2009 editions, and
10 referenced standards except such portions as are deleted, modified, or amended, unless the
11 secretary finds that the strict application of the code is impractical and that the modification is
12 in conformity with the intent and purpose of the code or standards. The rules may be adopted
13 in the following areas:

14 (1) The prevention of fires including:

15 (a) Fire safety regulations governing buildings used by the general public with the



- 1 exception of health care facilities inspected by the Department of Health;
- 2 (b) Fire safety regulations governing lodging and eating establishments;
- 3 (c) Fire safety regulations governing multifamily residences housing six or more
- 4 families. However, if a municipality has adopted regulations regarding
- 5 multifamily residences that are in conformity with this chapter, they are the
- 6 applicable regulations;
- 7 (d) Fire safety regulations governing publicly owned buildings;
- 8 (e) Fire safety regulations governing detention or correctional facilities, regardless
- 9 of ownership; and
- 10 (f) Fire safety regulations governing day care facilities;
- 11 (2) The manufacture, transportation, storage, sale, and use of combustible or flammable
- 12 liquids or liquefied petroleum gases;
- 13 (3) The means and adequacy of exit in case of fire;
- 14 (4) The investigation of the cause, origin, and circumstances of fires and explosions;
- 15 (5) The maintenance of fire cause and loss records;
- 16 (6) The maintenance of a record of fire prevention inspections;
- 17 (7) A program of fire service training and public fire education;
- 18 (8) The review and approval of plans and specifications to determine compliance with
- 19 applicable fire codes and statutes as it pertains to facilities dealing with combustible
- 20 or flammable liquids and or liquid petroleum gases; and
- 21 (9) The abatement of unsafe buildings or structures regulated by this chapter which
- 22 constitute a hazard to safety, health, or public welfare by reason of inadequate
- 23 maintenance, dilapidation, obsolescence, fire hazard, disaster, or abandonment.

24 Section 2. That § 13-25-15 be amended to read as follows:

1 13-25-15. For new construction after July 1, ~~2006~~ 2010, any rules adopted by the department
2 shall use as a basis for their development the International Building Code, the International Fire
3 Code, and the International Mechanical Code, ~~2003~~ 2009 editions, and referenced standards
4 which may be modified, amended, or deleted if the secretary finds that strict application of the
5 code is impractical and, furthermore, that the modification is in conformity with the intent and
6 purpose of the code or standards.

7 Section 3. That § 34-38-26 be amended to read as follows:

8 34-38-26. Except as otherwise provided in this chapter, aboveground storage tanks shall
9 comply with the applicable provisions of chapter 34 of the International Fire Code, ~~2003~~ 2009
10 edition.

11 Section 4. That § 34-38-29 be amended to read as follows:

12 34-38-29. Spill control shall be provided in accordance with chapter 34 of the International
13 Fire Code, ~~2003~~ 2009 edition.

14 Section 5. That § 34-38-33 be amended to read as follows:

15 34-38-33. Any portion of a tank piping system that is in contact with the soil shall be
16 protected from corrosion in accordance with chapter 34 of the International Fire Code, ~~2003~~
17 2009 edition.

18 Section 6. That § 34-38-34 be amended to read as follows:

19 34-38-34. Delivery operations shall comply with applicable requirements of chapter 34 of
20 the International Fire Code, ~~2003~~ 2009 edition. Dispensing operations shall comply with the
21 provisions of chapter 34 of the International Fire Code, ~~2003~~ 2009 edition.

22 The delivery vehicle shall be separated from any aboveground tank by at least twenty-five
23 feet.

24 Means shall be provided for determining the liquid level in each tank and this means shall

1 be accessible to the delivery operator. Provisions shall be made either to automatically stop the
2 delivery of fuel to the tank if the liquid level in the tank reaches ninety-five percent of capacity
3 or to sound an audible alarm if the liquid level in the tank reaches ninety percent capacity.

4 A check valve, gate valve with quick-connect coupling, or a dry-break valve shall be
5 installed in the piping at the point where connection and disconnection is made for delivery
6 from a vehicle to any aboveground tank. This device shall be protected against tampering and
7 physical damage.

8 If the delivery hose is connected directly to the tank, the fill line at the tank shall be
9 equipped with a tight-fill device for connecting the hose to the tank.

10 Section 7. That § 34-38-35 be amended to read as follows:

11 34-38-35. For the purpose of implementing this chapter, the department may promulgate
12 rules pursuant to chapter 1-26 to protect the health and safety of persons from fire, explosion
13 and like emergencies based on codes and standards set forth by the International Building Code,
14 the International Fire Code, and the International Mechanical Code, ~~2003~~ 2009 editions, and
15 referenced standards except such portions as are deleted, modified, or amended.

16 Section 8. That § 34-38-38 be amended to read as follows:

17 34-38-38. The provisions of this chapter apply to facilities constructed after July 1, ~~2006~~
18 2010. Existing installations shall be permitted only if, in the opinion of local and state
19 authorities, the existing installation does not constitute a distinct hazard to life or property.