

**PROPOSED REGULATION OF THE
NEVADA STATE FIRE MARSHAL DIVISION**

LCB File No. R183-22

NOTICE OF INTENT TO ACT UPON A REGULATION

**Notice of Public Hearing
For the Adoption of Amendments to the Regulations of the
State Fire Marshal Division**

The Nevada State Fire Marshal Division will hold a public hearing at the following location on Monday, December 5, 2022 at 9:30am

**PUBLIC HEARING
CARSON CITY
State Fire Marshal Division
107 Jacobsen Way
Carson City, NV 89711**

**PUBLIC HEARING
Teleconference
1-775-687-0999
Participation code 47525#**

The purpose of the hearing is to receive comments from all interested persons regarding the adoption of proposed amendments to regulations (LCB File No. R183-22), that pertains to Chapter 477 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation or amendment.
 - a. Periodic updating of the editions of codes and standards as required by NRS 477.030(1) to allow for new technologies, techniques and materials in construction.
 - b. Periodic, comprehensive review and updating, in accordance with NRS 233B.050(1)(e), to the State Fire Marshal Division's regulation in NAC Chapter 477 to comply with existing statute and industry practices, remove outdated requirements and correct spelling and other language issues found during the review.
 - c. Increasing fees for numerous services provided by the State Fire Marshal.

2. The proposed regulation is a comprehensive review and update to the regulations of the State Fire Marshal. The approved text of the proposed regulation as prepared by the Legislative Counsel is attached to this notice. It can also be downloaded from the Division's website at <http://fire.nv.gov> or from the Legislature's Law Library website under LCB File No. R183-22. A summary of the changes are as follows:
 - a. Expands the definition of "inspection" to include checking for damage which could preclude a special hazard suppression system from functioning as designed and a formal examination of an occupancy and the associated uses or processes to determine its compliance with fire and life safety codes and standards
 - b. Pursuant to a construction permit issued by the State Fire Marshal, an examination of a construction project to verify compliance with approved plans in addition to compliance with fire and life safety codes and standards.
3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:
 - a. Both adverse and beneficial effects; and
 - b. Both immediate and long-term effects.

Impact on Small Business. Statement identifying the methods used in determining the impact on a small business pursuant to subsection 3 of NRS 233B.0608.

Pursuant to NRS 233B.0609 (1), the State Fire Marshal is required to make a determination whether its proposed regulations will: (a) impose a direct and significant economic burden upon small business, and (b) directly restrict the formation, operation, or expansion of small business. NRS 233B.0382 defines small business: "Small business" means a business conducted for profit which employs fewer than 150 full-time or part-time employees.

The State Fire Marshal has considered the two factors in NRS 233B.0608 (1) and has determined that a Small Business Impact Statement is not required pursuant to NRS 233B.0609 based upon the following:

1. The State Fire Marshal is statutorily directed by NRS 477.030(1) and 477.033, NRS 459.773 and NRS 233B.050(1)(e) to create, amend or delete regulations regarding the protection from fire and other life safety issues and the licensing of contractors in fire protection-related fields.
2. The base fee schedule adopted by the State Fire Marshal has remained unchanged since 2001, with the exception of the elimination in 2011 of a license discount for some licensees whereby some licensees paid differing amount for the same licenses category. This proposed change to regulation includes an increase to fees.

3. Any proposed regulation amendments, including #2 above, will not impose a direct and significant economic burden upon small business and will not directly restrict the formation, operation, or expansion of small business.
4. There are no known additional enforcement costs to the Division.
5. The State Fire Marshal is required by NRS 477.030(1) to adopt as the minimum threshold, rules for the prevention of fire; the storage and use of combustibles, flammables and fireworks; explosives in commercial construction, except mining or avalanche control; and the safety, access, means and adequacy of exit in case of fire from mental and penal institutions, facilities for the care of children, foster homes, residential facilities for groups, facilities for intermediate care, nursing homes, hospitals.

There is no known overlap or duplication related to this regulation.

6. The regulation is not required pursuant to federal law.
7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

There are no federal regulations that apply.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

The last fee increase by the State Fire Marshal was in 2001. This regulation increases some existing fees. A Small Business Impact Statement was made by the State Fire Marshal Division and dated April 18, 2018. All of which have been reviewed by stakeholders present at the four (4) Workshops, and no concerns were expressed

Persons wishing to comment upon the proposed action of the State Fire Marshal Division may appear at the scheduled public hearing and/or may address their comments, data, views, or arguments in written form to:

Connie Etchison, Administrative Assistant
etchison@dps.state.nv.us
Nevada State Fire Marshal Division
107 Jacobsen Way
Carson City, NV 89711

Written submissions must be received by the State Fire Marshal Division on or before 5pm on November 28, 2022. If no person who is directly affected by the proposed

action appears to request time to make an oral presentation, the State Fire Marshal Division may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended will be available at the following offices of the State Fire Marshal, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours:

Nevada State Fire Marshal Division offices are located at:

107 Jacobsen Way
Carson City, Nevada

215 East Bonanza Road
Las Vegas, Nevada

and at the Nevada State Fire Marshal's website: <http://fire.nv.gov>

This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Per NRS 233B.064(2) Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

**PROPOSED REGULATION OF THE
STATE FIRE MARSHAL**

LCB File No. R183-22

September 26, 2022

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1 and 3-8, NRS 477.030 and 477.031; § 2, NRS 432A.180, 477.030 and 477.031.

A REGULATION relating to the State Fire Marshal; setting forth fees for the issuance of a certificate of compliance by the State Fire Marshal for a child care facility based on zip codes; increasing certain fees for other certificates of compliance; revising certain provisions relating to fees charged by the State Fire Marshal; revising various provisions relating to inspections conducted by the State Fire Marshal; establishing certain requirements for a request for a variance submitted to the State Fire Marshal; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Fire Marshal to adopt a schedule of fees for services and regulatory activities performed by the State Fire Marshal Division of the Department of Public Safety which must approximate the cost of those services and activities. (NRS 477.031) Existing law requires that any child care facility or small child care establishment must be inspected annually by the State Fire Marshal to secure compliance with standards for safety from fire and other emergencies. (NRS 432A.180) Existing regulations require that each child care facility must have a current certificate of compliance issued by the State Fire Marshal or other authority having jurisdiction, and the State Fire Marshal will assess an annual fee of \$22 for such a certificate of compliance. (NAC 477.325, 477.562) **Section 2** of this regulation provides instead that the State Fire Marshal will assess fees for the issuance of a certificate of compliance for a child care facility based on the zip code of the child care facility. **Section 7** of this regulation clarifies that each child care facility must: (1) be inspected for compliance with applicable fire and safety regulations by the State Fire Marshal before a license to operate the facility is issued and annually thereafter; and (2) have a certificate of compliance issued by the State Fire Marshal.

Existing law requires, with certain exceptions, the State Fire Marshal to assist in checking plans and specifications for construction. (NRS 477.030) Existing regulations require that all projects requiring review must receive a certificate of compliance before the building or structure is occupied. (NAC 477.740) Existing regulations also provide that: (1) the State Fire Marshal may charge a fee of \$38.50 per hour or fraction thereof for inspection services; and (2) the first inspection will be provided without charge. (NAC 477.325) **Section 3** of this regulation reorganizes certain provisions relating to the fees for an inspection by the State Fire Marshal.

Section 3 further: (1) provides that the State Fire Marshal will charge a fee of \$46.20 per hour or fraction thereof for inspection services; (2) eliminates the provision that allowed the first inspection to be provided free of charge; and (3) provides that any inspections requiring overnight travel will include charges for lodging and per diem.

Existing regulations define the term “inspection” as the handling and observation of certain fire systems and units. (NAC 477.135) **Section 4** of this regulation revises the definition of “inspection” to mean the review of: (1) any plans and specifications for construction, buildings, facilities or other structures; and (2) fire protection systems to check for fire or other life safety hazards.

Existing regulations provide that the State Fire Marshal may grant a variance from the requirements of the codes and standards adopted by the State Fire Marshal. (NAC 477.287) **Section 5** of this regulation: (1) requires that a request for a variance be prepared and submitted by a licensed professional engineer or registered architect in this State; and (2) establishes a fee for reviewing a request for a variance of \$132 per hour or fraction thereof.

Existing regulations establish a fee of \$22 for witnessing a test for acceptance. (NAC 477.325) **Section 6** of this regulation increases this fee to \$27.

Existing regulations set forth certain fees for the review of plans and specifications by the State Fire Marshal based on the proposed cost of construction or the actual bid for construction. (NAC 477.750) **Section 8** of this regulation increases such fees.

Section 1. Chapter 477 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *The State Fire Marshal will charge a fee for the issuance of a certificate of compliance to a child care facility pursuant to NAC 477.562, which includes the fee for the inspection of the child care facility, on the basis of the zip code of the child care facility. The fee is as follows:*

<u>ZIP CODE</u>	<u>FEE</u>
88901.....	\$280.20
88905.....	180.20
89001.....	294.20
89002.....	180.20
89003.....	294.20
89004.....	180.20

89005.....	237.20
89006.....	237.20
89007.....	294.20
89008.....	294.20
89009.....	180.20
89010.....	294.20
89011.....	180.20
89012.....	180.20
89013.....	294.20
89014.....	180.20
89015.....	180.20
89016.....	180.20
89017.....	294.20
89018.....	237.20
89019.....	180.20
89020.....	237.20
89021.....	294.20
89022.....	294.20
89023.....	237.20
89024.....	237.20
89025.....	237.20
89026.....	180.20
89027.....	294.20

89028.....	294.20
89029.....	294.20
89030.....	180.20
89031.....	180.20
89032.....	180.20
89033.....	180.20
89034.....	294.20
89036.....	180.20
89037.....	294.20
89039.....	237.20
89040.....	237.20
89041.....	237.20
89042.....	294.20
89043.....	294.20
89044.....	180.20
89045.....	294.20
89046.....	237.20
89047.....	294.20
89048.....	237.20
89049.....	294.20
89052.....	180.20
89053.....	180.20
89054.....	180.20

89060.....	237.20
89061.....	180.20
89067.....	294.20
89070.....	237.20
89074.....	180.20
89077.....	180.20
89081.....	180.20
89084.....	180.20
89085.....	180.20
89086.....	180.20
89087.....	180.20
89101.....	180.20
89102.....	180.20
89103.....	180.20
89104.....	180.20
89105.....	180.20
89106.....	180.20
89107.....	180.20
89108.....	180.20
89109.....	180.20
89110.....	180.20
89111.....	180.20
89112.....	180.20

89113.....	180.20
89114.....	180.20
89115.....	180.20
89116.....	180.20
89117.....	180.20
89118.....	180.20
89119.....	180.20
89120.....	180.20
89121.....	180.20
89122.....	180.20
89123.....	180.20
89124.....	180.20
89125.....	180.20
89126.....	180.20
89127.....	180.20
89128.....	180.20
89129.....	180.20
89130.....	180.20
89131.....	180.20
89132.....	180.20
89133.....	180.20
89134.....	180.20
89135.....	180.20

89136.....	180.20
89137.....	180.20
89138.....	180.20
89139.....	180.20
89140.....	180.20
89141.....	180.20
89142.....	180.20
89143.....	180.20
89144.....	180.20
89145.....	180.20
89146.....	180.20
89147.....	180.20
89148.....	180.20
89149.....	180.20
89150.....	180.20
89151.....	180.20
89152.....	180.20
89153.....	180.20
89154.....	180.20
89155.....	180.20
89156.....	180.20
89157.....	180.20
89158.....	180.20

89159.....	180.20
89160.....	180.20
89161.....	180.20
89162.....	180.20
89163.....	180.20
89164.....	180.20
89165.....	180.20
89166.....	180.20
89169.....	180.20
89170.....	180.20
89173.....	180.20
89177.....	180.20
89178.....	180.20
89179.....	180.20
89180.....	180.20
89183.....	180.20
89185.....	180.20
89191.....	180.20
89193.....	180.20
89195.....	180.20
89199.....	180.20
89301.....	351.20
89310.....	294.20

89311.....	237.20
89314.....	351.20
89315.....	351.20
89316.....	237.20
89317.....	237.20
89318.....	351.20
89319.....	351.20
89402.....	180.20
89403.....	180.20
89404.....	351.20
89405.....	294.20
89406.....	294.20
89407.....	237.20
89408.....	237.20
89409.....	237.20
89410.....	180.20
89411.....	180.20
89412.....	294.20
89413.....	180.20
89414.....	237.20
89415.....	294.20
89418.....	294.20
89419.....	351.20

89420.....	237.20
89421.....	351.20
89422.....	294.20
89423.....	180.20
89424.....	237.20
89425.....	351.20
89426.....	351.20
89427.....	237.20
89428.....	180.20
89429.....	237.20
89430.....	237.20
89431.....	237.20
89432.....	237.20
89433.....	237.20
89434.....	237.20
89435.....	237.20
89436.....	237.20
89437.....	180.20
89438.....	237.20
89439.....	237.20
89440.....	180.20
89441.....	237.20
89442.....	237.20

89444.....	237.20
89445.....	351.20
89446.....	294.20
89447.....	237.20
89448.....	180.20
89449.....	180.20
89450.....	180.20
89451.....	180.20
89452.....	180.20
89460.....	180.20
89496.....	237.20
89501.....	237.20
89502.....	180.20
89503.....	237.20
89504.....	237.20
89505.....	237.20
89506.....	237.20
89507.....	237.20
89508.....	237.20
89509.....	180.20
89510.....	237.20
89511.....	180.20
89512.....	237.20

89513.....	237.20
89515.....	237.20
89519.....	180.20
89520.....	237.20
89521.....	180.20
89523.....	237.20
89533.....	237.20
89555.....	237.20
89557.....	237.20
89570.....	237.20
89595.....	237.20
89599.....	237.20
89701.....	180.20
89702.....	180.20
89703.....	180.20
89704.....	180.20
89705.....	180.20
89706.....	180.20
89711.....	180.20
89712.....	180.20
89713.....	180.20
89714.....	180.20
89721.....	180.20

89801.....	237.20
89802.....	237.20
89803.....	237.20
89815.....	237.20
89820.....	237.20
89821.....	180.20
89822.....	180.20
89823.....	294.20
89824.....	180.20
89825.....	351.20
89826.....	351.20
89828.....	237.20
89830.....	351.20
89831.....	294.20
89832.....	294.20
89833.....	237.20
89834.....	237.20
89835.....	294.20
89883.....	351.20

Sec. 3. 1. *Except as otherwise provided in this section and section 2 of this regulation, the State Fire Marshall will charge a fee of \$46.20 per hour in relation to any inspection required to obtain a certificate of compliance pursuant to NAC 477.740.*

2. *Except as otherwise provided in section 2 of this regulation, in addition to the fee required pursuant to subsection 1, the State Fire Marshal will charge the following, if applicable, in relation to any inspection required to obtain a certificate of compliance pursuant to NAC 477.740:*

(a) *If an inspection requires overnight travel by the State Fire Marshal, lodging and per diem expenses.*

(b) *If an inspection occurs at a time other than the normal business hours of the State Fire Marshal, an hourly cost sufficient to cover the salaries and administrative expenses of the State Fire Marshal.*

(c) *For a subsequent inspection at the same address, the actual cost of travel, salaries and administrative expenses.*

Sec. 4. NAC 477.135 is hereby amended to read as follows:

477.135 ~~{H.}~~ “Inspection” means the ~~{handling and observation}~~ review of ~~{a fixed hood system, portable fire extinguisher unit, fire sprinkler system, alarm system or special hazard suppression system}~~ :

1. *Any plans and specifications for construction, buildings, facilities or other structures;*
or

2. *Fire protection systems to check for* ~~{damage to the system or unit which could preclude it functioning as designed.}~~

~~—2.—The term does not include actual maintenance.}~~ *the existence of any fire or life safety hazards.*

Sec. 5. NAC 477.287 is hereby amended to read as follows:

477.287 *1.* The State Fire Marshal may address, by variance, any requirement of the codes or standards adopted by him or her. The variance must provide an alternate means and method for satisfying the requirement that is being addressed by the variance. The State Fire Marshal will evaluate the alternate means and method used to ensure that the means and method are at least equivalent with regard to quality, strength, effectiveness, fire resistance, durability and safety as the applicable provisions of NAC and the codes and standards adopted by the State Fire Marshal.

2. A request for a variance from a requirement of a code or standard adopted by the State Fire Marshal must:

(a) Be prepared and submitted by a person who is licensed as a professional engineer pursuant to chapter 625 of NRS or registered as an architect pursuant to chapter 623 of NRS;

(b) Bear the wet stamp and signature of the person who submitted the plans; and

(c) Include not less than 2 copies of the request for the variance along with the fee required pursuant to subsection 3.

3. For the review of a request for a variance submitted pursuant to this section, the State Fire Marshal will charge a fee of \$132 per hour or fraction thereof.

Sec. 6. NAC 477.325 is hereby amended to read as follows:

477.325 *1.* Except as otherwise provided in this chapter, the schedule of fees for:

(a) A license to install or maintain portable fire extinguishers and fixed systems and a blaster's certificate of registration is as follows:

- (1) Type A for full service of portable fire extinguishers\$528
- (2) Type B for portable fire extinguishers without hydrostatic service429
- (3) Type B-C or B-D for Type B with hydrostatic service (C is low pressure,

D is high pressure hydro).....	450
(4) Type E for fixed fire extinguishing systems:	
(I) E-1 for pre-engineered systems	165
(II) E-2 for all other engineered systems	165
(III) Both E-1 and E-2	330
(5) Type F for fire alarm	528
(6) Type G for automatic sprinkler systems, except those covered by	
N.F.P.A. Standards 13D and 13R, 2016 editions.....	528
(7) Type G-U for all underground private fire service mains and their	
appurtenances.....	297
(8) Type G-U for private hydrant repair, installation and maintenance.....	297
(9) Type G-U for the testing of backflow devices	297
(10) Type H for hood and duct cleaning	528
(11) Type I for standpipe systems	528
(12) Type J for systems classified pursuant to N.F.P.A. Standards 13D and	
13R, 2016 editions	528
(13) A new blaster's certificate of registration.....	66
(14) Annual renewal of a blaster's certificate	66
(15) Type MG license to install medical gas systems	297
(16) Type EWD (Early Warning Device) license to sell or install heat	
detectors	132
(b) A new certificate of registration (each class)	85
(c) Renewal of a certificate of registration.....	40

(d) Issuance of a duplicate license or certificate	14
(e) Change of information on a certificate or license.....	14
(f) An annual license for the sale at retail of all types of fire extinguishers	31
(g) Retaking an examination or any part of an examination.....	25
(h) A certificate of registration and license for codes and regulations in interior design	120
(i) Renewal of a certificate of registration and license for codes and regulations in interior design	56

2. The fees for a license do not apply to this State or its political subdivisions. The fees for certificates of registration apply in all cases. A certificate of registration operates as a license for a person to perform a specific job for a company licensed pursuant to this chapter and chapter 477 of NRS.

3. The State Fire Marshal will refund the fee for a license, less an administrative fee of \$38.50, if a written request for a refund, stating that the licensee has not, after being licensed, engaged in any of the activities for which the license is issued, is received by the State Fire Marshal within 30 days after the date of the issuance of the license.

4. The following fees are established for the administrative and regulatory services of the State Fire Marshal Division:

(a) All copy service will be at the rate of 50 cents for each page.

(b) Fees for investigative services are as follows:

(1) For expert testimony rendered by the Division in a civil proceeding, the fee of \$110 for each hour of testimony or research will be charged.

(2) The actual costs for an investigation must be paid by the person investigated if the person is found guilty.

(3) Investigative and hearing costs must be paid by the person investigated, if the hearing officer finds in favor of the State Fire Marshal.

(c) ~~{The fee for the issuance of a license or certificate of compliance is \$22. The State Fire Marshal will issue a certificate of compliance:~~

~~——(1) Annually for a licensed facility; or~~

~~——(2) For a facility which is not licensed, annually after an inspection and the removal of deficiencies, if any.~~

~~——(d) The State Fire Marshal may charge a fee for any other inspection services. The rate for this fee is \$38.50 per hour or any fraction thereof. The first inspection may be conducted at no charge. A fee for subsequent reinspections will be charged for the actual cost of travel, salaries and administrative expenses in addition to the inspection fee.~~

~~——(e)}~~ The State Fire Marshal may charge a fee for the following services based on an hourly cost sufficient to cover the salaries and administrative expenses for:

(1) ~~{Inspections outside of normal business hours.~~

~~——(2)}~~ Requests for an immediate review of plans to expedite a project. The State Fire Marshal will calculate the hourly costs based on the average amount the State Fire Marshal pays for the position of employment which is applicable to the service being provided, including, without limitation, inspectors and plan checkers.

~~{(3)}~~ (2) Additional reviews of plans or specifications required by changes, additions or alterations to the plans or specifications.

~~[(4)]~~ (3) Reviews of requests to use alternate materials, designs, methods of construction or equipment.

~~[(f)]~~ (d) The fee for witnessing any test for acceptance is ~~[\$22]~~ \$27 for each test requiring a separate fee for certification.

~~[(g)]~~ (e) A fee may be charged for the costs associated with providing training programs. The State Fire Marshal may waive this fee if a reasonable justification for doing so is provided.

~~[(h)]~~ (f) Instructional supplies and materials will be supplied at the approximate cost of providing them.

~~[(i)]~~ (g) Fees for instructors are \$55.30 per hour, or as set by contract for specific classes, plus per diem and travel expenses.

~~[(j)]~~ (h) Any additional costs for service will be added, as well as an administrative fee of 5.5 percent of the total cost of each program.

~~[(k)]~~ (i) Costs of certification are based upon hours of training, but will not exceed \$50. Fees will be charged for any certification other than:

- (1) Initial firefighter certification I and II for a member of a volunteer fire department; or
- (2) Certification for hazardous materials awareness and operations for all first responders for a governmental agency.

~~[(l)]~~ (j) Additional fees equal to those charged for initial testing will be charged for retesting those who fail.

~~[(m)]~~ (k) The State Fire Marshal will not collect fees pursuant to this section from a person if a third party, such as the employer of the person, pays that fee.

~~[(n)]~~ (l) Any service provided by the State Fire Marshal Division may be billed at the rate of \$38.50 per hour or the actual cost of providing the service, whichever is greater.

~~(e)~~ (m) Any service performed by a special deputy on behalf of the State Fire Marshal may be billed, pursuant to an interagency agreement, at the rate of \$38.50 per hour, the actual cost of providing the service or any other rate specified by this chapter. The State Fire Marshal may allow such fees or any part thereof to be collected and used by the agency supporting the special deputy.

~~(e)~~ (n) Approval for equipment or materials which are not on a list published by a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation will be issued annually for a fee of \$610 per product, \$38.50 per hour of research and actual expenses incurred in evaluating the product. If a product or material is not approved, there will be charged a fee of \$38.50 per hour of research and actual expenses incurred in evaluating the product, except that the minimum fee is \$184. Approval of a product lapses if the:

- (1) Product is modified;
- (2) Name of the product or person manufacturing the product is changed;
- (3) Ownership of the company is changed;
- (4) Use of the product is changed; or
- (5) Annual fee is not paid.

~~(e)~~ (o) Requests for statistical information received before the publication of the annual report will be supplied as available. The administrative cost to receive such statistical information will be calculated and assessed in accordance with this section.

5. The State Fire Marshal may establish a fee for supplying copies of the annual report to persons and agencies other than fire, legislative and state agencies. The fee will be limited to the actual cost of the publication and distribution of the report, plus an administrative fee of \$38.50.

6. The State Fire Marshal may refund all or part of any fee if he or she deems it appropriate. To be eligible for a training refund, a registrant must give not less than 72 hours' notice before removing his or her name from the registration list. The State Fire Marshal may require the registrant to provide written documentation of the notice.

7. For a plan review, the State Fire Marshal will collect a fee in accordance with section 109 of the *International Building Code*, 2018 edition.

Sec. 7. NAC 477.562 is hereby amended to read as follows:

477.562 1. The following requirements apply to child care facilities that require inspection and a certificate of compliance to be issued by the ~~{authority having jurisdiction:}~~ *State Fire Marshal*:

(a) Plans for the construction of new facilities or the remodeling of existing facilities, including, without limitation, plans to construct or remodel fire systems, must be submitted to the authority having jurisdiction for approval before the construction or remodeling begins.

(b) Each facility must be inspected for compliance with applicable fire and safety regulations by the ~~{authority having jurisdiction:}~~ *State Fire Marshal* before a license to operate the facility is issued. The facility must be inspected annually thereafter and have a current certificate of compliance issued by the ~~{authority having jurisdiction:}~~ *State Fire Marshal*.

(c) Smoke alarms, or if they are part of a fire alarm system, smoke detectors, approved by the State Fire Marshal must be installed pursuant to the manufacturer's instructions. In newly constructed buildings, smoke alarms or smoke detectors, as applicable, must receive their primary power from the building's wiring, with provision made for the detection of smoke during a power failure. If a smoke alarm or smoke detector powered by a battery is currently installed and it fails, the smoke alarm or smoke detector must be replaced by a smoke alarm or

smoke detector which receives its primary power from the wiring of the building and has a battery as a backup source of power.

(d) The State Fire Marshal will calculate the maximum number of occupants permitted in:

(1) A child care center based on an occupancy classification of I-4 or E.

(2) A child care facility based on an occupancy classification of I-4 for children less than 2 1/2 years of age and R-4 for children 2 1/2 years of age or older.

(3) A child care institution based on an occupancy classification of I-4 or E.

(4) A family home based on an occupancy classification of R-3.

(5) A group home based on an occupancy classification of I-4 for children less than 2 1/2 years of age and R-4 for children 2 1/2 years of age or older.

(e) Smoking is prohibited in any area designated as an “E” occupancy area unless the area has specifically been designated as a smoking area by the authority having jurisdiction. Where smoking is allowed, ashtrays must be provided.

(f) All stairs must be free of obstacles and stored combustible materials. Handrails with turn-ins must be provided if there are two or more steps in any stairway.

(g) Bathroom and closet doors must open from the inside without the need for a key or any special knowledge or effort and must be able to be immediately opened from the outside with the use of an appropriate device hung or placed above or near the door.

(h) Basements in R-3 occupancies used for child care must have at least two unobstructed exits which lead directly to the outside, one of which must open directly at ground level.

(i) Portable fire extinguishers must have a minimum rating of 2A-10BC and must be mounted pursuant to the requirements of:

(1) N.F.P.A. Standard 10, 2018 edition, and the requirements of the International Fire Code, 2018 edition; or

(2) The authority having jurisdiction.

(j) Heaters, fireplaces or other similar devices in rooms used for child care must be protected from contact with children by a sturdy, noncombustible partition, wire screen or protective metal guard. No portable heating devices are allowed.

(k) All heating equipment and hot water heaters must be:

(1) Enclosed in a manner which prevents children from coming into contact with them;
and

(2) Secured as required by the codes and standards adopted by the State Fire Marshal.

(l) Child-resistant covers must be installed on all electrical outlets accessible to children.

(m) Wastebaskets, garbage cans and other containers used to store garbage, waste, rubbish and other combustible materials must be constructed of noncombustible materials and have a tight-fitting lid of the same material. Wastebaskets or other trash containers placed in the designated smoking areas must be constructed of noncombustible materials with a tight-fitting lid of the same material.

(n) No more than 10 gallons of flammable liquid may be stored in any area designated as an “E” area. This flammable liquid must be stored in an approved metal container and out of the reach of children.

(o) Rooms in which equipment is used or where flammable liquids, combustible dust or similar hazardous materials are handled must be separated from other portions of the building by a material which has a rating of at least 1-hour fire barrier and must conform to the requirements of the *International Building Code*, 2018 edition.

2. As used in this section:

- (a) “Child care center” has the meaning ascribed to it in NAC 432A.050.
- (b) “Child care facility” has the meaning ascribed to it in NAC 432A.060.
- (c) “Child care institution” has the meaning ascribed to it in NAC 432A.070.
- (d) “Family home” has the meaning ascribed to it in NAC 432A.100.
- (e) “Group home” has the meaning ascribed to it in NAC 432A.110.

Sec. 8. NAC 477.750 is hereby amended to read as follows:

477.750 1. Any plans and specifications submitted to the State Fire Marshal for review must be accompanied by the appropriate fee based upon the proposed cost of construction or if a bid is accepted, the actual bid, according to the following:

Valuation	Fee	Valuation	Fee
\$1-4,000	[\$73.15] <i>\$87.78</i>	13,001-14,000.....	142.23] <i>170.68</i>
4,001-5,000	78.98] <i>94.78</i>	14,001-15,000.....	149.27] <i>179.12</i>
5,001-6,000	86.02] <i>103.22</i>	15,001-16,000.....	156.20] <i>187.44</i>
6,001-7,000	93.06] <i>111.67</i>	16,001-17,000.....	163.24] <i>195.89</i>
7,001-8,000	100.10] <i>120.12</i>	17,001-18,000.....	170.28] <i>204.34</i>
8,001-9,000	107.14] <i>128.57</i>	18,001-19,000.....	176.22] <i>211.46</i>
9,001-10,000	114.13] <i>136.96</i>	19,001-20,000.....	184.36] <i>221.23</i>
10,001-11,000	121.11] <i>145.33</i>	20,001-21,000.....	191.40] <i>229.68</i>
11,001-12,000	128.15] <i>153.78</i>	21,001-22,000.....	198.44] <i>238.13</i>
12,001-13,000	135.19] <i>162.23</i>	22,001-23,000.....	205.37] <i>246.44</i>

Valuation	Fee	Valuation	Fee
23,001-24,000	{212.41} 254.89	44,001-45,000	{320.10} 384.12
24,001-25,000	{219.45} 263.34	45,001-46,000	{325.16} 390.19
25,001-26,000	{224.51} 269.41	46,001-47,000	{330.22} 396.26
26,001-27,000	{229.57} 275.48	47,001-48,000	{335.17} 402.20
27,001-28,000	{234.52} 281.42	48,001-49,000	{340.23} 404.28
28,001-29,000	{239.58} 287.50	49,001-50,000	{345.29} 414.35
29,001-30,000	{243.98} 292.78	50,001-51,000	{348.81} 418.57
30,001-31,000	{249.70} 299.64	51,001-52,000	{352.33} 422.80
31,001-32,000	{254.65} 305.58	52,001-53,000	{355.85} 427.02
32,001-33,000	{259.71} 311.65	53,001-54,000	{359.37} 431.24
33,001-34,000	{264.77} 317.72	54,001-55,000	{362.78} 435.34
34,001-35,000	{269.83} 323.80	55,001-56,000	{366.30} 439.56
35,001-36,000	{274.78} 329.74	56,001-57,000	{369.82} 443.78
36,001-37,000	{279.84} 335.81	57,001-58,000	{373.34} 448.01
37,001-38,000	{284.90} 341.88	58,001-59,000	{376.86} 452.23
38,001-39,000	{289.96} 347.95	59,001-60,000	{380.38} 456.46
39,001-40,000	{294.91} 353.89	60,001-61,000	{383.90} 460.68
40,001-41,000	{299.97} 359.96	61,001-62,000	{387.42} 464.90
41,001-42,000	{305.03} 366.04	62,001-63,000	{390.94} 469.13
42,001-43,000	{310.09} 372.11	63,001-64,000	{394.46} 473.35
43,001-44,000	{315.04} 378.05	64,001-65,000	{397.98} 477.58

Valuation	Fee	Valuation	Fee
65,001-66,000	{401.50} 481.80	86,001-87,000.....	{482.24} 578.69
66,001-67,000	{404.91} 485.89	87,001-88,000.....	{485.76} 582.91
67,001-68,000	{408.43} 490.12	88,001-89,000.....	{489.28} 587.14
68,001-69,000	{411.95} 494.34	89,001-90,000.....	{492.80} 591.36
69,001-70,000	{415.47} 498.56	90,001-91,000.....	{496.21} 595.45
70,001-71,000	{422.51} 507.01	91,001-92,000.....	{499.73} 599.68
71,001-72,000	{426.03} 511.24	92,001-93,000.....	{503.25} 603.90
72,001-73,000	{429.55} 515.46	93,001-94,000.....	{506.77} 608.12
73,001-74,000	{433.07} 519.68	94,001-95,000.....	{510.29} 612.35
74,001-75,000	{436.59} 523.91	95,001-96,000.....	{513.81} 616.57
75,001-76,000	{440.11} 528.13	96,001-97,000.....	{517.33} 620.80
76,001-77,000	{443.63} 532.36	97,001-98,000.....	{520.85} 625.02
77,001-78,000	{447.15} 536.58	98,001-99,000.....	{524.37} 629.24
78,001-79,000	{450.56} 540.67	99,001-100,000.....	{527.89} 633.47
79,001-80,000	{457.60} 549.12		
80,001-81,000	{461.12} 553.34		
81,001-82,000	{466.84} 560.21		
82,001-83,000	{468.16} 561.79		
83,001-84,000	{471.68} 566.02		
84,001-85,000	{475.20} 570.24		
85,001-86,000	{478.72} 574.46		

2. If the proposed cost or bid is more than \$100,000 but less than \$500,000, the fee is ~~[\$531.41]~~ \$633.47 for the first \$100,000 plus ~~[\$2.69]~~ \$3.22 for each additional \$1,000 or fraction thereof of the proposed cost or bid.

3. If the proposed cost or bid is \$500,000 or more but less than \$1,000,000, the fee is ~~[\$1,609.41]~~ \$1,931 for the first \$500,000 plus ~~[\$2.37]~~ \$2.84 for each additional \$1,000 or fraction thereof of the proposed cost or bid.

4. If the proposed cost or bid is \$1,000,000 or more, the fee is ~~[\$2,780.91]~~ \$3,337.10 for the first \$1,000,000 plus \$1.65 for each additional \$1,000 or fraction thereof of the proposed cost or bid.

5. If a conference is required for any given project, a fee will be charged at the rate of ~~[\$55]~~ \$66 per hour or any fraction thereof, for each person from the State Fire Marshal's Office required to attend the conference.

6. If an agreement is reached by a local government and the State Fire Marshal whereby the process for review of the plans is delegated to the local authority, the local authority may use the schedule of fees set forth in this section or a schedule of fees which has been approved by the local authority.

7. If a review of plans by a local government waives or grants a variance of a minimum standard established by the State Fire Marshal or otherwise requires review by the State Fire Marshal, the local government shall require the plans to be submitted to the State Fire Marshal for review. The State Fire Marshal will charge the person on whose behalf the plans are submitted a fee of ~~[\$55]~~ \$66 per hour for each person who participates in the review. The State

Fire Marshal will notify the local government of his or her approval or disapproval of the plans upon completion of his or her review.