

1 **SENATE FLOOR VERSION**

2 April 1, 2024

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 3169

6 By: Kerbs of the House

7 and

8 Green of the Senate

9 An Act relating to the State Fire Marshal; amending
10 74 O.S. 2021, Section 324.7, which relates to rules,
11 regulations and specifications; requiring the
12 promulgation of certain rules; identifying persons to
13 be held liable for violations; and declaring an
14 emergency.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 74 O.S. 2021, Section 324.7, is
17 amended to read as follows:

18 Section 324.7 A. Except as otherwise specified by subsection B
19 of this section, the State Fire Marshal Commission shall have the
20 power and duty to prescribe, adopt, and promulgate, in the manner
21 set forth in this act, such reasonable rules, regulations, or
22 specifications on matters relating to the safeguarding of life and
23 property from the hazards of fire and explosion arising from
24 storage, handling, and use of flammable and combustible materials,
and from conditions hazardous to life or property in the use or
occupancy of buildings or premises, as are deemed just and

1 reasonable and in accordance with the codes as last adopted by the
2 Oklahoma Uniform Building Code Commission, and not inconsistent with
3 this act, and to revoke, amend, or supersede the same. Exceptions
4 to these standards shall be granted to detention and correction
5 facilities in existence on November 1, 1985, when noncompliance
6 would not result in a life-threatening condition to inmates
7 incarcerated in such facilities. All such rules, regulations, and
8 specifications or any revisions or amendments thereto shall not
9 become effective until promulgated in accordance with the provisions
10 of the Administrative Procedures Act.

11 B. 1. Liquefied petroleum gas defined by Section 420.1 of
12 Title 52 of the Oklahoma Statutes shall be regulated by the Oklahoma
13 Liquefied Petroleum Gas Board.

14 2. Flammable liquids stored in tanks at service stations shall
15 be regulated by the Corporation Commission.

16 C. For the purpose of this section:

17 1. "Flammable liquids" means all petroleum products used as
18 motor fuel and all grades of gasoline, kerosene, diesel fuel and
19 aviation fuel having a vapor pressure not exceeding forty (40)
20 pounds per square inch absolute at one hundred (100) degrees
21 Fahrenheit;

22 2. "Service station" means any facility including but not
23 limited to businesses serving the public, marinas and airports where
24 flammable liquids are stored in aboveground tanks and dispensed for

1 retail sales into the fuel tanks of airplanes, vessels or motor
2 vehicles of the public; and

3 3. "Aboveground tank" means any stationary vessel at a service
4 station and is located above the surface of the ground or on the
5 ground which is designed to contain an accumulation of flammable
6 liquids and which is constructed of nonearthen materials that
7 provide structural support.

8 D. The State Fire Marshal Commission shall promulgate rules
9 allowing the use and storage of propane-fueled grills and flattop
10 griddles and electric wood pellet grills on boat docks; provided,
11 that the act of using such cooking instruments is performed within
12 ten (10) feet of a fire extinguisher. The fire extinguisher shall
13 be installed and maintained in accordance with the most current
14 version of NFPA 10 (Standard for Portable Fire Extinguishers). Any
15 violations or penalties shall be assessed to the person committing
16 acts contrary to this subsection. The owner or operator of the
17 marina or dock shall not be held liable for the actions of its
18 tenants or others.

19 SECTION 2. It being immediately necessary for the preservation
20 of the public peace, health or safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

23 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE
24 April 1, 2024 - DO PASS AS AMENDED