

CHAPTER 299F

FIRE MARSHAL

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299F.011 UNIFORM FIRE CODE; ADOPTION.

[For text of subds 1 to 4b, see M.S.2004]

Subd. 4c. [Repealed, 2005 c 136 art 9 s 15]

[For text of subds 5 to 6; see M.S.2004]

Subd. 7. **Fees.** The state fire marshal shall charge a fee of \$100 for each plan review involving:

- (1) flammable liquids;
- (2) motor vehicle fuel-dispensing stations; or
- (3) liquefied petroleum gases.

History: 2005 c 136 art 9 s 4

299F.014 RULES FOR CERTAIN PETROLEUM STORAGE TANKS; TANK VEHICLE PARKING.

(a) Any rule of the commissioner of public safety that adopts provisions of the State Fire Code relating to aboveground tanks for petroleum storage that are not used for dispensing to the public is superseded by Minnesota Rules, chapter 7151, in regard to: secondary containment, substance transfer areas, tank and piping standards, overfill protection, corrosion protection, leak detection, labeling, monitoring, maintenance, record keeping, and decommissioning. If Minnesota Rules, chapter 7151, does not address an issue relating to aboveground tanks for petroleum storage that are not used for dispensing to the public, any applicable provision of the State Fire Code applies.

(b) A motorized tank vehicle used to transport petroleum products may be parked within 500 feet of a residence if the vehicle is parked at an aboveground tank facility used for dispensing petroleum into cargo tanks for sale at another location.

History: 2005 c 136 art 9 s 5

299F.015 [Repealed, 2005 c 136 art 9 s 15]

299F.05 LAW ENFORCEMENT POWERS; INFORMATION SYSTEM.

Subdivision 1. **Investigation, arrest, and prosecution.** On determining that reasonable grounds exist to believe that a violation of sections 609.561 to 609.576 has occurred or that some other crime has occurred in connection with a fire investigated pursuant to section 299F.04, the state fire marshal shall so inform the law enforcement authority having jurisdiction, who shall cooperate with the fire marshal and local fire officials in further investigating the reported incident in a manner that may include supervising and directing the subsequent criminal investigation and taking the testimony on oath of all persons supposed to be cognizant of any facts relating to the matter under investigation. On determining that there is evidence sufficient to charge any person with a violation of sections 609.561 to 609.576, or of any other crime in connection with an investigated fire, the authority having jurisdiction shall have the person arrested and charged with the offense and furnish to the proper prosecuting attorney all relevant evidence, together with the copy of all names of witnesses and all

the information obtained by the authority or the state fire marshal, including a copy of all pertinent and material testimony taken in the case.

Subd. 2. Information system. The state fire marshal shall maintain a record of arrests, charges filed, and final disposition of all fires reported and investigated under sections 299F.04 and 299F.05. For this purpose, the Department of Public Safety shall implement a single reporting system utilizing the systems operated by the fire marshal. The system must be operated in such a way as to minimize duplication and discrepancies in reported figures.

History: 2005 c 136 art 9 s 6

299F.051 ARSON TRAINING.

[For text of subs 1 to 3, see M.S.2004]

Subd. 4. Cooperative investigation. The state fire marshal and the superintendent of the Bureau of Criminal Apprehension shall encourage the cooperation of local firefighters and peace officers in the investigation of violations of sections 609.561 to 609.576 or other crimes associated with reported fires in all appropriate ways.

History: 2005 c 10 art 1 s 63; 2005 c 136 art 9 s 7

299F.06 TESTIMONIAL POWERS.

Subdivision 1. Summon witnesses; produce documentary evidence. (a) In order to establish if reasonable grounds exist to believe that a violation of sections 609.561 to 609.576 has occurred, or to determine compliance with the State Fire Code or corrective orders issued under that code, the state fire marshal and the staff designated by the state fire marshal, in any county of the state, may summon and compel the attendance of witnesses to testify before the state fire marshal, chief assistant fire marshal, or deputy state fire marshals and may require the production of any book, paper, or document deemed pertinent.

(b) A summons issued under this subdivision must be served in the same manner and has the same effect as a subpoena issued from a district court. All witnesses must receive the same compensation as is paid to witnesses in district courts, which must be paid out of the fire marshal fund upon a voucher certificate signed by the state fire marshal, chief assistant fire marshal, or deputy fire marshal before whom any witnesses have attended and this officer shall, at the close of the investigation in which the witness was subpoenaed, certify to the attendance and mileage of the witness. This certificate must be filed in the Office of the State Fire Marshal. All investigations held by or under the direction of the state fire marshal or any subordinate may, in the state fire marshal's discretion, be private and persons other than those required to be present by the provisions of this chapter may be excluded from the place where the investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

[For text of subs 2 and 3, see M.S.2004]

History: 2005 c 136 art 9 s 8

299F.093 POWERS AND DUTIES OF COMMISSIONER.

Subdivision 1. Duties; rules. The commissioner shall:

(1) adopt rules no later than July 1, 1987, with the advice of the Hazardous Substance Notification Advisory Committee, establishing the form and content of the hazardous substance notification report form, as required by section 299F.094, and describing one or more hazard categories with specified ranges of quantities in each hazard category, representing increments of substantially increased risk;

(2) print and provide to individual fire departments the requested number of hazardous substance notification reports, which must be made available to a fire department no more than 90 days following its request, for the fire department to mail or otherwise make available to employers in the jurisdiction;

(3) report to the legislature, as needed, on the effectiveness of sections 299F.091 to 299F.099 and recommend amendments to sections 299F.091 to 299F.099 that are considered necessary;

(4) adopt rules to implement sections 299F.091 to 299F.099, compatible with the Minnesota Uniform Fire Code so as to not limit the authority of local fire officials under that code; and

(5) adopt rules that are based on the most recent standard 704, adopted by the National Fire Protection Association, and that allow a fire department to require employers within its jurisdiction to post signs conforming to standard 704, and indicating the presence of hazardous substances. If the signs are required, a fire department shall supply the signs or provide information to assist an employer to obtain them.

[For text of subd 2, see M.S.2004]

History: 2005 c 10 art 1 s 64.

299F.10 [Repealed, 2005 c 136 art 9 s 15]

299F.11 [Repealed, 2005 c 136 art 9 s 15]

299F.12 [Repealed, 2005 c 136 art 9 s 15]

299F.13 [Repealed, 2005 c 136 art 9 s 15]

299F.14 [Repealed, 2005 c 136 art 9 s 15]

299F.15 [Repealed, 2005 c 136 art 9 s 15]

299F.16 [Repealed, 2005 c 136 art 9 s 15]

299F.17 [Repealed, 2005 c 136 art 9 s 15]

299F.19 FLAMMABLE LIQUIDS AND EXPLOSIVES.

Subdivision 1. Rules. The commissioner of public safety shall adopt rules for the safekeeping, storage, handling, use, or other disposition of blasting agents and explosives. Loads carried in or on vehicles transporting these products upon public highways within this state are governed by the uniform vehicle size and weights provisions in sections 169.80 to 169.88 and the transportation of hazardous materials provisions of section 221.033.

Subd. 2. Blasting agent defined; explosives classified. For the purposes of this section and the rules adopted pursuant to this section:

(a) "Blasting agent" means any material or mixture, consisting of a fuel and oxidizer, intended for blasting, not otherwise classified as an explosive and in which none of the ingredients is classified as an explosive; providing that, the finished product, as mixed and packaged for use or shipment, cannot be detonated by means of a number 8 test blasting cap when unconfined. "Blasting agent" does not include flammable liquids or flammable gases.

(b) "Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. The term includes, but is not limited to, dynamite, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, igniters, display fireworks, and class 1.3G fireworks (formerly classified as Class B special fireworks). "Explosive" includes any material determined to be within the scope of United States Code, title 18, chapter 40, and also includes any material classified as an explosive other than consumer fireworks, 1.4G (Class C, Common), by the hazardous materials regulations of the United States Department of Transportation (DOT) in Code of Federal Regulations, title 49.

(c) Explosives are divided into four categories and are defined as follows:

(1) High explosive: explosive material, such as dynamite, that can be caused to detonate by means of a number eight test blasting cap when unconfined.

(2) Low explosive: explosive material that will burn or deflagrate when ignited, characterized by a rate of reaction that is less than the speed of sound, including, but not limited to, black powder, safety fuse, igniters, igniter cord, fuse lighters, class 1.3G fireworks (formerly classified as Class B special fireworks), and class 1.3C propellants.

(3) Mass-detonating explosives: division 1.1, 1.2, and 1.5 explosives alone or in combination, or loaded into various types of ammunition or containers, most of which can be expected to explode virtually instantaneously when a small portion is subjected to fire, severe concussion, impact, the impulse of an initiating agent, or the effect of a considerable discharge of energy from without. Materials that react in this manner represent a mass explosion hazard. Such an explosive will normally cause severe structural damage to adjacent objects. Explosive propagation could occur immediately to other items of ammunition and explosives stored sufficiently close to and not adequately protected from the initially exploding pile with a time interval short enough so that two or more quantities must be considered as one for quantity-distance purposes.

(4) United Nations/United States Department of Transportation (UN/DOtn) Class 1 explosives: the hazard class of explosives that further defines and categorizes explosives under the current system applied by DOTn for all explosive materials into further divisions as follows, with the letter G identifying the material as a pyrotechnic substance or article containing a pyrotechnic substance and similar materials:

(i) Division 1.1 explosives have a mass explosion hazard. A mass explosion is one that affects almost the entire load instantaneously.

(ii) Division 1.2 explosives have a projection hazard but not a mass explosion hazard.

(iii) Division 1.3 explosives have a fire hazard and either a minor blast hazard or a minor projection hazard or both, but not a mass explosion hazard.

(iv) Division 1.4 explosives pose a minor explosion hazard. The explosive effects are largely confined to the package and no projection of fragments of appreciable size or range is to be expected. An external fire must not cause virtually instantaneous explosion of almost the entire contents of the package.

(v) Division 1.5 explosives are very insensitive and are comprised of substances that have a mass explosion hazard, but are so insensitive that there is very little probability of initiation or of transition from burning to detonation under normal conditions of transport.

(vi) Division 1.6 explosives are extremely insensitive and do not have a mass explosion hazard, comprised of articles that contain only extremely insensitive detonating substances and that demonstrate a negligible probability of accidental initiation or propagation.

[For text of subs 3 to 6, see M.S.2004]

History: 2005 c 136 art 9 s 9,10

299F.361 [Repealed, 2005 c 136 art 9 s 15]

299F.362 SMOKE DETECTOR; INSTALLATION; RULES; PENALTY.

[For text of subs 1 and 2, see M.S.2004]

Subd. 3. Smoke detector for any dwelling. Every dwelling unit within a dwelling must be provided with a smoke detector meeting the requirements of the State Fire Code. The detector must be mounted in accordance with the rules regarding smoke detector location adopted under subdivision 2. When actuated, the detector must provide an alarm in the dwelling unit.

[For text of subd 3a, see M.S.2004]

Subd. 4. Smoke detector for apartment, lodging house, or hotel. Every dwelling unit within an apartment house and every guest room in a lodging house or hotel used for sleeping purposes must be provided with a smoke detector conforming to the requirements of the State Fire Code. In dwelling units, detectors must be mounted in accordance with the rules regarding smoke detector location adopted under subdivision 2. When actuated, the detector must provide an alarm in the dwelling unit or guest room.

[For text of subds 5 to 11, see M.S.2004]

History: 2005 c 136 art 9 s 11,12

299F.451 [Repealed, 2005 c 136 art 9 s 15].

299F.452 [Repealed, 2005 c 136 art 9 s 15]