

SB 494-FN - AS AMENDED BY THE SENATE

02/05/2026 0371s

2026 SESSION

26-2059

09/08

SENATE BILL

494-FN

AN ACT relative to the state fire code, fire incident reporting and investigations, and the duties of the state fire marshal.

SPONSORS: Sen. Pearl, Dist 17; Sen. Gannon, Dist 23; Sen. McGough, Dist 11; Rep. Layon, Rock. 13; Rep. Slottje, Hills. 13; Rep. Thibault, Merr. 25; Rep. Schmidt, Straf. 14

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill:

I. Updates the version of the fire code and ratifies all amendments reviewed and approved by the board of fire control as of December 31, 2025.

II. Modifies the procedures for the reporting and investigation of fires.

III. Adds additional duties to the state fire marshal.

IV. Requires the office of professional licensure and certification to share with the fire marshal certain information for current licensees and past licensees of the mechanical safety and licensing board and electricians' board to aid certain inspectors appointed by the fire marshal or department of safety.

This bill is a request of the state fire marshal's office.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to the state fire code, fire incident reporting and investigations, and the duties of the state fire marshal.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 State Board of Fire Control; Definitions. Amend RSA 153:1, VI-a to read as follows:

2 VI-a. "New Hampshire fire code" or "state fire code" means the adoption by reference of the
3 Life Safety Code, NFPA 101, [2021] **2024** edition, and the Uniform Fire Code NFPA 1, [2021] **2024**
4 edition, as published by the National Fire Protection Association and as amended by the state board
5 of fire control and ratified by the general court pursuant to RSA 153:5. The provisions of any other
6 national code, model code, or standard referred to within a code listed in this definition shall be
7 included in the state fire code unless amended in accordance with RSA 153:5.

8 2 State Board of Fire Control; Report of Fire Department Incident Responses. RSA 153:11 is
9 repealed and reenacted to read as follows:

10 153:11 Report of Fire Department Incident Responses.

11 Every fire department incident response occurring in this state shall be reported to the state fire
12 marshal within 10 days after the occurrence of the same by the appropriate fire chief or designee.
13 The state fire marshal shall provide the necessary instructional data for the fire chiefs for incident
14 reporting. Notwithstanding RSA 21-G:9, II(b), the state fire marshal may adopt rules pursuant to
15 RSA 541-A with the approval of the commissioner of the department of safety relative to fire
16 department incident response reporting.

17 3 State Board of Fire Control; Investigations. Amend RSA 153:18 to read as follows:

18 153:18 Investigations. The state fire marshal may, in addition to the reports made by any fire
19 chief, whenever the state fire marshal deems it expedient or advisable, investigate or cause to be
20 investigated, the cause, circumstances, and origin of any fire or building collapse occurring in the
21 state, by which property is endangered, damaged, or destroyed, or any incident involving the release
22 of carbon monoxide other than from a motor vehicle, and may especially examine and decide whether
23 the same was the result of carelessness, design, or deliberate act. The state fire marshal shall have
24 the power vested in a justice of the peace to compel the attendance of witnesses to testify upon an
25 inquiry. Any fire, building collapse, or release of carbon monoxide [~~other than from a motor vehicle~~]
26 occurring where death results shall be reported immediately to the office of the state fire marshal by
27 the fire chief, and the office of the state fire marshal shall investigate the fire, building collapse, or
28 release of carbon monoxide within 48 hours after receiving said report. ***When the cause, origin,***
29 ***and circumstances of any fire occurring in any city, town, village district, or precinct in***
30 ***this state indicates that such fire was the result of design, or of suspicious origin, the fire***

chief or designee shall immediately notify the state fire marshal. The state fire marshal shall have the authority to submit his or her findings of facts in the case to the state police, county attorney, or other local authorities who may assist him or her in the prosecution of the matter.

4 New Paragraphs; State Board of Fire Control; Duties of the State Fire Marshal. Amend RSA 153:4-a by inserting after paragraph V the following new paragraphs:

VI. The state fire marshal may charge an inspection fee for electrical and mechanical safety inspections at the request of property owners, local code enforcement authorities, or contractors performing or responsible for the work. An inspection fee shall not be charged for consultation or assistance to a local code enforcement authority. The inspection fee schedule shall be the fees outlined in Saf-C 8100.

VII. The state fire marshal may assist with and conduct a local fire code inspection at the request of property owner or contractor, which has followed existing local permitting requirements, after three business days of unavailability by the local fire chief or designee. Nothing in this section shall require the state fire marshal to accept the inspection request. The state fire marshal may assess an inspection fee to the property owner or contractor requesting the inspection in accordance with the fee schedule outlined in Saf-C 8100.

5 New Paragraph; State Board of Fire Control; Mechanical Licensing; Inspectors. Amend RSA 153:34 by inserting after paragraph IV the following new paragraph:

V. In furtherance of assisting the appointed inspectors in their duties under this section, the executive director of the office of professional licensure and certification, or its designees, shall share with the state fire marshal, or its designees, a data export for current licensees and past licensees of the mechanical safety and licensing board from the official record of the office and the board. The data export shall be sent at such intervals and only include such information as the state fire marshal and executive director agree is necessary for the inspectors to perform their daily responsibilities. Such information shall not include personal information as that term is defined in RSA 359-I, except it may include contact information for current and past licensees of the board. For any shared information that the office is required to hold confidential and exempt from the disclosure requirements of RSA 91-A, the state fire marshal shall also be required to hold confidential and exempt from the requirements of RSA 91-A.

6 New Paragraph; Electricians; Inspectors. Amend RSA 319-C:5 by inserting after paragraph IV the following new paragraph:

IV-a. In furtherance of assisting the appointed inspectors with their duties under this section, the executive director of the office of professional licensure and certification, or its designees, shall share with the state fire marshal, or its designees, a data export for current licensees and past licensees of the electricians' board from the official record of the office and the board. The data export shall be sent at such intervals and only include such information as the state fire marshal

SB 494-FN - AS AMENDED BY THE SENATE

- Page 3 -

1 and executive director agree is necessary for the inspectors to perform their daily responsibilities.
2 Such information shall not include personal information as that term is defined in RSA 359-I, except
3 it may include contact information for current and past licensees of the board. For any shared
4 information that the office is required to hold confidential and exempt from the disclosure
5 requirements of RSA 91-A, the state fire marshal shall also be required to hold confidential and
6 exempt from the requirements of RSA 91-A.

7 7 State Fire Code; Ratification of Amendments; State Board of Fire Control. Pursuant to RSA
8 153:5, I, the general court hereby ratifies all amendments reviewed and approved by the board of fire
9 control as of December 31, 2025.

10 8 Effective Date. This act shall take effect 60 days after its passage.

SB 494-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2026-0371s)

AN ACT relative to the state fire code, fire incident reporting and investigations, and the duties of the state fire marshal.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	Up to \$50,000 per year		
Revenue Fund(s)	General Fund			
Expenditures*	\$0	\$135,000	\$107,000	\$112,000
Funding Source(s)	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
Funding Source(s)	None			

***Expenditure = Cost of bill**

***Appropriation = Authorized funding to cover cost of bill**

METHODOLOGY:

This bill makes statutory updates relative to the State fire code, makes updates to incident reporting and investigation, and adds additional duties to the state Fire Marshal's office. The Department states the additional duties "cleans-up" mechanical and electrical inspection fee language due to the move of the state mechanical and electrical inspectors from the Office of Professional Licensure and Certification (OPLC) to the Division of Fire Safety in FY 2026. Mechanical fees are already being charged, and this bill clarifies the fees will be within Department of Safety. This bill adds an electrical inspection fee to align with the mechanical fee requests (charged when owners or contractors request an inspection). All inspection fees will follow the existing fee schedule in administrative rules. The Department states this could increase state general fund revenue by up to \$50,000 per year.

Also included in this bill is a provision to allow owners and contractors to request the services of the Division of Fire Safety when a local fire chief, or designee, is unavailable to perform a fire code inspection within three (3) business days. To accommodate the anticipated increase in workload, the Department states it would need to hire one (1) additional Fire Inspector position to conduct these inspections in a timely manner and maintain compliance with statutory response expectations and be responsible for performing on-site fire code inspections statewide, preparing reports, and coordinating with local officials and property owners. The Department

estimates the cost of the position (pay band SOC33L-07, starting step 3) would be \$135,000 in FY 2027, \$107,000 in FY 2028, and \$112,000 in FY 2029. This includes salary, benefits, and other expenses such as equipment and travel. It should be noted that this bill provides neither authorization nor appropriation for new personnel.

The Office of Professional Licensure and Certification states, under this bill, it would be required to send to the Fire Marshal's Office a data export of current and past licensees for the Mechanical Safety and Licensing Board and the Electricians' Board. The OPLC regularly extracts data for other agencies and has a process and policy in place for doing data extracts. Any costs are expected to be minimal (under \$10,000) and likely absorbed in its normal operating budget.

AGENCIES CONTACTED:

Department of Safety and Office of Professional Licensure and Certification