

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 497
Economic Matters

(Delegate Haddaway, *et al.*)

**Public Safety - State Fire Prevention Commission - Unattended Marine Vessel
Motor Fuel Retail Service Stations at Marinas**

This bill requires the State Fire Prevention Commission, by regulation, to allow the continuous operation of an unattended marine vessel motor fuel retail service station at a marina. The regulations must be consistent with any provisions or regulations governing the continuous operation of an unattended motor vehicle retail service station.

Fiscal Summary

State Effect: None. The bill's provisions would not significantly affect the operations or finances of the State Fire Marshal or the commission.

Local Effect: None.

Small Business Effect: Potential meaningful. Allowing the continuous operation of an unattended marine vessel fuel station could have a savings in overhead costs (personnel) for a marina. Any potential impact on the volume of fuel sold and dispensed is unknown.

Analysis

Current Law: The State Fire Prevention Commission may make recommendations to the Secretary of State Police about the daily operations of the State Fire Marshal, including recommendations about budget and personnel matters, but the commission does not have direct line authority over the administration of the office of State Fire Marshal. The commission may issue subpoenas and administer oaths in connection with any public hearing. The exercise of all powers and authority and the performance of all

duties and functions vested in the commission are subject to the powers and authority of the Secretary. By September 30 of each year, the commission must transmit an annual report of the commission's activities to the Governor and the Secretary.

The State Fire Prevention Code is set by the commission by regulation. The code must comply with standard safe practice as embodied in widely recognized standards of good practice for fire prevention and fire protection. The code has the force and effect of law in the political subdivisions of the State.

Under the National Fire Codes (Automotive and Marine Service Station Code) and the State Fire Prevention Code (COMAR 29.06.01.06), a marine motor fuel dispensing facility must have an attendant or supervisor on duty whenever the facility is open for business. The attendant's primary function is to supervise, observe, and control the dispensing of liquids.

Effective August 1, 2004, the commission adopted a code provision that allows the operation of unattended self-service stations, subject to the approval of the authority having jurisdiction. However, this provision does not apply to marine service stations.

Background: In 2004, four marinas were found to have a marine service station that could only be used by individuals who had been given a card that enables the fuel pumps to operate. These marina service stations were not open to the general public and did not have attendants on duty when the stations were available for use by the cardholders.

On July 14, 2004, the Fire Marshal ordered the four marinas to discontinue the use of unattended self-service marine motor fuel dispensing pumps. Wise Oil, a company that supplies fuel to the marinas in question, appealed the Fire Marshal's order to the commission. The commission denied the appeal and concluded that the four marinas had to discontinue the use of the unattended self-service pumps.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Natural Resources, Comptroller's Office, Department of State Police (State Fire Marshal), Department of Legislative Services

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ncs/jr

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