

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1075
Judiciary

(Delegate Rosenberg)

State Fire Marshal - Investigations - Reporting Requirement

This bill requires the State Fire Marshal, if the State Fire Marshal investigates the origin or circumstances of a fire or explosion or an attempt to cause either in the State, as authorized to do under current law, to report to the Public Service Commission (PSC) with an update of the investigation (1) within 90 days after the specified fire or explosion and (2) every 90 days thereafter until the investigation is concluded. The update must include the status of the investigation and the expected date on which the investigation will conclude.

Fiscal Summary

State Effect: The Office of the State Fire Marshal (OSFM) can handle the bill's reporting requirements with existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law:

State Fire Marshal – Investigations and Reporting

At any time, the State Fire Marshal is authorized to investigate the origin or circumstances of a fire or explosion or an attempt to cause a fire or explosion that occurs in the State. At any time, the State Fire Marshal (1) may enter into and examine a building or premises where a fire (or attempt to cause a fire) has occurred; (2) may enter into a building or

premises adjacent to a building or premises where a fire (or attempt to cause a fire) has occurred; and (3) may take full control and custody of the building or premises and place an individual that the State Fire Marshal considers proper in charge of the building or premises, until the examination and investigation of the State Fire Marshal is completed.

At the request of the governing body of a county or municipality, the State Fire Marshal must make a written report of the investigation of a fire that occurred within that county or municipality. In addition, at the request of the owner or insurer of property destroyed or damaged by fire or explosion (or in which an attempt to cause a fire or explosion may have occurred), the State Fire Marshal must make a written report of the result of the investigation regarding the property.

Public Service Commission – Authority to Investigate Utilities

PSC has broad statutory authority to investigate utilities and to ensure their safe operation for the public good. Specifically, PCS must initiate and conduct any investigation necessary to execute its power or to perform its duties. In doing so, PSC may (1) examine the records of a public service company; (2) compel production of records by subpoena; and (3) require verified copies of the records be filed with PSC.

Public service companies must notify PSC of any accident involving the public service company that results in personal injury requiring hospitalization, property damage exceeding \$50,000, or loss of life. In addition, the public service company must notify PSC within 30 days after the day the accident occurs or within a period specified by PSC.

PCS advises that its Engineering Division investigates a fire or explosion event when notified by a public service company and determines if the event is utility related. Upon the conclusion of the investigation, PSC may require an evidentiary hearing, sanction the public service company with fines in the event there was a safety violation, or make broader policy recommendations.

Additional Comment: OSFM advises that in fiscal 2020, the office received approximately 700 requests by local jurisdictions to investigate instances of potential fire/explosion activity; of those, approximately 500 were fire related.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 481 (Senator Carter) - Finance.

Information Source(s): Department of State Police; Public Service Commission;
Department of Legislative Services

Fiscal Note History: First Reader - February 17, 2021
an/lgc

Analysis by: Thomas S. Elder

Direct Inquiries to:
(410) 946-5510
(301) 970-5510