

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
Department of State Police  
(DLS Control No. 14-212)**

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**Overview and Legal and Fiscal Impact**

These regulations allow the State Fire Marshal to reduce fees for inspections that the Marshal or the Marshal's designee conducts for new and existing buildings for which a municipal or county corporation elects to conduct the plan review and charge a fee but does not conduct the inspection.

The regulations present no legal issues of concern.

There is no material fiscal impact on State or local agencies.

**Regulations of COMAR Affected**

**Department of State Police:**

Fire Prevention Commission: Fees for Fire Prevention Services:  
COMAR 29.06.04.01 and .05

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**Legal Analysis**

**Summary of Regulations**

The regulations clarify that a municipal or county corporation that establishes its own fee schedule is to be responsible for administering its own plan reviews. The regulations also establish that, where a local jurisdiction elects to conduct plan reviews and adopts its own fee schedule for those reviews but does not conduct the inspections, the State Fire Marshal must be allowed to reduce the fee schedule rate under the regulation by 50% to cover the costs of inspections conducted by the State Fire Marshal.

**Legal Issue**

The regulations present no legal issues of concern.

**Statutory Authority and Legislative Intent**

The Department of State Police cites § 6-206, Title 6, Subtitle 3, and Title 9, Subtitle 7 of the Public Safety Article as authority for the regulations. Section 6-206 provides that the State Fire Prevention Commission is required to adopt comprehensive regulations as a State Fire Prevention Code. Title 6, Subtitle 3 provides for the office of the State Fire Marshal and requires

the Marshal to enforce the regulations adopted by the commission. Title 9, Subtitle 7 provides that local jurisdictions may adopt fire prevention codes, including fees for certain inspections and plan reviews, not including those that are not conducted by the local jurisdiction.

## **Fiscal Analysis**

There is no material fiscal impact on State or local agencies.

### **Agency Estimate of Projected Fiscal Impact**

When a local jurisdiction elects to directly conduct fire prevention plan reviews for a new or existing building and adopts a fee schedule for such reviews, but does not actually conduct the inspections, the State Fire Marshal is permitted under this regulatory change to reduce the fee schedule rate by 50% to cover the costs of the inspections conducted in that local jurisdiction. There is no significant fiscal impact. Any reduction in general fund revenue stemming from such fee reductions is matched by a workload reduction for the State Fire Marshal. The change is expected to provide operational efficiencies for the State Fire Marshal and the affected local jurisdictions.

### **Impact on Budget**

There is no significant impact on the State operating or capital budget.

### **Agency Estimate of Projected Small Business Impact**

The State Fire Marshal advises that this regulatory change has minimal or no impact on small businesses in the State. The Department of Legislative Services concurs.

## **Contact Information**

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