

1 AN ACT relating to fire protection.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔Section 1. KRS 227.331 is amended to read as follows:

4 (1) *As used in this section, "fire protection official" means the state fire marshal, fire*
5 *chief, fire marshal employed by a local government agency, or local appeals*
6 *board acting pursuant to KRS 227.325.*

7 (2) Any person who willfully violates any administrative regulation, emergency order,
8 or final order of the *fire protection official*~~state fire marshal~~ shall be subject to
9 suspension or revocation of certificate of authority, occupancy, or other license or
10 permit, or administrative fine not exceeding one thousand dollars (\$1,000) in lieu of
11 suspension or revocation, for violation of the provision to which the administrative
12 regulation or order relates, after notice and hearing in accordance with KRS
13 Chapter 13B.

14 (3){(2)} *An action to enforce any proper order of or action taken by the fire*
15 *protection official or the commissioner for recovery of the penalties provided*
16 *under subsection (1) of this section.*~~It shall be the duty of the state fire marshal, or~~
17 ~~upon the commissioner's request, of the Attorney General, to bring an action to~~
18 ~~enforce any proper order made or action taken by the state fire marshal or on his or~~
19 ~~her authority, or for the recovery of the penalties provided in subsection (1) of this~~
20 ~~section, and to bring an action} for a restraining order, or for a temporary or~~
21 ~~permanent injunction as deemed{, as the state fire marshal deems} necessary by the~~
22 *fire protection official* for the prevention or correction of a condition constituting or
23 threatening to constitute a violation of this chapter or administrative regulations
24 promulgated *under this chapter shall be brought by the fire protection official or,*
25 *upon the commissioner's request, by the Attorney General*~~{thereunder}~~. In any
26 action for a restraining order or for a temporary or permanent injunction, allegations
27 in a verified complaint or affidavit by the *fire protection official or a deputy or*

1 *employee of the fire protection official* [state fire marshal, deputy or employee] that
2 the respondent is in violation of specified fire prevention and protection laws or
3 administrative regulations and the violation or violations present such hazard to
4 human life or limb that the public safety imperatively requires emergency action
5 shall be sufficient under Rule 65 of the Kentucky Rules of Civil Procedure to show
6 that the applicant's rights are being or will be violated and that *applicant or a*
7 *member of the public* [he or she] will suffer immediate and irreparable injury, loss,
8 or damage before notice can be served and a hearing had thereon or pending a final
9 judgment in the action.

10 **(4)** [3] All actions for enforcement, recovery of administrative fines, and injunctive
11 relief for violations of this chapter shall be brought in the name of the
12 Commonwealth of Kentucky by the *fire protection official* [state fire marshal,] or,
13 upon the commissioner's request, by the Attorney General[,] in the Circuit Court
14 within which the property involved is located.

15 **(5)** [4] If the *fire protection official* [state fire marshal] has reason to believe that any
16 person has violated any provision of this chapter[,] for which criminal penalties are
17 provided and in his or her opinion prosecution would be in order, he or she shall
18 give the *related* information [relative thereto] to the appropriate county attorney,
19 Commonwealth's attorney, or to the Attorney General. The county attorney,
20 Commonwealth's attorney, or Attorney General shall promptly institute any action
21 or proceedings against the person as in his or her opinion the information may
22 require or justify.