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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

**S.B. 112**  
**135<sup>th</sup> General Assembly**

## **Fiscal Note & Local Impact Statement**

[Click here for S.B. 112's Bill Analysis](#)

**Version:** As Introduced

**Primary Sponsor:** Sen. Rulli

**Local Impact Statement Procedure Required:** Yes

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### **Highlights**

- At least some public schools will incur at least minimal costs in meeting the bill's National Fire Protection Association's (NFPA) 101 standards for protective door assemblies in their school buildings. Costs will likely be determined by whether a school has door assemblies that meet the bill's NFPA 101 standards and, if not, the number of doors that would need to be retrofitted or replaced to meet them. The Ohio Facilities Construction Commission (OFCC) estimates costs to update an assembly to the NFPA 101 standard could range from \$400 to \$1,000 per assembly, depending on the technology used to make the door compliant.

### **Detailed Analysis**

#### **The bill**

The bill requires that all protective door assemblies<sup>1</sup> in school buildings comply with the National Fire Protection Association's (NFPA) 101 standards, which the bill defines as the standards for the life safety code published by the NFPA, including the NFPA 80 standards for fire doors and other opening protectives. Specifically, the bill requires each school governing authority in Ohio to have each protective door assembly in every building used for student instruction inspected every 12 months by a qualified inspector, who has the requisite degree, certification, professional standing, or skill, and who has the knowledge, training, and experience

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<sup>1</sup> The bill defines "protective door assemblies" as: (1) doors with panic hardware or fire exit hardware, (2) door assemblies in exit enclosures, (3) electricity controlled egress doors, or (4) door assemblies with special locking arrangements, such as delayed egress, sensor release egress doors, and elevator lobby doors.

to evaluate compliance of a particular door assembly with NFPA 101 standards. Following each inspection, the inspector must provide a report to the school governing authority that indicates whether each protective door assembly is, or is not, compliant with NFPA 101 standards. If each protective door assembly is deemed compliant, the school governing authority need not take any further action until the next inspection. However, if a protective door assembly is not compliant, the bill requires the school governing authority to take all the necessary steps to achieve compliance, and have the protective door assembly re-inspected. Each school governing authority must maintain records verifying annual inspections.

Beginning 18 months after the bill's effective date, the authority having jurisdiction<sup>2</sup> must annually review the records of each school governing authority to determine whether the protective door assemblies in its school buildings are compliant with NFPA 101 standards and the bill. If a protective door assembly remains noncompliant for more than 18 months after an inspection, and the school governing authority is not actively taking steps to achieve compliance, the bill requires the authority having jurisdiction to impose a civil penalty on the school governing authority in the amount of \$1,000 for each noncompliant door assembly. The penalty will be applied daily as long as the school governing authority is not actively taking steps towards achieving compliance with the NFPA 101 standards. The bill prohibits penalties from being imposed on a school governing authority as long as it is actively taking steps toward compliance.

Finally, the bill authorizes the State Fire Marshal and the Board of Building Standards to develop guidelines for the enforcement of NFPA 101 standards, including the annual inspections of protective door assemblies in school buildings.

## **Fiscal effects**

### **Public schools**

According to a spokesperson from the Department of Commerce (COM), the NFPA 101 standard is neither mentioned in the Ohio Building Code nor the Ohio Fire Code for new school buildings, except for a life safety evaluation for assembly occupancies. Furthermore, according to a spokesperson from the Ohio Facilities Construction Commission (OFCC), OFCC's *Ohio School Design Manual*, which is a comprehensive set of standard guidelines for the design of school facilities, also does not reference NFPA 101. Therefore, the bill appears to create a new standard for compliance for protective door assemblies in school buildings. According to COM, NFPA 101 is a broader standard than NFPA 80 and addresses those construction, protection, and occupancy features necessary to minimize the danger to life from the effects of fire (smoke, heat, and toxic gasses), whereas NFPA 80 relates more to the technical details of each assembly. The NFPA 80 standard applies to all buildings, not just schools, when there is an opening within a fire-resistance-rated wall assembly such as a fire wall, fire barrier, or fire-resistance-rated exterior wall. Both standards work together regarding smoke and fire control in buildings.

At least some public schools will incur at least minimal costs in meeting the bill's NFPA 101 standards as prescribed above, the extent of which will be likely determined by whether a school has door assemblies that meet the bill's NFPA 101 standards and, if not, the number of doors

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<sup>2</sup> The bill defines "authority having jurisdiction" as an organization, office, agency, or individual responsible for enforcing the requirements under the bill. See the bill's analysis for more information on the definition of "authority having jurisdiction."

that would need to be retrofitted or replaced to meet them. It is uncertain how many schools will be impacted by the bill as neither COM nor OFCC can ascertain how many schools could be impacted by the bill. Based on the bill's definition of "protective door assembly," OFCC estimates that approximately 15 to 75 doors in each school building (depending on the building's size) would need to be assessed under the bill. If a school has to update one or more protective door assemblies in its building or buildings, OFCC estimates that costs to update an assembly to an NFPA 101 standard could range from \$400 to \$1,000 per assembly, depending on the technology used to make the door compliant.

Presumably, the bill's inspections and testing will be performed in the course of the routine annual fire safety inspection that the Ohio Fire Code already requires. According to the Buckeye Association of School Administrators (BASA), fire safety inspections at schools are normally performed by local fire departments. If the bill's requirements for inspections and testing create additional workload, local fire district costs may increase. BASA indicated it was unlikely but possible that a local fire department will not have the required expertise to inspect and test door assemblies for compliance with NFPA 101 standards. In that event, school districts and other public schools may incur costs to obtain the services of an outside inspector. The cost of such inspections may vary depending on the number of buildings or doors requiring inspection.

### **Authority having jurisdiction**

As mentioned in the bill's analysis, the authority having jurisdiction as defined under the bill could vary between school governing authorities and with respect to different types of protective door assemblies, as a protective door assembly in a school building is likely subject to both building code and fire code enforcement.<sup>3</sup> An authority having jurisdiction conceivably could be a local building department, local fire department, or offices within COM. As the bill analysis further states, the bill is unclear as to which authority having jurisdiction is ultimately responsible for determining the compliance of, and imposing the civil penalty on a particular school governing authority with respect to any particular protective door assembly. In any case, an authority having jurisdiction may incur costs for fulfilling its responsibilities under the bill. It is also possible that an authority may gain revenue from the collection of civil penalties from any school governing authority found to be in violation of the bill's new protective door assembly standards. However, the bill is silent on how the penalty is to be collected, where it must be deposited, and how it must be used.

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<sup>3</sup> For more information on this subject, see the "**Authority having jurisdiction**" section of the [bill analysis](#) for S.B. 112, which can be accessed at: [legislature.ohio.gov](http://legislature.ohio.gov).