

FILE

Subject

Highway - Highway Patrol
Other Powers
State Boards
Fire Marshal



STATE OF KANSAS

Office of the Attorney General

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VERN MILLER
Attorney General

July 19, 1974

Opinion No. 74- 241

Col. William L. Albott
Superintendent
Kansas Highway Patrol
State Office Building
Topeka, Kansas 66612

Dear Colonel Albott:

On July 9, 1974, this office issued an opinion regarding the authority of members of the Kansas Highway Patrol to enforce the rules and regulations of the State Fire Marshal. We opined that highway patrolmen, as well as other law enforcement officers were not authorized to enforce these provisions.

It has since been brought to our attention that section 3 of Senate Bill No. 255, a new section which is not amendatory of any prior provisions, provides as follows:

"(a) Any person who violates any provision of this act or the act of which this act is amendatory, or who violates any rule or regulation adopted pursuant thereto, or who violates any lawful order issued by the state fire marshal or by any of the persons designated in K.S.A. 1972 Supp. 31-137, shall be guilty of a class B misdemeanor, and each day that the offense continues after receipt of written notice thereof issued by the state fire marshal, or by any other person designated in K.S.A. 1972 Supp. 31-137, shall constitute a separate violation."

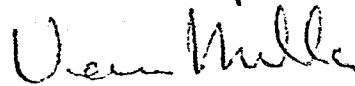
In view of this new provision, it is our opinion that members of the Highway Patrol, as well as any other "law enforcement officers" as defined in K.S.A. 1973 Supp. 22-2202(11), have the

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authority to enforce all the provisions of Chapter 31, as well as all rules and regulations adopted pursuant thereto, and all portions of this office's opinion of July 9, 1974, insofar as they are inconsistent with the instant opinion, are hereby rescinded.

We would reiterate, however, that the provisions of Chapter 31 granting the Fire Marshal and other specified persons the right to enter and inspect a premises "during all reasonable hours of operation" is strictly reserved to those persons specified in K.S.A. 1972 Supp. 31-137, and to that extent our opinion of July 9, 1974, remains effective.

Very truly yours,



VERN MILLER
Attorney General

VM:DLM:gh