

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1236 Session of 2019

INTRODUCED BY POLINCHOCK, FARRY, CIRESI, HEFFLEY, KORTZ, MARKOSEK, MURT, SCHLOSSBERG AND BARRAR, APRIL 17, 2019

AS REPORTED FROM COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, HOUSE OF REPRESENTATIVES, AS AMENDED, JANUARY 14, 2020

AN ACT

1 ~~Regulating certain smoke alarm devices; providing for owner~~ <--
2 ~~responsibilities; and prescribing penalties.~~

3 REGULATING CERTAIN SMOKE ALARMS; PROVIDING FOR DWELLING UNIT <--
4 OWNER AND TENANT RESPONSIBILITIES; AND PRESCRIBING PENALTIES.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 ~~Section 1. Short title.~~ <--

8 ~~This act shall be known and may be cited as the Smoke Alarm-~~
9 ~~Device Responsibility Act.~~

10 ~~Section 2. Definitions.~~

11 ~~The following words and phrases when used in this act shall~~
12 ~~have the meanings given to them in this section unless the~~
13 ~~context clearly indicates otherwise:~~

14 ~~"Approved smoke alarm device." A smoke alarm device that:~~

15 ~~(1) is powered by a nonremovable, nonreplaceable battery~~
16 ~~capable of powering the smoke alarm device for at least 10-~~
17 ~~years;~~

18 ~~(2) is powered by an electrical system;~~

1 ~~(3) is part of a fire alarm system that operates other~~
2 ~~smoke alarm devices; or~~

3 ~~(4) uses a low power radio frequency wireless~~
4 ~~communication signal.~~

5 ~~"Owner of a dwelling." A person who owns a one family, two~~
6 ~~family or multifamily dwelling.~~

7 ~~"Smoke alarm device." A fire protection device that~~
8 ~~automatically detects and gives a warning of the presence of~~
9 ~~smoke.~~

10 ~~Section 3. Prohibition.~~

11 ~~(a) General rule. No person may distribute, sell, offer for~~
12 ~~sale or import a smoke alarm device unless the device is an~~
13 ~~approved smoke alarm device.~~

14 ~~(b) Exception. Subsection (a) shall not apply to a smoke~~
15 ~~alarm device manufactured prior to the effective date of this~~
16 ~~section.~~

17 ~~Section 4. Leased dwellings.~~

18 ~~(a) General rule. An owner of a dwelling that leases a~~
19 ~~dwelling shall, prior to execution of the lease, equip the~~
20 ~~dwelling with an approved smoke alarm device.~~

21 ~~(b) Exception. Subsection (a) shall not apply to a smoke~~
22 ~~alarm device installed in a dwelling prior to the effective date~~
23 ~~of this section.~~

24 ~~Section 5. Owner responsibilities.~~

25 ~~(a) Approved smoke alarm device required. An owner of a~~
26 ~~dwelling that installs or replaces a smoke alarm device in the~~
27 ~~dwelling after the effective date of this section, must do so~~
28 ~~with an approved smoke alarm device.~~

29 ~~(b) Construction. Nothing in this act shall be construed as~~
30 ~~requiring an owner of a dwelling that is leased to maintain,~~

1 ~~repair or replace an approved smoke alarm device in the dwelling~~
2 ~~while the dwelling is occupied.~~

3 ~~Section 6. Tenant responsibilities.~~

4 ~~The tenant of a one family, two family or multifamily~~
5 ~~dwelling in which an approved smoke alarm device has been~~
6 ~~installed in accordance with this act:~~

7 ~~(1) Shall maintain the approved smoke alarm device in~~
8 ~~good repair.~~

9 ~~(2) Shall test the approved smoke alarm device annually.~~

10 ~~(3) May not remove or render the approved smoke alarm~~
11 ~~device inoperable.~~

12 ~~(4) Shall notify the owner of the dwelling, or its~~
13 ~~authorized agent, in writing of any deficiencies relating to~~
14 ~~the approved smoke alarm device.~~

15 ~~Section 7. Enforcement.~~

16 ~~A person who violates this act commits a summary offense~~
17 ~~punishable by a fine of up to \$50.~~

18 ~~Section 8. Municipal requirements.~~

19 ~~Nothing in this act shall be construed as preventing a~~
20 ~~municipality from adopting, by ordinance or resolution, equal or~~
21 ~~more stringent requirements relating to smoke alarm devices.~~

22 ~~Section 9. Effective date.~~

23 ~~This act shall take effect in two years.~~

24 SECTION 1. SHORT TITLE.

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25 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE SMOKE ALARM
26 RESPONSIBILITY ACT.

27 SECTION 2. DEFINITIONS.

28 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
29 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
30 CONTEXT CLEARLY INDICATES OTHERWISE:

1 "DWELLING." A BUILDING THAT CONTAINS ONE OR MORE DWELLING
2 UNITS THAT ARE OR WILL BE RENTED, LEASED, LET OR HIRED OUT FOR
3 LIVING PURPOSES.

4 "DWELLING UNIT." A SINGLE UNIT IN A DWELLING PROVIDING
5 COMPLETE INDEPENDENT LIVING FACILITIES FOR AT LEAST ONE
6 INDIVIDUAL, INCLUDING PERMANENT PROVISIONS FOR LIVING, SLEEPING,
7 EATING, COOKING AND SANITATION.

8 "SMOKE ALARM." A SMOKE ALARM THAT:

9 (1) MEETS ANY OF THE FOLLOWING:

10 (I) IS POWERED BY A NONREMOVABLE, NONREPLACEABLE
11 BATTERY CAPABLE OF POWERING THE SMOKE ALARM DEVICE FOR AT
12 LEAST 10 YEARS;

13 (II) IS POWERED BY AN ELECTRICAL SYSTEM;

14 (III) IS PART OF A FIRE ALARM SYSTEM THAT OPERATES
15 OTHER SMOKE ALARM DEVICES; OR

16 (IV) USES A LOW-POWER RADIO FREQUENCY WIRELESS
17 COMMUNICATION SIGNAL.

18 (2) IS LISTED IN ACCORDANCE WITH UL 217 OR IN ACCORDANCE
19 WITH UL 217 AND UL 2034 FOR COMBINATION SMOKE AND CARBON
20 MONOXIDE ALARMS.

21 SECTION 3. DWELLING UNITS.

22 (A) GENERAL RULE.--EXCEPT AS PROVIDED IN SECTION 7, DWELLING
23 UNITS EXISTING ON THE EFFECTIVE DATE OF THIS SUBSECTION SHALL BE
24 EQUIPPED WITH A SMOKE ALARM THAT IS INSTALLED IN ACCORDANCE WITH
25 REQUIRED UPDATES OR CHANGES UNDER SECTION 108 OF THE ACT OF
26 NOVEMBER 10, 1999 (P.L.491, NO.45), KNOWN AS THE PENNSYLVANIA
27 CONSTRUCTION CODE ACT, PRIOR TO EXECUTION OF A VALID LEASE. THE
28 EQUIPPING AND INSTALLATION OF SMOKE ALARMS SHALL NOT REQUIRE NEW
29 CONSTRUCTION, ALTERATIONS, REPAIRS OR ADDITIONS.

30 (B) CONSTRUCTION.--NOTHING IN THIS ACT SHALL BE CONSTRUED AS

1 REQUIRING AN OWNER OF AN EXISTING DWELLING UNIT THAT IS LEASED
2 TO MAINTAIN, REPAIR OR REPLACE A SMOKE ALARM IN THE DWELLING
3 UNIT WHILE THE DWELLING UNIT IS OCCUPIED UNDER A VALID LEASE.

4 SECTION 4. TENANT RESPONSIBILITIES.

5 THE TENANT OF A DWELLING UNIT:

6 (1) SHALL MAINTAIN THE SMOKE ALARM IN THE DWELLING UNIT
7 IN GOOD REPAIR.

8 (2) SHALL TEST THE SMOKE ALARM IN THE DWELLING UNIT
9 ANNUALLY.

10 (3) MAY NOT REMOVE OR RENDER THE SMOKE ALARM IN THE
11 DWELLING UNIT INOPERABLE.

12 (4) SHALL NOTIFY THE OWNER OF THE DWELLING UNIT OR ITS
13 AUTHORIZED AGENT IN WRITING OF ANY DEFICIENCIES RELATING TO
14 THE SMOKE ALARM.

15 SECTION 5. MODIFICATION.

16 NOTHING IN THIS ACT IS INTENDED TO MODIFY THE AUTHORITY AND
17 RESPONSIBILITIES OF THE DEPARTMENT OF LABOR AND INDUSTRY UNDER
18 THE ACT OF NOVEMBER 10, 1999 (P.L.491, NO.45), KNOWN AS THE
19 PENNSYLVANIA CONSTRUCTION CODE ACT.

20 SECTION 6. ENFORCEMENT.

21 AN INDIVIDUAL WHO VIOLATES THIS ACT COMMITS A SUMMARY OFFENSE
22 PUNISHABLE BY A FINE OF UP TO \$50.

23 SECTION 7. EXCEPTION.

24 NOTHING IN THIS ACT SHALL BE CONSTRUED AS REQUIRING AN OWNER
25 OF A DWELLING UNIT TO REPLACE A WORKING SMOKE ALARM THAT IS NOT
26 MORE THAN 10 YEARS OLD.

27 SECTION 8. EFFECTIVE DATE.

28 THIS ACT SHALL TAKE EFFECT IN 120 DAYS.