

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2458

Session of
2000

INTRODUCED BY MCGEEHAN, BELFANTI, GEORGE, CAPPABIANCA,
WOJNAROSKI, HARHAI, MELIO, LAUGHLIN, THOMAS, FICHTER, HERMAN,
GRUCELA, SHANER, KELLER, DONATUCCI, ORIE, PESCI, VAN HORNE,
STABACK, DALEY, CAWLEY, RUBLEY, ROEBUCK, MCCALL, LAWLESS,
WOGAN, LEDERER, TRELLO, DRUCE, HORSEY, TIGUE, BATTISTO,
READSHAW, BROWNE, COSTA, TRAVAGLIO, KIRKLAND, BARRAR, ADOLPH,
STEELMAN, YOUNGBLOOD, TRICH, WILLIAMS, KENNEY, MYERS, RAMOS,
WALKO, GEIST, O'BRIEN, FREEMAN, DeWEESE, GORDNER, EACHUS,
CASORIO, FLICK, YUDICHAK, DERMODY AND STRITTMATTER,
APRIL 11, 2000

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 10, 2000

AN ACT

1 Requiring dormitories in public and private institutions of
2 higher education to conform to certain automatic sprinkler
3 system specifications; establishing a loan program; and
4 imposing 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 Dormitory
9 Automatic Sprinkler System 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 "Department." The Department of Labor and Industry of the

1 Commonwealth.

2 "Dormitory." Any building owned by, or utilized by, an
3 institution of higher education which is used as a residence by
4 students. The term includes a building which is utilized or
5 owned by a fraternity or sorority which is recognized by the
6 institution of higher education.

7 "Institution of higher education." Any of the following:

8 (1) A community college operating under Article XIX-A of
9 the act of March 10, 1949 (P.L.30, No.14), known as the
10 Public School Code of 1949.

11 (2) A university comprising the State System of Higher
12 Education.

13 (3) Lincoln University.

14 (4) The Pennsylvania State University.

15 (5) Temple University.

16 (6) The University of Pittsburgh.

17 (7) A private college or university that is subject to
18 24 Pa.C.S. Ch. 65 (relating to private colleges, universities
19 and seminaries).

20 Section 3. Automatic sprinkler systems.

21 (a) Requirements.--Each dormitory in this Commonwealth shall
22 be equipped with an automatic sprinkler system that satisfies
23 the requirements of Pamphlet 13 or 13R of the National Fire
24 Protection Association.

25 (b) Compliance periods for existing dormitories.--Except as
26 provided in subsections (c) and (d), a dormitory that exists on
27 the effective date of this act shall be in compliance with this
28 section not later than five years from the effective date of
29 this act.

30 (c) Conversion of existing buildings.--A building or

1 structure that exists on the effective date of this act and that
2 is converted into a dormitory shall be in compliance with
3 subsection (a) prior to the issuance of a certificate of
4 occupancy.

5 (d) Renovation of existing dormitories.--A dormitory that
6 exists on the effective date of this act and that is renovated
7 at a cost in excess of 25% of the dormitory's taxable value
8 shall be in compliance with subsection (a) prior to the issuance
9 of a certificate of occupancy.

10 (e) New dormitories.--A dormitory that is constructed after
11 the effective date of this act shall be in compliance with
12 subsection (a) prior to the issuance of a certificate of
13 occupancy.

14 (f) Variances from compliance requirements.--

15 (1) An institution of higher education or a fraternity
16 or sorority subject to this act may apply to the department
17 for a variance from the completion requirement of subsection
18 (b). The department shall promulgate, by regulation, the
19 format and procedure for the consideration of variance
20 requests. The department may grant a variance if it can be
21 demonstrated that the applicant is acting in good faith and
22 that compliance with subsection (b) would impose an
23 unreasonable hardship to the applicant. Possible factors
24 justifying a variance include the availability of qualified
25 contractors, the possible financial hardship imposed on an
26 applicant if the applicant were required to comply with the
27 original completion requirement and the possible negative
28 effects of the original completion requirement on the
29 availability of student housing. A variance under this
30 paragraph may not exceed two years from the original

1 completion requirement. A variance application must be
2 submitted no later than 42 months after the effective date of
3 this act.

4 (2) Irrespective of paragraph (1), the department may
5 extend the time frame required by subsection (b) for an
6 entity if an affected entity is unable to comply due to
7 reasons which are outside the control of the entity.

8 Section 4. Sprinkler Loan Program.

9 (a) Program.--The department shall establish and administer
10 a loan program for the purpose of providing low-interest loans
11 to institutions of higher education, or fraternities or
12 sororities covered by this act, to install or retrofit automatic
13 water sprinkler systems or automatic fire suppression or control
14 systems in dormitories in order to comply with this act. Loan
15 payments shall be credited to the Sprinkler Loan Fund.

16 (b) Terms and conditions.--Each loan approved by the
17 department under this act shall contain the following terms and
18 conditions:

19 (1) The loan shall be subject to interest at a rate of
20 2% per annum.

21 (2) The loan shall be repaid within 15 years of the date
22 of the loan.

23 (3) Any other terms and conditions as promulgated by the
24 department.

25 (c) Application.--The department shall develop an
26 application for loans from the fund. No loan shall be approved
27 by the department unless the applicant seeking the loan has
28 completed the application and agreed to the terms and conditions
29 required by the department.

30 (d) Sprinkler Loan Fund.--There is hereby established a

1 separate account in the State Treasury, to be known as the
2 Sprinkler Loan Fund, which shall be administered by the
3 department.

4 Section 5. Rules and regulations.

5 The department shall promulgate rules and regulations to
6 administer the provisions of this act.

7 Section 6. Requirements.

8 Participants in the sprinkler loan program under section 4
9 shall be subject to the following statutory requirements
10 governing construction projects and construction-related work:

11 (1) Section 1 of the act of May 1, 1913 (P.L.155,
12 No.104), entitled, "An act regulating the letting of certain
13 contracts for the erection, construction, and alteration of
14 public buildings."

15 (2) The act of August 15, 1961 (P.L.987, No.442), known
16 as the Pennsylvania Prevailing Wage Act.

17 (3) The act of December 20, 1967 (P.L.869, No.385),
18 known as the Public Works Contractors' Bond Law of 1967.

19 (4) The act of March 3, 1978 (P.L.6, No.3), known as the
20 Steel Products Procurement Act.

21 Section 7. Failure to comply with provisions of this act.

22 Whenever the owner of any dormitory, as described in this
23 act, shall fail to comply with this act, or the regulations
24 promulgated under this act, and upon whom a written order shall
25 have been served by the department to comply with the provisions
26 of this act and its regulations, and who fails to comply with
27 any written order within the time specified in the order, the
28 department is authorized to immediately order the dormitory to
29 be vacated or placed out of service until such time as the
30 requirements of this act and its regulations are fully complied

1 with.

2 Section 8. Enforcement.

3 For the purpose of enforcing the provisions of this act, all
4 the officers charged with its enforcement shall have the power
5 to enter any dormitory and no person shall hinder or delay or
6 interfere with any of the said officers in the performance of
7 their duty, nor refuse information necessary to determine
8 whether the provisions of this act and its regulations are or
9 will be complied with.

10 Section 9. Appropriation.

11 The sum of ~~\$100,000,000~~ \$125,000,000 is hereby appropriated
12 from the General Fund to the Sprinkler Loan Fund.

<—

13 Section 10. Penalties.

14 (a) Violation of act.--

15 (1) Any person that violates any provision of this act
16 commits a summary offense and shall, upon conviction, be
17 sentenced to pay a fine of not more than \$1,000 and costs.

18 (2) Each day that a violation of this act continues
19 shall be considered a separate violation.

20 (b) Disposition of penalties.--The amount of the penalty
21 shall be forwarded to the department.

22 Section 11. Effective date.

23 This act shall take effect ~~in 60 days~~ JULY 1, 2001.

<—