
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 789 Session of
2001

INTRODUCED BY STACK, LOGAN, HELFRICK, WAGNER, O'PAKE, COSTA,
MOWERY, MELLOW, MUSTO, BOSCOLA, WOZNIAK, KITCHEN AND FUMO,
APRIL 9, 2001

REFERRED TO LABOR AND INDUSTRY, APRIL 9, 2001

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; making an
4 appropriation; and 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
15 Commonwealth.

16 "Dormitory." Any building owned by, or utilized by, an
17 institution of higher education which is used as a residence by
18 students. The term includes a building which is utilized or

1 owned by a fraternity or sorority which is recognized by the
2 institution of higher education.

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

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

7 (2) A university comprising the State System of Higher
8 Education.

9 (3) Lincoln University.

10 (4) The Pennsylvania State University.

11 (5) Temple University.

12 (6) The University of Pittsburgh.

13 (7) A private college or university that is subject to
14 24 Pa.C.S. Ch. 65 (relating to private colleges, universities
15 and seminaries).

16 Section 3. Automatic sprinkler systems.

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

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

26 (c) Conversion of existing buildings.--A building or
27 structure which exists on the effective date of this act and
28 that is converted into a dormitory shall be in compliance with
29 subsection (a) prior to the issuance of a certificate of
30 occupancy.

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

6 (e) New dormitories.--A dormitory which is constructed after
7 the effective date of this act shall be in compliance with
8 subsection (a) prior to the issuance of a certificate of
9 occupancy.

10 (f) Variances from compliance requirements.--

11 (1) An institution of higher education or a fraternity
12 or sorority subject to this act may apply to the department
13 for a variance from the completion requirement of subsection
14 (b). The department shall promulgate, by regulation, the
15 format and procedure for the consideration of variance
16 requests. The department may grant a variance if it can be
17 demonstrated that the applicant is acting in good faith and
18 that compliance with subsection (b) would impose an
19 unreasonable hardship to the applicant. Possible factors
20 justifying a variance include the availability of qualified
21 contractors, the possible financial hardship imposed on an
22 applicant if the applicant were required to comply with the
23 original completion requirement and the possible negative
24 effects of the original completion requirement on the
25 availability of student housing. A variance under this
26 paragraph may not exceed two years from the original
27 completion requirement. A variance application must be
28 submitted no later than 42 months after the effective date of
29 this act.

30 (2) Irrespective of paragraph (1), the department may

1 extend the time frame required by subsection (b) for an
2 entity if an affected entity is unable to comply due to
3 reasons which are outside the control of the entity. The
4 unavailability of loan money under section 4 for an affected
5 entity shall be deemed a reason for noncompliance which is
6 outside the control of the entity if the entity has applied,
7 and been found qualified, for a loan under section 4.

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 1.5% per annum.

21 (2) The loan shall be repaid within ten years of the
22 date 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 established a separate

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

3 Section 5. Regulations.

4 The department shall promulgate regulations to administer the
5 provisions of this act.

6 Section 6. Requirements.

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

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

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

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

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

20 Section 7. Failure to comply.

21 If the owner of a dormitory, after receiving service of a
22 written order by the department to comply with the provisions of
23 this act and its regulations, fails to comply with any written
24 order within the time specified in the order, the department is
25 authorized to immediately order the dormitory to be vacated or
26 placed out of service until the requirements of this act and its
27 regulations are fully complied with.

28 Section 8. Enforcement.

29 For the purpose of enforcing this act, all the officers
30 charged with its enforcement shall have the power to enter any

1 dormitory. No person shall hinder or delay or interfere with any
2 of the these officers in the performance of their duty nor
3 refuse information necessary to determine compliance with the
4 provisions of this act and its regulations.

5 Section 9. Penalties.

6 (a) Violation of act.--

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

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

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

14 Section 10. Appropriation.

15 The sum of \$180,000,000 is hereby appropriated from the
16 General Fund to the Sprinkler Loan Fund.

17 Section 11. Effective date.

18 This act shall take effect July 1, 2001.