

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 726

Session of
1981

INTRODUCED BY FLECK, MARMION, HEISER, TADDONIO, COHEN, KUKOVICH,
WARGO, NOYE, LETTERMAN, COCHRAN, PRATT, MRKONIC, HALUSKA,
PISTELLA, BROWN, WOGAN, JOHNSON, MICHLOVIC, MACKOWSKI, GEIST,
McCALL, SALVATORE, FRAZIER, SAURMAN, VAN HORNE, MICOZZIE,
DAVIES, HORGOS, GRABOWSKI, BLAUM, FISCHER, DAWIDA, SPITZ,
PETRARCA AND MORRIS, MARCH 9, 1981

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JANUARY 26, 1982

AN ACT

1 Requiring the installation and maintenance of smoke detectors in
2 certain hotels and motels; conferring powers and imposing
3 duties on THE DEPARTMENT OF LABOR AND INDUSTRY; PROVIDING FOR <—
4 INSPECTIONS BY local fire departments and OR fire companies <—
5 OR CERTAIN CONTRACTORS AND PROVIDING PENALTIES. <—

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

8 SECTION 1. THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS <—
9 ACT SHALL HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE,
10 THE MEANINGS GIVEN TO THEM IN THIS SECTION:

11 "HOTELS AND MOTELS." INCLUDES ANY AND ALL BUILDINGS HELD
12 OPEN TO THE PUBLIC AS PLACES WHERE TRANSIENT PERSONS MAY BE
13 HOUSED FOR COMPENSATION.

14 "INTEGRATED SMOKE DETECTION SYSTEM." A SYSTEM WHEREBY THE
15 ACTIVATION OF AT LEAST ONE DETECTOR ON AT LEAST TWO DIFFERENT
16 LEVELS, IF THERE ARE TWO LEVELS, OR AT LEAST TWO DETECTORS ON
17 ONE LEVEL, IF THERE IS ONLY ONE LEVEL, CAUSES THE ACTIVATION OF

1 AN ALARM SYSTEM THROUGHOUT A HOTEL OR MOTEL, SO THAT AN ALARM IS
2 AUDIBLE (NOT LESS THAN 85 DECIBELS) IN ALL GUEST ROOMS OF A
3 HOTEL OR MOTEL.

4 Section ~~±~~ 2. The person in charge of each hotel or motel <—
5 shall cause to be installed in each room provided for guests,
6 storage room or interior common area ~~a home~~ ANY type smoke <—
7 detector approved by Underwriters Laboratories, Factory Mutual,
8 or other testing laboratories approved by the Industrial Board
9 of the Department of Labor and Industry. Such smoke detectors
10 ~~shall~~ MAY be battery operated. The person in charge of each <—
11 hotel or motel shall designate employees to test each smoke
12 detector at least once each month and who shall keep a record of
13 such inspection, noting the date of inspection, the location of
14 the smoke detector and any remarks concerning the operational
15 integrity of the smoke detector. RECORDS OF THE INSPECTIONS <—
16 SHALL BE RETAINED ON THE PREMISES IN THE OFFICE OF THE PERSON IN
17 CHARGE OF THE HOTEL OR MOTEL. THE RECORDS SHALL BE AVAILABLE FOR
18 INSPECTION BY THE FIRE CHIEF OF THE FIRE DEPARTMENT OR COMPANY
19 WHICH PROTECTS THE AREA IN WHICH THE HOTEL OR MOTEL IS LOCATED
20 OR BY AN AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT OF LABOR
21 AND INDUSTRY. Each guest room shall have a sign affixed to the
22 inside of the door, midway between the floor and ceiling
23 indicating the direction to the nearest fire exit.

24 Section ~~2~~ 3. Each 30 LINEAR FEET OF hallway SPACE shall be <—
25 equipped with a commercial type smoke detector approved by
26 Underwriters Laboratories, Factory Mutual, or other testing
27 laboratories approved by the Industrial Board of the Department
28 of Labor and Industry and which shall be equipped with a standby
29 power source. THE DETECTORS REQUIRED BY THIS SECTION SHALL BE <—
30 INSTALLED SO AS TO PROVIDE AN INTEGRATED SMOKE DETECTION SYSTEM.

1 ~~Such smoke detectors shall~~ <—

2 SECTION 4. (A) THERE SHALL BE CONDUCTED AN ANNUAL RANDOM <—
3 INSPECTION OF AT LEAST 5% OF THE SMOKE DETECTORS REQUIRED BY
4 SECTION 2 TO BE INSTALLED IN EACH HOTEL OR MOTEL ROOM. SUCH
5 INSPECTION SHALL NOTWITHSTANDING THE PROVISIONS OF THE PRECEDING
6 SENTENCE, INCLUDE THE INSPECTION OF AT LEAST ONE SMOKE DETECTOR
7 ON EACH FLOOR OF SUCH HOTEL OR MOTEL. THE SMOKE DETECTORS SHALL
8 BE INSPECTED AND TAGGED BY THE FIRE DEPARTMENT OR COMPANY WHICH
9 PROTECTS THE AREA IN WHICH THE HOTEL OR MOTEL IS LOCATED OR BY
10 AN OUTSIDE CONTRACTOR APPROVED AND DESIGNATED BY SUCH FIRE
11 DEPARTMENT OR FIRE COMPANY.

12 (B) ALL OF THE SMOKE DETECTORS REQUIRED BY SECTION 3 SHALL
13 be inspected and tagged annually by the fire department or fire
14 company which protects the area in which the hotel or motel is
15 located. ~~Such fire department or fire company may~~ OR BY AN <—
16 OUTSIDE CONTRACTOR APPROVED AND DESIGNATED BY SUCH FIRE
17 DEPARTMENT OR FIRE COMPANY.

18 (C) THE FIRE DEPARTMENT, FIRE COMPANY OR AUTHORIZED OUTSIDE
19 CONTRACTOR WHICH PERFORMS THE INSPECTIONS REQUIRED BY
20 SUBSECTIONS (A) AND (B) MAY charge a fee to the hotel or motel
21 which shall be equal to the reasonable cost of making ~~the~~ <—
22 ~~inspection~~ BOTH THE INSPECTIONS REQUIRED BY THIS SECTION and <—
23 tagging ~~and~~ BUT THE FEE shall not exceed \$25 per man-hour AND <—
24 THE TOTAL FEE SHALL NOT EXCEED \$100.

25 (D) RECORDS OF THE INSPECTIONS REQUIRED BY THIS SECTION
26 SHALL BE RETAINED ON THE PREMISES IN THE OFFICE OF THE PERSON IN
27 CHARGE OF THE HOTEL OR MOTEL. THE RECORDS SHALL BE AVAILABLE FOR
28 INSPECTION BY THE FIRE CHIEF OF THE FIRE DEPARTMENT OR COMPANY
29 WHICH PROTECTS THE AREA IN WHICH THE HOTEL OR MOTEL IS LOCATED
30 OR BY AN AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT OF LABOR

1 AND INDUSTRY.

2 Section ~~3~~ 5. When this act becomes operative as to any hotel <—
3 or motel the person in charge thereof shall cause to be
4 prominently displayed a notice to patrons that this facility is
5 equipped with smoke detectors, commencing on the first day on
6 which the system becomes operational and ceasing on the last day
7 of the sixtieth month after enactment.

8 Section ~~4~~ 6. It shall be unlawful for the owner or operator <—
9 of a hotel or motel or for any other person acting on behalf of
10 any hotel or motel, as to which this act has become operative to
11 apply for any building permit, occupancy permit or financial
12 assistance from any State or local authority, unless such hotel
13 or motel or the plans for its construction or refurbishment is
14 in full compliance with this act. A person violating the
15 provisions of this ~~section~~ ACT, EXCEPT THE PROVISIONS OF SECTION <—
16 7, shall be guilty of a summary offense. Every day's violation
17 shall be a separate offense.

18 SECTION 7. A PERSON WHO WILLFULLY AND MALICIOUSLY ACTIVATES, <—
19 TAMPERS WITH OR RENDERS INOPERATIVE A SMOKE DETECTOR COMMITS A
20 MISDEMEANOR OF THE THIRD DEGREE.

21 Section ~~5~~ 8. This act shall become effective immediately but <—
22 shall not become operative to any hotel or motel having 49 or
23 less guest rooms until 48 months after final enactment, nor to
24 any hotel having 50 to 149 guest rooms until 36 months after
25 final enactment, nor to any hotel or motel having 150 or more
26 guest rooms until 24 months after final enactment.

27 Section ~~6~~ 9. The provisions of this act shall not be <—
28 applicable in any city of the first class, city of the second
29 class or city of the second class A, nor to any hotel or motel
30 which has a sprinkler system in operation in each guest room,

1 storage room ~~or~~ AND interior common area OR WHICH HAS IN <—
2 OPERATION A FIRE WARNING SYSTEM AFFORDING GREATER PROTECTION
3 THAN IS AFFORDED BY IMPLEMENTING THE PROVISIONS OF THIS ACT. THE
4 DETERMINATION OF WHETHER OR NOT THIS ACT SHALL APPLY IN THE CASE
5 OF A FIRE WARNING SYSTEM WHICH IS ALLEGED TO PROVIDE GREATER
6 PROTECTION SHALL BE MADE BY THE INDUSTRIAL BOARD OF THE
7 DEPARTMENT OF LABOR AND INDUSTRY.