

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 663 Session of
1989

INTRODUCED BY YANDRISEVITS, GRUPPO, FREEMAN, RYBAK, DeWEESE,
MORRIS, PRESSMANN, KOSINSKI, GODSHALL, FOX, J. L. WRIGHT,
STABACK, TIGUE, TRELLO, DIETTERICK, LAUGHLIN, KENNEY, VEON,
BUNT, REBER, BOWLEY, PISTELLA, ROBINSON, E. Z. TAYLOR, OLASZ,
COLAFELLA, BATTISTO, BELARDI, KASUNIC, McVERRY, J. TAYLOR,
RITTER, MELIO, CORRIGAN AND MICOZZIE, MARCH 6, 1989

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 30, 1989

AN ACT

1 ~~Amending the act of April 27, 1927 (P.L.465, No.299), entitled,~~ <—
2 ~~as amended, "An act to provide for the safety of persons~~
3 ~~employed, housed, or assembled in certain buildings and~~
4 ~~structures by requiring certain construction and ways of~~
5 ~~egress, equipment, and maintenance; providing for the~~
6 ~~licensing of projectionists, except in cities of the first~~
7 ~~class and second class; requiring the submission of plans for~~
8 ~~examination and approval; providing for the promulgation of~~
9 ~~rules and regulations for the enforcement of this act;~~
10 ~~providing for the enforcement of this act by the Department~~
11 ~~of Labor and Industry, the Department of Health, boards of~~
12 ~~school directors and, in certain cases, by the chiefs of fire~~
13 ~~departments in cities of the third class; providing penalties~~
14 ~~for violations of the provisions of this act; and repealing~~
15 ~~certain acts," requiring annual inspections of all school~~
16 ~~buildings.~~

1 AMENDING THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), ENTITLED "AN <—
2 ACT RELATING TO THE PUBLIC SCHOOL SYSTEM, INCLUDING CERTAIN
3 PROVISIONS APPLICABLE AS WELL TO PRIVATE AND PAROCHIAL
4 SCHOOLS; AMENDING, REVISING, CONSOLIDATING AND CHANGING THE
5 LAWS RELATING THERETO," PROVIDING FOR ANNUAL FIRE AND SAFETY
6 INSPECTIONS OF SCHOOL BUILDINGS.

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

9 ~~Section 1. Section 9 of the act of April 27, 1927 (P.L.465,~~ <—

1 ~~No.299), referred to as the Fire and Panic Act, is amended to~~
2 ~~read:~~

3 ~~Section 9. Permits for Use or Occupancy. (a) Before any~~
4 ~~building or structure hereafter erected, adapted, remodeled, or~~
5 ~~altered shall be used or opened for occupancy, the owner thereof~~
6 ~~shall notify the Department of Labor and Industry of the~~
7 ~~completion of the erection, adoption, remodeling, or alteration~~
8 ~~of the said building or structure. If the Department of Labor~~
9 ~~and Industry finds, after proper investigation, that the~~
10 ~~building or structure complies with the requirements of this~~
11 ~~act, and the rules and regulations promulgated for the~~
12 ~~enforcement of the provisions of this act, then the said~~
13 ~~department shall issue to the owner of the building or structure~~
14 ~~a permit authorizing the occupancy or use of the building or~~
15 ~~structure.~~

16 ~~(b) The Department of Labor and Industry or any person~~
17 ~~authorized to enforce this act with the approval of the~~
18 ~~Department of Labor and Industry shall inspect annually all~~
19 ~~school buildings within this Commonwealth to assure continued~~
20 ~~compliance with this act.~~

21 ~~Section 2. This act shall take effect in 90 days.~~

22 SECTION 1. THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN <—
23 AS THE PUBLIC SCHOOL CODE OF 1949, IS AMENDED BY ADDING A
24 SECTION TO READ:

25 SECTION 510.2. ANNUAL FIRE AND SAFETY INSPECTION.--(A) THE
26 BOARD OF SCHOOL DIRECTORS IN EVERY DISTRICT SHALL PROVIDE FOR
27 THE ANNUAL FIRE AND SAFETY INSPECTION OF ALL DISTRICT BUILDINGS.
28 SUCH INSPECTIONS SHALL BE DONE IN COMPLIANCE WITH GUIDELINES
29 PROMULGATED BY DEPARTMENT OF LABOR AND INDUSTRY PERTAINING TO
30 THE STORAGE OF FLAMMABLE LIQUIDS AND COMBUSTIBLE FIBERS.

MAINTENANCE OF FIRE ESCAPES AND FIRE PROTECTION EQUIPMENT,
OBSTRUCTION OF AISLES AND PASSAGEWAYS, AND OTHER ITEMS DEEMED
APPROPRIATE BY THE DEPARTMENT OF LABOR AND INDUSTRY.

(B) INSPECTIONS MAY BE PERFORMED BY LOCAL FIRE COMPANIES OR
DEPARTMENTS (EITHER VOLUNTEER OR MUNICIPALITY OPERATED), THE
DISTRICT'S INSURANCE UNDERWRITERS OR OTHER INDIVIDUALS OR
ORGANIZATIONS APPROVED BY THE DEPARTMENT OF LABOR AND INDUSTRY.

NO EMPLOYE OF THE SCHOOL DISTRICT MAY PERFORM THIS INSPECTION.

HOWEVER, NOTHING PRECLUDES DISTRICT EMPLOYEES FROM PERFORMING ANY
OTHER FIRE AND SAFETY INSPECTIONS DEEMED APPROPRIATE BY THE
SCHOOL DIRECTORS.

(C) THE RESULTS OF THE INSPECTION SHALL BE FORWARDED TO THE
DEPARTMENT OF LABOR AND INDUSTRY EACH YEAR IMMEDIATELY PRIOR TO
THE BEGINNING OF THE SCHOOL TERM ON A FORM DEVELOPED AND
DISTRIBUTED BY THE DEPARTMENT OF LABOR AND INDUSTRY. IF THE
COMPLETED FORM IS NOT RECEIVED BY THE DEPARTMENT OF LABOR AND
INDUSTRY BY SEPTEMBER 30, THE DEPARTMENT OF LABOR AND INDUSTRY
SHALL:

(1) NOTIFY THE SCHOOL DIRECTORS THAT SUCH FORM HAS NOT BEEN
RECEIVED AND THAT THEY HAVE THIRTY (30) DAYS FROM THE DATE OF
THIS NOTIFICATION TO FORWARD THE COMPLETED FORM; OR

(2) SEND DEPARTMENT OF LABOR AND INDUSTRY PERSONNEL TO
PERFORM AN INSPECTION AS REQUIRED BY THIS SECTION AND CHARGE THE
SCHOOL DISTRICT FOR DEPARTMENT OF LABOR AND INDUSTRY PERSONNEL
EXPENSES AND A REASONABLE FEE FOR SUCH INSPECTION.

SECTION 2. THIS ACT SHALL TAKE EFFECT IN 90 DAYS AND SHALL
APPLY TO THE SCHOOL TERM IMMEDIATELY FOLLOWING ITS ENACTMENT.