

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1346 Session of
2006

INTRODUCED BY REGOLA AND D. WHITE, OCTOBER 11, 2006

REFERRED TO LABOR AND INDUSTRY, OCTOBER 11, 2006

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," providing for classes of buildings, for
 16 special requirements, for automatic fire-detection devices,
 17 for standards for family child day-care homes, for egress,
 18 for fire extinguishers, for legislative review, for places of
 19 public assembly, for motion picture permits, for licensing of
 20 projectionists, for approval of plans, for use and occupancy
 21 permits, for discontinuance of use, for noncompliance and for
 22 violations.

23 The General Assembly of the Commonwealth of Pennsylvania
 24 hereby enacts as follows:

25 Section 1. The act of April 27, 1927 (P.L.465, No.299),
 26 referred to as the Fire and Panic Act, is amended by adding
 27 sections to read:

1 Section 2. Classes of Buildings.--The following are the
2 classes of buildings and structures which it is intended that
3 this act shall cover:

4 Class I Buildings.--Factories, power plants, mercantile
5 buildings, hotels, office buildings, hospitals, asylums, public
6 and private institutions, convalescent and nursing homes,
7 schools, colleges, school and college auditoriums and gymnasiums
8 when used for public assemblages, airports, airport buildings,
9 airplane hangars, dormitories, warehouses, garages, farm
10 buildings, except those farm buildings, occupied by less than
11 ten employes, which are used for the production or storage, or
12 both, of agricultural products, or used in the storage of farm
13 equipment by the owner or tenant of the building, and all other
14 buildings specified by the department, not enumerated in Classes
15 II, III, IV, V and VI, wherein persons are employed, housed or
16 assembled, except those farm buildings excluded herein.

17 Class II Buildings.--Theatres and motion picture theatres.

18 Class III Buildings.--Public halls, dance halls, banquet
19 halls, lodge halls, churches, skating rinks, armory halls, or
20 any other auditorium in which the public assembles, not used for
21 any of the other purposes mentioned in this act.

22 Class IV Buildings.--Tenement houses, apartment houses,
23 apartment hotels, club houses, lodging houses, and rooming
24 houses.

25 Class V Buildings.--Grandstands, stadiums and amphitheaters,
26 and summer theatres.

27 Class VI Buildings.--Family child day-care homes and group
28 child day-care homes, as defined in section 3.6.

29 Section 3. Special Requirements.--There shall be installed
30 such emergency lighting systems, sprinkler systems, and fire

1 alarm systems, in such of the buildings enumerated in this act
2 as the Department of Labor and Industry may specify and which in
3 its judgment are necessary to give proper protection from fire
4 and panic to those employed, assembled, lodged or housed
5 therein. No such systems shall be installed unless they are of a
6 type approved by the Department of Labor and Industry.

7 Section 3.1. Automatic Fire Detection Devices for the
8 Hearing Impaired.--(a) In addition to such other rules and
9 regulations as the Department of Labor and Industry shall adopt
10 relating to the locations, types and number of automatic fire
11 detection devices required in the several classes of buildings
12 covered by this act, it shall require that specialized automatic
13 fire detection devices for the deaf or hearing impaired, of a
14 type approved by the department, be made available in public
15 lodging houses, hotels and motels for the use of such guests as
16 shall request and have need of their use. Notice of the
17 availability of specialized automatic fire detection devices for
18 the deaf and hearing impaired shall be posted in the area of
19 guest registration. The lodging house, hotel or motel shall
20 maintain at least one such specialized automatic fire detection
21 device for each fifty dwelling units, with a maximum of ten and
22 a minimum of two specialized automatic fire detection devices
23 for each such lodging house, hotel or motel. Guests shall not be
24 charged for the use of such specialized automatic fire detection
25 devices, but a refundable deposit may be required for their use.
26 The Department of Labor and Industry shall, by regulation,
27 determine the existing and newly constructed lodging houses to
28 which this section shall be applicable.

29 (b) Notwithstanding the provisions of section 15, this
30 section shall apply throughout this Commonwealth. In cities of

1 the first class, second class and second class A, this section
2 shall be enforced by the city.

3 Section 3.2. Automatic Fire Detection Devices in Class IV
4 Buildings.--(a) The owner of every Class IV building shall
5 install an automatic fire detection device within each dwelling
6 unit and in each hall and stairwell. The Department of Labor and
7 Industry shall, by regulation, determine the type and numbers
8 necessary for adequate fire protection.

9 (b) An owner of a building having one (1) or more apartments
10 who complies with subsection (a) shall not be responsible for
11 any damage or injury to any person or property due or as a
12 result of any misuse or tampering with the automatic detection
13 device caused by a person other than the owner or his agent.

14 (c) Notwithstanding the provisions of section 15, this
15 section shall apply throughout this Commonwealth. In cities of
16 the first class, second class and second class A, this section
17 shall be enforced by the city.

18 (d) Unless specified otherwise in the lease agreement, it
19 shall be the responsibility of the tenant to inspect and test
20 the operation of the automatic detection device at the beginning
21 of the tenant's occupancy and then monthly thereafter and to
22 replace batteries if needed in order to keep the automatic
23 detection device operable at all times. The tenant shall also be
24 responsible for notifying the owner in case the automatic
25 detection device is not properly functioning. In addition, the
26 owner or his agent shall inspect the automatic fire detection
27 devices on a yearly basis. Notwithstanding the provisions of
28 section 15, this section shall apply throughout this
29 Commonwealth. In cities of the first class, second class and
30 second class A, this section shall be enforced by the city. For

1 the purpose of this section, "tenant" means a person who will
2 occupy a Class IV building for thirty (30) days or longer.

3 Section 2. Section 3.6 of the act, added July 1, 1992
4 (P.L.349, No.75) and amended May 22, 1996 (P.L.309, No.47), is
5 amended to read:

6 Section 3.6. Standards for Class VI Buildings.--(a) Family
7 child day-care homes shall be required to:

8 (1) Comply with 34 Pa. Code Ch. 56 (relating to division C-3
9 small group habitation).

10 (2) Develop a fire-evacuation plan, conduct at least four
11 (4) fire drills per year and maintain a written record of all
12 fire drills.

13 (b) Group child day-care homes which provide care to twelve
14 (12) children or less at any one time shall be required to:

15 (1) Comply with 34 Pa. Code Ch. 56.

16 (2) Develop a fire-evacuation plan, conduct at least six (6)
17 fire drills per year and maintain a written record of all fire
18 drills.

19 (3) Maintain, from each floor used for day care, one (1)
20 direct grade exit which shall be an exit discharge door to the
21 outside, stair tower or ramp.

22 (4) Provide single-station detection devices listed as
23 meeting Underwriter's Laboratory 217 (1980 Edition) in each
24 sleeping area used for day care.

25 (c) Group child day-care homes which provide care to
26 thirteen (13) or more children at any one time shall be required
27 to comply with 34 Pa. Code Ch. 54 (relating to group B
28 educational).

29 (d) Any statute or regulation to the contrary
30 notwithstanding, the fee to be charged by the Department of

1 Labor and Industry for field inspection and issuance of an
2 occupancy permit relating to a family child day-care home shall
3 be twenty-five dollars (\$25.00).

4 (e) The Industrial Board shall have authority to grant
5 variances from the requirements of this section and to hear
6 appeals arising from enforcement proceedings under this section,
7 as provided in section 2214 of the act of April 9, 1929
8 (P.L.177, No.175), known as "The Administrative Code of 1929,"
9 and the regulations promulgated thereunder.

10 (f) (1) (i) As to family child day-care homes, a facility
11 registered by the Department of Public Welfare as of April 4,
12 1992, shall be permitted one full registration period of twenty-
13 four (24) months beyond the expiration of the current
14 certificate of registration to comply with the requirements of
15 this section.

16 (ii) A facility registered by the Department of Public
17 Welfare between April 4, 1992, and April 4, 1994, is required to
18 provide:

19 (A) An operable smoke detector placed on each level of the
20 facility used by day-care children.

21 (B) An operable smoke detector on each level of exit from
22 the facility.

23 (C) A portable fire extinguisher located in the kitchen and
24 in other cooking areas. A fire extinguisher shall be equipped
25 with a pressure gauge and shall be suitable for a class B fire.

26 (iii) Subparagraph (ii) applies for a maximum of twenty-four
27 (24) months from the date the facility is registered by the
28 Department of Public Welfare. Following expiration of the
29 twenty-four (24) month period, a facility shall comply with all
30 the requirements of this section.

1 (2) (i) As to group child day-care homes, a facility
2 certified by the Department of Public Welfare as of April 4,
3 1992, shall be permitted twelve (12) months beyond the
4 expiration date of the current certificate of compliance to
5 comply with the requirements of this section.

6 (ii) A facility certified by the Department of Public
7 Welfare as of April 4, 1993, will be permitted until April 4,
8 1994, to comply with the requirements of this section.

9 (f.1) (1) The smoke detection devises required under this
10 section need not be interconnected or electronically connected
11 for family child day-care homes. For the purposes of this act,
12 noninterconnected smoke detection devises shall be deemed
13 acceptable where:

14 (i) each devise is an enclosed nonreplaceable battery smoke
15 detector unit which meets applicable UL standards and has a
16 minimum ten-year limited warranty commencing with the date of
17 purchase; and

18 (ii) the activation of each detector results in an alarm
19 that is audible to persons in the indoor child-care space with
20 all intervening doors closed.

21 (2) Family child day-care home operators shall maintain, in
22 their fire drill logs, proof of purchase, including the date of
23 purchase of the smoke detector.

24 (g) As used in this section, the following words and phrases
25 shall have the meanings given to them in this section:

26 "Family child day-care home" means a home other than the
27 child's own home in which child day care is provided at any one
28 time to four (4), five (5) or six (6) children unrelated to the
29 operator.

30 "Group child day-care home" means a home other than the

1 child's own home in which child day care is provided at any one
2 time for more than six (6) but fewer than thirteen (13) children
3 who are unrelated to the operator.

4 Section 3. The act is amended by adding sections to read:

5 Section 4. Ways of Egress.--From every floor of buildings,
6 enumerated in section two of this act, there shall be proper and
7 sufficient ways of egress and means of escape from fire and
8 panic. The Department of Labor and Industry shall promulgate
9 rules and regulations concerning the proper and sufficient ways
10 of egress and means of escape from fire and panic from buildings
11 enumerated in section 2. The Department of Labor and Industry
12 may order fire walls, smoke barriers, additional fireproofing,
13 or the enclosure of vertical openings, to be built in buildings
14 already erected, or which may hereafter be erected, where in its
15 judgment the erection of such fire walls, smoke barriers,
16 additional fireproofing, or the enclosure of vertical openings
17 is necessary to the reasonable safe protection of the occupants.
18 The ways of egress shall be free from obstruction, lighted, and
19 ready for instant use at all times. Fire escapes, now in use or
20 hereafter erected, shall be kept in safe condition, and up to
21 such standard requirements as may be specified by the Department
22 of Labor and Industry. This section does not apply to personal
23 care boarding homes.

24 Section 4.1. Fire Extinguishers.--In addition to such other
25 rules and regulations as the Department of Labor and Industry
26 shall adopt relating to the locations, types and number of fire
27 extinguishers in the several classes of buildings covered by
28 this act, it shall require that all fire extinguishers which are
29 installed or stored in a closet or recessed in a wall or
30 otherwise obscured from view shall be marked over the door to

1 such closet or over such recess or at the nearest point to such
2 obscured location which is readily visible with a light of such
3 size and color as the said department may prescribe, so that the
4 location of any such fire extinguisher may be immediately
5 ascertained in emergencies.

6 Section 4.2. Legislative Review of Certain Rules and
7 Regulations.--(a) Whenever the department proposes rules or
8 regulations or amendments thereto pursuant to the provisions of
9 section 4 and before the department adopts finally any such
10 rules or regulations or amendments thereto pursuant to the act
11 of July 31, 1968 (P.L.769, No.240), referred to as the
12 Commonwealth Documents Law, the department shall submit such
13 rules or regulations or amendments thereto to the General
14 Assembly pursuant to the provisions of this section.

15 (b) The department shall transmit such proposed rules or
16 regulations or amendments thereto to the Speaker of the House of
17 Representatives and to the President pro tempore of the Senate
18 who shall authorize and direct an appropriate committee to
19 review the proposals. Either committee may within thirty (30)
20 calendar days or five (5) legislative days, whichever is later,
21 recommend disapproval of the proposed rules or regulations or
22 amendments thereto to the General Assembly. Subsequent to a
23 recommendation for disapproval by either committee, the General
24 Assembly may by concurrent resolution, within thirty (30)
25 calendar days or five (5) legislative days, whichever is later,
26 disapprove the proposed rules, regulations or amendments
27 thereto.

28 (c) Any rule or regulation or amendment thereto not
29 disapproved by the General Assembly within the allotted time may
30 be finally adopted by the department pursuant to the

1 Commonwealth Documents Law. Any rule or regulation or amendment
2 thereto which has not been submitted to the General Assembly
3 pursuant to this section or which has been disapproved shall be
4 null and void and without effect.

5 Section 5. Theatres, Motion Picture Theatres and Places of
6 Public Assembly.--In every theatre, motion picture theatre, and
7 place of public assembly, the construction of the building, the
8 exits from the stage, dressing rooms and auditorium, the type
9 and location of exit lights and signs, the width and location of
10 aisles and the arrangement of seats, the construction and use of
11 projection rooms and the equipment contained therein, the height
12 of ceilings and the ventilation of the auditorium, the
13 construction and type of proscenium walls, arches and curtains,
14 drop curtains and sky borders, and the amount, type and location
15 of fire preventing and extinguishing equipment for the stage,
16 dressing room, projection rooms, or other parts of the building,
17 shall be such as to provide reasonable and adequate protection
18 for all persons who may assemble therein. Neither on or about
19 the stage, auditorium, balconies or galleries, nor in any other
20 part of the buildings covered by this section, shall any
21 inflammable or explosive oil or material be used or stored,
22 except when special permission is granted by the Department of
23 Labor and Industry and in accordance with specifications set
24 forth by the said department. There shall be no smoking in any
25 auditorium, balcony or gallery of any theatre or motion picture
26 theatre. All electrical wiring and appliances in such buildings
27 shall be installed in a safe manner, and so maintained.

28 Section 6. Permit for Motion Pictures.--Whenever any
29 building, or portion of a building, is intended to be used for
30 the occasional non-theatrical exhibition of motion pictures,

1 such building or portion of building shall be approved for such
2 by the Department of Labor and Industry and a permit obtained
3 from the said department before such motion picture exhibitions
4 are held.

5 Section 7. Licensing of Projectionists Except in Cities of
6 the First Class and Second Class.--Except as otherwise provided
7 herein, no person shall be permitted to project any motion
8 picture, either theatrical or nontheatrical, until he has
9 obtained a license from the Department of Labor and Industry,
10 after passing an examination prescribed by the said department,
11 for which fees shall be charged as hereinafter provided; and no
12 person shall be permitted in any projection room during any
13 performance, except licensed projectionists, apprentice
14 projectionists, the manager or owner of the theater, or
15 authorized officials of the Department of Labor and Industry.
16 Any license may be suspended or revoked for due cause, but no
17 license shall be revoked until the projectionist or apprentice
18 projectionist has been granted a hearing before the Secretary of
19 Labor and Industry. The amendment providing for the licensing of
20 projectionists in cities of the second class A to become
21 effective as of the first day of January, one thousand nine
22 hundred fifty-two. Every application for examination as a
23 projectionist shall be accompanied by a fee. If the applicant is
24 successful, a certificate of competency and a license shall be
25 issued upon payment of an additional fee for projectionists of
26 theatrical or commercial motion pictures, or a fee for
27 projectionists of nontheatrical motion pictures. There shall be
28 no examination fee required from apprentice projectionists, but
29 there shall be a license fee required, the same to accompany
30 application from the apprentice projectionist. For the annual

1 renewal of license for a theatrical or commercial projectionist,
2 there shall be a fee charged, the same to accompany the
3 application for renewal of license, and for nontheatrical
4 projectionists. A renewal fee for apprentice license shall be
5 charged. The Department of Labor and Industry shall establish
6 the fees required under this section by regulation. All fees
7 shall be paid to the Department of Labor and Industry and by the
8 said department paid to the State Treasurer, through the
9 Department of Revenue, for the use of the Commonwealth:
10 Provided, however, That no registration, examination, license or
11 fee shall be required for any one to operate approved sixteen
12 millimeter or smaller projectors, using cellulose acetate film
13 or similar nonflammable film, with or without sound equipment,
14 not being exhibited in theaters or public places of
15 entertainment regularly used as such at which admission fees are
16 charged. Notwithstanding the provisions of this section to the
17 contrary, the amount of any fee referred to in this section
18 shall be determined pursuant to the provisions of section 613-A
19 of the act of April 9, 1929 (P.L.177, No.175), known as "The
20 Administrative Code of 1929."

21 Section 8. Approval of Plans.--It shall be the duty of the
22 owner, architect, or contractor of every building or structure,
23 as described in this act, hereafter erected, adapted, remodeled,
24 or altered, to submit to the Department of Labor and Industry
25 for approval, architectural drawings, specifications, or other
26 data showing compliance with the provisions of this act and the
27 rules and regulations of the said department which may be
28 promulgated for the enforcement of the provisions of this act.
29 No such building or structure shall be erected, adapted,
30 remodeled, or altered, until such plans have been examined and

1 approval given by the Department of Labor and Industry, and a
2 building permit obtained in municipalities where such permit is
3 required by ordinance. The department shall establish, by
4 regulation, the fee for making the necessary examination for
5 approval of architectural drawings, specifications, or other
6 data, and for related field inspections performed to verify
7 compliance with the approved architectural drawings,
8 specifications or other data, and no such drawings,
9 specifications, or other data shall be approved until payment is
10 made of the fee charged therefor. All fees received by the said
11 department for making such examinations shall be paid into the
12 State Treasury through the Department of Revenue.

13 Any such owner, architect, or contractor, whose drawings or
14 specifications have been submitted to and approved by said
15 department as herein provided, may proceed with the erection,
16 adapting, remodeling, or altering of such building or structure
17 without submitting such drawings or specifications to or
18 obtaining the approval of any other department, board, or agency
19 of the State government. Notwithstanding the provisions of this
20 section to the contrary, the amount of any fee referred to in
21 this section shall be determined pursuant to the provisions of
22 section 613-A of the act of April 9, 1929 (P.L.177, No.175),
23 known as "The Administrative Code of 1929."

24 Section 9. Permits for Use or Occupancy.--Before any
25 building or structure hereafter erected, adapted, remodeled, or
26 altered shall be used or opened for occupancy, the owner thereof
27 shall notify the Department of Labor and Industry of the
28 completion of the erection, adoption, remodeling, or alteration
29 of the said building or structure. If the Department of Labor
30 and Industry finds, after proper investigation, that the

1 building or structure complies with the requirements of this
2 act, and the rules and regulations promulgated for the
3 enforcement of the provisions of this act, then the said
4 department shall issue to the owner of the building or structure
5 a permit authorizing the occupancy or use of the building or
6 structure.

7 Section 10. Discontinuance of Use.--When for any reason the
8 ways of egress required for buildings, prior used for purposes
9 set forth in the various titles of this act, cannot be provided,
10 or when the owner of the building has been served with a written
11 notice by the Department of Labor and Industry to provide such
12 ways of egress and has failed or neglected to do so within the
13 time specified in such written notice, then that portion of the
14 building for which such additional ways of egress are required,
15 or the entire building as the case may be, shall be immediately
16 vacated and a notice placed in the same by the direction of the
17 Secretary of Labor and Industry, or his duly authorized
18 representative, forbidding its occupation or use or the
19 occupation or use of the portion affected until the requirements
20 of this act have been complied with.

21 Section 11. Failure to Submit Plans or Obtain Approval.--
22 Whenever the owner of any building or structure to be erected or
23 adapted, remodeled or altered shall fail to submit plans to the
24 Department of Labor and Industry, or, having submitted plans,
25 shall have failed to obtain approval of such plans, and shall
26 nevertheless proceed with the work of erecting, adapting,
27 remodeling, or altering the said building, the Department of
28 Labor and Industry shall serve notice on the said owner, or his
29 contractor or his architect, to immediately cease all work on
30 the said building or structures; and a notice shall be placed on

1 the premises prohibiting such work being performed until the
2 said plans have been submitted and approval given by the
3 Department of Labor and Industry.

4 Section 12. Failure to Comply with Provisions of this Act.--
5 Whenever the owner of any building or structure, as described in
6 this act, shall fail to comply with the provisions of this act,
7 or the rules and regulations of the Department of Labor and
8 Industry formulated under the authority of this act, and upon
9 whom a written order shall have been served by the Department of
10 Labor and Industry to comply with the said provisions of this
11 act and the rules and regulations of the Department of Labor and
12 Industry, and who nevertheless shall have failed to comply with
13 the said written order within the time specified in the same,
14 the Department of Labor and Industry shall be authorized to
15 immediately order the building or structure to be vacated or
16 placed out of service until such time as the requirements of
17 this act and the rules and regulations of the Department of
18 Labor and Industry shall have been fully complied with.

19 Section 4. The Secretary of Labor and Industry shall
20 transmit a notice for publication in the Pennsylvania Bulletin
21 when the secretary is satisfied that all of the following have
22 been enacted:

23 (1) The addition of sections 2, 3, 3.1, 3.2, 3.6(a),
24 (b), (c), (d), (e) and (f)(1)(ii) and (iii) and (2), 4, 4.1,
25 4.2, 5, 6, 7, 8, 9, 10, 11 and 12 of the act of April 27,
26 1927 (P.L.465, No.299), referred to as the Fire and Panic
27 Act.

28 (2) The reenactment of the act of May 2, 1929 (P.L.1518,
29 No.452), referred to as the Elevator Regulation Law.

30 (3) The reenactment of the act of September 1, 1965

1 (P.L.459, No.235), entitled, as amended, "An act requiring
2 that certain buildings and facilities adhere to certain
3 principles, standards and specifications to make the same
4 accessible to and usable by persons with physical handicaps,
5 and providing for enforcement."

6 (4) The reenactment of the act of July 9, 1976 (P.L.919,
7 No.170), entitled "An act providing for the approval or
8 disapproval of applications for a permit relating to the
9 construction or maintenance of improvements to real estate."

10 (5) The reenactment of the act of December 15, 1980
11 (P.L.1203, No.222), known as the Building Energy Conservation
12 Act.

13 (6) The reenactment of the act of December 17, 1990
14 (P.L.742, No.185), entitled "An act providing for restrooms
15 in facilities where the public congregates; and requiring
16 that restroom facilities be provided for women on an
17 equitable basis."

18 (7) The reenactment of the act of December 19, 1990
19 (P.L.1387, No.214), known as the Dry Cleaning Law.

20 (8) The repeal of the act of November 10, 1999 (P.L.491,
21 No.45), known as the Pennsylvania Construction Code Act.

22 Section 5. This act shall take effect as follows:

23 (1) The following provisions shall take effect
24 immediately:

25 (i) Section 4 of this act.

26 (ii) This section.

27 (2) The remainder of this act shall take effect upon
28 publication of the notice under section 4 of this act.