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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 203**      Session of  
2007

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INTRODUCED BY BELFANTI, SURRA, JAMES, GOODMAN, CALTAGIRONE,  
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SWANGER, J. TAYLOR, WALKO, WILLIAMS AND YUDICHAK,  
FEBRUARY 5, 2007

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REFERRED TO COMMITTEE ON LABOR RELATIONS, FEBRUARY 5, 2007

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AN ACT

1 Providing for a program to assist certain facilities in the  
2 installation of fire sprinkler and alarm systems and  
3 procurement of emergency communication equipment;  
4 establishing the Fire Safety Fund and a fire safety program;  
5 providing for duties of the Department of Labor and Industry;  
6 imposing penalties; and making an appropriation.

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

9 Section 1. Short title.

10 This act shall be known and may be cited as the Fire Safety  
11 Act.

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall  
14 have the meanings given to them in this section unless the  
15 context clearly indicates otherwise:

16 "Department." The Department of Labor and Industry of the  
17 Commonwealth.

18 "Facility." Any of the following:

1 (1) An institution subject to supervision by the  
2 Department of Public Welfare under Article IX of the act of  
3 June 13, 1967 (P.L.31, No.21), known as the Public Welfare  
4 Code. Notwithstanding section 902(5) of the Public Welfare  
5 Code, this paragraph does not include labor or labor systems  
6 in penal, correctional or reformatory institutions in this  
7 Commonwealth.

8 (2) A facility subject to licensure under Article X of  
9 the Public Welfare Code.

10 (3) A State veterans home.

11 (4) An assisted living facility.

12 (5) A personal care home.

13 "Fund." The Fire Safety Fund established in section 4.

14 "Program." The fire safety program established in section 6.

15 "Personal care home." A facility subject to the licensure  
16 under 55 Pa.Code Ch. 2620.

17 Section 3. Duties of department.

18 The department shall:

19 (1) Administer the fund under section 4.

20 (2) Administer the program under section 6.

21 (3) Prosecute violations under section 11.

22 (4) Promulgate regulations to implement this act.

23 Section 4. Fund.

24 (a) Establishment.--The Fire Safety Fund is established as a  
25 separate fund in the State Treasury.

26 (b) Sources.--The sources of the fund are as follows:

27 (1) Program appropriations.

28 (2) Repayment of principal and interest on loans under  
29 section 7.

30 (3) Fines under section 11.

1 (4) Return on investment of the money in the fund.

2 (c) Continuing appropriation.--The money in the fund is  
3 continuously appropriated to the fund. This appropriation shall  
4 not lapse at the end of any fiscal year.

5 Section 5. Safety requirements for facilities.

6 (a) Automatic sprinkler systems.--A facility shall be  
7 equipped with an automatic sprinkler system that satisfies the  
8 requirements of Pamphlet 13 or 13R of the National Fire  
9 Protection Association.

10 (b) Fire alarms.--A facility shall be equipped with an  
11 automatic and manually activated fire alarm system installed to  
12 transmit an alarm automatically to a fire department by the most  
13 direct and reliable method approved by local regulations.

14 (c) Emergency use communications.--A facility shall have  
15 either a cellular phone or other functioning alternative form of  
16 communication in each wing or on each floor of the facility for  
17 use only during an emergency.

18 Section 6. Fire safety program.

19 (a) Program.--The department shall establish and administer  
20 a loan program for the purpose of providing low-interest loans  
21 to facilities to install or retrofit automatic water sprinkler  
22 systems or automatic fire suppression or control systems and  
23 automatic and manually activated fire alarm systems installed to  
24 transmit an alarm automatically to a fire department and to  
25 procure alternate forms of emergency communication in facilities  
26 in order to comply with this act. Loan payments shall be  
27 credited to the fund.

28 (b) Terms and conditions.--Each loan approved by the  
29 department under this act shall contain the following terms and  
30 conditions:

1 (1) The loan shall be subject to interest at a rate of  
2 1.5% per annum.

3 (2) The loan shall be repaid within ten years of the  
4 date of the loan.

5 (3) Any other terms and conditions as promulgated by the  
6 department.

7 (c) Application.--The department shall develop an  
8 application for loans from the fund. No loan shall be approved  
9 by the department unless the applicant seeking the loan has  
10 completed the application and agreed to the terms and conditions  
11 required by the department.

12 Section 7. Program requirements.

13 (a) Compliance.--A facility in existence on the effective  
14 date of this section shall be in compliance with section 5 not  
15 later than five years from the effective date of this section.

16 (b) Conversion.--A building or structure in existence on the  
17 effective date of this section which is converted into a  
18 facility shall be in compliance with section 5 prior to the  
19 issuance of a certificate of occupancy.

20 (c) Renovation.--A facility in existence on the effective  
21 date of this section which is renovated at a cost in excess of  
22 25% of the facility's taxable value shall be in compliance with  
23 section 5 prior to the issuance of a certificate of occupancy.

24 (d) New facilities.--A facility on which construction is  
25 initiated on or after the effective date of this section shall  
26 be in compliance with section 5 prior to the issuance of a  
27 certificate of occupancy.

28 (e) Variances from compliance requirements.--A facility may  
29 apply to the department for a variance from the completion  
30 requirement of section 5. The department shall promulgate, by

1 regulation, the format and procedure for the consideration of  
2 variance requests. The department may grant a variance if it can  
3 be demonstrated that the applicant is acting in good faith and  
4 that compliance with section 5 would impose an unreasonable  
5 hardship to the applicant. Possible factors justifying a  
6 variance include the availability of qualified contractors and  
7 the possible financial hardship imposed on an applicant if the  
8 applicant were required to comply with the original completion  
9 requirement. A variance under this paragraph may not exceed two  
10 years from the original completion requirement. A variance  
11 application must be submitted no later than 42 months after the  
12 effective date of this act.

13 Section 8. Requirements.

14 Participants in the program shall be subject to the following  
15 statutory requirements governing construction projects and  
16 construction-related work:

17 (1) Section 1 of the act of May 1, 1913 (P.L.155,  
18 No.104), entitled "An act regulating the letting of certain  
19 contracts for the erection, construction, and alteration of  
20 public buildings."

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

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

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

27 Section 9. Failure to comply.

28 If the owner of a facility, after receiving service of a  
29 written order by the department to comply with the provisions of  
30 this act and its regulations, fails to comply with any written

1 order within the time specified in the order, the department is  
2 authorized to immediately order the facility to be vacated or  
3 placed out of service until the requirements of this act and its  
4 regulations are fully complied with.

5 Section 10. Enforcement.

6 For the purpose of enforcing this act, all the officers  
7 charged with its enforcement shall have the power to enter any  
8 facility. No person shall hinder or delay or interfere with any  
9 of these officers in the performance of their duty nor refuse  
10 information necessary to determine compliance with the  
11 provisions of this act and its regulations.

12 Section 11. Penalties.

13 (a) Violation of act.--

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

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

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

21 Section 12. Appropriation.

22 The sum of \$ , or as much thereof as may be  
23 necessary, is hereby appropriated to the Fire Safety Fund for  
24 the fiscal year July 1, 2007, to June 30, 2008.

25 Section 13. Effective date.

26 This act shall take effect July 1, 2007, or immediately,  
27 whichever is later.