
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 135 Session of
2007

INTRODUCED BY KITCHEN, RAFFERTY, FONTANA, KASUNIC, LAVALLE,
COSTA, TARTAGLIONE, FERLO AND LOGAN, MARCH 5, 2007

REFERRED TO URBAN AFFAIRS AND HOUSING, MARCH 5, 2007

AN ACT

1 Providing for requirements relating to portable fire
2 extinguishers and for enforcement and penalties.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Residential
7 Transfer Portable Fire Extinguisher Act.

8 Section 2. Definitions.

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

12 "Agency." An enforcing municipality.

13 "Department." The Department of Labor and Industry of the
14 Commonwealth.

15 "Dwelling unit." Any house or building or any portion of
16 either which is leased for occupation as a domicile or occupied
17 as home or residence for two or more households living in

1 separate rooms or suites of two or more rooms and has facilities
2 for cooking on the premises. This term shall not include any
3 structure which is occupied by a person having an ownership
4 interest in the premises.

5 "Enforcing municipality." A city, borough, incorporated
6 town, township or home rule municipality that administers and
7 enforces Chapter 3 of the act of November 10, 1999 (P.L.491,
8 No.45), known as the Pennsylvania Construction Code Act.

9 "Officer." A code official certified by the Department of
10 Labor and Industry and:

11 (1) designated by an enforcing municipality to
12 administer and enforce Chapter 3 of the act of November 10,
13 1999 (P.L.491, No.45), known as the Pennsylvania Construction
14 Code Act; or

15 (2) retained by a seller, owner or transferor for
16 inspection of the dwelling unit where the municipality is not
17 an enforcing municipality.

18 "Portable fire extinguisher." An operable portable device
19 carried and operated by hand, containing an extinguishing agent
20 that can be expelled under pressure for the purpose of
21 suppressing or extinguishing fire, and which is:

22 (1) rated for residential use consisting of an A-B-C
23 classification;

24 (2) no larger than a ten-pound rated extinguisher; and

25 (3) mounted within ten feet of the kitchen area, unless
26 otherwise permitted by the enforcing agency.

27 Section 3. Requirement.

28 (a) Portable fire extinguisher.--Notwithstanding any
29 provision of law to the contrary, every dwelling unit located in
30 a building without a sprinkler system, upon its sale, lease or

1 transfer, shall be equipped with at least one portable fire
2 extinguisher, at the expense of the seller, landlord or
3 transferor, as appropriate, in conformance with rules and
4 regulations promulgated by the department. The regulations shall
5 address the required maintenance and periodic testing of
6 portable fire extinguishers.

7 (b) Notification.--A municipality shall provide notification
8 to all landlords of dwelling units located within the
9 municipality of the requirements under this act within 60 days
10 of its effective date. Such notice may be achieved through
11 publication in a newspaper or newspapers of general circulation,
12 which are available or distributed throughout the municipality,
13 for a period of three consecutive weeks.

14 Section 4. Deductions for portable fire extinguisher.

15 (a) Security deposit.--The landlord, lessor or transferor
16 may deduct the cost of the portable fire extinguisher from the
17 security deposit provided by the tenant, lessee or transferor
18 if:

19 (1) The portable fire extinguisher has been discharged.

20 (2) The portable fire extinguisher has been removed from
21 the dwelling unit upon the lessee's departure.

22 (b) Rent.--An occupant of a dwelling unit may deduct the
23 cost of the portable fire extinguisher from the monthly rent at
24 one point during the course of his agreement with the landlord,
25 lessor or transferor provided that:

26 (1) A receipt is provided as evidence that a portable
27 fire extinguisher was purchased.

28 (2) A portable fire extinguisher was not located in the
29 dwelling unit at the beginning of the lease term.

30 Section 5. Certificate of occupancy.

1 (a) Change of occupancy.--In any case in which a change of
2 occupancy of any dwelling unit in a building without a sprinkler
3 system installed in accordance with section 903.3 (relating to
4 automatic sprinkler systems) of the International Building Code
5 is subject to a municipal ordinance requiring the issuance of a
6 certificate of occupancy, certificate of inspection or other
7 documentary certification of compliance with laws and
8 regulations relating to the safety and maintenance of the
9 premises, no such certificate shall be issued until the officer
10 or agency responsible for its issuance has determined that the
11 dwelling unit is equipped with at least one portable fire
12 extinguisher as required by section 3. The officer or agency
13 shall also verify the proper functionality of the portable fire
14 extinguisher as part of their routine inspection in determining
15 whether a document of compliance should be issued.

16 (b) Initial occupancy.--In the case of an initial occupancy
17 or a change of occupancy of any dwelling unit in a building to
18 which the provisions of subsection (a) do not apply, no owner
19 shall sell, lease or otherwise permit occupancy for residential
20 purposes of that dwelling unit without first obtaining from the
21 officer or agency a certificate indicating that the dwelling
22 unit is equipped with at least one portable fire extinguisher as
23 required by section 3.

24 (c) Fees.--An enforcing municipality may establish a fee
25 which covers the cost of inspection and of issuance of the
26 certificate; however, if an inspection is conducted for the
27 issuance of a certificate evidencing compliance with Chapter 3
28 of the act of November 10, 1999 (P.L.491, No.45), known as the
29 Pennsylvania Construction Code Act, the fee authorized therein
30 shall cover the cost of complying with this section.

1 Section 6. Regulations.

2 The department shall promulgate regulations to implement this
3 act within 90 days of the effective date of this act.

4 Section 7. Violation.

5 (a) Penalty.--A seller, landlord or transferor who sells,
6 leases or transfers or otherwise permits the occupancy of a
7 dwelling unit without complying with this act shall be subject
8 to a fine of not more than \$100.

9 (b) Disposition of fines.--An agency is authorized to impose
10 and collect fines authorized under subsection (a) and utilize
11 the proceeds for the administration and enforcement of this act.
12 The department is authorized to impose and collect fines
13 authorized under subsection (a) in a municipality that is not an
14 enforcing municipality and utilize the proceeds for the
15 administration and enforcement of this act.

16 Section 8. Effective date.

17 This act shall take effect in 30 days.