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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1236 Session of  
2019

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INTRODUCED BY POLINCHOCK, FARRY, CIRESI, HEFFLEY, KORTZ,  
MARKOSEK, MURT AND SCHLOSSBERG, APRIL 17, 2019

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REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, APRIL 17, 2019

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AN ACT

1 Regulating certain smoke alarm devices; providing for owner  
2 responsibilities; and prescribing 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 Smoke Alarm  
7 Device Responsibility 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 "Approved smoke alarm device." A smoke alarm device that:

13 (1) is powered by a nonremovable, nonreplaceable battery  
14 capable of powering the smoke alarm device for at least 10  
15 years;

16 (2) is powered by an electrical system;

17 (3) is part of a fire alarm system that operates other  
18 smoke alarm devices; or

1           (4) uses a low-power radio frequency wireless  
2 communication signal.

3       "Owner of a dwelling." A person who owns a one-family, two-  
4 family or multifamily dwelling.

5       "Smoke alarm device." A fire-protection device that  
6 automatically detects and gives a warning of the presence of  
7 smoke.

8 Section 3. Prohibition.

9       (a) General rule.--No person may distribute, sell, offer for  
10 sale or import a smoke alarm device unless the device is an  
11 approved smoke alarm device.

12       (b) Exception.--Subsection (a) shall not apply to a smoke  
13 alarm device manufactured prior to the effective date of this  
14 section.

15 Section 4. Leased dwellings.

16       (a) General rule.--An owner of a dwelling that leases a  
17 dwelling shall, prior to execution of the lease, equip the  
18 dwelling with an approved smoke alarm device.

19       (b) Exception.--Subsection (a) shall not apply to a smoke  
20 alarm device installed in a dwelling prior to the effective date  
21 of this section.

22 Section 5. Owner responsibilities.

23       (a) Approved smoke alarm device required.--An owner of a  
24 dwelling that installs or replaces a smoke alarm device in the  
25 dwelling after the effective date of this section, must do so  
26 with an approved smoke alarm device.

27       (b) Construction.--Nothing in this act shall be construed as  
28 requiring an owner of a dwelling that is leased to maintain,  
29 repair or replace an approved smoke alarm device in the dwelling  
30 while the dwelling is occupied.

1 Section 6. Tenant responsibilities.

2 The tenant of a one-family, two-family or multifamily  
3 dwelling in which an approved smoke alarm device has been  
4 installed in accordance with this act:

5 (1) Shall maintain the approved smoke alarm device in  
6 good repair.

7 (2) Shall test the approved smoke alarm device annually.

8 (3) May not remove or render the approved smoke alarm  
9 device inoperable.

10 (4) Shall notify the owner of the dwelling, or its  
11 authorized agent, in writing of any deficiencies relating to  
12 the approved smoke alarm device.

13 Section 7. Enforcement.

14 A person who violates this act commits a summary offense  
15 punishable by a fine of up to \$50.

16 Section 8. Municipal requirements.

17 Nothing in this act shall be construed as preventing a  
18 municipality from adopting, by ordinance or resolution, equal or  
19 more stringent requirements relating to smoke alarm devices.

20 Section 9. Effective date.

21 This act shall take effect in two years.