

Commerce
Holden, Chairperson
DeKoster
Husak

FILED JAN 14 1981

SENATE FILE 75
BY HUTCHINS

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to installation of smoke detectors in multiple-
2 unit residential buildings and to inspection by fire officials
3 and providing a penalty.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Chapter 100, Code 1981, is amended by adding
2 the following new section:

3 NEW SECTION. SMOKE DETECTORS.

4 1. As used in this section:

5 a. "Multiple-unit residential building" means a residential
6 building with two or more units, hotel, motel, or rooming
7 house, or a condominium not separated by at least one-hour
8 fire walls from other condominiums.

9 b. "Smoke detector" means a device which detects visible
10 or invisible particles of combustion and which incorporates
11 control equipment and an alarm-sounding unit operated from
12 a power supply either in the unit or obtained at the point
13 of installation.

14 2. Multiple-unit residential buildings the construction
15 of which is begun on or after the effective date of this Act
16 shall include the installation of at least one smoke detector
17 in each sleeping area of a unit in a residential building
18 with two or more units or of a condominium not separated by
19 at least one-hour fire walls, in each sleeping room in a hotel
20 or motel, and either in each sleeping room or in each corridor
21 or area giving access to sleeping rooms in a rooming house.
22 All other multiple-unit residential buildings shall be equipped
23 with at least one smoke detector in the rooms or areas
24 enumerated in this subsection by the end of two years after
25 the effective date of this Act. All smoke detectors shall
26 display an underwriters laboratory label, a factory mutual
27 label, or another label specifically approved by the state
28 fire marshal.

29 3. On or after the effective date of this Act, a person
30 shall not sell, rent, or lease a unit of a multiple-unit
31 residential building, the construction of which is begun on
32 or after the effective date of this Act, unless the state
33 fire marshal, upon inspection, determines that the requirements
34 of subsection 2 are met. By the end of two years after the
35 effective date of this Act, a person shall not sell, rent,

1 or lease a unit of a multiple-unit residential building unless
2 the state fire marshal, upon inspection, determines that the
3 requirements of subsection 2 are met.

4 4. The state fire marshal shall initially and may annually
5 inspect smoke detectors as in place and operable. Upon
6 inspection, the state fire marshal shall issue a written
7 notice to the owner or manager of a multiple-unit residential
8 building informing the owner or manager of compliance or
9 noncompliance with this section. The state fire marshal may
10 delegate the inspection and notification responsibility to
11 the fire marshal's subordinates, chiefs of local fire
12 departments, building inspectors, or other fire, building,
13 or safety officials. The state fire marshal shall adopt
14 administrative rules under chapter 17A as necessary to enforce
15 this section including rules concerning the placement of smoke
16 detectors which are required by this section.

17 5. The inspection of a building or notification of
18 compliance or noncompliance under this section is not the
19 basis for a legal cause of action against the state fire
20 marshal, the fire marshal's subordinates, chiefs of local
21 fire departments, building inspectors, or other fire, building,
22 or safety officials due to a failure to discover a defect
23 in the course of the inspection.

24 6. If a smoke detector is found to be inoperable the owner
25 or manager of the multiple-unit residential building shall
26 correct the situation within fourteen days after written
27 notification to the owner or manager by the tenant, guest,
28 roomer, state fire marshal, fire marshal's subordinates,
29 chiefs of local fire departments, building inspectors, or
30 other fire, building, or safety officials.

31 7. A person who violates a provision of this section or
32 a rule adopted pursuant to this section is guilty of a simple
33 misdemeanor. Each day of a continuing violation, after
34 conviction for the same violation, is a separate offense.

35 Sec. 2. The state fire marshal shall notify the owners

1 of newly constructed buildings on or after the effective date
2 of this Act and the owners of existing buildings by the end
3 of two years after the effective date of this Act, by
4 publication in a newspaper or newspapers of general circulation
5 in this state, that the owners are required to bring the
6 buildings into compliance with this Act.

7 EXPLANATION

8 This bill requires the new construction of residential
9 buildings with two or more units, certain condominiums, hotels,
10 motels, and rooming houses to immediately include smoke
11 detectors in all sleeping areas. Within two years existing
12 and converted residential buildings with two or more units,
13 certain condominiums, hotels, motels, and rooming houses must
14 be equipped with smoke detectors. If the requirements are
15 not met the buildings are prohibited from being sold, rented,
16 or leased. A building owner is also required to correct an
17 inoperable smoke detector within 14 days after receipt of
18 a written notice.

19 The state fire marshal is charged with enforcement of the
20 law and is required to initially inspect all smoke detectors
21 as in place and operable and to notify the owners or managers
22 of compliance or noncompliance with the requirements of the
23 bill. The state fire marshal may delegate the inspection
24 and notification responsibility to subordinates or to fire,
25 building, or safety officials. The bill prohibits a legal
26 cause of action from being based on the failure to discover
27 a defect upon inspection by a state or local fire, building
28 or safety official.

29 The state fire marshal is required to adopt administrative
30 rules for the placement of smoke detectors and to notify
31 building owners by newspaper publication of the required
32 compliance. If a provision of the bill conflicts with the
33 state building code the latter will prevail (section 100.38).

34 Violation of a provision of the bill or a rule adopted
35 under the bill is punishable by 30 days imprisonment or a

1 \$100 fine. Each day of the same violation, after conviction,
2 is considered a separate offense.

3 The bill would become law July 1 following its enactment.

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11 SENATE FILE 75
12 FISCAL NOTE

13 REQUESTED BY SENATOR HUTCHINS

14 In compliance with a written request there is hereby submitted a
15 Fiscal Note for Senate File 75 pursuant to Joint Rule 16.

16 S.F. 75, An Act relating to installation of smoke detectors in multiple-unit resi-
17 dential buildings and to inspection by fire officials and providing a penalty.

18 This bill requires the new construction of residential buildings with two or more
19 units, certain condominiums, hotels, motels, and rooming houses to immediately
20 include smoke detectors in all sleeping areas. Within two years existing and
21 converted residential buildings with two or more units, certain condominiums,
22 hotels, motels, and rooming houses must be equipped with smoke detectors. The
23 state fire marshal is charged with enforcement of the law and is required to
24 initially inspect all smoke detectors as in place and operable and to notify the
owners or managers of compliance or noncompliance with the requirements of the
bill.

25 The fiscal impact of this bill would be a one-time cost of \$130,000 to install
26 smoke detectors in state buildings where no smoke detection is currently provided.
27 The Fire Marshal's office estimates no increased cost of providing inspections
28 for smoke detectors.

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31 SOURCE: DEPT. OF PUBLIC SAFETY

32 FILED
33 FEBRUARY 18, 1981

BY GERRY RANKIN, DIRECTOR
LEGISLATIVE FISCAL BUREAU

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