

See State Govt. 4/3 B. Pass 4/10/91

FILED MAR 14 1991

SENATE FILE 383
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 12)

Passed Senate, Date 4/1/91 (p. 957) Passed House, Date 4/15/91 (p. 1249)
Vote: Ayes 39 Nays 0 Vote: Ayes 73 Nays 25
Approved April 29, 1991 (p. 1533)

A BILL FOR

1 An Act relating to the installation of smoke detectors in
2 multiple-unit residential buildings and single-family
3 dwellings and making penalties applicable.

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

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

5
F
3
8
3

1 Section 1. Section 100.18, subsection 1, paragraph b, Code
2 1991, is amended to read as follows:

3 b. "Multiple-unit residential building" means a
4 residential building, an apartment house, or a portion of a
5 building or an apartment house with ~~four~~ two or more units,
6 hotel, motel, dormitory, or rooming house.

7 Sec. 2. Section 100.18, subsection 2, Code 1991, is
8 amended by striking the subsection and inserting in lieu
9 thereof the following:

10 2. a. Except as provided in subsection 4, multiple-unit
11 residential buildings and single-family dwellings the
12 construction of which is begun on or after July 1, 1991, shall
13 include the installation of smoke detectors in compliance with
14 the rules established by the state fire marshal under
15 subsection 5.

16 b. The rules shall require the installation of smoke
17 detectors in existing single-family rental units and multiple-
18 unit residential buildings. Existing single-family dwelling
19 units shall be equipped with approved smoke detectors. A
20 person who files for a homestead credit pursuant to chapter
21 425 shall certify that the single-family dwelling unit for
22 which the credit is filed has a smoke detector installed in
23 compliance with this section, or that one will be installed
24 within thirty days of the date the filing for the credit is
25 made. The state fire marshal shall adopt rules and establish
26 appropriate procedures for the distribution and filing of such
27 certificates with the state fire marshal.

28 c. An owner or an owner's agent of a multiple-unit resi-
29 dential building or single-family dwelling shall supply light-
30 emitting smoke detectors, upon request, for a tenant with a
31 hearing impairment.

32 Sec. 3. Section 100.18, subsection 3, Code 1991, is
33 amended by striking the subsection.

34 Sec. 4. Section 100.18, subsection 5, Code 1991, is
35 amended to read as follows:

1 5. The state fire marshal shall enforce the requirements
2 of subsection 2 and ~~shall~~ may implement a program of
3 inspections to monitor compliance with the provisions of that
4 subsection. Upon inspection, the state fire marshal shall
5 issue a written notice to the owner or manager of a multiple-
6 unit residential building or single-family dwelling informing
7 the owner or manager of compliance or noncompliance with this
8 section. The state fire marshal may contract with any
9 political subdivision without fee assessed to either the state
10 fire marshal or the political subdivision, for the performance
11 of the inspection and notification responsibilities. The
12 inspections authorized under this section are limited to the
13 placement, repair, and operability of smoke detectors. Any
14 broader inspection authority is not derived from this section.
15 The state fire marshal shall adopt rules under chapter 17A as
16 necessary to enforce this section including rules concerning
17 the placement of smoke detectors and the use of acceptable
18 smoke detectors. The smoke detectors shall display a label or
19 other identification issued by an approved testing agency or
20 another label specifically approved by the state fire marshal.
21 ~~The state fire marshal shall not require other than single-~~
22 ~~station smoke detectors. If smoke detectors are not required~~
23 ~~under subsection 4 due to the presence of an automatic smoke~~
24 ~~detection system, the state fire marshal shall not require~~
25 ~~other than the automatic smoke detection system.~~

26 Sec. 5. Section 100.18, subsection 7, Code 1991, is
27 amended to read as follows:

28 7. If a smoke detector is found to be inoperable the owner
29 or manager of the multiple-unit residential building or
30 single-family dwelling shall correct the situation within
31 fourteen days after written notification to the owner or
32 manager by the tenant, guest, roomer, state fire marshal, fire
33 marshal's subordinates, chiefs of local fire departments,
34 building inspectors, or other fire, building, or safety
35 officials. If the owner or manager of a multiple-unit

1 residential building fails to correct the situation within the
2 fourteen days the tenant, guest, or roomer may cause the smoke
3 detector to be repaired or purchase and install a ~~single-~~
4 ~~station~~ smoke detector required under this section and may
5 deduct the repair cost or purchase price from the next rental
6 payment or payments made by the tenant, guest, or roomer.
7 However, a lessor or owner may require a lessee, tenant,
8 guest, or roomer who has a residency of longer than thirty
9 days to provide the battery for a battery operated smoke
10 detector.

11 Sec. 6. Section 100.18, subsection 9, unnumbered paragraph
12 2, Code 1991, is amended by striking the paragraph.

13 EXPLANATION

14 This bill amends the definition of multiple-unit
15 residential building to mean one with two or more, rather than
16 four or more, units. It also requires that newly constructed
17 single-family homes and multiple-unit residential units have
18 smoke detectors installed. Smoke detectors would also be
19 required in existing homes and in existing single-family
20 rental units and multiple-unit residential units. The bill
21 also requires a person who files for a homestead credit to
22 certify that the home for which credit is filed has a smoke
23 detector installed, or that one will be installed within 30
24 days of the filing for credit. The bill also removes the
25 existing exemption from the requirements of the bill for an
26 owner-occupied unit or room. Owners or their agents are
27 required to provide light-emitting smoke detectors upon
28 request for a hearing impaired person. Violation of the
29 bill's provisions would be a simple misdemeanor.

30
31
32
33
34
35

VARN, CH.
KINLOY
NYSTROM

SSB 12
Commerce

SENATE/HOUSE FILE 383
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

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

A BILL FOR

1 An Act relating to the installation of smoke detectors in
2 multiple-unit residential buildings and single-family
3 dwellings and making penalties applicable.

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

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

1 Section 1. Section 100.18, subsection 1, paragraph b, Code
2 1991, is amended to read as follows:

3 b. "Multiple-unit residential building" means a
4 residential building, an apartment house, or a portion of a
5 building or an apartment house with ~~four~~ two or more units,
6 hotel, motel, dormitory, or rooming house.

7 Sec. 2. Section 100.18, subsection 2, Code 1991, is
8 amended by striking the subsection and inserting in lieu
9 thereof the following:

10 2. a. Except as provided in subsection 4, multiple-unit
11 residential buildings and single-family dwellings the
12 construction of which is begun on or after July 1, 1991, shall
13 include the installation of smoke detectors in compliance with
14 the rules established by the state fire marshal under
15 subsection 5.

16 b. The rules shall require the installation of smoke
17 detectors in existing single-family rental units and multiple-
18 unit residential buildings. Existing single-family dwelling
19 units shall be equipped with approved smoke detectors upon
20 sale or transfer of title of such units at the seller's or
21 transferor's expense.

22 c. An owner or an owner's agent of a multiple-unit resi-
23 dential building or single-family dwelling shall supply light-
24 emitting smoke detectors, upon request, for a tenant with a
25 hearing impairment.

26 Sec. 3. Section 100.18, subsection 3, Code 1991, is
27 amended by striking the subsection and inserting in lieu
28 thereof the following:

29 3. An owner-occupied unit or room, other than a single-
30 family dwelling, construction of which is begun on or after
31 July 1, 1991, is exempt from the requirements of the section.

32 Sec. 4. Section 100.18, subsection 5, Code 1991, is
33 amended to read as follows:

34 5. The state fire marshal shall enforce the requirements
35 of subsection 2 and ~~shall~~ may implement a program of

1 inspections to monitor compliance with the provisions of that
2 subsection. Upon inspection, the state fire marshal shall
3 issue a written notice to the owner or manager of a multiple-
4 unit residential building or single-family dwelling informing
5 the owner or manager of compliance or noncompliance with this
6 section. The state fire marshal may contract with any
7 political subdivision without fee assessed to either the state
8 fire marshal or the political subdivision, for the performance
9 of the inspection and notification responsibilities. The
10 inspections authorized under this section are limited to the
11 placement, repair, and operability of smoke detectors. Any
12 broader inspection authority is not derived from this section.
13 The state fire marshal shall adopt rules under chapter 17A as
14 necessary to enforce this section including rules concerning
15 the placement of smoke detectors and the use of acceptable
16 smoke detectors. The smoke detectors shall display a label or
17 other identification issued by an approved testing agency or
18 another label specifically approved by the state fire marshal.
19 ~~The state fire marshal shall not require other than single-~~
20 ~~station smoke detectors. If smoke detectors are not required~~
21 ~~under subsection 4 due to the presence of an automatic smoke~~
22 ~~detection system, the state fire marshal shall not require~~
23 ~~other than the automatic smoke detection system.~~

24 Sec. 5. Section 100.18, subsection 7, Code 1991, is
25 amended to read as follows:

26 7. If a smoke detector is found to be inoperable the owner
27 or manager of the multiple-unit residential building or
28 single-family dwelling shall correct the situation within
29 fourteen days after written notification to the owner or
30 manager by the tenant, guest, roomer, state fire marshal, fire
31 marshal's subordinates, chiefs of local fire departments,
32 building inspectors, or other fire, building, or safety
33 officials. If the owner or manager of a multiple-unit
34 residential building fails to correct the situation within the
35 fourteen days the tenant, guest, or roomer may cause the smoke

1 detector to be repaired or purchase and install a single-
2 station smoke detector required under this section and may
3 deduct the repair cost or purchase price from the next rental
4 payment or payments made by the tenant, guest, or roomer.
5 However, a lessor or owner may require a lessee, tenant,
6 guest, or roomer who has a residency of longer than thirty
7 days to provide the battery for a battery operated smoke
8 detector.

9 Sec. 6. Section 100.18, subsection 9, unnumbered paragraph
10 2, Code 1991, is amended by striking the paragraph.

11 EXPLANATION

12 This bill amends the definition of multiple-unit
13 residential building to mean one with two or more, rather than
14 four or more, units. It also requires that newly constructed
15 single-family homes and multiple-unit residential units have
16 smoke detectors installed. Smoke detectors would also be
17 required at the time of sale of existing homes and in existing
18 single-family rental units and multiple-unit residential
19 units. Owners or their agents are required to provide light-
20 emitting smoke detectors upon request for a hearing impaired
21 person. Violation of the bill's provisions would be a simple
22 misdemeanor.

23 BACKGROUND STATEMENT

24 SUBMITTED BY THE AGENCY

25 Smoke detectors are invaluable in the early detection of
26 fires by alerting residents in time to evacuate the premises.
27 Costs are estimated to be approximately \$50 to \$125 per level
28 in new homes and \$15 per level in existing homes.

29

30

31

32

33

34

35

SENATE FILE 383

AN ACT

RELATING TO THE INSTALLATION OF SMOKE DETECTORS IN MULTIPLE-UNIT RESIDENTIAL BUILDINGS AND SINGLE-FAMILY DWELLINGS AND MAKING PENALTIES APPLICABLE.

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

Section 1. Section 100.18, subsection 1, paragraph b, Code 1991, is amended to read as follows:

b. "Multiple-unit residential building" means a residential building, an apartment house, or a portion of a building or an apartment house with ~~four~~ two or more units, hotel, motel, dormitory, or rooming house.

Sec. 2. Section 100.18, subsection 2, Code 1991, is amended by striking the subsection and inserting in lieu thereof the following:

2. a. Except as provided in subsection 4, multiple-unit residential buildings and single-family dwellings the

construction of which is begun on or after July 1, 1991, shall include the installation of smoke detectors in compliance with the rules established by the state fire marshal under subsection 5.

b. The rules shall require the installation of smoke detectors in existing single-family rental units and multiple-unit residential buildings. Existing single-family dwelling units shall be equipped with approved smoke detectors. A person who files for a homestead credit pursuant to chapter 425 shall certify that the single-family dwelling unit for which the credit is filed has a smoke detector installed in compliance with this section, or that one will be installed within thirty days of the date the filing for the credit is made. The state fire marshal shall adopt rules and establish appropriate procedures for the distribution and filing of such certificates with the state fire marshal.

c. An owner or an owner's agent of a multiple-unit residential building or single-family dwelling shall supply light-emitting smoke detectors, upon request, for a tenant with a hearing impairment.

Sec. 3. Section 100.18, subsection 3, Code 1991, is amended by striking the subsection.

Sec. 4. Section 100.18, subsection 5, Code 1991, is amended to read as follows:

5. The state fire marshal shall enforce the requirements of subsection 2 and ~~shall~~ may implement a program of inspections to monitor compliance with the provisions of that subsection. Upon inspection, the state fire marshal shall issue a written notice to the owner or manager of a multiple-unit residential building or single-family dwelling informing the owner or manager of compliance or noncompliance with this section. The state fire marshal may contract with any political subdivision without fee assessed to either the state fire marshal or the political subdivision, for the performance of the inspection and notification responsibilities. The

inspections authorized under this section are limited to the placement, repair, and operability of smoke detectors. Any broader inspection authority is not derived from this section. The state fire marshal shall adopt rules under chapter 17A as necessary to enforce this section including rules concerning the placement of smoke detectors and the use of acceptable smoke detectors. The smoke detectors shall display a label or other identification issued by an approved testing agency or another label specifically approved by the state fire marshal. ~~The state fire marshal shall not require other than single-station smoke detectors or if smoke detectors are not required under subsection 4 due to the presence of an automatic smoke detection system the state fire marshal shall not require other than the automatic smoke detection system.~~

Sec. 5. Section 100.18, subsection 7, Code 1991, is amended to read as follows:

7. If a smoke detector is found to be inoperable the owner or manager of the multiple-unit residential building or single-family dwelling shall correct the situation within fourteen days after written notification to the owner or manager by the tenant, guest, roomer, state fire marshal, fire marshal's subordinates, chiefs of local fire departments, building inspectors, or other fire, building, or safety officials. If the owner or manager of a multiple-unit residential building fails to correct the situation within the fourteen days the tenant, guest, or roomer may cause the smoke detector to be repaired or purchase and install a single-station smoke detector required under this section and may deduct the repair cost or purchase price from the next rental payment or payments made by the tenant, guest, or roomer. However, a lessor or owner may require a lessee, tenant, guest, or roomer who has a residency of longer than thirty days to provide the battery for a battery operated smoke detector.

Sec. 6. Section 100.18, subsection 9, unnumbered paragraph 2, Code 1991, is amended by striking the paragraph.

JOE J. WELSH
President of the Senate

ROBERT C. ARNOULD
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 383, Seventy-fourth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 29, 1991

TERRY E. BRANSTAD
Governor