

Reprinted 3/30/01

FILED MAR 9 1981

SENATE FILE 324

BY COMMITTEE ON COMMERCE  
*(Approved 2/2 (p. 608))*  
(FORMER SSB 220)

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, an apartment house, or a portion of a building or  
7 an apartment house with three or more units, hotel, motel,  
8 dormitory, or rooming house.

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 room or in each corridor or area giving  
18 access to sleeping rooms of a unit in a residential building  
19 or an apartment house with three or more units, in each  
20 sleeping room in a hotel or motel, and either in each sleeping  
21 room or in each corridor or area giving access to sleeping  
22 rooms in a dormitory or rooming house. All other multiple-  
23 unit residential buildings shall be equipped with at least  
24 one smoke detector in the rooms or areas enumerated in this  
25 subsection by the end of ~~three~~<sup>2</sup> years after the effective date  
26 of this Act.

27 3. An owner-occupied unit or room is exempt from the  
28 requirements of this section.

29 4. The state fire marshal shall initially and may annually  
30 inspect smoke detectors installed as required by subsection  
31 2. Upon inspection, the state fire marshal shall issue a  
32 written notice to the owner or manager of a multiple-unit  
33 residential building informing the owner or manager of  
34 compliance or noncompliance with this section. The state  
35 fire marshal may contract with any political subdivision

1 without fee assessed to either the state fire marshal or the  
2 political subdivision, for the performance of the inspection  
3 and notification responsibilities. The inspections authorized  
4 under this section are limited to the placement and operability  
5 of smoke detectors. Any broader inspection authority is not  
6 derived from this section. The state fire marshal shall adopt  
7 administrative rules under chapter 17A as necessary to enforce  
8 this section including rules concerning the placement of smoke  
9 detectors and the use of acceptable smoke detectors or heat  
10 detection devices. The smoke detectors shall display a label  
11 or other identification issued by an approved testing agency  
12 or another label specifically approved by the state fire  
13 marshal. The state fire marshal shall not require other than  
14 single-station smoke detectors.

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

23 6. If a smoke detector is found to be inoperable the owner  
24 or manager of the multiple-unit residential building shall  
25 correct the situation within fourteen days after written  
26 notification to the owner or manager by the tenant, guest,  
27 roomer, state fire marshal, fire marshal's subordinates,  
28 chiefs of local fire departments, building inspectors, or  
29 other fire, building, or safety officials. If the owner or  
30 manager fails to correct the situation within the fourteen  
31 days the tenant, guest, or roomer may cause the smoke detector  
32 to be repaired or purchase and install a single-station smoke  
33 detector required under this section and may deduct the repair  
34 cost or purchase price from the next rental payment or payments  
35 made by the tenant, guest, or roomer.

1 7. A person who violates a provision of this section or  
2 a rule adopted pursuant to this section is guilty of a simple  
3 misdemeanor. Each day of a continuing violation after  
4 conviction is a separate offense and a single charge alleging  
5 continuing violation may be made in lieu of filing charges  
6 for each day of violation.

7 Sec. 2. The state fire marshal shall notify the owners  
8 of newly constructed buildings on or after the effective date  
9 of this Act and the owners of existing buildings by the end  
10 of three years after the effective date of this Act, by  
11 publication in a newspaper or newspapers of general circulation  
12 in this state, that the owners are required to bring the  
13 buildings into compliance with this Act.

14 EXPLANATION

15 This bill requires the new construction of residential  
16 buildings or apartment houses with three or more units, hotels,  
17 motels, dormitories, and rooming houses to immediately include  
18 smoke detectors in all sleeping areas. Within three years  
19 existing and converted residential buildings and apartment  
20 houses with three or more units, hotels, motels, dormitories,  
21 and rooming houses must be equipped with smoke detectors.  
22 Owner-occupied units are exempt from these requirements.  
23 A building owner is required to correct an inoperable smoke  
24 detector within 14 days after receipt of a written notice.  
25 If the owner does not, the tenant, guest, or roomer may repair  
26 or install a single-station smoke detector and deduct the  
27 cost from the rental payments.

28 The state fire marshal is charged with enforcement of the  
29 law and is required to initially inspect all smoke detectors  
30 and to notify the owners or managers of compliance or  
31 noncompliance with the requirements of the bill. The state  
32 fire marshal may contract without fee, for the performance  
33 of the inspection and notification responsibilities, with  
34 political subdivisions. The inspections are limited to smoke  
35 detectors. The bill prohibits a legal cause of action from

1 being based on the failure to discover a latent defect upon  
2 inspection by a state or local fire, building or safety  
3 official.

4 The state fire marshal is required to adopt administrative  
5 rules for the placement of smoke detectors and the use of  
6 acceptable smoke detectors or heat detection devices, and  
7 to notify building owners by newspaper publication of the  
8 required compliance. The state fire marshal shall not require  
9 other than single-station smoke detectors. If a provision  
10 of the bill conflicts with the state building code the latter  
11 will prevail (section 100.38).

12 Violation of a provision of the bill or a rule adopted  
13 under the bill is punishable by 30 days imprisonment or a  
14 \$100 fine. Each day of a continuing violation after conviction  
15 is considered a separate offense. A single charge may allege  
16 a continuing violation, avoiding the necessity of filing  
17 separate charges for each day of violation.

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

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SENATE FILE 324  
FISCAL NOTE

REQUESTED BY SENATOR HOLDEN

In compliance with a written request there is hereby submitted a Fiscal Note for Senate File 324 pursuant to Joint Rule 16.

S.F. '324, An Act relating to installation of smoke detectors in multiple-unit residential buildings and to inspection by fire officials and providing a penalty.

This bill requires the new construction of residential buildings or apartment houses with three or more units, hotels, motels, dormitories, and rooming houses to immediately include smoke detectors in all sleeping areas. Within three years existing and converted residential buildings and apartment houses with three or more units, hotels, motels, dormitories, and rooming houses must be equipped with smoke detectors. The state fire marshal is charged with enforcement of the law and is required to initially inspect all smoke detectors and to notify the owners or managers of compliance or noncompliance with the requirements of the bill.

The fiscal impact of this bill would be a one-time cost of \$215,000 to install smoke detectors in state buildings where no smoke detection is currently provided. The Fire Marshal's office estimates no increased cost of providing inspection for smoke detectors.

SOURCE: DEPARTMENT OF PUBLIC SAFETY

FILED  
MARCH 6, 1981

BY GERRY RANKIN, DIRECTOR  
LEGISLATIVE FISCAL BUREAU

SENATE 4  
MARCH 6, 1981

SENATE FILE 324

S-3139

Amend the amendment S-3117 to Senate File 324  
as follows:

1. Page 1, line 5, by striking the figure "29"  
and inserting in lieu thereof the figure "28".

S-3139 FILED

BY BILL HUTCHINS

MARCH 5, 1981

*Adopted 3/6 (p. 691)*

SENATE FILE 324

S-3140

Amend Senate File 324 as follows:

1. Page 1, line 25, by striking the word "three"  
and inserting in lieu thereof the word "two".
2. Page 3, line 10, by striking the word "three"  
and inserting in lieu thereof the word "two".

S-3140 FILED

BY BILL HUTCHINS

MARCH 5, 1981

*Lost 3/6 (p. 691)*

SENATE FILE 324

S-3142

Amend Senate File 324 as follows:

1. Page 1, line 17, by striking the words  
"or in each corridor".
2. Page 1, line 21, by striking the words  
"or in each corridor".

S-3142 FILED

BY RICHARD COMITO

MARCH 6, 1981

RULED OUT OF ORDER *(p. 690)*

SENATE FILE 324

S-3145

Amend Senate File 324 as follows:

1. Page 2, line 9, by striking the words  
"or heat".
2. Page 2, line 10, by striking the words  
"detection devices".

S-3145 FILED & ADOPTED

BY RICHARD COMITO

MARCH 6, 1981 *(p. 691)*

SENATE FILE 324

S-3117

1 Amend Senate File 324 as follows:

2 1. Page 1, line 14, by striking the word "Multiple-  
3 unit" and inserting in lieu thereof the words "Except  
4 as provided in subsection 4, multiple-unit".

5 2. Page 1, by inserting after line 29 the  
6 following:

7 "4. This section does not require the installation  
8 of smoke detectors in multiple-unit residential  
9 buildings which, on the effective date of this Act,  
10 are equipped with heat detection devices or a sprinkler  
11 system with alarms approved by the state fire marshal."

12 3. By renumbering remaining subsections of section  
13 1.

S-3117 FILED

MARCH 2, 1981

*Adopted as amended by 3139*

*3/6 (p. 691)*

BY EDGAR H. HOLDEN

EMIL J. HUSAK

LUCAS J. DEKOSTER

SENATE FILE 324

S-3135

1 Amend Senate File 324 as follows:

*A*  
*Lost* 2 1. Page 1, line 7, by striking the word "three"  
3 and inserting in lieu thereof the word "two".

*B*  
*Adopted* 4 2. Page 1, line 17, by striking the words "room  
5 or" and inserting in lieu thereof the words "room  
6 and".

*C*  
*Lost* 7 3. Page 1, line 19, by striking the word "three"  
8 and inserting in lieu thereof the word "two".

*Adopted* 9 4. Page 1, line 20, by striking the word "either".

*D*  
*Adopted* 10 5. Page 1, line 21, by striking the words "room  
11 or" and inserting in lieu thereof the words "room  
12 and".

*E*  
*Lost* 13 6. Page 1, line 24, by striking the word "or"  
14 and inserting in lieu thereof the word "and".

*F*  
*Adopted* 15 7. Page 2, line 4, by inserting after the word  
16 "placement" the word ", repair,".

S-3135 FILED

MARCH 5, 1981

*B, C, D, F - Adopted 3/6 (p. 690)*

*A & E - Lost*

*B, C, D recommended w/d 3/6 (p. 707)*

BY BILL HUTCHINS

SENATE FILE 324

S-3163

1 Amend Senate File 324 as follows:

2 1. Page 1, by inserting after line 4 the following:

3 "a. "Dormitory" means a residential building or  
4 portion of a building at an educational institution  
5 which houses students in rooms not individually  
6 equipped with cooking facilities."

7 2. Page 1, by striking lines 17 through 26 and  
8 inserting in lieu thereof the words "in the following  
9 areas of the designated multiple-unit residential  
10 buildings:

11 a. In each sleeping room and in each corridor  
12 of a hotel or motel.

13 b. In each sleeping room and in each corridor  
14 of a dormitory.

15 c. In each area giving access to the immediate  
16 vicinity of a sleeping room within a unit and in each  
17 corridor of a multiple-unit residential building not  
18 covered in paragraph a or b.

19 Except as provided in subsection 4, all multiple-  
20 unit residential buildings shall be equipped with  
21 at least one smoke detector in the areas enumerated  
22 in this subsection by the end of three years after  
23 the effective date of this Act."

24 3. Page 1, by inserting before line 29 the  
25 following:

26 "This section does not require the installation  
27 of smoke detectors in hotels, motels, and dormitories  
28 equipped with an automatic smoke detection system  
29 approved by the state fire marshal."

30 4. Page 2, line 14, by inserting after the word  
31 "detectors." the words "If smoke detectors are not  
32 required under subsection 4 due to the presence of  
33 an automatic smoke detection system, the state fire  
34 marshal shall not require other than the automatic  
35 smoke detection system."

36 5. By relettering the paragraphs in subsection  
37 1 of section 1 of this Act.

6-3163 FILED  
MARCH 11, 1981

*Adopted 3/16 (p. 808)*

BY BILL HUTCHINS  
RICHARD COMITO

SENATE FILE 324

S-3192

1 Amend Senate File 324 as follows:

2 1. Page 1, line 7, by inserting after the word  
3 "house" the words "with three or more stories, each  
4 of which contains one or more sleeping rooms, and".

S-3192 FILED & ADOPTED  
MARCH 16, 1981

*Adopted (p. 808)*

BY EDGAR H. HOLDEN

HOUSE AMENDMENT TO SENATE FILE 324

S-3537

- 1 Amend Senate File 324 as amended, passed and  
2 reprinted by the Senate as follows:  
3 1. Page 3, line 22, by inserting after the word  
4 "roomer." the following: "However a lessee, tenant,  
5 guest or roomer who has a residency of longer than  
6 30 days is required to provide the battery for a  
7 battery operated smoke detector."  
8 2. Page 3, by inserting after line 22 the  
9 following:  
10 "\_\_\_\_. No person may render inoperable a smoke  
11 detector, which is required to be installed by this  
12 section, by tampering."  
13 3. By numbering and renumbering as necessary.

S-3537 FILED  
APRIL 22, 1981

RECEIVED FROM THE HOUSE

*Senate refused to concur 4/27/81 (p. 1444)  
House insisted 5/13/81 (p. 1865)*

SENATE FILE 324

H-3343

- 1 Amend Senate File 324 as amended, passed and  
2 reprinted by the Senate as follows:  
3 1. Page 3, by inserting after line 22 the  
4 following:  
5 "\_\_\_\_. No person may render inoperable a smoke  
6 detector, which is required to be installed by this  
7 section, by tampering."  
8 2. By numbering and renumbering as necessary.

H-3343 FILED MARCH 24, 1981

BY CLARK of Lee

*Adopted 4/16/81 (p. 1273)*

SENATE CLIP SHEET

MARCH 16, 1981

SENATE FILE 324  
FISCAL NOTE

REQUESTED BY SENATOR HUTCHINS

In compliance with a written request there is hereby submitted a Fiscal Note for Senate File 324 pursuant to Joint Rule 16.

Amendment S-3163 to S.F. 324, An Act relating to installation of smoke detectors in multiple-unit residential buildings and to inspection by fire officials and providing a penalty.

This amendment does not require the installation of smoke detectors in Hotels, motels, and dormitories equipped with an automatic smoke detection system approved by the state fire marshal.

The fiscal impact of Senate File 324, as amended by S-3163, would be a one-time cost of \$126,500 to install smoke detectors in state buildings where no smoke detection is currently provided.

SOURCE: DEPARTMENT OF PUBLIC SAFETY

FILED  
MARCH 13, 1981

BY GERRY RANKIN, DIRECTOR  
LEGISLATIVE FISCAL BUREAU

SENATE FILE 324  
FISCAL NOTE

REQUESTED BY SENATOR HUTCHINS

In compliance with a written request there is hereby submitted a Fiscal Note for Senate File 324 pursuant to Joint Rule 16.

Amendment S-3135, Divisions B, C, D, and F to S.F. 324, An Act relating to installation of smoke detectors in multiple-unit residential buildings and to inspection by fire officials and providing a penalty.

The fiscal impact of S.F. 324, as amended by S-3135, would be a one-time cost of \$146,500 to install smoke detectors in state buildings where no smoke detection is currently provided.

SOURCE: DEPARTMENT OF PUBLIC SAFETY

FILED  
MARCH 13, 1981

BY GERRY RANKIN, DIRECTOR  
LEGISLATIVE FISCAL BUREAU



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. "Dormitory" means a residential building or portion  
6 of a building at an educational institution which houses  
7 students in rooms not individually equipped with cooking  
8 facilities.

9 b. "Multiple-unit residential building" means a residential  
10 building, an apartment house, or a portion of a building or  
11 an apartment house with three or more units, hotel, motel,  
12 dormitory, or rooming house.

13 c. "Smoke detector" means a device which detects visible  
14 or invisible particles of combustion and which incorporates  
15 control equipment and an alarm-sounding unit operated from  
16 a power supply either in the unit or obtained at the point  
17 of installation.

18 2. Except as provided in subsection 4, multiple-unit  
19 residential buildings, the construction of which is begun  
20 on or after the effective date of this Act, shall include  
21 the installation of at least one smoke detector in the  
22 following areas of the designated multiple-unit residential  
23 buildings:

24 a. In each sleeping room and in each corridor of a hotel  
25 or motel.

26 b. In each sleeping room and in each corridor of a  
27 dormitory.

28 c. In each area giving access to the immediate vicinity  
29 of a sleeping room within a unit and in each corridor of a  
30 multiple-unit residential building not covered in paragraph  
31 a or b.

32 Except as provided in subsection 4, all multiple-unit  
33 residential buildings shall be equipped with at least one  
34 smoke detector in the areas enumerated in this subsection  
35 by the end of three years after the effective date of this

1 Act.

2 3. An owner-occupied unit or room is exempt from the  
3 requirements of this section.

4 4. This section does not require the installation of smoke  
5 detectors in multiple-unit residential buildings which, on  
6 the effective date of this Act, are equipped with heat  
7 detection devices or a sprinkler system with alarms approved  
8 by the state fire marshal.

9 This section does not require the installation of smoke  
10 detectors in hotels, motels, and dormitories equipped with  
11 an automatic smoke detection system approved by the state  
12 fire marshal.

13 5. The state fire marshal shall initially and may annually  
14 inspect smoke detectors installed as required by subsection

15 2. Upon inspection, the state fire marshal shall issue a  
16 written notice to the owner or manager of a multiple-unit  
17 residential building informing the owner or manager of  
18 compliance or noncompliance with this section. The state  
19 fire marshal may contract with any political subdivision  
20 without fee assessed to either the state fire marshal or the  
21 political subdivision, for the performance of the inspection  
22 and notification responsibilities. The inspections authorized  
23 under this section are limited to the placement, repair, and  
24 operability of smoke detectors. Any broader inspection  
25 authority is not derived from this section. The state fire  
26 marshal shall adopt administrative rules under chapter 17A  
27 as necessary to enforce this section including rules concerning  
28 the placement of smoke detectors and the use of acceptable  
29 smoke detectors. The smoke detectors shall display a label  
30 or other identification issued by an approved testing agency  
31 or another label specifically approved by the state fire  
32 marshal. The state fire marshal shall not require other than  
33 single-station smoke detectors. If smoke detectors are not  
34 required under subsection 4 due to the presence of an automatic  
35 smoke detection system, the state fire marshal shall not

1 require other than the automatic smoke detection system.

2 6. The inspection of a building or notification of  
3 compliance or noncompliance under this section is not the  
4 basis for a legal cause of action against the political  
5 subdivision, state fire marshal, the fire marshal's  
6 subordinates, chiefs of local fire departments, building  
7 inspectors, or other fire, building, or safety officials due  
8 to a failure to discover a latent defect in the course of  
9 the inspection.

10 7. If a smoke detector is found to be inoperable the owner  
11 or manager of the multiple-unit residential building shall  
12 correct the situation within fourteen days after written  
13 notification to the owner or manager by the tenant, guest,  
14 roomer, state fire marshal, fire marshal's subordinates,  
15 chiefs of local fire departments, building inspectors, or  
16 other fire, building, or safety officials. If the owner or  
17 manager fails to correct the situation within the fourteen  
18 days the tenant, guest, or roomer may cause the smoke detector  
19 to be repaired or purchase and install a single-station smoke  
20 detector required under this section and may deduct the repair  
21 cost or purchase price from the next rental payment or payments  
22 made by the tenant, guest, or roomer.

23 8. A person who violates a provision of this section or  
24 a rule adopted pursuant to this section is guilty of a simple  
25 misdemeanor. Each day of a continuing violation after  
26 conviction is a separate offense and a single charge alleging  
27 continuing violation may be made in lieu of filing charges  
28 for each day of violation.

29 Sec. 2. The state fire marshal shall notify the owners  
30 of newly constructed buildings on or after the effective date  
31 of this Act and the owners of existing buildings by the end  
32 of three years after the effective date of this Act, by  
33 publication in a newspaper or newspapers of general circulation  
34 in this state, that the owners are required to bring the  
35 buildings into compliance with this Act.

SENATE FILE 324

H-3618

1 Amend Senate File 324 as amended, passed and  
2 reprinted by the Senate as follows:

3 1. Page 1, line 35, by striking the words  
4 "three years" and inserting in lieu thereof the  
5 words "one year".

6 2. Page 3, line 32, by striking the words  
7 "three years" and inserting in lieu thereof the  
8 words "one year".

H-3618 FILED APRIL 13, 1981 BY ARNOULD of Scott

*Lost 4/16/81 (p. 1271)*

SENATE FILE 324

H-3619

1 Amend Senate File 324 as amended, passed and  
2 reprinted by the Senate as follows:

3 1. Page 2, by striking lines 2 and 3.

4 2. By renumbering the subsections as may be  
5 necessary.

H-3619 FILED APRIL 13, 1981 BY ARNOULD of Scott

*Placed out of order 4/16 (p. 1270)*

SENATE FILE 324

H-3626

1 Amend Senate File 324, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 12 the  
4 following:

5 "This section does not require the owner of a  
6 dormitory or multi-unit residential building to  
7 provide batteries for, or install batteries in,  
8 smoke detectors not located in common areas of a  
9 building."

H-3626 FILED APRIL 13, 1981 BY CONLON of Muscatine

*Lost 4/16 (p. 1272)*

SENATE FILE 324

H-3635

1 Amend Senate File 324 as amended, passed and reprinted  
2 by the Senate as follows:

3 1. Page 3, line 22, by inserting after the word  
4 "roomer." the following: "However a lessee, tenant, guest  
5 or roomer who has a residency of longer than 30 days is  
6 required to provide the battery for a battery operated  
7 smoke detector."

8 2. Page 3, by striking lines 25 through 28 and inserting  
9 in lieu thereof the word "misdemeanor."

H-3635 FILED APRIL 13, 1981 BY SCHROEDER of Pottawattamie

*A. Adopted 4/16/81 (p. 1272)*

*B. Lost (p. 1273)*

SENATE FILE 324

H-3630

- 1 Amend Senate File 324, as amended, passed and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 11, by striking the word "three"  
 4 and inserting in lieu thereof the word "two".  
 5 2. Page 1, line 18, by inserting after the number  
 6 "4," the words "single-family residential dwellings  
 7 and".  
 8 3. Page 1, line 22, by inserting after the word  
 9 "the" the words "single-family residential dwellings  
 10 or".  
 11 4. Page 1, by inserting after line 31 the  
 12 following:  
 13 "d. In each area giving access to the immediate  
 14 vicinity of a sleeping room within a single-family  
 15 residential dwelling."  
 16 5. Page 2, by striking lines 2 and 3.  
 17 6. Page 2, line 15, by inserting after the number  
 18 "2." the following: "A single-family residential  
 19 dwelling shall be inspected only upon its completion  
 20 as new construction or subsequently upon request of  
 21 the occupant."  
 22 7. Page 3, line 11, by inserting after the word  
 23 "the" the words "single-family residential dwelling  
 24 or".  
 25 8. By renumbering subsections to conform to this  
 26 amendment.  
 27 9. Amend the title, lines 1 and 2, by striking  
 28 the word "multiple-unit".

H-3630 FILED APRIL 13, 1981 BY CONNORS of Polk  
*Lost 4/16/81 (p. 1270)*

SENATE FILE 324

H-3637

- 1 Amend Senate File 324, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. By striking page 1, line 4 through page 3,  
 4 line 35, and inserting in lieu thereof the following:  
 5 "1. Cities and counties which enact ordinances  
 6 requiring the installation of smoke detectors in  
 7 newly constructed buildings may provide that each  
 8 day of a continuing violation after conviction is a  
 9 separate offense and a single charge alleging  
 10 continuing violation may be made in lieu of filing  
 11 charges for each day of violation.  
 12 2. Inspection of a building or notification of  
 13 compliance or noncompliance under the local ordinance  
 14 is not the basis for a legal cause of action against  
 15 the political subdivision, chiefs of local fire  
 16 departments, building inspectors, or other fire,  
 17 building, or safety officials due to a failure to  
 18 discover a latent defect in the course of the  
 19 inspection."

H-3637 FILED APRIL 13, 1981 BY RITSEMA of Sioux  
*Lost 4/16/81 (p. 1270)*

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 324

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the first conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 324, a bill for an Act relating to installation of smoke detectors in multiple-unit residential buildings and to inspection by fire officials and providing a penalty, respectfully make the following report:

1. That the House recedes from its amendment, S-3537, to Senate File 324, as amended, passed and reprinted by the Senate.

2. That Senate File 324, as amended, passed and reprinted by the Senate, is amended as follows:

1. Page 1, line 11, by striking the word "three" and inserting in lieu thereof the word "four".

2. Page 3, line 22, by inserting after the word "roomer." the words "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."

3. Page 3, by inserting after line 22 the following:

"\_\_\_\_. No person may render inoperable a smoke detector,

which is required to be installed by this section, by tampering."

4. Page 3, by striking lines 25 through 28 and inserting in lieu thereof the word "misdemeanor."

5. By numbering and renumbering as necessary.

ON THE PART OF THE SENATE:

ON THE PART OF THE HOUSE:

\_\_\_\_\_  
LUCAS J. DEKOSTER, Chairperson

\_\_\_\_\_  
JAMES O. ANDERSON, Chairperson

\_\_\_\_\_  
RICHARD F. DRAKE

\_\_\_\_\_  
BETTY A. HOFFMANN

\_\_\_\_\_  
EDGAR H. HOLDEN

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DENNIS L. RENAUD

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*Senate adopted 5/14/81 (A 1742)*

SENATE FILE 324

AN ACT

RELATING TO INSTALLATION OF SMOKE DETECTORS IN MULTIPLE-UNIT  
RESIDENTIAL BUILDINGS AND TO INSPECTION BY FIRE OFFICIALS  
AND PROVIDING A PENALTY.

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

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

NEW SECTION. SMOKE DETECTORS.

1. As used in this section:

a. "Dormitory" means a residential building or portion  
of a building at an educational institution which houses  
students in rooms not individually equipped with cooking  
facilities.

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

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

2. Except as provided in subsection 4, multiple-unit  
residential buildings, the construction of which is begun  
on or after the effective date of this Act, shall include  
the installation of at least one smoke detector in the  
following areas of the designated multiple-unit residential  
buildings:

a. In each sleeping room and in each corridor of a hotel  
or motel.

b. In each sleeping room and in each corridor of a  
dormitory.

c. In each area giving access to the immediate vicinity  
of a sleeping room within a unit and in each corridor of a  
multiple-unit residential building not covered in paragraph  
a or b.

Except as provided in subsection 4, all multiple-unit  
residential buildings shall be equipped with at least one  
smoke detector in the areas enumerated in this subsection  
by the end of three years after the effective date of this  
Act.

3. An owner-occupied unit or room is exempt from the  
requirements of this section.

4. This section does not require the installation of smoke  
detectors in multiple-unit residential buildings which, on  
the effective date of this Act, are equipped with heat  
detection devices or a sprinkler system with alarms approved  
by the state fire marshal.

This section does not require the installation of smoke  
detectors in hotels, motels, and dormitories equipped with  
an automatic smoke detection system approved by the state  
fire marshal.

5. The state fire marshal shall initially and may annually  
inspect smoke detectors installed as required by subsection  
2. Upon inspection, the state fire marshal shall issue a  
written notice to the owner or manager of a multiple-unit  
residential building 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 administrative 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. 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.

6. The inspection of a building or notification of compliance or noncompliance under this section is not the basis for a legal cause of action against the political subdivision, state fire marshal, the fire marshal's subordinates, chiefs of local fire departments, building inspectors, or other fire, building, or safety officials due to a failure to discover a latent defect in the course of the inspection.

7. If a smoke detector is found to be inoperable the owner or manager of the multiple-unit residential building 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 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.

8. No person may render inoperable a smoke detector, which is required to be installed by this section, by tampering.

9. A person who violates a provision of this section or a rule adopted pursuant to this section is guilty of a simple misdemeanor.

Sec. 2. The state fire marshal shall notify the owners of newly constructed buildings on or after the effective date of this Act and the owners of existing buildings by the end of three years after the effective date of this Act, by publication in a newspaper or newspapers of general circulation in this state, that the owners are required to bring the buildings into compliance with this Act.

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TERRY E. BRANSTAD  
President of the Senate

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DELWYN STROMER  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 324, Sixty-ninth General Assembly.

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LINDA HOWARTH MACKAY  
Secretary of the Senate

Approved June 16, 1981

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ROBERT D. RAY  
Governor