

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Smoke Detector Act is amended by changing  
5 Sections 3 and 4 as follows:

6 (425 ILCS 60/3) (from Ch. 127 1/2, par. 803)

7 Sec. 3. (a) Every dwelling unit or hotel shall be equipped  
8 with at least one approved smoke detector in an operating  
9 condition within 15 feet of every room used for sleeping  
10 purposes. The detector shall be installed on the ceiling and at  
11 least 6 inches from any wall, or on a wall located between 4  
12 and 6 inches from the ceiling.

13 (b) Every single family residence shall have at least one  
14 approved smoke detector installed on every story of the  
15 dwelling unit, including basements but not including  
16 unoccupied attics. In dwelling units with split levels, a smoke  
17 detector installed on the upper level shall suffice for the  
18 adjacent lower level if the lower level is less than one full  
19 story below the upper level; however, if there is an  
20 intervening door between the adjacent levels, a smoke detector  
21 shall be installed on each level.

22 (c) Every structure which (1) contains more than one  
23 dwelling unit, or (2) contains at least one dwelling unit and

1 is a mixed-use structure, shall contain at least one approved  
2 smoke detector at the uppermost ceiling of each interior  
3 stairwell. The detector shall be installed on the ceiling, at  
4 least 6 inches from the wall, or on a wall located between 4  
5 and 6 inches from the ceiling.

6 (d) It shall be the responsibility of the owner of a  
7 structure to supply and install all required detectors. The  
8 owner shall be responsible for making reasonable efforts to  
9 test and maintain detectors in common stairwells and hallways.  
10 It shall be the responsibility of a tenant to test and to  
11 provide general maintenance for the detectors within the  
12 tenant's dwelling unit or rooming unit, and to notify the owner  
13 or the authorized agent of the owner in writing of any  
14 deficiencies which the tenant cannot correct. The owner shall  
15 be responsible for providing one tenant per dwelling unit with  
16 written information regarding detector testing and  
17 maintenance.

18 The tenant shall be responsible for replacement of any  
19 required batteries in the smoke detectors in the tenant's  
20 dwelling unit, except that the owner shall ensure that such  
21 batteries are in operating condition at the time the tenant  
22 takes possession of the dwelling unit. The tenant shall provide  
23 the owner or the authorized agent of the owner with access to  
24 the dwelling unit to correct any deficiencies in the smoke  
25 detector which have been reported in writing to the owner or  
26 the authorized agent of the owner.

1 (e) The requirements of this Section shall apply to any  
2 dwelling unit in existence on July 1, 1988, beginning on that  
3 date. Except as provided in subsections (f) and (g), the smoke  
4 detectors required in such dwelling units may be either:  
5 battery powered provided the battery is a self-contained,  
6 non-removable, long term battery, or wired into the structure's  
7 AC power line, and need not be interconnected.

8 (1) The battery requirements of this Section shall  
9 apply to battery powered smoke detectors that: (A) are in  
10 existence and exceed 10 years from the date of their being  
11 manufactured; (B) fails to respond to operability tests or  
12 otherwise malfunctions; or (C) are newly installed.

13 (2) The battery requirements of this Section do not  
14 apply to: (A) a fire alarm, smoke detector, smoke alarm, or  
15 ancillary component that is electronically connected as a  
16 part of a centrally monitored or supervised alarm system;  
17 (B) a fire alarm, smoke detector, smoke alarm, or ancillary  
18 component that uses: (i) a low-power radio frequency  
19 wireless communication signal, or (ii) Wi-Fi or other  
20 wireless Local Area Networking capability to send and  
21 receive notifications to and from the Internet, such as  
22 early low battery warnings before the device reaches a  
23 critical low power level; or (C) such other devices as the  
24 State Fire Marshal shall designate through its regulatory  
25 process.

26 (f) In the case of any dwelling unit that is newly

1 constructed, reconstructed, or substantially remodelled after  
2 December 31, 1987, the requirements of this Section shall apply  
3 beginning on the first day of occupancy of the dwelling unit  
4 after such construction, reconstruction or substantial  
5 remodelling. The smoke detectors required in such dwelling unit  
6 shall be permanently wired into the structure's AC power line,  
7 and if more than one detector is required to be installed  
8 within the dwelling unit, the detectors shall be wired so that  
9 the actuation of one detector will actuate all the detectors in  
10 the dwelling unit.

11 In the case of any dwelling unit that is newly constructed,  
12 reconstructed, or substantially remodeled on or after January  
13 1, 2011, smoke detectors permanently wired into the structure's  
14 AC power line must also maintain an alternative back-up power  
15 source, which may be either a battery or batteries or an  
16 emergency generator.

17 (g) Every hotel shall be equipped with operational portable  
18 smoke-detecting alarm devices for the deaf and hearing impaired  
19 of audible and visual design, available for units of occupancy.

20 Specialized smoke-detectors for the deaf and hearing  
21 impaired shall be available upon request by guests in such  
22 hotels at a rate of at least one such smoke detector per 75  
23 occupancy units or portions thereof, not to exceed 5 such smoke  
24 detectors per hotel. Incorporation or connection into an  
25 existing interior alarm system, so as to be capable of being  
26 activated by the system, may be utilized in lieu of the

1 portable alarms.

2 Operators of any hotel shall post conspicuously at the main  
3 desk a permanent notice, in letters at least 3 inches in  
4 height, stating that smoke detector alarm devices for the deaf  
5 and hearing impaired are available. The proprietor may require  
6 a refundable deposit for a portable smoke detector not to  
7 exceed the cost of the detector.

8 (g-5) A hotel, as defined in this Act, shall be responsible  
9 for installing and maintaining smoke detecting equipment.

10 (h) Compliance with an applicable federal, State or local  
11 law or building code which requires the installation and  
12 maintenance of smoke detectors in a manner different from this  
13 Section, but providing a level of safety for occupants which is  
14 equal to or greater than that provided by this Section, shall  
15 be deemed to be in compliance with this Section, and the  
16 requirements of such more stringent law shall govern over the  
17 requirements of this Section.

18 (i) The requirements of this Section shall not apply to  
19 dwelling units and hotels within municipalities with a  
20 population over 1,000,000 inhabitants.

21 (Source: P.A. 96-1292, eff. 1-1-11; 97-447, eff. 1-1-12.)

22 (425 ILCS 60/4) (from Ch. 127 1/2, par. 804)

23 Sec. 4. (a) Except as provided in subsection (c), willful  
24 ~~Willful~~ failure to install or maintain in operating condition  
25 any smoke detector required by this Act shall be a Class B

1 misdemeanor.

2 (b) Except as provided in subsection (c), tampering  
3 ~~Tampering~~ with, removing, destroying, disconnecting or  
4 removing the batteries from any installed smoke detector,  
5 except in the course of inspection, maintenance or replacement  
6 of the detector, shall be a Class A misdemeanor in the case of  
7 a first conviction, and a Class 4 felony in the case of a  
8 second or subsequent conviction.

9 (c) A party in violation of the battery requirements of  
10 subsection (e) of Section 3 of this Act shall be provided with  
11 90 day's warning with which to rectify that violation. If that  
12 party fails to rectify the violation within that 90 day period,  
13 he or she may be assessed a fine of up to \$100, and may be fined  
14 \$100 every 30 days thereafter until either the violation is  
15 rectified or the cumulative amount of fines assessed reaches  
16 \$1,500. The provisions of subsection (a) and (b) of this  
17 Section shall apply only after the penalty provided under this  
18 subsection (c) has been exhausted to the extent that a  
19 violating party has reached the \$1,500 cumulative fine  
20 threshold and has failed to rectify the violation.

21 If the alleged violation has been corrected prior to or on  
22 the date of the hearing scheduled to adjudicate the alleged  
23 violation, then the violation shall be dismissed

24 (Source: P.A. 85-143.)

25 Section 99. Effective date. This Act takes effect January  
26 1, 2023.