

HB5368



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5368

by Rep. Jaime M. Andrade, Jr.

SYNOPSIS AS INTRODUCED:

425 ILCS 60/3

from Ch. 127 1/2, par. 803

Amends the Smoke Detector Act. Removes language providing that specified smoke detector requirements shall not apply to dwelling units and hotels within municipalities with a population over 1,000,000 inhabitants.

LRB101 16508 CPF 65890 b

A BILL FOR

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 Section 3 as follows:

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

7 (Text of Section before amendment by P.A. 100-200)

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

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

23 (c) Every structure which (1) contains more than one

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

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

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

1 the authorized agent of the owner.

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

8 (f) In the case of any dwelling unit that is newly
9 constructed, reconstructed, or substantially remodelled after
10 December 31, 1987, the requirements of this Section shall apply
11 beginning on the first day of occupancy of the dwelling unit
12 after such construction, reconstruction or substantial
13 remodelling. The smoke detectors required in such dwelling unit
14 shall be permanently wired into the structure's AC power line,
15 and if more than one detector is required to be installed
16 within the dwelling unit, the detectors shall be wired so that
17 the actuation of one detector will actuate all the detectors in
18 the dwelling unit.

19 In the case of any dwelling unit that is newly constructed,
20 reconstructed, or substantially remodeled on or after January
21 1, 2011, smoke detectors permanently wired into the structure's
22 AC power line must also maintain an alternative back-up power
23 source, which may be either a battery or batteries or an
24 emergency generator.

25 (g) Every hotel shall be equipped with operational portable
26 smoke-detecting alarm devices for the deaf and hearing impaired

1 of audible and visual design, available for units of occupancy.

2 Specialized smoke-detectors for the deaf and hearing
3 impaired shall be available upon request by guests in such
4 hotels at a rate of at least one such smoke detector per 75
5 occupancy units or portions thereof, not to exceed 5 such smoke
6 detectors per hotel. Incorporation or connection into an
7 existing interior alarm system, so as to be capable of being
8 activated by the system, may be utilized in lieu of the
9 portable alarms.

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

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

18 (h) Compliance with an applicable federal, State or local
19 law or building code which requires the installation and
20 maintenance of smoke detectors in a manner different from this
21 Section, but providing a level of safety for occupants which is
22 equal to or greater than that provided by this Section, shall
23 be deemed to be in compliance with this Section, and the
24 requirements of such more stringent law shall govern over the
25 requirements of this Section.

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

1 (Text of Section after amendment by P.A. 100-200)

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

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

17 (c) Every structure which (1) contains more than one
18 dwelling unit, or (2) contains at least one dwelling unit and
19 is a mixed-use structure, shall contain at least one approved
20 smoke detector at the uppermost ceiling of each interior
21 stairwell. The detector shall be installed on the ceiling, at
22 least 6 inches from the wall, or on a wall located between 4
23 and 6 inches from the ceiling.

24 (d) It shall be the responsibility of the owner of a
25 structure to supply and install all required detectors. The

1 owner shall be responsible for making reasonable efforts to
2 test and maintain detectors in common stairwells and hallways.
3 It shall be the responsibility of a tenant to test and to
4 provide general maintenance for the detectors within the
5 tenant's dwelling unit or rooming unit, and to notify the owner
6 or the authorized agent of the owner in writing of any
7 deficiencies which the tenant cannot correct. The owner shall
8 be responsible for providing one tenant per dwelling unit with
9 written information regarding detector testing and
10 maintenance.

11 The tenant shall be responsible for replacement of any
12 required batteries in the smoke detectors in the tenant's
13 dwelling unit, except that the owner shall ensure that such
14 batteries are in operating condition at the time the tenant
15 takes possession of the dwelling unit. The tenant shall provide
16 the owner or the authorized agent of the owner with access to
17 the dwelling unit to correct any deficiencies in the smoke
18 detector which have been reported in writing to the owner or
19 the authorized agent of the owner.

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

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

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

19 (f) In the case of any dwelling unit that is newly
20 constructed, reconstructed, or substantially remodelled after
21 December 31, 1987, the requirements of this Section shall apply
22 beginning on the first day of occupancy of the dwelling unit
23 after such construction, reconstruction or substantial
24 remodelling. The smoke detectors required in such dwelling unit
25 shall be permanently wired into the structure's AC power line,
26 and if more than one detector is required to be installed

1 within the dwelling unit, the detectors shall be wired so that
2 the actuation of one detector will actuate all the detectors in
3 the dwelling unit.

4 In the case of any dwelling unit that is newly constructed,
5 reconstructed, or substantially remodeled on or after January
6 1, 2011, smoke detectors permanently wired into the structure's
7 AC power line must also maintain an alternative back-up power
8 source, which may be either a battery or batteries or an
9 emergency generator.

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

13 Specialized smoke-detectors for the deaf and hearing
14 impaired shall be available upon request by guests in such
15 hotels at a rate of at least one such smoke detector per 75
16 occupancy units or portions thereof, not to exceed 5 such smoke
17 detectors per hotel. Incorporation or connection into an
18 existing interior alarm system, so as to be capable of being
19 activated by the system, may be utilized in lieu of the
20 portable alarms.

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

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

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

11 (i) (Blank). ~~The requirements of this Section shall not~~
12 ~~apply to dwelling units and hotels within municipalities with a~~
13 ~~population over 1,000,000 inhabitants.~~

14 (Source: P.A. 100-200, eff. 1-1-23.)

15 Section 95. No acceleration or delay. Where this Act makes
16 changes in a statute that is represented in this Act by text
17 that is not yet or no longer in effect (for example, a Section
18 represented by multiple versions), the use of that text does
19 not accelerate or delay the taking effect of (i) the changes
20 made by this Act or (ii) provisions derived from any other
21 Public Act.