



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5821

Introduced 2/10/2010, by Rep. Jay C. Hoffman

SYNOPSIS AS INTRODUCED:

425 ILCS 10/2
425 ILCS 60/3

from Ch. 127 1/2, par. 822
from Ch. 127 1/2, par. 803

Amends the Facilities Requiring Smoke Detectors Act and the Smoke Detector Act. Provides that in the case of any dwelling unit or any unit of a nursing home, MR/DD community care facility, community residential alternative, or child care facility that is newly constructed, reconstructed, or substantially remodeled on or after January 1, 2011, smoke detectors permanently wired into the structure's AC power line must also maintain an alternative back-up battery power source. Effective January 1, 2011.

LRB096 20660 DRJ 36377 b

FISCAL NOTE ACT
MAY APPLY

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 Facilities Requiring Smoke Detectors Act is
5 amended by changing Section 2 as follows:

6 (425 ILCS 10/2) (from Ch. 127 1/2, par. 822)

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

13 (b) Every facility shall have at least one approved smoke
14 detector installed on every story of the facility, including
15 basements but not including unoccupied attics; provided that
16 there shall be at least one detector at the beginning and at
17 the end of each separate corridor or hallway 200 feet or more
18 in length in any occupied story, including basements.

19 (c) Every facility shall have at least one approved smoke
20 detector at the uppermost ceiling of each interior stairwell,
21 except in fire resistive structures. The detector shall be
22 installed on the ceiling, at least 6 inches from the wall, or
23 on a wall located between 4 and 6 inches from the ceiling.

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

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

18 In the case of any facility unit that is newly constructed,
19 reconstructed, or substantially remodeled on or after January
20 1, 2011, smoke detectors permanently wired into the structure's
21 AC power line must also maintain an alternative back-up battery
22 power source.

23 (f) Compliance with an applicable federal, State or local
24 law, rule or building code which requires the installation and
25 maintenance of smoke detectors in a manner different from this
26 Section, but providing a level of safety for occupants which is

1 equal to or greater than that provided by this Section, shall
2 be deemed to be compliance with this Section, and the
3 requirements of such more stringent law shall govern over the
4 requirements of this Section.

5 (g) In the case of a facility subject to this Act, the
6 provisions of this Act shall be enforced by the State agency
7 which licenses that facility. The State licensing agency may
8 suspend the facility's license for a violation of this Act
9 where appropriate.

10 (Source: P.A. 85-936.)

11 Section 10. The Smoke Detector Act is amended by changing
12 Section 3 as follows:

13 (425 ILCS 60/3) (from Ch. 127 1/2, par. 803)

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

20 (b) Every single family residence shall have at least one
21 approved smoke detector installed on every story of the
22 dwelling unit, including basements but not including
23 unoccupied attics. In dwelling units with split levels, a smoke
24 detector installed on the upper level shall suffice for the

1 adjacent lower level if the lower level is less than one full
2 story below the upper level; however, if there is an
3 intervening door between the adjacent levels, a smoke detector
4 shall be installed on each level.

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

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

24 The tenant shall be responsible for replacement of any
25 required batteries in the smoke detectors in the tenant's
26 dwelling unit, except that the owner shall ensure that such

1 batteries are in operating condition at the time the tenant
2 takes possession of the dwelling unit. The tenant shall provide
3 the owner or the authorized agent of the owner with access to
4 the dwelling unit to correct any deficiencies in the smoke
5 detector which have been reported in writing to the owner or
6 the authorized agent of the owner.

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

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

24 In the case of any dwelling unit that is newly constructed,
25 reconstructed, or substantially remodeled on or after January
26 1, 2011, smoke detectors permanently wired into the structure's

1 AC power line must also maintain an alternative back-up battery
2 power source.

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

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

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

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

1 requirements of this Section.

2 (Source: P.A. 85-1404.)

3 Section 99. Effective date. This Act takes effect January
4 1, 2011.