



Rep. Donald L. Moffitt

**Filed: 3/3/2011**

09700HB1398ham001

LRB097 07056 KMW 51494 a

1 AMENDMENT TO HOUSE BILL 1398

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1398 by replacing  
3 everything after the enacting clause with the following:

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

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

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

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

25 The tenant shall be responsible for replacement of any  
26 required batteries in the smoke detectors in the tenant's

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

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

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

25 In the case of any dwelling unit that is newly constructed,  
26 reconstructed, or substantially remodeled on or after January

1 1, 2011, smoke detectors permanently wired into the structure's  
2 AC power line must also maintain an alternative back-up power  
3 source, which may be either a battery or batteries or an  
4 emergency generator.

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

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

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

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

1 be deemed to be in compliance with this Section, and the  
2 requirements of such more stringent law shall govern over the  
3 requirements of this Section.

4 (i) A hotel, as defined in this Act, shall be responsible  
5 for the installation and proper function of all fire alarm  
6 equipment on its premises. Every hotel must inspect all fire  
7 alarm equipment once per month to ensure the equipment is  
8 functioning normally. If the equipment is found to malfunction,  
9 the hotel shall be responsible for the repair, replacement, or  
10 any other maintenance required to bring the fire equipment into  
11 functional use. A hotel shall keep a log of the monthly  
12 inspection and subsequent repair, replacement, or any other  
13 maintenance performed to bring the fire equipment into  
14 functional use. This log shall be made available at any time,  
15 upon request, to the local fire protection authority or the  
16 Office of the State Fire Marshal.

17 (Source: P.A. 96-1292, eff. 1-1-11.)

18 Section 99. Effective date. This Act takes effect January  
19 1, 2012."