

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.