

HB0051



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0051

Introduced 1/14/2021, 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.

LRB102 03963 CPF 13979 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
12 at 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
18 smoke detector installed on the upper level shall suffice for
19 the adjacent lower level if the lower level is less than one
20 full 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
14 owner 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
24 provide the owner or the authorized agent of the owner with
25 access to the dwelling unit to correct any deficiencies in the
26 smoke detector which have been reported in writing to the

1 owner or 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
6 battery powered or wired into the structure's AC power line,
7 and need 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
11 apply beginning on the first day of occupancy of the dwelling
12 unit after such construction, reconstruction or substantial
13 remodelling. The smoke detectors required in such dwelling
14 unit shall be permanently wired into the structure's AC power
15 line, 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
18 in the dwelling unit.

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

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

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

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

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

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

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
24 is equal to or greater than that provided by this Section,
25 shall 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. 96-1292, eff. 1-1-11; 97-447, eff. 1-1-12;
3 revised 8-19-20.)

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

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

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

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

1 and 6 inches from the ceiling.

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

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

23 (e) The requirements of this Section shall apply to any
24 dwelling unit in existence on July 1, 1988, beginning on that
25 date. Except as provided in subsections (f) and (g), the smoke
26 detectors required in such dwelling units may be either:

1 battery powered provided the battery is a self-contained,
2 non-removable, long-term ~~long-term~~ battery, or wired into the
3 structure's AC power line, and need not be interconnected.

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

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

23 (f) In the case of any dwelling unit that is newly
24 constructed, reconstructed, or substantially remodelled after
25 December 31, 1987, the requirements of this Section shall
26 apply beginning on the first day of occupancy of the dwelling

1 unit after such construction, reconstruction or substantial
2 remodelling. The smoke detectors required in such dwelling
3 unit shall be permanently wired into the structure's AC power
4 line, and if more than one detector is required to be installed
5 within the dwelling unit, the detectors shall be wired so that
6 the actuation of one detector will actuate all the detectors
7 in the dwelling unit.

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

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

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

26 Operators of any hotel shall post conspicuously at the

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

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

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

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

20 (Source: P.A. 100-200, eff. 1-1-23; revised 8-19-20.)

21 Section 95. No acceleration or delay. Where this Act makes
22 changes in a statute that is represented in this Act by text
23 that is not yet or no longer in effect (for example, a Section
24 represented by multiple versions), the use of that text does
25 not accelerate or delay the taking effect of (i) the changes

1 made by this Act or (ii) provisions derived from any other
2 Public Act.