



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB0154

Introduced 1/18/2011, by Rep. JoAnn D. Osmond

SYNOPSIS AS INTRODUCED:

425 ILCS 25/9

from Ch. 127 1/2, par. 9

Amends the Fire Investigation Act. Provides that the Office of the State Fire Marshal may not adopt any rule making certain provisions of the Life Safety Code, as published by the National Fire Protection Association, concerning "commercial cooking systems" applicable to a cooking system operated for non-commercial purposes by a corporation organized under the General Not For Profit Corporation Act of 1986 or the Religious Corporation Act. Provides that any rule existing on the effective date of the amendatory Act that makes any part of those provisions applicable to a cooking system operated for non-commercial purposes by a corporation organized under the General Not For Profit Corporation Act of 1986 or the Religious Corporation Act is void. Effective immediately.

LRB097 03040 JDS 43072 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 Fire Investigation Act is amended by
5 changing Section 9 as follows:

6 (425 ILCS 25/9) (from Ch. 127 1/2, par. 9)

7 Sec. 9. No person, being the owner, occupant or lessee of
8 any building or other structure which is so occupied or so
9 situated as to endanger persons or property, shall permit such
10 building or structure by reason of faulty construction, age,
11 lack of proper repair, or any other cause to become especially
12 liable to fire, or to become liable to cause injury or damage
13 by collapsing or otherwise. No person, being the owner,
14 occupant or lessee of any building, or structure, shall keep or
15 maintain or allow to be kept or maintained on such premises,
16 combustible or explosive material or inflammable conditions,
17 which endanger the safety of said buildings or premises.

18 The Office of the State Fire Marshal shall adopt and
19 promulgate such reasonable rules as may be necessary to protect
20 the public from the dangers specified in the preceding
21 paragraph. Such rules shall require the installation,
22 inspection or maintenance of necessary fire extinguishers,
23 fire suppression systems, chemical fire suppression systems

1 and fire alarm and protection devices. Notwithstanding any
2 other provision of this Section, however, the Office of the
3 State Fire Marshal may not adopt any rule making the provisions
4 of Section 904.11 ("Commercial Cooking Systems") of NFPA 101,
5 Life Safety Code, as published by the National Fire Protection
6 Association, applicable to a cooking system operated for
7 non-commercial purposes by a corporation organized under the
8 General Not For Profit Corporation Act of 1986 or the Religious
9 Corporation Act. Any rule existing on the effective date of
10 this amendatory Act of the 97th General Assembly that makes any
11 part of Section 904.11 of NFPA 101 applicable to a cooking
12 system operated for non-commercial purposes by a corporation
13 organized under the General Not For Profit Corporation Act of
14 1986 or the Religious Corporation Act is void. A copy of any
15 rule, certified by the State Fire Marshal shall be received in
16 evidence in all courts of this State with the same effect as
17 the original.

18 All local officers charged with the duty of investigating
19 fires shall enforce such rules, under the direction of the
20 Office of the State Fire Marshal, except in those localities
21 which have adopted fire prevention and safety standards equal
22 to or higher than such rules adopted by the Office of the State
23 Fire Marshal.

24 The Office of the State Fire Marshal, and the officers of
25 cities, villages, towns and fire protection districts by this
26 Act, charged with the duty of investigating fire, shall, under

1 the direction of the Office of the State Fire Marshal, inspect
2 and examine at reasonable hours, any premises, and the
3 buildings and other structures thereon, and if, such dangerous
4 condition or fire hazard is found to exist contrary to the
5 rules herein referred to, or if a dangerous condition or fire
6 hazard is found to exist as specified in the first paragraph of
7 this Section, and the rules herein referred to are not
8 applicable to such dangerous condition or fire hazard, shall
9 order the dangerous condition removed or remedied, and shall so
10 notify the owner, occupant or other person interested in the
11 premises. Service of the notice upon the owner, occupant or
12 other interested person shall be in person or by registered or
13 certified mail.

14 The amendatory Act of 1975 is not a limit on any home rule
15 unit.

16 (Source: P.A. 85-1434.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.