ENGROSSED HOUSE
BILL NO. 1531

By: Blackburn and Toure of the House

and

Cain of the Senate

An Act relating to state government; amending 74 O.S. 1991, Section 324.11a, as amended by Section 5, Chapter 295, O.S.L. 1993 (74 O.S. Supp. 1996, Section 324.11a), which relates to smoke detectors; requiring smoke detectors or electrical wiring for smoke detectors be installed in all new construction or remodeling of certain residential dwellings; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 74 O.S. 1991, Section 324.11a, as amended by Section 5, Chapter 295, O.S.L. 1993 (74 O.S. Supp. 1996, Section 324.11a), is amended to read as follows:

Section 324.11a A. Any person, partnership, corporation, organization, the state, or city, town, county, or other subdivision of this state, owning a building or structure used as a hospital, church, theater, hotel, motel, apartment house, rooming house, dormitory, rest home, nursing home, day nursery, convalescent home, auditorium, or child care institution, existing or constructed in the State of Oklahoma, shall install in such building or structure a smoke detector or detectors in accordance with the nationally

recognized codes, standards, or practices adopted by the State Fire Marshal Commission to safeguard life and property from the hazards of smoke and fire.

B. For the purpose of this section, the term smoke detector means a device which is:

1. Designed to detect visible or invisible products of combustion;

2. Designed with an alarm audible to the rooms it serves;

3. Powered by either battery, alternating current, or other power source; and

4. Tested and listed for use as a smoke detector by a recognized testing laboratory.

C. Any person, partnership, corporation, state, municipality, county, or other subdivision of this state who is a lessor of a residential rental property shall explain to the lessee or tenant the method of testing the smoke detector to ensure that it is in working order. The responsibility for checking a smoke detector to find out whether such detector is in working order is with the tenant or lessee leasing or renting a one- or two-family dwelling, including an apartment in each apartment house, and not with the person, partnership, corporation, state, municipality, county, or other subdivision of this state who is a lessor of the residential rental property to the lessee or tenant.

D. Beginning November 1, 1997, all new construction or remodeling of residential dwellings which require a building permit shall include the installment of smoke detectors or the electrical wiring necessary for the installment of electrical smoke detectors.

E. Any person who violates any provision of subsection A of this section or any person who tampers with, removes, destroys, disconnects or removes power from any installed smoke detector, except in the course of inspection, maintenance or replacement of the detector, upon conviction, is guilty of a misdemeanor and may be

fined not less than Fifty Dollars ($50.00) nor more than One Hundred Dollars ($100.00).

~~E.~~ F. Nothing in this section shall be construed to allow any political subdivision in this state to enact laws imposing upon owners of any dwelling described in subsection A of this section a greater duty with regard to the installation, testing, repair and replacement of smoke detectors than is required by this section.

~~F.~~ G. The State Fire Marshal Commission shall prescribe, adopt, and promulgate the rules necessary to effectuate the provisions of this section which shall include a practical time table for compliance with the provisions of this act.

~~G.~~ H. Municipalities may enact ordinances in order to enforce the rules of the State Fire Marshal Commission as provided by this section.

SECTION 2. This act shall become effective November 1, 1997.

Passed the House of Representatives the 25th day of February, 1997.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1997.

President of the Senate