
SENATE BILL No. 92

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-11-18.

Synopsis: Smoke detectors in nursing homes. Requires hard wired smoke detectors (detectors) to be installed in certain health facilities. Makes the failure to install the detectors a Class A infraction and a Class D felony if bodily injury or death occurs as a result of a fire in the health facility.

Effective: July 1, 2007.

Landske, Becker

January 8, 2007, read first time and referred to Committee on Appropriations.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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SENATE BILL No. 92



A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-11-18-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this
3 chapter:

4 "Dwelling" means a residence with at least one (1) dwelling unit as
5 set forth in IC 22-12-1-4(a)(1)(B) and IC 22-12-1-5(a)(1).

6 **"Health facility" means a health facility (as defined in**
7 **IC 16-18-2-167) that is licensed under IC 16-28 as a comprehensive**
8 **care facility.**

9 "Hotels and motels" means buildings or structures kept, maintained,
10 used, advertised, or held out to the public as inns or places where
11 sleeping accommodations are furnished for hire for transient guests.

12 "Owner" means a person having control or custody of any building
13 covered by this chapter.

14 "Person" means an individual, corporation, partnership, association,
15 or other legal entity.

16 "Smoke detector" means a device which senses visible or invisible
17 particles of combustion and conforms to the minimum standards for



1 type, components, and maintenance prescribed by the National Fire
2 Protection Association.

3 "Seasonally occupied dwellings" means hotels and motels open to
4 the public for occupancy by guests only during any period of time
5 between April 15 and October 15 each year.

6 "Single level dwellings" means all single level (no more than one
7 (1) level above ground) hotels and motels that have no interior
8 corridors, and whose individual rooms have exterior exits.

9 SECTION 2. IC 22-11-18-2 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) **Except as**
11 **otherwise provided in this chapter**, this chapter applies to all hotels,
12 motels, **health facilities**, and dwellings.

13 (b) **This subsection does not apply to a health facility.** A totally
14 sprinkled building (conforming to Uniform Building Code standards at
15 the time of construction) is exempt from the requirements of this
16 chapter.

17 SECTION 3. IC 22-11-18-3.3 IS ADDED TO THE INDIANA
18 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2007]: **Sec. 3.3. (a) This section applies:**

20 (1) **only to a health facility; and**

21 (2) **after June 30, 2008.**

22 (b) **A health facility must have a smoke detector in the sleeping**
23 **room of each resident.**

24 (c) **The smoke detector must be hard wired into the electrical**
25 **system of the health facility.**

26 (d) **Except as provided in subsection (e), the smoke detector**
27 **must have dedicated battery backup. If a dedicated battery backup**
28 **smoke detector is used, the smoke detector must contain a tamper**
29 **resistant cover to protect the batteries. The division of fire and**
30 **building safety shall adopt rules detailing the specifications for the**
31 **tamper resistant cover.**

32 (e) **A health facility that has an emergency electric generator**
33 **that provides sufficient energy to power the smoke detector during**
34 **a power outage is exempt from the requirements of subsection (d).**

35 SECTION 4. IC 22-11-18-5 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) An owner of a
37 hotel or motel who violates this chapter commits a Class A infraction,
38 except as provided by subsection (b).

39 (b) An owner of a hotel or motel commits a Class D felony if:

40 (1) the owner knowingly or intentionally violates section 3 of this
41 chapter; and

42 (2) **bodily injury (as defined in ~~IC 35-41-1~~ IC 35-41-1-4) or loss**

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1 of life occurs as a result of a fire in the building.
 2 (c) A person who violates section 3.5 of this chapter commits a
 3 Class D infraction.
 4 **(d) Except as provided in subsection (e), an owner of a health**
 5 **facility who violates section 3.3 of this chapter commits a Class A**
 6 **infraction.**
 7 **(e) An owner of a health facility commits a Class D felony if:**
 8 **(1) the owner knowingly or intentionally violates section 3.3**
 9 **of this chapter; and**
 10 **(2) bodily injury (as defined in IC 35-41-1-4) or death occurs**
 11 **as a result of a fire in the health facility.**
 12 SECTION 5. IC 22-11-18-6 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The state fire
 14 marshal's office shall, as part of its normal inspection process, conduct
 15 inspections of hotels, ~~and~~ motels, **and health facilities** to determine if
 16 the **smoke** detectors are installed and functioning in compliance with
 17 this chapter.
 18 (b) Except for common areas shared by at least three (3) dwellings,
 19 a dwelling may not be inspected solely to determine compliance with
 20 section 3.5 of this chapter unless the owner or occupant of the dwelling
 21 gives permission.
 22 (c) Any evidence of a violation of this chapter shall be turned over
 23 to the prosecuting attorney of the county where the violation occurred.
 24 SECTION 6. [EFFECTIVE JULY 1, 2007] **(a) Notwithstanding**
 25 **IC 22-11-18-3.3(d), as added by this act, the division of fire and**
 26 **building safety shall carry out the duties imposed upon the division**
 27 **of fire and building safety under IC 22-11-18-3.3(d), as added by**
 28 **this act, under interim written guidelines approved by the state fire**
 29 **marshal.**
 30 **(b) This SECTION expires on the earlier of the following:**
 31 **(1) The date rules are adopted under IC 22-11-18-3.3(d), as**
 32 **added by this act.**
 33 **(2) January 1, 2010.**

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