

The House Committee on Human Relations and Aging offers the following substitute to HB 673:

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 2 of Title 25 of the Official Code of Georgia Annotated, relating to regulation of fire and other hazards, so as to provide for additional smoke detector requirements in nursing homes; to provide for criminal penalties; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 2 of Title 25 of the Official Code of Georgia Annotated, relating to regulation of fire and other hazards, is amended by striking Code Section 25-2-40, relating to smoke detector requirements, and inserting in its place a new Code Section 25-2-40 to read as follows:  
"25-2-40.

(a)(1) Except as otherwise provided in subsection (f) of this Code section, on and after July 1, 1987, every new dwelling and every new dwelling unit within an apartment, house, condominium, and townhouse and every motel, hotel, and dormitory shall be provided with an approved listed smoke detector installed in accordance with the manufacturer's recommendations and listing.

(2) On and after July 1, 1994, every dwelling and every dwelling unit within an apartment, house, condominium, and townhouse and every motel, hotel, and dormitory which was constructed prior to July 1, 1987, shall have installed an approved battery operated smoke detector which shall be maintained in good working order unless any such building is otherwise required to have a smoke detector system pursuant to Code Section 25-2-13.

(3) On and after July 1, 2001, every patient sleeping room of every nursing home shall be provided with no less than an approved listed battery operated single station smoke detector installed in accordance with their listing. Such detectors shall be maintained in good working order by the operator of such nursing home. This paragraph shall not apply to nursing homes equipped with automatic sprinkler systems.

(b) In dwellings, dwelling units, and other facilities listed in subsection (a) of this Code section, a smoke detector shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to each group of rooms used for sleeping purposes. Where the dwelling or dwelling unit contains more than one story, detectors are required on each story including cellars and basements, but not including uninhabitable attics; provided, however, that hotels and motels which are protected throughout by an approved supervised automatic sprinkler system installed in accordance with the rules and regulations of the Commissioner shall be exempt from the requirement to install smoke detectors in interior corridors but shall be subject to all other applicable requirements imposed under Code Section 25-2-13.

(c) In dwellings, dwelling units, and other facilities listed in paragraph (1) of subsection (a) of this Code section with split levels, a smoke detector need be installed only on the upper level, provided the lower level is less than one full story below the upper level, except that if there is a door between levels then a detector is required on each level. Such detectors shall be connected to a sounding device or other detector to provide an alarm which will be audible in the sleeping areas.

(d) Detectors shall be listed and meet the installation requirements of NFPA 72. In addition, a one and one-half hour emergency power supply source is required on all detection systems required by this chapter and permitted after April 1, 1992, except where battery operated smoke detectors are allowed.

(e) Any complete automatic fire alarm system using automatic smoke detectors shall be installed in accordance with NFPA 72.

(f)(1) The provisions of this Code section may be enforced by local building and fire code officials in the case of residential buildings which are not covered by Code Section 25-2-13; provided, however, that this Code section shall not establish a special duty on said officials to inspect such residential facilities for compliance with this Code section; provided, further, that inspections shall not be conducted for the purpose of determining compliance with this Code section absent reasonable cause to suspect other building or fire code violations. The jurisdiction enforcing this Code section shall retain any fines collected pursuant to this subsection.

(2) Any occupant who fails to maintain a smoke detector in a dwelling, dwelling unit, or other facility, other than a nursing home, listed in subsection (a) of this Code section in good working order as required in this Code section shall be subject to a maximum fine of \$25.00, provided that a warning shall be issued for a first violation.

(3) Any operator of a nursing home who fails to install and maintain the smoke detectors required under paragraph (3) of subsection (a) of this Code section shall be guilty of a misdemeanor.

1 (g) Failure to maintain a smoke detector in good working order in a dwelling, dwelling  
2 unit, or other facility listed in subsection (a) of this Code section in violation of this Code  
3 section shall not be considered evidence of negligence, shall not be considered by the court  
4 on any question of liability of any person, corporation, or insurer, shall not be any basis for  
5 cancellation of coverage or increase in insurance rates, and shall not diminish any recovery  
6 for damages arising out of the ownership, maintenance, or occupancy of such dwelling,  
7 dwelling unit, or other facility listed in subsection (a) of this Code section.

8 (h) The Safety Fire Commissioner is authorized and encouraged to inform the public  
9 through public service announcements of the availability of a limited number of battery  
10 operated smoke detectors which may be obtained by persons in need without charge from  
11 the office of the Safety Fire Commissioner or local fire departments."

## 12 **SECTION 2.**

13 All laws and parts of laws in conflict with this Act are repealed.