

House Bill 673 (COMMITTEE SUBSTITUTE)

By: Representatives Jamieson of the 22nd, Parrish of the 144th, McBee of the 88th, Hudson of the 120th, Houston of the 166th and others

A BILL TO BE ENTITLED
AN ACT

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

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 2 of Title 25 of the Official Code of Georgia Annotated, relating to regulation of fire
8 and other hazards, is amended by striking Code Section 25-2-40, relating to smoke detector
9 requirements, and inserting in its place a new Code Section 25-2-40 to read as follows:
10 "25-2-40.

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

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

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

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

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

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

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

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

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

35 (3) Any operator of a nursing home who fails to install and maintain the smoke detectors
36 required under paragraph (3) of subsection (a) of this Code section shall be guilty of a
37 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.