As Introduced

133rd General Assembly
Regular Session 2019-2020

H. B. No. 271

Representative Baldridge

A B I L L

To amend section 3737.82 and to enact section 3781.21 of the Revised Code to amend the law regarding smoke detectors in residential premises.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3737.82 be amended and section 3781.21 of the Revised Code be enacted to read as follows:

Sec. 3737.82. (A) The state fire marshal shall adopt a state fire code which shall consist of rules relating to all aspects of fire safety. The rules shall be the minimum standards for safeguarding life and property from fire and explosion, and the state fire marshal may, in adopting these rules, incorporate by reference existing published standards as well as amendments thereto subsequently published by the same authority. The state fire code shall include, but not be limited to, rules relating to the movable contents of any building, or class of buildings, the transportation, storage, location, and use of flammable or explosive materials, the procedures to be employed by persons in the event of fire, the installation and location of fire protection equipment, and other similar matters.
(B) The state fire marshal shall adopt rules in the state fire code that include the requirements stated in division (C) of this section.

(C) Existing smoke detectors that do not receive power primarily from their building's wiring and that are permitted in residential occupancies to meet the state fire code's requirements shall be replaced with sealed battery smoke detectors when any of the following occurs:

(1) Ten years pass after an existing smoke detector's date of manufacture or when an existing smoke detector malfunctions or fails to respond to function tests.

(2) Ownership of owner-occupied residential premises changes, and sealed battery smoke detectors that are within ten years of their date of manufacture are not already installed.

(3) A new tenant is scheduled to take possession of residential premises pursuant to a rental agreement, that is subject to Chapter 5321. of the Revised Code, and sealed battery smoke detectors that are within ten years of their date of manufacture are not already installed.

(4) Alterations or repairs requiring plan approval are made, and smoke detectors that receive power primarily from the building's wiring are not required as a result of those alterations or repairs.

(D) The state fire code may contain rules applicable to particular classes of existing buildings or structures as the use and occupancy of such buildings or structures suggest are necessary. The fire marshal may amend, modify, or repeal any rule of the state fire code.

(E) As used in this section:
As Introduced

(1) "Sealed battery smoke detector" has the same meaning as in section 3781.21 of the Revised Code.

(2) "Smoke detector" has the same meaning as in section 3781.104 of the Revised Code.

Sec. 3781.21. (A) As used in this section:

(1) "Sealed battery smoke detector" means a smoke detector with a tamper resistant housing that is powered by a nonreplaceable, nonremovable energy source capable of powering the device for a minimum of ten years from the date of manufacture listed on the device.

(2) "Smoke detector" has the same meaning as in section 3781.104 of the Revised Code.

(B) The board of building standards shall adopt rules in the nonresidential building code and residential building code that include the requirements stated in division (C) of this section.

(C) Existing smoke detectors that do not receive power primarily from their building's wiring and that are permitted in residential occupancies to meet the state fire code's requirements shall be replaced with sealed battery smoke detectors when any of the following occurs:

(1) Ten years pass after an existing smoke detector's date of manufacture or when an existing smoke detector malfunctions or fails to respond to function tests.

(2) Ownership of owner-occupied residential premises changes, and sealed battery smoke detectors that are within ten years of their date of manufacture are not already installed.

(3) A new tenant is scheduled to take possession of
residential premises pursuant to a rental agreement, that is subject to Chapter 5321. of the Revised Code, and sealed battery smoke detectors that are within ten years of their date of manufacture are not already installed.

(4) Alterations or repairs requiring plan approval are made, and smoke detectors that receive power primarily from the building's wiring are not required as a result of those alterations or repairs.

Section 2. That existing section 3737.82 of the Revised Code is hereby repealed.