



Sen. Ira I. Silverstein

**Filed: 4/19/2016**

09900SB2837sam003

LRB099 18361 MJP 47858 a

1 AMENDMENT TO SENATE BILL 2837

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2837, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Smoke Detector Act is amended by changing  
6 Sections 3 and 4 as follows:

7 (425 ILCS 60/3) (from Ch. 127 1/2, par. 803)

8 Sec. 3. (a) Every dwelling unit or hotel shall be equipped  
9 with at least one approved smoke detector in an operating  
10 condition within 15 feet of every room used for sleeping  
11 purposes. The detector shall be installed on the ceiling and at  
12 least 6 inches from any wall, or on a wall located between 4  
13 and 6 inches from the ceiling.

14 (b) Every single family residence shall have at least one  
15 approved smoke detector installed on every story of the  
16 dwelling unit, including basements but not including

1 unoccupied attics. In dwelling units with split levels, a smoke  
2 detector installed on the upper level shall suffice for the  
3 adjacent lower level if the lower level is less than one full  
4 story below the upper level; however, if there is an  
5 intervening door between the adjacent levels, a smoke detector  
6 shall be installed on each level.

7 (c) Every structure which (1) contains more than one  
8 dwelling unit, or (2) contains at least one dwelling unit and  
9 is a mixed-use structure, shall contain at least one approved  
10 smoke detector at the uppermost ceiling of each interior  
11 stairwell. The detector shall be installed on the ceiling, at  
12 least 6 inches from the wall, or on a wall located between 4  
13 and 6 inches from the ceiling.

14 (d) It shall be the responsibility of the owner of a  
15 structure to supply and install all required detectors. The  
16 owner shall be responsible for making reasonable efforts to  
17 test and maintain detectors in common stairwells and hallways.  
18 It shall be the responsibility of a tenant to test and to  
19 provide general maintenance for the detectors within the  
20 tenant's dwelling unit or rooming unit, and to notify the owner  
21 or the authorized agent of the owner in writing of any  
22 deficiencies which the tenant cannot correct. The owner shall  
23 be responsible for providing one tenant per dwelling unit with  
24 written information regarding detector testing and  
25 maintenance.

26 The tenant shall be responsible for replacement of any

1 required batteries in the smoke detectors in the tenant's  
2 dwelling unit, except that the owner shall ensure that such  
3 batteries are in operating condition at the time the tenant  
4 takes possession of the dwelling unit. The tenant shall provide  
5 the owner or the authorized agent of the owner with access to  
6 the dwelling unit to correct any deficiencies in the smoke  
7 detector which have been reported in writing to the owner or  
8 the authorized agent of the owner.

9 (e) The requirements of this Section shall apply to any  
10 dwelling unit in existence on July 1, 1988, beginning on that  
11 date. Except as provided in subsections (f) and (g), the smoke  
12 detectors required in such dwelling units may be either:  
13 battery powered, provided the battery is non-replaceable,  
14 non-removable, and capable of powering the detector for a  
15 minimum of 10 years; or wired into the structure's AC power  
16 line, and need not be interconnected. The Office of the State  
17 Fire Marshal shall post the requirements of this subsection (e)  
18 on its official website.

19 (1) The battery requirements of this Section shall  
20 apply to battery powered smoke detectors that: (A) are more  
21 than 10 years after their date of being manufactured; (B)  
22 fail to respond to operability tests or otherwise  
23 malfunction; or (C) are newly installed.

24 (2) The battery requirements of this Section do not  
25 apply to: (A) a fire alarm, smoke detector, smoke alarm, or  
26 ancillary component that is electronically connected as a

1 part of a centrally monitored or supervised alarm system;  
2 (B) a fire alarm, smoke detector, smoke alarm, or ancillary  
3 component that uses: (i) a low-power radio frequency  
4 wireless communication signal, or (ii) Wi-Fi or other  
5 wireless Local Area Networking capability to send and  
6 receive notifications to and from the Internet, such as  
7 early low battery warnings before the device reaches a  
8 critical low power level; or (C) such other devices as the  
9 State Fire Marshal shall designate through its regulatory  
10 process.

11 (f) In the case of any dwelling unit that is newly  
12 constructed, reconstructed, or substantially remodelled after  
13 December 31, 1987, the requirements of this Section shall apply  
14 beginning on the first day of occupancy of the dwelling unit  
15 after such construction, reconstruction or substantial  
16 remodelling. The smoke detectors required in such dwelling unit  
17 shall be permanently wired into the structure's AC power line,  
18 and if more than one detector is required to be installed  
19 within the dwelling unit, the detectors shall be wired so that  
20 the actuation of one detector will actuate all the detectors in  
21 the dwelling unit.

22 In the case of any dwelling unit that is newly constructed,  
23 reconstructed, or substantially remodeled on or after January  
24 1, 2011, smoke detectors permanently wired into the structure's  
25 AC power line must also maintain an alternative back-up power  
26 source, which may be either a battery or batteries or an

1 emergency generator.

2 (g) Every hotel shall be equipped with operational portable  
3 smoke-detecting alarm devices for the deaf and hearing impaired  
4 of audible and visual design, available for units of occupancy.

5 Specialized smoke-detectors for the deaf and hearing  
6 impaired shall be available upon request by guests in such  
7 hotels at a rate of at least one such smoke detector per 75  
8 occupancy units or portions thereof, not to exceed 5 such smoke  
9 detectors per hotel. Incorporation or connection into an  
10 existing interior alarm system, so as to be capable of being  
11 activated by the system, may be utilized in lieu of the  
12 portable alarms.

13 Operators of any hotel shall post conspicuously at the main  
14 desk a permanent notice, in letters at least 3 inches in  
15 height, stating that smoke detector alarm devices for the deaf  
16 and hearing impaired are available. The proprietor may require  
17 a refundable deposit for a portable smoke detector not to  
18 exceed the cost of the detector.

19 (g-5) A hotel, as defined in this Act, shall be responsible  
20 for installing and maintaining smoke detecting equipment.

21 (h) Compliance with an applicable federal, State or local  
22 law or building code which requires the installation and  
23 maintenance of smoke detectors in a manner different from this  
24 Section, but providing a level of safety for occupants which is  
25 equal to or greater than that provided by this Section, shall  
26 be deemed to be in compliance with this Section, and the

1 requirements of such more stringent law shall govern over the  
2 requirements of this Section.

3 (Source: P.A. 96-1292, eff. 1-1-11; 97-447, eff. 1-1-12.)

4 (425 ILCS 60/4) (from Ch. 127 1/2, par. 804)

5 Sec. 4. (a) Willful failure to install or maintain in  
6 operating condition any smoke detector required by this Act  
7 shall be a violation of this Act ~~Class B misdemeanor~~.

8 (b) Tampering with, removing, destroying, disconnecting or  
9 removing the batteries from any installed smoke detector,  
10 except in the course of inspection, maintenance or replacement  
11 of the detector, shall be a violation of this Act ~~Class A~~  
12 ~~misdemeanor in the case of a first conviction, and a Class 4~~  
13 ~~felony in the case of a second or subsequent conviction~~.

14 (c) A person who violates this Act is guilty of a petty  
15 offense and shall be fined a maximum of \$100 for the first  
16 violation, \$500 for the second violation, and \$1,000 for a  
17 third or subsequent violation. Each day that there is a  
18 violation of this Act constitutes a separate offense.

19 (Source: P.A. 85-143.)

20 Section 99. Effective date. This Act takes effect January  
21 1, 2017."