



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1950

Introduced 2/23/2007, by Rep. Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

New Act

105 ILCS 5/2-3.12

from Ch. 122, par. 2-3.12

105 ILCS 5/3-14.22

from Ch. 122, par. 3-14.22

425 ILCS 25/9 rep.

425 ILCS 25/9a rep.

425 ILCS 25/9b rep.

425 ILCS 25/9e rep.

Creates the Fire Prevention Safety Act. Provides that no person, being the owner, occupant, lessee, designer, or builder of any building or other structure, shall permit alteration or construction of the building or structure to violate any provision of the code adopted by the Office of the State Fire Marshal or the rules adopted under the Act. Requires the Office of the State Fire Marshal to adopt a national model fire safety code to be the minimum fire safety code in the State of Illinois and to adopt rules. Provides that the Office of the State Fire Marshal, and the officers of cities, villages, towns, and fire protection districts, shall enforce such rules, under the direction of the Office of the State Fire Marshal. Allows the Office of the State Fire Marshal, and the officers of cities, villages, towns, and fire protection districts under the direction of the Office of the State Fire Marshal, to inspect and examine at reasonable hours any premises, and the buildings and other structures thereon, and if a dangerous condition or fire hazard is found to exist contrary to the rules, to order the dangerous condition removed or remedied and to notify the owner, occupant, or other person interested in the premises. Provides for a hearing process and court review of an order to remove or remedy a dangerous condition or fire hazard by the Office of the State Fire Marshal. Provides penalties for violation of the Act. Amends the Fire Investigation Act. Repeals Sections concerning: building safety provision; compliance with orders of the Office of the State Fire Marshal; and hearings and court review of orders of the Office of the State State Marshal. Amends the School Code to change references from the Fire Investigation Act to the Fire Prevention Safety Act.

LRB095 04296 LCT 24337 b

1 AN ACT concerning fire safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Fire
5 Prevention Safety Act.

6 Section 5. Building safety.

7 (a) No person, being the owner, occupant, lessee, designer,
8 or builder of any building or other structure, shall permit
9 alteration or construction of the building or structure to
10 violate any provision of the code adopted by the Office of the
11 State Fire Marshal or the rules adopted under this Act. No
12 person, being the owner, occupant, or lessee of any building or
13 structure, shall keep, maintain, or allow to be kept or
14 maintained any building or structure that violates any
15 provision of the code adopted by the Office of the State Fire
16 Marshal or the rules adopted under this Act.

17 (b) The Office of the State Fire Marshal shall adopt a
18 national model fire safety code to be the minimum fire safety
19 code in the State of Illinois. The Office of the State Fire
20 Marshal shall adopt and promulgate such reasonable rules as may
21 be necessary to protect the public from dangerous conditions
22 and fire hazards. The rules may require a review of plans for
23 new construction. The rules shall require the installation,

1 inspection, or maintenance of necessary fire extinguishers,
2 fire suppression systems, chemical fire suppression systems,
3 and fire alarm and protection devices. A copy of any rule,
4 certified by the State Fire Marshal, shall be received in
5 evidence in all courts of this State with the same effect as
6 the original.

7 (c) The Office of the State Fire Marshal, and the officers
8 of cities, villages, towns, and fire protection districts,
9 shall enforce such rules, under the direction of the Office of
10 the State Fire Marshal, except in those localities that have
11 adopted fire prevention and safety standards equal to or higher
12 than the rules adopted by the Office of the State Fire Marshal.
13 The Office of the State Fire Marshal shall adopt rules that
14 identify fire prevention and safety codes that are equivalent
15 to or greater than the minimum codes adopted by the Office of
16 the State Fire Marshal.

17 (d) The Office of the State Fire Marshal, and the officers
18 of cities, villages, towns, and fire protection districts,
19 shall, under the direction of the Office of the State Fire
20 Marshal, inspect and examine at reasonable hours any premises,
21 and the buildings and other structures thereon, and if a
22 dangerous condition or fire hazard is found to exist contrary
23 to the rules herein referred to, shall order the dangerous
24 condition removed or remedied, and shall so notify the owner,
25 occupant, or other person interested in the premises. Service
26 of the notice upon the owner, occupant, or other interested

1 person shall be in person or by registered or certified mail.

2 Section 10. Hearing; compliance. The owner or other person
3 interested in a building or premises, within 10 days after
4 receiving the notice, may appeal from orders of deputies of the
5 Office of the State Fire Marshal, to the Office of the State
6 Fire Marshal. The Office shall thereupon conduct a hearing
7 pursuant to the Illinois Administrative Procedure Act, as
8 amended, and either sustain, modify, or revoke the order. If
9 the order is sustained or modified, or if no appeal is made to
10 the Office, it shall be the duty of the owner or occupant to
11 comply with the order.

12 Section 15. Court review. When an order to remove or remedy
13 a dangerous condition or fire hazard has been modified or
14 sustained by the Office of the State Fire Marshal, the person
15 against whom the order has been entered may seek review in the
16 circuit court of the county in which the property affected by
17 the order is located, pursuant to the Administrative Review
18 Law, as amended.

19 Section 20. Violation; petty offense. Willful failure,
20 neglect or refusal to comply (1) with the order of the Office
21 of the State Fire Marshal or other officers after it has become
22 final by reason of failure to prosecute an appeal as provided
23 by this Act, or (2) with the judgment of the circuit court

1 sustaining or modifying the order of the Office is a petty
2 offense, and in the event of a continuance of willful failure,
3 neglect or refusal to comply with an order, each day's
4 continuance is a separate offense.

5 The provisions of this Act shall not be construed to affect
6 or repeal any ordinances of any municipality relating to
7 building inspection, fire limits, fire prevention, or safety
8 standards, which are equal to or more restrictive than the
9 rules adopted under this Act, but the jurisdiction of the
10 Office of the State Fire Marshal shall, in such municipalities,
11 be concurrent with that of the municipal authorities.

12 Section 25. Rules; standards. The Office of the State Fire
13 Marshal may adopt reasonable rules that set standards of
14 compliance and may permit a limited but reasonable time
15 commensurate with the magnitude of expenditure, disruption of
16 services, and degree of hazard for existing occupancies to
17 comply with the code adopted under Section 5 of this Act. Until
18 the rules are adopted, any rules adopted by the Office of the
19 State Fire Marshal under the former Fire Investigation Act
20 shall remain in effect as if adopted pursuant to this Act.

21 Section 200. The School Code is amended by changing
22 Sections 2-3.12 and 3-14.22 as follows:

23 (105 ILCS 5/2-3.12) (from Ch. 122, par. 2-3.12)

1 Sec. 2-3.12. School building code.

2 (a) To prepare for school boards with the advice of the
3 Department of Public Health, the Capital Development Board, and
4 the State Fire Marshal a school building code that will
5 conserve the health and safety and general welfare of the
6 pupils and school personnel and others who use public school
7 facilities.

8 (b) Within 2 years after September 23, 1983, and every 10
9 years thereafter, or at such other times as the State Board of
10 Education deems necessary or the regional superintendent so
11 orders, each school board subject to the provisions of this
12 Section shall again survey its school buildings and effectuate
13 any recommendations in accordance with the procedures set forth
14 herein.

15 (1) An architect or engineer licensed in the State of
16 Illinois is required to conduct the surveys under the
17 provisions of this Section and shall make a report of the
18 findings of the survey titled "safety survey report" to the
19 school board.

20 (2) The school board shall approve the safety survey
21 report, including any recommendations to effectuate
22 compliance with the code, and submit it to the Regional
23 Superintendent.

24 (3) The Regional Superintendent shall render a
25 decision regarding approval or denial and submit the safety
26 survey report to the State Superintendent of Education.

1 (4) The State Superintendent of Education shall
2 approve or deny the report including recommendations to
3 effectuate compliance with the code and, if approved, issue
4 a certificate of approval.

5 (5) Upon receipt of the certificate of approval, the
6 Regional Superintendent shall issue an order to effect any
7 approved recommendations included in the report. The
8 report shall meet all of the following requirements:

9 (A) Items in the report shall be prioritized.

10 (B) Urgent items shall be considered as those items
11 related to life safety problems that present an
12 immediate hazard to the safety of students.

13 (C) Required items shall be considered as those
14 items that are necessary for a safe environment but
15 present less of an immediate hazard to the safety of
16 students.

17 (D) Urgent and required items shall reference a
18 specific rule in the code authorized by this Section
19 that is currently being violated or will be violated
20 within the next 12 months if the violation is not
21 remedied.

22 (6) The school board of each district so surveyed and
23 receiving a report of needed recommendations to be made to
24 maintain standards of safety and health of the pupils
25 enrolled shall effectuate the correction of urgent items as
26 soon as achievable to ensure the safety of the students,

1 but in no case more than one year after the date of the
2 State Superintendent of Education's approval of the
3 recommendation.

4 (7) Required items shall be corrected in a timely
5 manner, but in no case more than 5 years from the date of
6 the State Superintendent of Education's approval of the
7 recommendation.

8 (8) Once each year the school board shall submit a
9 report of progress on completion of any recommendations to
10 effectuate compliance with the code.

11 (c) As soon as practicable, but not later than 2 years
12 after January 1, 1993, the State Board of Education shall
13 combine the document known as "Efficient and Adequate Standards
14 for the Construction of Schools" with the document known as
15 "Building Specifications for Health and Safety in Public
16 Schools" together with any modifications or additions that may
17 be deemed necessary. The combined document shall be known as
18 the "Health/Life Safety Code for Public Schools" and shall be
19 the governing code for all facilities that house public school
20 students or are otherwise used for public school purposes,
21 whether such facilities are permanent or temporary and whether
22 they are owned, leased, rented, or otherwise used by the
23 district. Facilities owned by a school district but that are
24 not used to house public school students or are not used for
25 public school purposes shall be governed by separate provisions
26 within the code authorized by this Section.

1 (d) The 10 year survey cycle specified in this Section
2 shall continue to apply based upon the standards contained in
3 the "Health/Life Safety Code for Public Schools", which shall
4 specify building standards for buildings that are constructed
5 prior to January 1, 1993 and for buildings that are constructed
6 after that date.

7 (e) The "Health/Life Safety Code for Public Schools" shall
8 be the governing code for public schools; however, the
9 provisions of this Section shall not preclude inspection of
10 school premises and buildings pursuant to Section 5 of the Fire
11 Prevention Safety Act ~~Section 9 of the Fire Investigation Act,~~
12 provided that the provisions of the "Health/Life Safety Code
13 for Public Schools", or such predecessor document authorized by
14 this Section as may be applicable are used, and provided that
15 those inspections are coordinated with the Regional
16 Superintendent having jurisdiction over the public school
17 facility.

18 (f) Nothing in this Section shall be construed to prohibit
19 the State Fire Marshal or a qualified fire official to whom the
20 State Fire Marshal has delegated his or her authority from
21 conducting a fire safety check in a public school.

22 (g) The Regional Superintendent shall address any
23 violations that are not corrected in a timely manner pursuant
24 to subsection (b) of Section 3-14.21 of this Code.

25 (h) Any agency having jurisdiction beyond the scope of the
26 applicable document authorized by this Section may issue a

1 lawful order to a school board to effectuate recommendations,
2 and the school board receiving the order shall certify to the
3 Regional Superintendent and the State Superintendent of
4 Education when it has complied with the order.

5 (i) The State Board of Education is authorized to adopt any
6 rules that are necessary relating to the administration and
7 enforcement of the provisions of this Section.

8 (j) The code authorized by this Section shall apply only to
9 those school districts having a population of less than 500,000
10 inhabitants.

11 (k) In this Section, a "qualified fire official" means an
12 individual that meets the requirements of rules adopted by the
13 State Fire Marshal in cooperation with the State Board of
14 Education to administer this Section. These rules shall be
15 based on recommendations made by the task force established
16 under Section 2-3.137 of this Code.

17 (Source: P.A. 94-225, eff. 7-14-05; 94-875, eff. 7-1-06.)

18 (105 ILCS 5/3-14.22) (from Ch. 122, par. 3-14.22)

19 Sec. 3-14.22. Condemnation of school buildings. To request
20 the Department of Public Health, the State Fire Marshal or the
21 State Superintendent of Education to inspect public school
22 buildings and temporary school facilities which appear to him
23 to be unsafe, insanitary or unfit for occupancy. These
24 officials shall inspect such buildings and temporary school
25 facilities and if, in their opinion, such buildings or

1 temporary facilities are unsafe, insanitary or unfit for
2 occupancy, shall state in writing in what particular they are
3 unsafe, insanitary or unfit for occupancy. Upon the receipt of
4 such statement the regional superintendent shall condemn the
5 building or temporary facility and notify the school board
6 thereof in writing and the reasons for such condemnation. He
7 shall also notify, in writing, the board of school trustees
8 that the school or temporary facility so condemned is not kept
9 as required by law.

10 The provisions of this Section shall not preclude
11 inspection of school premises and buildings pursuant to Section
12 5 of the Fire Prevention Safety Act ~~Section 9 of the Fire~~
13 ~~Investigation Act~~, although not requested as hereinabove
14 provided.

15 (Source: P.A. 87-984.)

16 (425 ILCS 25/9 rep.)

17 (425 ILCS 25/9a rep.)

18 (425 ILCS 25/9b rep.)

19 (425 ILCS 25/9e rep.)

20 Section 300. The Fire Investigation Act is amended by
21 repealing Sections 9, 9a, 9b, and 9e.