

By: Senator(s) Smith

To: Judiciary

SENATE BILL NO. 2782

1 AN ACT TO CREATE THE "MISSISSIPPI SMOKE DETECTOR ACT"; TO
2 PROVIDE THAT SMOKE DETECTORS SHALL BE INSTALLED IN ALL RESIDENCES
3 AND HOTELS; TO PROVIDE REQUIREMENTS FOR INSTALLATION OF THE SMOKE
4 DETECTORS; TO PROVIDE PENALTIES FOR FAILURE TO COMPLY WITH THIS
5 ACT; TO AUTHORIZE THE STATE FIRE MARSHAL TO INVESTIGATE AND
6 COLLECT FINES FOR VIOLATIONS OF THIS ACT; AND FOR RELATED
7 PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 SECTION 1. This act shall be known and may be cited as the
10 "Mississippi Smoke Detector Act."

11 SECTION 2. For the purposes of this act:

12 (a) "Approved smoke detector" or "detector" means a
13 smoke detector of the ionization or photoelectric type, which
14 complies with all of the requirements of the rules and regulations
15 of the State Fire Marshal or has been approved by a nationally
16 recognized testing organization.

17 (b) "Dwelling unit" means a room or suite of rooms used
18 for human habitation and includes a single family residence as
19 well as each living unit of a multiple family residence and each
20 living unit in a mixed-use building.

21 (c) "Hotel" means any building or buildings maintained,
22 advertised, or held out to the public to be a place where lodging
23 is offered for consideration to travelers and guests. "Hotel"
24 includes inns, motels, tourist homes or courts, bed and breakfast
25 establishments and lodging houses.

26 SECTION 3. (1) Every dwelling unit shall be equipped with
27 at least one (1) approved smoke detector in an operating condition
28 within fifteen (15) feet of every room used for sleeping purposes.

29 The detector shall be installed on the ceiling and at least six
30 (6) inches from any wall, or on a wall located between four (4)
31 and six (6) inches from the ceiling.

32 (2) Every single family residence shall have at least one
33 (1) approved smoke detector installed on every story of the
34 dwelling unit, including basements but not including unoccupied
35 attics. In dwelling units with split levels, a smoke detector
36 installed on the upper level shall suffice for the adjacent lower
37 level if the lower level is less than one (1) full story below the
38 upper level; however, if there is an intervening door between the
39 adjacent levels, a smoke detector shall be installed on each
40 level.

41 (3) Every structure which contains more than one (1)
42 dwelling unit, or contains at least one (1) dwelling unit and is a
43 mixed-use structure, shall contain at least one (1) approved smoke
44 detector at the uppermost ceiling of each interior stairwell. The
45 detector shall be installed on the ceiling, at least six (6)
46 inches from the wall, or on a wall located between four (4) and
47 six (6) inches from the ceiling.

48 (4) It shall be the responsibility of the owner of a
49 structure to supply and install all required detectors. The owner
50 shall be responsible for making reasonable efforts to test and
51 maintain detectors in common stairwells and hallways. It shall be
52 the responsibility of a tenant to test and to provide general
53 maintenance for the detectors within the tenant's dwelling unit or
54 rooming unit and to notify the owner or the authorized agent of
55 the owner in writing of any deficiencies which the tenant cannot
56 correct. The owner shall be responsible for providing one (1)
57 tenant per dwelling unit with written information regarding
58 detector testing and maintenance.

59 The tenant shall be responsible for replacement of any
60 required batteries in the smoke detectors in the tenant's dwelling
61 unit, except that the owner shall ensure that such batteries are
62 in operating condition at the time the tenant takes possession of
63 the dwelling unit. The tenant shall provide the owner or the
64 authorized agent of the owner with access to the dwelling unit to
65 correct any deficiencies in the smoke detector that have been

66 reported in writing to the owner or the authorized agent of the
67 owner.

68 (5) As provided in subsections (6) and (7) of this section,
69 the smoke detectors required in such dwelling units may be either
70 battery powered or wired into the structure's AC power line and
71 need not be interconnected.

72 (6) In the case of any dwelling unit that is newly
73 constructed, reconstructed, or substantially remodeled after July
74 1, 1999, the requirements of this subsection (6) shall apply
75 beginning on the first day of occupancy of the dwelling unit after
76 such construction, reconstruction or substantial remodeling. The
77 smoke detectors required in such dwelling unit shall be
78 permanently wired into the structure's AC power line, and if more
79 than one (1) detector is required to be installed within the
80 dwelling unit, the detectors shall be wired so that the actuation
81 of one (1) detector will actuate all the detectors in the dwelling
82 unit.

83 (7) Every owner, manager or operator of a hotel shall
84 install or maintain in operating condition a battery or
85 electrically operated smoke detector device in each hotel guest
86 sleeping room. Hotel owners or operators shall be required to
87 test each smoke detector device at least once each quarter of each
88 calendar year to determine if each detector is in working order.
89 Additionally, every hotel shall be equipped with operational
90 portable smoke-detecting alarm devices for the deaf and hearing
91 impaired of audible and visual design, available for units of
92 occupancy.

93 Specialized smoke detectors for the deaf and hearing impaired
94 shall be available upon request by guests in such hotels at a rate
95 of at least one (1) such smoke detector per seventy-five (75)
96 occupancy units or portions thereof, not to exceed five (5) such
97 smoke detectors per hotel. Incorporation or connection into an
98 existing interior alarm system, so as to be capable of being

99 activated by the system, may be utilized in lieu of the portable
100 alarms.

101 Operators of any hotel shall post conspicuously at the main
102 desk a permanent notice, in letters of at least three (3) inches
103 in height, stating that smoke detector alarm devices for the deaf
104 and hearing impaired are available. The proprietor may require a
105 refundable deposit for a portable smoke detector not to exceed the
106 cost of the detector.

107 (8) Compliance with an applicable federal, state or local
108 law or building code which requires the installation and
109 maintenance of smoke detectors in a manner different from this
110 section, but providing a level of safety for occupants which is
111 equal to or greater than that provided by this section, shall be
112 deemed to be in compliance with this section, and the requirements
113 of such more stringent law shall govern over the requirements of
114 this section.

115 SECTION 4. (1) Each owner or tenant, or both, of every
116 building or occupancy required to have smoke detection devices or
117 smoke detection systems, or both, in accordance with the
118 provisions of this act, whether an individual or a body corporate,
119 who fails to comply with the provisions of this act regarding
120 smoke detection devices or smoke detection systems, or both, shall
121 be fined not less than One Hundred Dollars (\$100.00) nor more than
122 Five Hundred Dollars (\$500.00) for each offense.

123 (2) Anyone who tampers with, damages, destroys or renders
124 inoperative any smoke detection device or smoke detection system,
125 or both, shall be fined not less than One Hundred Dollars
126 (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each
127 offense.

128 (3) Where a fire department responds to an alarm of any type
129 at a building or occupancy required to have smoke detection
130 devices or smoke detection systems, or both, as required by this
131 act and such building does not have a functional, working smoke

132 detection device or the smoke detection system is not operable, is
133 not in service, or is not installed or maintained as required by
134 this act, or both, or the State Fire Marshal's Office becomes
135 aware of such building or occupancy, the State Fire Marshal's
136 Office shall have authority to investigate. The State Fire
137 Marshal may issue a summons, where necessary, to the owner or
138 occupant, or both, of such building or occupancy for an appearance
139 in the appropriate court.

140 (4) Each fine specified in this act shall be remitted to the
141 State Fire Marshal's Office. All receipts shall be used to
142 subsidize the costs of providing a greater public awareness of the
143 ramifications of not having smoke detectors.

144 SECTION 5. This act shall take effect and be in force from
145 and after July 1, 1999.