

HOUSE BILL 917

By Carr

AN ACT to amend Tennessee Code Annotated, Title 66, Chapter 28; Title 68, Chapter 102 and Title 68, Chapter 120, relative to smoke alarms.

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

SECTION 1. Tennessee Code Annotated, Section 68-102-151, is amended by deleting the section and substituting the following:

(a) As used in this section:

(1) "One-family or two-family rental unit" means any rental building containing one (1) or two (2) living units with independent cooking and bathroom facilities, whether designated as a house, cottage, duplex, or condominium, or by any other name; and

(2) "Smoke alarm" means an alarm responsive to smoke and approved by the building construction safety standards adopted pursuant to § 68-120-101; and

(A) Listed by a nationally recognized and approved independent testing agency or laboratory such as Underwriters Laboratories; or

(B) Inspected by an agency authorized to make independent inspections by the state fire marshal.

(b) Notwithstanding chapter 120 of this title, or any other laws to the contrary, it is unlawful to:

(1) Own or operate a one-family or two-family rental unit without installing an approved smoke alarm in each living unit. When activated, the smoke alarm

shall initiate a warning sound that is audible in the sleeping rooms of the one-family or two-family rental unit; or

(2) Tamper with or remove any smoke alarm required by this section, or a component of any smoke alarm.

(c) All smoke alarms required by this section shall be installed in accordance with the applicable building construction safety standards as provided in § 68-120-101, and in accordance with the manufacturer's directions, unless those directions conflict with the applicable building construction safety standards. Notwithstanding the building construction safety standards adopted pursuant to § 68-120-101, battery-operated smoke alarms shall be permitted when installed in buildings without commercial power.

(d)

(1) Any smoke alarm required by this section shall be maintained by the tenant of the living unit where the smoke alarm is located in accordance with the manufacturer's instructions. However, upon termination of a tenancy in a one-family or two-family rental unit, the owner of the one-family or two-family rental unit shall ensure that any required smoke alarm is operational prior to reoccupancy of the one-family or two-family rental unit.

(2) No alarm silencing switch or audible trouble silencing switch shall be provided, unless its silenced position is indicated by a readily apparent signal.

(3) Compliance with this section does not relieve any person from the requirements of any other applicable law, ordinance, or rule. Nothing contained within this section shall be construed to be in derogation of § 68-120-111.

(e)

(1) A violation of this section is a Class A misdemeanor. Each day on which a violation continues constitutes a separate offense under this section.

(2) Section 68-120-106 shall apply with respect to enforcement of this section.

(f) The state fire marshal shall periodically undertake appropriate activities to encourage compliance with and enforcement of this section, as well as §§ 68-120-111 and 68-120-112.

SECTION 2. Tennessee Code Annotated, Section 68-120-111, is amended by deleting the section and substituting the following:

No newly constructed one-family or two-family dwelling shall be approved for connection of electric service on a permanent basis under § 68-102-143, unless the dwelling is equipped with a smoke alarm that has been:

(1) Listed in accordance with the standards of Underwriters Laboratories, or another testing agency or laboratory accepted by the state fire marshal; and

(2) Installed in accordance with the building construction safety standards adopted pursuant to § 68-120-101 and in accordance with the manufacturer's directions, unless those directions conflict with applicable standards adopted by the state fire marshal. Notwithstanding the building construction safety standards adopted pursuant to § 68-120-101, battery-operated smoke alarms shall be permitted when installed in buildings without commercial power.

SECTION 3. Tennessee Code Annotated, Section 68-120-112, is amended by deleting the section and substituting the following:

(a) As used in this section:

(1) "Apartment building":

(A) Means any building containing three (3) or more living units with independent cooking and bathroom facilities, whether designated as an apartment house, tenement, or garden apartment, or by any other name; and

(B) Does not include condominium projects;

(2) "Hotel":

(A) Means any building providing sleeping accommodations for guests, travelers, or semi-permanent residents for commercial purposes; and

(B) Includes motels, inns, boarding homes, lodging homes, rooming houses, tourist homes, hostels, dormitories, and apartment hotels; and

(3) "Smoke alarm" means an alarm responsive to smoke and approved by the building construction safety standards adopted pursuant to § 68-120-101, and:

(A) Listed by a nationally recognized and approved independent testing agency or laboratory such as Underwriters Laboratories; or

(B) Inspected by an agency authorized to make independent inspections by the state fire marshal.

(b) It is unlawful to:

(1) Own or operate a hotel without installing a smoke alarm in every room of the hotel that is ordinarily used for sleeping purposes;

(2) Own or operate an apartment building without installing a smoke alarm in every living unit within the apartment building. When activated, the smoke alarm shall initiate a warning sound that is audible in the sleeping rooms of the living unit; or

(3) Tamper with or remove any smoke alarm required by this section, or a component of any smoke alarm.

(c)

(1) All smoke alarms required by this section:

(A) Shall be installed in accordance with the manufacturer's directions, unless they conflict with applicable law; and

(B) May be wired directly or hardwired to the building's power supply, powered by a self-monitored battery, or operated with a plug-in outlet fitted with a plug restrainer device; provided, that the outlet is not controlled by any switch other than the main power supply.

(2) This section shall apply only to buildings existing before January 1, 2016. Smoke alarms shall be installed and maintained in new buildings in accordance with the applicable building construction safety standards as provided in § 68-120-101.

(d)

(1) Any smoke alarm required in an apartment building by this section shall be maintained by the tenant of the living unit where the smoke alarm is located in accordance with the manufacturer's instructions. However, upon termination of a tenancy in a living unit, the owner of the apartment building shall ensure that any required smoke alarm is operational prior to reoccupancy of the living unit.

(2) The owner or manager of a hotel is responsible for performance of maintenance, repairs, and tests as are necessary to ensure that every smoke alarm required in the hotel is operational at all times.

(3) No alarm silencing switch or audible trouble silencing switch shall be provided, unless its silenced position is indicated by a readily apparent signal.

(4) Compliance with this section shall not relieve any person from the requirements of any other applicable law, ordinance, or rule.

(e)

(1) A violation of this section is a Class C misdemeanor. Each day on which a violation continues constitutes a separate offense under this section.

(2) Section 68-120-106 applies with respect to the enforcement of this section.

SECTION 4. This act shall take effect January 1, 2016, the public welfare requiring it.