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WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1984



**ENROLLED**

*Committee Substitute for*  
SENATE BILL NO. 27

(By Mr. *McGraw, Jr. President*)



PASSED March 9, 1984

In Effect ninety days from Passage



# ENROLLED

COMMITTEE SUBSTITUTE

FOR

## Senate Bill No. 27

(MR. MCGRAW, MR. PRESIDENT, *original sponsor*)

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[Passed March 9, 1984; in effect ninety days from passage.]

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AN ACT to amend article three, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section sixteen-a, relating to requiring smoke detectors in one- and two-family dwellings; specifying requirements for installation, operation, maintenance and use of such smoke detectors; authorizing installation of certain fire sprinkler systems in lieu of smoke detectors; mandating local authorities investigating fires to issue smoke detector installation orders; specifying a criminal penalty; effect of violation on civil actions or proceedings; effect on other laws; date for compliance.

*Be it enacted by the Legislature of West Virginia:*

That article three, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section sixteen-a, to read as follows:

### **ARTICLE 3. FIRE PREVENTION AND CONTROL ACT.**

#### **§29-3-16a. Smoke detectors in one- and two-family dwellings; penalty.**

- 1 (a) Within all one- and two-family dwellings, includ-
- 2 ing mobile homes used for residential occupancy, which

3 are not occupied by the owner thereof, a smoke detector  
4 shall be installed outside of each separate sleeping area  
5 in the immediate vicinity of the sleeping area. The  
6 smoke detector shall be capable of sensing visible or  
7 invisible particles of combustion. Such smoke detector  
8 shall meet the specifications and be installed as provided  
9 for in the National Fire Protection Association Standard  
10 74, "Standard for the Installation, Maintenance and Use of  
11 Household Fire Warning Equipment," 1980 edition, and  
12 the manufacturer's specifications. When activated, the  
13 smoke detector shall provide an alarm suitable to warn  
14 the occupants of the danger of fire.

15 (b) The owner of each dwelling described in subsection  
16 (a) of this section shall provide, install and replace the  
17 smoke detectors required by this section; in each dwell-  
18 ing described in subsection (a) which is not occupied by  
19 the owner thereof, the tenant in any such dwelling shall  
20 perform routine maintenance on the smoke detectors  
21 within such dwelling.

22 (c) Where a dwelling is not occupied by the owner and  
23 is occupied by an individual who is deaf or hearing im-  
24 paired, the owner shall, upon written request by or on  
25 behalf of such individual, provide and install a smoke  
26 detector with a light signal sufficient to warn the deaf  
27 or hearing-impaired individual of the danger of fire.

28 (d) An automatic fire sprinkler system installed in  
29 accordance with the National Fire Protection Association  
30 Standard 13D, "Standard for the Installation of Sprinkler  
31 Systems in Residential Occupancies," 1983 edition, may be  
32 provided in lieu of smoke detectors.

33 (e) After investigating a fire in any dwelling described  
34 in subsection (a) of this section, the local investigating  
35 authority shall issue to the owner a smoke detector in-  
36 stallation order in the absence of the required smoke  
37 detectors.

38 (f) Any person who violates any provision of this  
39 section is guilty of a misdemeanor, and, upon conviction  
40 thereof, shall be fined not less than ten dollars nor more  
41 than twenty dollars.

42 (g) A violation of this section shall not be deemed by  
43 virtue of such violation to constitute evidence of negli-  
44 gence or contributory negligence or comparative negli-  
45 gence in any civil action or proceeding for damages.

46 (h) A violation of this section shall not constitute a  
47 defense in any civil action or proceeding involving any  
48 insurance policy.

49 (i) Nothing in this section shall be construed to limit  
50 the rights of any political subdivision in this state to  
51 enact laws imposing upon owners a greater duty with  
52 regard to the installation, repair and replacement of  
53 smoke detectors than is required by this section.

54 (j) Owners of dwellings described in subsection (a)  
55 shall comply with the provisions of this section no later  
56 than the first day of July, one thousand nine hundred  
57 eighty-five.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Donald Anello  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

John C. Wells  
Clerk of the Senate

Donald L. Hogg  
Clerk of the House of Delegates

Warren M. Brown  
President of the Senate

W. M. Lee, Jr.  
Speaker House of Delegates

The within is approved this the 28  
day of March, 1984.

[Signature]  
Governor

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SECY. OF STATE