WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1984

ENROLLED
Committee Substitute for
SENATE BILL NO. 27

(By Mr. McElroy, Mr. President)

PASSED March 9, 1984
In Effect ninety days from Passage
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, including mobile homes used for residential occupancy, which
are not occupied by the owner thereof, a smoke detector shall be installed outside of each separate sleeping area in the immediate vicinity of the sleeping area. The smoke detector shall be capable of sensing visible or invisible particles of combustion. Such smoke detector shall meet the specifications and be installed as provided for in the National Fire Protection Association Standard 74, "Standard for the Installation, Maintenance and Use of Household Fire Warning Equipment," 1980 edition, and the manufacturer's specifications. When activated, the smoke detector shall provide an alarm suitable to warn the occupants of the danger of fire.

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

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

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

(e) After investigating a fire in any dwelling described in subsection (a) of this section, the local investigating authority shall issue to the owner a smoke detector installation order in the absence of the required smoke detectors.

(f) Any person who violates any provision of this section is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars nor more than twenty dollars.
(g) A violation of this section shall not be deemed by virtue of such violation to constitute evidence of negligence or contributory negligence or comparative negligence in any civil action or proceeding for damages.

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

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

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

Joseph C. Wells  
Clerk of the Senate

Donald V. Hope  
Clerk of the House of Delegates

Warren L. McDougal  
President of the Senate

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

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

Governor