

2027-Veto

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1988

— ● —

ENROLLED

Com. Sub. for
HOUSE BILL No. 2027

(By Mr. Del. Otte + Livers)

— ● —

Passed March 10, 1988

In Effect Ninety Days From Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2027

(By DELEGATES OTTE and GIVENS)

[Passed March 10, 1988; in effect ninety days from passage.]

AN ACT to amend and reenact section sixteen-a, article three, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the fire prevention and control act; smoke detectors in one and two-family dwellings; requiring operational smoke detectors in all one and two-family dwellings constructed after the thirty-first of December, one thousand nine hundred eighty-eight; deleting certain provisions with respect to mobile homes; and continuing the penalties for violations thereof.

Be it enacted by the Legislature of West Virginia:

That section sixteen-a, article three, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted 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 which are
- 2 not occupied by the owner thereof, and any one and two-
- 3 family dwellings completed after the thirty-first day of
- 4 December, one thousand nine hundred eighty-eight, an

5 operational smoke detector shall be installed outside of
6 each separate sleeping area in the immediate vicinity of
7 the sleeping area, which smoke detector shall be capable
8 of sensing visible or invisible particles of combustion.
9 Such smoke detector shall meet the specifications and
10 be installed as provided for in the National Fire
11 Protection Association Standard 74, "Standard for the
12 Installation, Maintenance and Use of Household Fire
13 Warning Equipment," 1980 edition, and the manufac-
14 turer's specifications. When activated, the smoke
15 detector shall provide an alarm suitable to warn the
16 occupants of the danger of fire.

17 (b) The owner of each dwelling described in
18 subsection (a) of this section shall provide, install and
19 replace the operational smoke detectors required by this
20 section. So as to assure that the smoke detector continues
21 to be operational, in each dwelling described in subsec-
22 tion (a) which is not occupied by the owner thereof, the
23 tenant in any such dwelling shall perform routine
24 maintenance on the smoke detectors within such
25 dwelling.

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

33 (d) An automatic fire sprinkler system installed in
34 accordance with the National Fire Protection
35 Association Standard 13D, "Standard for the Installa-
36 tion of Sprinkler Systems in Residential Occupancies,"
37 1983 edition, may be provided in lieu of smoke detectors.

38 (e) After investigating a fire in any dwelling des-
39 cribed in subsection (a) of this section, the local
40 investigating authority shall issue to the owner a smoke
41 detector installation order in the absence of the required
42 smoke detectors.

43 (f) Any person who violates any provision of this
44 section is guilty of a misdemeanor, and, upon conviction

45 thereof, shall be fined not less than ten dollars nor more
46 than twenty dollars.

47 (g) A violation of this section shall not be deemed by
48 virtue of such violation to constitute evidence of
49 negligence or contributory negligence or comparative
50 negligence in any civil action or proceeding for
51 damages.

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

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

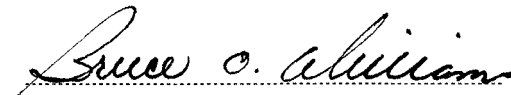
61 (j) Owners of dwellings described in subsection (a) of
62 this section shall comply with the provisions of this
63 section no later than the first day of July, one thousand
64 nine hundred eighty-five, except as may be otherwise
65 specified in said subsection (a).

66 (k) A violation or suspected violation of this section
67 shall not alone serve as grounds for the granting of a
68 search warrant.

Done
James G. Baker
March 11, 1985
James G. Baker

Enr. Com. Sub. for H. B. 2027] 4

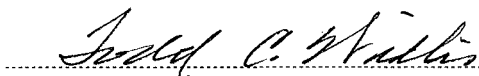
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

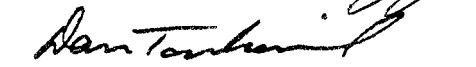

Chairman House Committee

Originating in the House.




Takes effect ninety days from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within  this the 
day of , 1988.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/18/88

Time 4:22 p.m.

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