

52:27D-198.2

LEGISLATIVE HISTORY CHECKLIST
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(Smoke detectors-
-older homes)

LAWS OF: 1991

CHAPTER: 92

Bill No: S1968

Sponsor(s): Orechio

Date Introduced: Pre-filed

Committee: Assembly: Housing

Senate: County & Municipal Government

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: January 31, 1991

Senate: October 31, 1990

Date of Approval: April 9, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

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STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Senators ORECHIO and COWAN

1 AN ACT requiring smoke-sensitive alarm devices in certain
2 structures used for residential purposes and supplementing
3 P.L.1983, c.383 (C.52:27D-192 et seq.).
4

5 BE IT ENACTED by the Senate and General Assembly of the
6 State of New Jersey:

7 1. A structure used or intended for use for residential purposes
8 by not more than two households ²[and constructed before
9 January 1, 1977]² shall have a smoke-sensitive alarm device on
10 each level of the structure and outside each separate sleeping
11 area in the immediate vicinity of the bedrooms and located on or
12 near the ceiling in accordance with National Fire Protection
13 Association Standard No. 74-1984 for the installation,
14 maintenance, and use of household fire warning equipment. The
15 installation of battery operated smoke-sensitive alarm devices
16 shall be accepted as meeting the requirements of this section.
17 The smoke-sensitive device shall be tested and listed by a
18 product certification agency recognized by the Bureau of Fire
19 Safety. This section shall not be enforced except pursuant to
20 sections 2 and 3 of this act.

21 2. a. In any case where a change of occupancy of any building
22 subject to the requirements of section 1 of this act is subject to a
23 municipal ordinance requiring the issuance of a certificate of
24 occupancy, certificate of inspection or other documentary
25 certification of compliance with laws and regulations relating to
26 safety, healthfulness and upkeep of the premises, no such
27 certificate shall issue until the municipal officer or agency
28 responsible for its issuance has determined that the building is
29 equipped with an alarm device or devices as required by section
30 1 of this act.

31 b. In the case of change of occupancy of any building subject
32 to the requirements of section 1 of this act to which the
33 provisions of subsection a. of this section do not apply, no owner
34 shall sell, lease or otherwise permit occupancy for residential
35 purposes of that building without first obtaining from the
36 relevant enforcement agency under the "Uniform Fire Safety
37 Act," P.L.1983, c.383 (C.52:27D-192 et seq.) a certificate
38 evidencing compliance with the requirements of this act. The

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AHO committee amendments adopted December 3, 1990.

² Assembly floor amendments adopted January 17, 1991.

1 local governing body having jurisdiction over the said enforcing
2 agency or, where the Bureau of Fire Safety is the enforcing
3 agency, the Commissioner of the Department of Community
4 Affairs shall establish a fee which covers the cost of inspection
5 and of issuance of the certificate.

6 3. An owner who sells, leases, rents or otherwise permits to be
7 occupied for residential purposes any premises subject to the
8 provisions of this supplementary act when the premises do not
9 comply with the requirements of section 1 hereof, or without
10 complying with the inspection and certification requirements of
11 section 2 hereof, ²[is guilty of a violation of the act to which this
12 act is a supplement (P.L.1983, c.383; C.52:27D-192 et seq.) and]
13 shall be² subject to ²[any and all applicable penalties in that act
14 provided for such violation, except that the] a² fine ²[shall be]
15 of² not more than \$500.00 ¹[for a first offense and not more than
16 \$2,000.00 for a subsequent offense]^{1 2}, which may be collected
17 and enforced by the local enforcing agency as defined in
18 subsection g. of section 5 of P.L.1983, c.383 (C.52:27D-196) by
19 summary proceedings pursuant to "the penalty enforcement law,"
20 N.J.S.2A:58-1 et seq.².

21 4. The Commissioner of the Department of Community Affairs
22 is hereby authorized to make and promulgate, in accordance with
23 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
24 et seq.) all such rules and regulations as may be necessary or
25 expedient for the proper and timely effectuation of the purposes
26 of this supplementary act.

27 5. This act shall take effect on the 60th day next following the
28 date of its enactment, except that section 4 shall take effect
29 immediately.

30

31

32 PUBLIC SAFETY

33

34 Requires smoke detectors in one and two-family dwellings
35 constructed before January 1, 1977.

SENATE No. 1968

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Senator ORECHIO

AN ACT requiring smoke-sensitive alarm devices in certain structures used for residential purposes and supplementing P.L.1983, c.383 (C.52:27D-192 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. A structure used or intended for use for residential purposes by not more than two households and constructed before January 1, 1977 shall have a smoke-sensitive alarm device on each level of the structure and outside each separate sleeping area in the immediate vicinity of the bedrooms and located on or near the ceiling in accordance with National Fire Protection Association Standard No. 74-1984 for the installation, maintenance, and use of household fire warning equipment. The installation of battery operated smoke-sensitive alarm devices shall be accepted as meeting the requirements of this section. The smoke-sensitive device shall be tested and listed by a product certification agency recognized by the Bureau of Fire Safety. This section shall not be enforced except pursuant to sections 2 and 3 of this act.

2. a. In any case where a change of occupancy of any building subject to the requirements of section 1 of this act is subject to a municipal ordinance requiring the issuance of a certificate of occupancy, certificate of inspection or other documentary certification of compliance with laws and regulations relating to safety, healthfulness and upkeep of the premises, no such certificate shall issue until the municipal officer or agency responsible for its issuance has determined that the building is equipped with an alarm device or devices as required by section 1 of this act.

b. In the case of change of occupancy of any building subject to the requirements of section 1 of this act to which the provisions of subsection a. of this section do not apply, no owner shall sell, lease or otherwise permit occupancy for residential purposes of that building without first obtaining from the relevant enforcement agency under the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.) a certificate evidencing compliance with the requirements of this act. The local governing body having jurisdiction over the said enforcing agency or, where the Bureau of Fire Safety is the enforcing agency, the Commissioner of the Department of Community

Affairs shall establish a fee which covers the cost of inspection and of issuance of the certificate.

3. An owner who sells, leases, rents or otherwise permits to be occupied for residential purposes any premises subject to the provisions of this supplementary act when the premises do not comply with the requirements of section 1 hereof, or without complying with the inspection and certification requirements of section 2 hereof, is guilty of a violation of the act to which this act is a supplement (P.L.1983, c.383; C.52:27D-192 et seq.) and subject to any and all applicable penalties in that act provided for such violation, except that the fine shall be not more than \$500.00 for a first offense and not more than \$2,000.00 for a subsequent offense.

4. The Commissioner of the Department of Community Affairs is hereby authorized to make and promulgate, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) all such rules and regulations as may be necessary or expedient for the proper and timely effectuation of the purposes of this supplementary act.

5. This act shall take effect on the 60th day next following the date of its enactment, except that section 4 shall take effect immediately.

PUBLIC SAFETY

Requires smoke detectors in one and two-family dwellings constructed before January 1, 1977.

1 Affairs shall establish a fee which covers the cost of inspection
2 and of issuance of the certificate.

3 3. An owner who sells, leases, rents or otherwise permits to be
4 occupied for residential purposes any premises subject to the
5 provisions of this supplementary act when the premises do not
6 comply with the requirements of section 1 hereof, or without
7 complying with the inspection and certification requirements of
8 section 2 hereof, is guilty of a violation of the act to which this
9 act is a supplement (P.L.1983, c.383; C.52:27D-192 et seq.) and
10 subject to any and all applicable penalties in that act provided for
11 such violation, except that the fine shall be not more than
12 \$500.00 for a first offense and not more than \$2,000.00 for a
13 subsequent offense.

14 4. The Commissioner of the Department of Community Affairs
15 is hereby authorized to make and promulgate, in accordance with
16 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
17 et seq.) all such rules and regulations as may be necessary or
18 expedient for the proper and timely effectuation of the purposes
19 of this supplementary act.

20 5. This act shall take effect on the 60th day next following the
21 date of its enactment, except that section 4 shall take effect
22 immediately.

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24

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STATEMENT

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27 This bill requires that all one- and two-family residences
28 constructed before January 1, 1977, be equipped with smoke
29 detectors on each level of the structure and in the vicinity of the
30 bedrooms. All such residences constructed after that date
31 already are required to have smoke detectors pursuant to the
32 "Uniform Construction Code Act," P.L.1975, c.217
33 (C.52:27D-119 et seq.)

34 The requirement would be enforced, whenever such an existing
35 residence is sold or its occupancy otherwise transferred, by either
36 (1) conditioning the issuance of a certificate of occupancy upon
37 compliance with it, or (2) in municipalities that do not require
38 such certificates, requiring that a certificate of compliance be
39 obtained from the "relevant enforcement agency," which may be
40 either a branch of the local government or, if such be lacking, the
41 Bureau of Fire Safety in the Department of Community Affairs.
42 The commissioner of that department is authorized to make
43 appropriate regulations for the effectuation of the purposes of
44 the bill.

45 This bill, which is in the form of a supplement to the "Uniform
46 Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.),
47 provides in section 3 that any violation of its terms shall be a
48 violation of the Uniform Fire Safety Act; however, the fine for a
49 violation is to be not more than \$500.00 for a first offense

1 and not more than \$2,000.00 for a subsequent offense and
2 enforceable by civil action in a summary manner under the
3 "penalty enforcement law," N.J.S.2A:58-1 et seq., with the
4 further provision that a violator who fails to pay may be jailed
5 for up to six months. In the case of a "continuing" violation,
6 each day while it persists is reckoned a separate violation.
7 Moreover, the violator may become liable to the municipality or
8 fire district for the cost of suppressing any fire "directly or
9 indirectly resulting from" the violation under P.L.1983, c.383 s.19
10 (C.52:27D-210):

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PUBLIC SAFETY

Requires smoke detectors in one and two-family dwellings
constructed before January 1, 1977.

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

SENATE, No. 1968

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 29, 1990

The Assembly Housing Committee reports Senate Bill No. 1968 favorably, with amendments.

This bill requires that all one- and two-family residences constructed before January 1, 1977, be equipped with smoke detectors on each level of the structure and in the vicinity of the bedrooms. All such residences constructed after that date already are required to have smoke detectors pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.).

The requirement would be enforced, whenever such an existing residence is sold or its occupancy is otherwise transferred, by either (1) conditioning the issuance of a certificate of occupancy upon compliance with it, or (2) in municipalities that do not require such certificates, requiring that a certificate of compliance be obtained from the "relevant enforcement agency," which may be either a branch of the local government or, if such be lacking, the bureau of fire safety in the Department of Community Affairs. The commissioner of that department is authorized to make appropriate regulations for the effectuation of the purposes of the bill.

This bill, which is in the form of a supplement to the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.), provides in section 3 that any violation of its terms shall be a violation of the Uniform Fire Safety Act; however, the fine for a violation is to be not more than \$500.00, enforceable by civil action in a summary manner under the "penalty enforcement law," N.J.S.2A:58-1 et seq., with the further provision that a violator who fails to pay may be jailed for up to six months. In the case of a "continuing" violation, each day while it persists is reckoned a separate violation. Moreover, the violator may become liable to the municipality or fire district for the cost of suppressing any fire "directly or indirectly resulting from" the violation under P.L.1983, c.383 (C.52:27D-210).

The committee adopted an amendment reducing the maximum fine from \$2,000 to \$500.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 1968

STATE OF NEW JERSEY

DATED: MAY 21, 1990

The Senate County and Municipal Government Committee favorably reports Senate Bill No. 1968.

Senate Bill No. 1968 requires that all one- and two-family residences constructed before January 1, 1977, be equipped with smoke detectors on each level of the structure and in the vicinity of the bedrooms. All such residences constructed after that date already are required to have smoke detectors pursuant to the "Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.).

The requirement would be enforced, whenever such an existing residence is sold or its occupancy is otherwise transferred, by either (1) conditioning the issuance of a certificate of occupancy upon compliance with it, or (2) in municipalities that do not require such certificates, requiring that a certificate of compliance be obtained from the "relevant enforcement agency," which may be either a branch of the local government or, if such be lacking, the Bureau of Fire Safety in the Department of Community Affairs. The commissioner of that department is authorized to make appropriate regulations for the effectuation of the purposes of the bill.

This bill, which is in the form of a supplement to the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.), provides in section 3 that any violation of its terms shall be a violation of the Uniform Fire Safety Act; however, the fine for a violation is to be not more than \$500.00 for a first offense and not more than \$2,000.00 for a subsequent offense and enforceable by civil action in a summary manner under the "penalty enforcement law," N.J.S.2A:58-1 et seq., with the further provision that a violator who fails to pay may be jailed for up to six months. In the case of a "continuing" violation, each day while it persists is reckoned a separate violation. Moreover, the violator may become liable to the municipality or fire district for the cost of suppressing any fire "directly or indirectly resulting from" the violation under P.L.1983, c.383 s.19 (C.52:27D-210).

This bill was pre-filed for introduction in the 1990 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.