

SENATE BILL No. 363

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-11-18; IC 32-31-7-5.

Synopsis: Smoke detector batteries. Requires that the battery in a battery operated smoke detector installed in hotels, motels, and dwellings be a tamper resistant 10 year lithium battery.

Effective: July 1, 2013.

Crider, Wyss

January 8, 2013, read first time and referred to Committee on Commerce, Economic Development & Technology.

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First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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SENATE BILL No. 363



A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 22-11-18-3 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) This section only
- 3 applies to hotels and motels.
- 4 (b) All hotels and motels must have functional smoke detectors.
- 5 (c) Except as provided in subsection (f), a detector must be installed
- 6 in all interior corridors adjacent to sleeping rooms and must be spaced
- 7 no farther apart than thirty (30) feet on center, or more than fifteen (15)
- 8 feet from any wall.
- 9 (d) The detectors must be hard wired into a building's electrical
- 10 system, except as provided in subsection (f).
- 11 (e) The detectors must be wired in a manner that activates all the
- 12 devices in a corridor when one (1) is activated, except as provided in
- 13 subsection (f).
- 14 (f) All single level dwellings, all seasonably occupied dwellings,
- 15 and all hotels and motels with twelve (12) sleeping rooms or less (and
- 16 containing no interior corridors) are exempt from the requirements of
- 17 subsections (c), (d), and (e). In all such units:



- 1 (1) a detector must be installed in each sleeping room; and
- 2 (2) the detector may be battery operated.
- 3 (g) If a battery operated detector is installed **under subsection (f)**,
- 4 it must:
 - 5 **(1) be equipped with a tamper resistant ten (10) year lithium**
 - 6 **battery; and**
 - 7 **(2) contain a tamper resistant cover to protect the ~~batteries-~~**
 - 8 **battery.**
- 9 The fire marshal shall adopt rules detailing the specifications for the
- 10 tamper resistant cover. If a battery operated detector is not installed
- 11 **under subsection (f)**, the detector must be hard wired into a building's
- 12 electrical system.
- 13 SECTION 2. IC 22-11-18-3.5 IS AMENDED TO READ AS
- 14 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3.5. (a) This section
- 15 only applies to dwellings.
- 16 (b) A rule or an ordinance is not voided or limited by this section if
- 17 the rule or ordinance:
 - 18 (1) applies to an occupied dwelling; and
 - 19 (2) is at least as stringent as the requirements of this section.
- 20 (c) A dwelling must have at least one (1) functional smoke detector
- 21 installed as follows:
 - 22 (1) According to the manufacturer's instructions.
 - 23 (2) Outside of each sleeping area in the immediate vicinity of the
 - 24 bedrooms.
 - 25 (3) On the ceiling or a wall not less than four (4) inches or more
 - 26 than twelve (12) inches from the ceiling. However, a smoke
 - 27 detector may not be recessed into a ceiling.
 - 28 (4) On each additional story of the dwelling, including basements,
 - 29 cellars, and habitable attics. Unless there is a door between levels
 - 30 in dwellings with split levels, a smoke detector must be installed
 - 31 only on the upper level if the lower level is less than one (1) full
 - 32 story below the upper level.
- 33 (d) All smoke detectors must be:
 - 34 (1) battery operated or hard wired into the dwelling's electrical
 - 35 system;
 - 36 (2) accessible for servicing and testing; and
 - 37 (3) maintained and at least one (1) time every six (6) months
 - 38 tested by the occupant to ensure that the smoke detector is in
 - 39 operational condition.
- 40 **The battery in a battery operated smoke detector must be a tamper**
- 41 **resistant ten (10) year lithium battery.**
- 42 (e) Each owner or the manager or rental agent of the owner is

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- 1 responsible for:
- 2 (1) the installation of a required smoke detector; and
- 3 (2) the replacement and repair of a required smoke detector
- 4 within seven (7) working days after the owner, manager, or rental
- 5 agent is given written notification of the need to replace or repair
- 6 the smoke detector.
- 7 (f) A person may not tamper with or remove a smoke detector
- 8 except when necessary for maintenance purposes.
- 9 (g) A unit (as defined in IC 36-1-2-23) may adopt an ordinance
- 10 concerning dwellings that:
- 11 (1) includes more stringent or detailed requirements than those set
- 12 forth in this chapter; and
- 13 (2) does not conflict with this chapter.
- 14 SECTION 3. IC 32-31-7-5, AS AMENDED BY P.L.17-2008,
- 15 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 JULY 1, 2013]: Sec. 5. A tenant shall do the following:
- 17 (1) Comply with all obligations imposed primarily on a tenant by
- 18 applicable provisions of health and housing codes.
- 19 (2) Keep the areas of the rental premises occupied or used by the
- 20 tenant reasonably clean.
- 21 (3) Use the following in a reasonable manner:
- 22 (A) Electrical systems.
- 23 (B) Plumbing.
- 24 (C) Sanitary systems.
- 25 (D) Heating, ventilating, and air conditioning systems.
- 26 (E) Elevators, if provided.
- 27 (F) Facilities and appliances of the rental premises.
- 28 (4) Refrain from defacing, damaging, destroying, impairing, or
- 29 removing any part of the rental premises.
- 30 (5) Comply with all reasonable rules and regulations in existence
- 31 at the time a rental agreement is entered into. A tenant shall also
- 32 comply with amended rules and regulations as provided in the
- 33 rental agreement.
- 34 (6) Ensure that each smoke detector installed in the tenant's rental
- 35 unit remains functional and is not disabled. If the smoke detector
- 36 is battery operated, the tenant shall replace batteries in the smoke
- 37 detector as necessary. **Beginning July 1, 2013, the battery in the**
- 38 **smoke detector must be a tamper resistant ten (10) year**
- 39 **lithium battery.** If the smoke detector is hard wired into the
- 40 rental unit's electrical system, and the tenant believes that the
- 41 smoke detector is not functional, the tenant shall provide notice
- 42 to the landlord under IC 22-11-18-3.5(e)(2).

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- 1 This section may not be construed to limit a landlord's obligations
- 2 under this chapter or IC 32-31-8.

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