

CHAPTER 282

H.B. No. 162

AN ACT

relating to the requirement that hotels provide smoke detectors for hearing impaired persons; providing a penalty.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Article 4596d, Revised Statutes, is amended to read as follows:

Art. 4596d. SMOKE DETECTORS

Sec. 1. In this article:

(1) "Hotel" means a building in which members of the public obtain sleeping accommodations for consideration. The term includes a hotel, motel, tourist home, tourist house, tourist court, hostel, lodging house, rooming house, or inn. The term does not include:

(A) a hospital, sanitarium, or nursing home; or

(B) a building in which all or substantially all of the occupants have the right to use or possess their sleeping accommodations for at least 28 consecutive days.

(2) "Person" has the meaning that is given to that term by Section 1.07, Penal Code.

(3) "Smoke detector" means a device that is:

(A) designed to detect the presence of visible or invisible products of combustion in the air;

(B) designed with an alarm audible throughout the room in which it is installed to alert the occupants of the room of the presence of visible or invisible products of combustion in the air of the room; and

(C) listed for use as a smoke detector by the state fire marshal after having been tested and shown to be effective as a smoke detector by the state fire marshal or by a testing laboratory under conditions and procedures approved by the state fire marshal. In lieu of or in addition to the requirement of this subsection, the state fire marshal may substitute or use a list of devices that comply with standards of manufacture and installation adopted by the State Board of Insurance pursuant to Article 5.43-2 of the Insurance Code.

(4) "Smoke detector for hearing impaired persons" means an audible visual smoke detector utilizing a strobe light of xenon design with a visible effective intensity of not less than 100 candela, as tested and labeled in accordance with ANSI/UL Standard 1638, with a flash rate of not less than 60 flashes per minute and not more than 120

*flashes per minute. The audible visual smoke detector may be either portable or hardwired.*

Sec. 2. (a) A person who operates a hotel commits an offense if the person does not maintain a smoke detector in good working order in every room of the hotel that is regularly used for sleeping.

*(b) A person who operates a hotel commits an offense if the person does not maintain one smoke detector for hearing impaired persons for each 60, or fraction of 60, rooms of the hotel that are regularly used for sleeping; but in no case shall a person who operates a hotel be required to maintain more than five smoke detectors for hearing impaired persons. If a patron of a hotel requests a room with a smoke detector for hearing impaired persons, the operator of the hotel shall either install a portable audible visual smoke detector in the patron's room to a receptacle that cannot be controlled by a wall switch, or assign the hearing impaired patron to a room in which an audible visual smoke detector has been properly installed. Any violation of the above constitutes an offense.*

(c) ~~(b)~~ A person commits a separate offense under this section on each calendar day the person commits the offense.

(d) ~~(c)~~ An offense under this section is a Class B misdemeanor.

SECTION 2. This Act takes effect September 1, 1987.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 30, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 162 on May 27, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 25, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 11, 1987.

Effective Sept. 1, 1987.