

No. 1992-75

AN ACT

HB 2541

Amending the act of April 27, 1927 (P.L.465, No.299), entitled, as amended, "An act to provide for the safety of persons employed, housed, or assembled in certain buildings and structures by requiring certain construction and ways of egress, equipment, and maintenance; providing for the licensing of projectionists, except in cities of the first class and second class; requiring the submission of plans for examination and approval; providing for the promulgation of rules and regulations for the enforcement of this act; providing for the enforcement of this act by the Department of Labor and Industry, the Department of Health, boards of school directors and, in certain cases, by the chiefs of fire departments in cities of the third class; providing penalties for violations of the provisions of this act; and repealing certain acts," further providing for classes of buildings; and providing standards for Class VI buildings.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 2 of the act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act, amended July 10, 1981 (P.L.253, No.83), is amended to read:

Section 2. Classes of Buildings.—The following are the classes of buildings and structures which it is intended that this act shall cover:

Class I Buildings.—Factories, power plants, mercantile buildings, hotels, office buildings, hospitals, asylums, public and private institutions, convalescent and nursing homes, schools, colleges, school and college auditoriums and gymnasiums when used for public assemblages, airports, airport buildings, airplane hangars, dormitories, warehouses, garages, farm buildings, except those farm buildings, occupied by less than ten employes, which are used for the production or storage, or both, of agricultural products, or used in the storage of farm equipment by the owner or tenant of the building, and all other buildings specified by the department, not enumerated in Classes II, III, IV, [and V] *V and VI*, wherein persons are employed, housed or assembled, except those farm buildings excluded herein.

Class II Buildings.—Theatres and motion picture theatres.

Class III Buildings.—Public halls, dance halls, banquet halls, lodge halls, churches, skating rinks, armory halls, or any other auditorium in which the public assembles, not used for any of the other purposes mentioned in this act.

Class IV Buildings.—Tenement houses, apartment houses, apartment hotels, club houses, lodging houses, and rooming houses.

Class V Buildings.—Grandstands, stadiums and amphitheaters, and summer theatres.

Class VI Buildings.—Family child day-care homes and group child day-care homes, as defined in section 3.6.

Section 2. The act is amended by adding a section to read:

Section 3.6. Standards for Class VI Buildings.—(a) *Family child day-care homes shall be required to:*

(1) *Comply with 34 Pa. Code Ch. 56 (relating to division C-3 small group habitation).*

(2) *Develop a fire-evacuation plan, conduct at least four (4) fire drills per year and maintain a written record of all fire drills.*

(b) *Group child day-care homes which provide care to twelve (12) children or less at any one time shall be required to:*

(1) *Comply with 34 Pa. Code Ch. 56.*

(2) *Develop a fire-evacuation plan, conduct at least six (6) fire drills per year and maintain a written record of all fire drills.*

(3) *Maintain, from each floor used for day care, one (1) direct grade exit which shall be an exit discharge door to the outside, stair tower or ramp.*

(4) *Provide single-station detection devices listed as meeting Underwriter's Laboratory 217 (1980 Edition) in each sleeping area used for day care.*

(c) *Group child day-care homes which provide care to thirteen (13) or more children at any one time shall be required to comply with 34 Pa. Code Ch. 54 (relating to group B educational).*

(d) *Any statute or regulation to the contrary notwithstanding, the fee to be charged by the Department of Labor and Industry for field inspection and issuance of an occupancy permit relating to a family child day-care home shall be twenty-five dollars (\$25.00).*

(e) *The Industrial Board shall have authority to grant variances from the requirements of this section and to hear appeals arising from enforcement proceedings under this section, as provided in section 2214 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," and the regulations promulgated thereunder.*

(f) (1) (i) *As to family child day-care homes, a facility registered by the Department of Public Welfare as of April 4, 1992, shall be permitted one full registration period of twenty-four (24) months beyond the expiration of the current certificate of registration to comply with the requirements of this section.*

(ii) *A facility registered by the Department of Public Welfare between April 4, 1992, and April 4, 1994, is required to provide:*

(A) *An operable smoke detector placed on each level of the facility used by day-care children.*

(B) *An operable smoke detector on each level of exit from the facility.*

(C) *A portable fire extinguisher located in the kitchen and in other cooking areas. A fire extinguisher shall be equipped with a pressure gauge and shall be suitable for a class B fire.*

(iii) *Subparagraph (ii) applies for a maximum of twenty-four (24) months from the date the facility is registered by the Department of Public Welfare. Following expiration of the twenty-four (24) month period, a facility shall comply with all the requirements of this section.*

(2) (i) As to group child day-care homes, a facility certified by the Department of Public Welfare as of April 4, 1992, shall be permitted twelve (12) months beyond the expiration date of the current certificate of compliance to comply with the requirements of this section.

(ii) A facility certified by the Department of Public Welfare as of April 4, 1993, will be permitted until April 4, 1994, to comply with the requirements of this section.

(g) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Family child day-care home” means a home other than the child’s own home in which child day care is provided at any one time to four (4), five (5) or six (6) children unrelated to the operator.

“Group child day-care home” means a home other than a child’s own home in which child day care is provided at any one time for more than six (6) but fewer than thirteen (13) children who are unrelated to the operator.

Section 3. This act shall take effect immediately.

APPROVED—The 1st day of July, A. D. 1992.

ROBERT P. CASEY