
LEGISLATURE OF PENNSYLVANIA.

FILE OF THE HOUSE OF REPRESENTATIVES.**No.****1121****Session of
1919.**

INTRODUCED BY MR. POWELL, MARCH 31, 1919.

**REFERRED TO COMMITTEE ON MUNICIPAL CORPORATIONS,
MARCH 31, 1919.**

AN ACT

Relating to fires and fire prevention imposing duties and conferring powers heretofore exercised by the State Fire Marshal upon the Department of State Police constituting the Chiefs of Fire Departments and certain public officers as assistants to said department and defining their powers and duties providing for the investigation of the cause origin and circumstance of fires and the inspection of all and the removal or change of certain buildings imposing duties on school authorities and on certain corporations associations and fire rating agencies providing for the attendance of witnesses before the department and the enforcement of its orders and prescribing penalties

1 Section 1 *Be it enacted by the Senate and House of Repre-*
2 *sentatives of the Commonwealth of Pennsylvania in General Assembly*
3 *met and it is hereby enacted by the authority of the same* That
4 the chief of the fire department in any county city
5 borough township school district or other municipality
6 or incorporated district where such fire department is
7 established or where no such fire department exists the
8 burgess of any borough or president or chairman of the
9 board of supervisors of any township or other municipality
10 or incorporated district shall be by virtue of such office
11 held by them assistants to the Department of State
12 Police in the enforcement of this act and subject to the
13 duties and obligations imposed by this act and subject to
14 the directions of the Department of State Police in the
15 execution of the provisions hereof The Department of
16 State Police may also appoint individual citizens as assist-
17 ants who shall be subject to the duties and obligations
18 aforesaid and to the directions of the Department of
19 State Police The Department of State Police shall pre-
20 pare instructions and forms for their use and that of
21 their assistants in the reports required by this act and
22 shall cause them to be printed and sent together with a
23 copy of this law to each such officer in the Common-
24 wealth

25 Section 2 The assistants of the Department of State
26 Police shall investigate the cause origin and circumstances
27 of every fire occurring in this State by which life or
28 property has been destroyed damaged or endangered and so
29 far as possible shall determine whether the fire was the

1 result of design or carelessness Such investigation shall
2 be begun immediately upon the occurrence of the fire by
3 the assistant in whose territory it has occurred and if
4 it appears to the assistant making such investigation to
5 be of suspicious origin the Department of State Police
6 shall be immediately notified of such fact Every fire
7 occurring in this State shall be reported in writing to
8 the Department of State Police within ten days after its
9 occurrence by the assistant in whose jurisdiction it oc-
10 curred Such report shall be in the form prescribed by
11 the Department of State Police and shall contain a state-
12 ment of all facts relating to the cause and origin of
13 such fire that can be ascertained the extent of damage
14 thereof the insurance upon the property injured or de-
15 stroyed and such other information as may be required
16 Provided however That the duties to be performed by the
17 assistants to the Department of State Police may be
18 limited by the Department of State Police so as to
19 reasonably accord with their preexisting public duties

20 Section 3 The Department of State Police or its as-
21 sistants upon the complaint of any person or whenever it
22 or they shall deem it necessary shall inspect the build-
23 ings and premises within their jurisdiction Whenever any
24 of the said officers shall find any buildings or structures
25 which for want of repairs or by reason of age or
26 dilapidated condition or any other cause is especially liable
27 to fire and so situated as to endanger other property it
28 or they shall order the same to be removed or reme-
29 died if the same is reasonably practicable thereby lessen-

1 ing the danger from fire Whenever such officer shall find
2 in any building combustible or explosive matter or inflam-
3 mable conditions which are in violation of any law or
4 ordinance applicable thereto or are dangerous to the safety
5 of such buildings thereby endangering other property it or
6 they shall order the same to be removed or remedied
7 and such order shall forthwith be complied with by the
8 owner or occupant of such premises or building If such
9 order is made by the Department of State Police or its
10 assistants such owner or occupant may within five days
11 appeal to the department of State Police which shall
12 within ten days review such order and file its decision
13 thereon and unless by its authority the order is revoked
14 or modified it shall remain in full force and be obeyed
15 by such owner or occupant Provided however That any
16 such owner or occupant who feels himself aggrieved by
17 such order may within five days after the same has
18 been affirmed by the Department of State Police file his
19 petition with the court of common pleas of the proper
20 county praying a review of such order and it shall be
21 the duty of the court to hear the same at the first
22 convenient day and to make such order in the premises
23 as right and justice may require

24 Any owner or occupant failing to comply with such
25 order within ten days after said appeal shall have been
26 determined or if no appeal is taken then within twenty
27 days after the service of said order shall be liable to
28 a penalty of twenty-five dollars for each day's neglect
29 thereafter The service of any such order shall be made

1 upon the occupant of the premises to whom it is di-
2 rected by either delivering a true copy of same to such
3 occupant personally or by delivering the same to and
4 leaving it with any person in charge of the premises or
5 in case no such person is found upon the premises by
6 affixing a copy thereof in a conspicuous place on the
7 door to the entrance of the said premises Whenever it
8 may be necessary to serve such an order upon the owner
9 of premises such order may be served either by deliver-
10 ing to and leaving with the said person a true copy
11 of the said order or if such owner is absent from the
12 jurisdiction of the officer making the order by mailing
13 such copy to the owner's last known post-office address
14 The penalties herein provided may be recovered as debts
15 are by law collectible in any courts having jurisdiction
16 of the parties Such action shall be brought in the name
17 of the Commonwealth under the direction of the Depart-
18 ment of State Police or its assistants by the Attorney
19 General or by any district attorney or legally constituted
20 law officer of any county city borough township or other
21 municipality who may be designated by the Attorney Gen-
22 eral or at the option of the Attorney General he may
23 designate any attorney to bring such action

24 Section 4 The Department of State Police or its as-
25 sistants in addition to the investigation made by any of
26 the assistants may at any time investigate the origin or
27 circumstances of any fire occurring in this Commonwealth
28 The Department of State Police or its assistants shall

1 have the power to summon witnesses and compel them to
2 attend before them or either of them and to testify in
3 relation to any matter which is by the provisions of
4 this act a subject of inquiry and investigation and may
5 require the production of any books papers or documents
6 deemed pertinent or necessary to the inquiry and shall
7 have the power to administer oaths and affirmations to
8 any person appearing as a witness before them such ex-
9 amination may be public or private as the officers con-
10 ducting the investigation may determine

11 No person shall be excused from attending before the
12 said Department of State Police or its assistants when
13 summoned so to attend nor when ordered so to do shall
14 he be excused from testifying or producing any books
15 papers or documents before such Department upon any in-
16 vestigation proceeding or inquiry instituted under the pro-
17 visions of this act upon the ground or for the reason
18 that the testimony or the evidence documentary or other-
19 wise required of him may tend to convict him of a crime
20 or subject him to a penalty or forfeiture but no per-
21 son shall be prosecuted or subjected to a penalty or
22 forfeiture for or on account of any transaction matter or
23 thing concerning which he may have been required so to
24 testify or produce evidence documentary or otherwise and
25 no testimony so given or produced shall be received against
26 him upon any criminal investigation or proceedings If
27 after any such examination the Department of State Police
28 or any of its assistants is of the opinion that the
29 facts in relation to such fire indicate that a crime has

1 been committed it or he shall present the testimony taken
2 on such examination together with any other data in his
3 possession to the district attorney of the proper county
4 with the request that he institute such criminal proceed-
5 ings as such testimony or data may warrant

6 The Department of State Police or its assistants may
7 at all reasonable hours enter any building or premises
8 within its or their jurisdiction for the purpose of mak-
9 ing an inspection which under the provisions of this act
10 it or they may deem necessary to be made

11 Section 5 Any witness who refuses to obey a sum-
12 mons of the Department of State Police or its assist-
13 ants or who refuses to be sworn or to testify or who
14 disobeys any lawful order of the Department of State
15 Police or its assistants in relation to any investigation
16 instituted by it or them or who fails or refuses to
17 produce any books papers or documents touching any
18 matter under investigation or examination or who is
19 guilty of any contempt after being summoned to appear
20 before it or either or them to give testimony in relation
21 to any matter or subject under examination or investigation
22 as aforesaid may be punished as for contempt of court For
23 this purpose application may be made to any court within
24 whose jurisdiction the contempt in question took place and
25 for which purpose the courts of common pleas of this com-
26 monwealth are hereby given jurisdiction

27 Section 6 The Department of State Police shall keep
28 in its office all records which may be sent it in ac-
29 cordance with the law relative to the physical condition

1 of buildings whether the laws and ordinance have been
2 complied with so far as the same relate to fire pro-
3 tection records of application for fire insurance upon any
4 buildings or other information relating thereto which may
5 be sent it in compliance with law and shall also
6 keep a record of all fires occurring in this State and
7 of all the facts concerning the same including statistics
8 as to the extent of such fires and the damage caused
9 thereby and whether such losses were covered by insur-
10 ance and if so in what amount Such records shall be
11 made daily from the reports made to it by its assist-
12 ants under the provisions of this Act All such records
13 shall be public except that any testimony taken in inves-
14 tigation under the provisions of this act may be with-
15 held from the public in the discretion of the Department
16 of State Police

17 It shall be the duty of the Department of State
18 Police to prepare blank forms for the furnishing of in-
19 formation by owners or occupants of buildings throughout
20 the Commonwealth of the condition of such buildings with
21 regard to fire protection The said blanks shall contain
22 notice to such property owners or occupiers of proper
23 rules and regulations to minimize the danger of fire and
24 to suppress fire waste and shall contain certain questions
25 requesting information of a definite character to show the
26 condition of the buildings as aforesaid These blank forms
27 shall be furnished by the Department of State Police to
28 officers whose duty it is to receipt for taxes on real
29 property in every part of the Commonwealth to be given

1 by them to property owners together with their tax bills
2 (two forms for each property) with the requirements that
3 one properly filled out be forwarded to the Department
4 of State Police at once for filing among the records of
5 its office and that the other be so forwarded six
6 months thereafter

7 Section 7 It shall be the duty of the Department
8 of State Police to prepare in consultation with the Su-
9 perintendent of Public Instruction books of instruction for
10 use in the public and private schools of students of all
11 grades with regard to the dangers of fire and the pre-
12 vention of fire waste It shall be the duty of the
13 Superintendent of Public Instruction and of the principals
14 or other persons in charge of the various schools of
15 this Commonwealth to provide for the instruction and
16 training of pupils of such schools by means of drills
17 so that they may in sudden emergencies be able to
18 leave the school buildings in the shortest possible time
19 without confusion or panic Such drills shall be held at
20 least once a month when the schools are in session
21 Books of instruction with regard to the dangers of fire
22 and the prevention of fire waste as above specified shall
23 be published at the expense of the State under the di-
24 rection of the Superintendent of Public Instruction and
25 shall be distributed in sufficient quantities for the use of
26 the schools as herein provided and the curriculum of such
27 schools shall include some regular and continuous study of
28 such subjects during the entire school year

1 Section 8 The Department of State Police shall make
2 an annual report to the Governor of the Commonwealth
3 on or before the first day of February of each year
4 setting forth a full report of the work of its office
5 during the preceding calendar year including such statistics
6 as it may desire to include therein. The said Depart-
7 ment of State Police shall also recommend in its report
8 such legislation if any as in its judgment may be de-
9 sirable to further carry out the purpose of this law for
10 the prevention of fire waste.

11 Section 9 The assistants to the Department of State
12 Police not receiving a salary for the performance of
13 public duties shall receive upon the audit of the said
14 Department of State Police fifty cents for each report of
15 each separate fire reported to the Department of State
16 Police under this act and in addition thereto shall be
17 paid the sum of fifteen cents for each mile traveled to
18 the place of fire and in the discretion of the Depart-
19 ment of State Police where an investigation has been
20 made a sum not to exceed three (\$3) dollars for each
21 day's service spent in such investigation.

22 Section 10 All penalties or forfeitures collected under
23 the provisions of this act shall be paid into the treasury
24 of this Commonwealth.

25 Section 11 That it shall be the duty of every
26 corporation or association whether domestic or foreign in-
27 corporated or authorized to transact the business of fire
28 insurance within the Commonwealth of Pennsylvania to re-
29 port in writing to the Department of State Police through

1 the secretary or other officer of the corporation or as-
2 sociation designated by the board of directors for that
3 purpose of all fire losses on property within this State
4 insured by such corporation or association giving the date
5 and location of fire the amount of insurance written on
6 such risk by said corporation or association the amount
7 of probable loss the character of property destroyed or
8 damaged and the supposed cause of the fire Such re-
9 ports shall be in writing and sent by registered mail
10 to the Department of State Police addressed to its office
11 in the city of Harrisburg on or before the tenth day
12 of each month as to all fires of which notice was re-
13 ceived during the preceding month and shall include either
14 in the first or subsequent monthly report the amount of
15 loss as adjusted and actually paid by said corporation
16 or association for on account of or by reason of such
17 loss Provided That in all cases where such corporation
18 or association receives evidence or information indicating
19 that any fire was of incendiary origin report of such
20 fire and of such evidence or information shall be im-
21 mediately mailed to the said Department of State Police
22 as aforesaid Such notices and reports shall be in ad-
23 dition to any notice or report said companies may be
24 required to make under the laws of this Commonwealth
25 to the Insurance Commissioner or to any other State
26 officer

27 Section 12 Every board association or bureau which
28 now exists or hereafter may be formed for the purpose
29 of suggesting establishing or maintaining rates of fire in-

1 surance on property located in this State shall supply to
2 the Department of State Police on request or permit the
3 Department of State Police to copy from its files reason-
4 able data relating to the physical condition of insurable
5 property in this State and relating to physical fire haz-
6 ards in the various communities thereof

7 Section 13 Any fire insurance company or association
8 wilfully violating any of the provisions of this act shall
9 be liable to a penalty of two hundred and fifty dollars
10 (\$250) to be recovered at the suit of the Department of
11 State Police as debts of like amount are now by law re-
12 coverable and any foreign fire insurance company or associa-
13 tion licensed to do business in this Commonwealth wil-
14 fully violating any of the provisions of this act shall
15 in addition to incurring said penalty forfeit its right to
16 continue the transaction of its business in this State

17 Section 14 Upon approval of this act all books rec-
18 ords and other documents now in possession and custody
19 of the State Fire Marshal shall be transferred to the
20 Department of State Police

21 Section 15 This act shall not be construed to repeal
22 an act of the General Assembly entitled "An act to
23 provide for the appointment of a fire marshal for Alle-
24 gheny county" approved the eighteenth day of April Anno
25 Domini one thousand eight hundred and sixty-four (Pam-
26 phlet Laws four hundred and sixty-five) It is further
27 hereby declared to be the true intent and meaning of
28 this act that the same shall not apply or be operative
29 in any city or county of this Commonwealth where un-

1 der existing laws whether special or general the position
2 and duties of a fire marshal are provided for

3 Section 16 That all rules and regulations promulgated
4 by the State Fire Marshal and now in force shall con-
5 tinue in force until modified or abolished by the Depart-
6 ment of State Police

7 Section 17 The Act of June third Anno Domini one
8 thousand nine hundred and eleven entitled "An act estab-
9 lishing the office of State Fire Marshal defining his pow-
10 ers and duties providing for his compensation and the
11 maintenance of his office giving courts the power to pun-
12 ish witnesses for contempt of his authority and to re-
13 view his orders and making it the duty of officers of
14 public instruction and persons in charge of public or
15 private schools to instruct children as to the dangers of
16 fire and the prevention of fire waste" and the act of
17 June twelfth Anno Domini one thousand nine hundred and
18 thirteen entitled "A supplement to an act entitled 'An
19 act establishing the office of State Fire Marshal defining
20 his powers and duties providing for his compensation and
21 the maintenance of his office giving courts the power to
22 punish witnesses for contempt of his authority and to
23 review orders and making it the duty of officers of
24 public instruction and persons in charge of public and
25 private schools to instruct children as to the dangers of
26 fire and the prevention of fire waste' approved the third
27 day of June one thousand nine hundred and eleven
28 making it the duty of every fire insurance company or

1 association doing business in this State to give certain
2 notices and make certain reports to the State Fire Mar-
3 shal with relation to fire losses on property in Pennsyl-
4 vania and of any rating bureau to furnish information to
5 said State Fire Marshal and providing a penalty for the
6 violation of this act" be and the same are hereby re-
7 pealed and all acts or parts of acts inconsistent with
8 this act are hereby repealed

9 Section 18 The provisions of this act shall take ef-
10 fect on the first day of June one thousand nine hun-
11 dred and nineteen