

## No. 24

## AN ACT

HB 1239

Amending the act of April 27, 1927 (P.L.450), entitled, as amended, "An act relating to fires and fire prevention; imposing duties and conferring powers upon the Pennsylvania State Police; authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to the Pennsylvania State Police, 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 by owners and occupants thereof, including political subdivisions; imposing duties on school authorities and on certain corporations, associations, and fire rating agencies; providing for the attendance of witnesses before the Pennsylvania State Police, and the enforcement of its orders; and prescribing penalties," further regulating duties of Pennsylvania State Police relating to fires and fire prevention; making editorial changes and eliminating provisions relating to witnesses and insurers.

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

Section 1. Sections 1 and 2, act of April 27, 1927 (P.L.450), entitled, as amended, "An act relating to fires and fire prevention; imposing duties and conferring powers upon the Pennsylvania State Police; authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to the Pennsylvania State Police, 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 by owners and occupants thereof, including political subdivisions; imposing duties on school authorities and on certain corporations, associations, and fire rating agencies; providing for the attendance of witnesses before the Pennsylvania State Police, and the enforcement of its orders; and prescribing penalties," amended April 28, 1943 (P.L.123), are amended to read:

Section 1. Be it enacted, &c., That the Commissioner of the Pennsylvania State Police may appoint and remove the chief of the fire department of any county, city, borough, town, or township [**where a fire department is established, or, where no such fire department exists, the burgess or constable of any borough or town, or constable or the president or chairman of the board of supervisors of any townships,**] *or individual citizens* as assistants to the department, and, when so appointed, shall be subject to the obligations imposed by this act and to the authority of the Pennsylvania State Police.

[**The Commissioner of Pennsylvania State Police may also appoint individual citizens as assistants to the Pennsylvania State Police, who shall be subject to the obligation aforesaid and to the directions of the Pennsylvania State Police.**]

The Pennsylvania State Police may adopt and enforce rules and regulations governing the having, using, storage, sale, and keeping of gasoline, naphtha,

kerosene, *fuel oil*, or other substance of like character. [**blasting powder, gunpowder, dynamite, or any other inflammable or combustible chemical products or substances or materials. The Pennsylvania State Police may also adopt and enforce rules and regulations requiring the placing of fire-extinguishers in buildings.**]

Section 2. Each of the aforesaid assistants shall inquire into the origin, cause, and other circumstances of every fire by which any property or life has been destroyed, damaged, or endangered, occurring within the territorial limits of their respective cities, boroughs, towns or townships, and shall make every effort to determine whether such fires were of incendiary origin or the result of design, carelessness, or accident.

Upon the occurrence of any fire, such assistant shall report the same to the Pennsylvania State Police within five days after its occurrence. If the fire appears to the assistant making such inquiry to be of such character and origin as shall require thorough and exhaustive investigation, he shall immediately notify the Pennsylvania State Police and shall, when directed by the Pennsylvania State Police, assist in the making of such investigation. The reports of any such fire shall be made in writing, and in the manner and form prescribed by the Pennsylvania State Police, on the blanks furnished for that purpose. Such reports shall, in every case, contain a statement of: (a) All the facts relating to the cause of such fire that can be ascertained; (b) the extent of the loss and damage to each property; (c) the loss of life and personal injuries caused thereby or resulting therefrom; (d) the amount of insurance upon each property destroyed or damaged; and (e) such other information as may be required by the Pennsylvania State Police.

The assistant shall notify the *closest* Pennsylvania State Police *installation* immediately [**by telephone or telegraphic message of not more than ten words,**] of the occurrence of any incendiary fire.

The duties hereinabove prescribed to be performed by the said assistant may be limited by the Pennsylvania State Police so as to reasonably accord with their pre-existing public duties.

Any of the aforesaid assistants who shall neglect or refuse to report to the Pennsylvania State Police, or who shall neglect or refuse to make reports or investigations of fires as provided in this section, shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding fifty dollars, or to undergo imprisonment not exceeding thirty days, or both.

Section 2. Subsection (a) of section 3 of the act, amended May 16, 1945 (P.L.620), is amended to read:

Section 3. (a) The Pennsylvania State Police, or its assistants, upon the complaint of any person, or whenever it or they shall deem it necessary, shall inspect the buildings and premises within their jurisdiction. Whenever any of the said officers shall find any buildings or structures which, for want of repairs or by reason of age or dilapidated condition or accumulation of waste, rubbish, debris, explosive or [**inflammable**] *flammable* substance in any buildings or on premises, constituting a fire menace or hazard, or for any other cause, making it especially liable to fire, and endangering property, and so

situated as to endanger other property, it or they shall order the same to be removed or remedied, if the same is reasonably practicable, thereby lessening the danger of fire. Whenever such officer shall find, in any building, combustible or explosive matter, or ~~[inflammable]~~ *flammable* conditions, which are in violation of any law or ordinance applicable thereto, or are dangerous to the safety of such buildings, thereby endangering other property, it or they shall order the same to be removed or remedied, and such order shall contain a notice that an appeal therefrom may be taken, and shall forthwith be complied with by the owner or occupant of such premises or buildings.

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Section 3. Section 4 of the act, amended April 28, 1943 (P.L.123), is amended to read:

Section 4. The Pennsylvania State Police, ~~[or its assistants]~~ in addition to the investigation made by any of the assistants, may at any time investigate the origin or circumstances of any fire occurring in this Commonwealth. ~~[The Pennsylvania State Police, or its assistants, shall have the power to summon witnesses, and compel them to attend before them, or either of them, and to testify in relation to any matter which is by the provisions of this act a subject of inquiry and investigation, and may require the production of any books, papers, or documents deemed pertinent or necessary to the inquiry, and shall have the power to administer oaths and affirmations to any person appearing as a witness before them. Such examination may be public or private as the officers conducting the investigation may determine.]~~

No person shall be excused from attending before the Pennsylvania State Police, or its assistants, when summoned so to attend, nor, when ordered so to do, shall he be excused from testifying or producing any books, papers, or documents before such Pennsylvania State Police upon any investigation, proceeding, or inquiry instituted under the provisions of this act, upon the ground or for the reason that the testimony or the evidence, documentary or otherwise, required of him may tend to convict him of a crime, or subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to a penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may have been required so to testify or produce evidence, documentary or otherwise; and no testimony so given or produced shall be received against him upon any criminal investigation or proceedings. If, after any such examination the Pennsylvania State Police, or any of its assistants, is of the opinion that the facts in relation to such fire indicate that a crime has been committed, it or he shall present the testimony taken on such examination, together with any other data in his possession, to the district attorney of the proper county, with the request that he institute such criminal proceedings as such testimony or data may warrant.

The Pennsylvania State Police or its assistants may, at all reasonable hours, enter any building or premises within its or their jurisdiction for the purpose of making an inspection, which, under the provisions of this act, it or they may deem necessary to be made.]

Section 4. Sections 5, 11, 12 and 13 of the act are repealed.

APPROVED—The 17th day of February, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 24.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large initial "C" and a prominent "T" at the end.

*Secretary of the Commonwealth.*