

## No. 1981-83

## AN ACT

## SB 568

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 not in cities of the first class, second class, and second class A, 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 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 excluding certain farm buildings; further providing for ways of egress and providing for legislative review of certain rules and regulations.

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

Section 1. Section 2, act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act, amended August 24, 1963 (P.L.1151, No.490), 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 **[used to store produce prepared for market or sell farm products grown, raised or produced] 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, 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 amphitheatres, and summer theatres.

Section 2. Section 4 of the act, amended January 14, 1952 (1951 P.L.1889, No.518), is amended to read:

Section 4. Ways of Egress.—From every floor of buildings, enumerated in section two of this act, there shall be proper and sufficient ways of egress and means of escape from fire and panic [**Provided, That in all buildings hereafter erected, or adapted for any of the purposes enumerated in section two of this act, there shall be not less than two (2) ways of egress, as remote from each other as possible, except that the requirement for two means of egress shall not be applicable to buildings two stories or less in height with an occupancy of not more than three persons above the ground floor, when it is determined by the department that adequate means of egress are available to all occupants, and except that there may be one means of egress of fire-resistive construction in the case of tenement houses, apartment houses and apartment hotels not over three stories in height, with not more than a gross area of three thousand (3000) square feet on each floor between exterior and fire walls, comprising a maximum of six (6) apartments, under regulations which may be promulgated by the Department of Labor and Industry: And further provided, That in every building the department may require additional means of egress where, in its judgment, the means of egress are not sufficient.**

**In buildings of more than one story, except in special purpose buildings as defined by the department, all means of egress shall be located inside the building, at least one of the two required interior stairs shall be an enclosed stair tower of fire-resistive construction and in addition thereto, there may be used as a fire escape, a mechanically operated device suitable for use as a means of escaping from windows, and which shall consist of a steel cable lifebelt and mechanical brake, which is automatically put into action by the presence of weight at the end of the cable. Where the department finds, after proper investigation, that, in buildings erected prior to the passage of this act, the internal ways of egress herein provided for cannot be installed, it may direct that such means of egress be provided as will, in its judgment, to better advantage carry out the intent and purpose of this section].** *The Department of Labor and Industry shall promulgate rules and regulations concerning the proper and sufficient ways of egress and means of escape from fire and panic from buildings enumerated in section 2.* The Department of Labor and Industry may order fire walls, smoke barriers, additional fireproofing, or the enclosure of vertical openings, to be built in buildings already erected, or which may hereafter be erected, where in its judgment the erection of such fire walls, smoke barriers, additional fireproofing, or the enclosure of vertical openings is necessary to the reasonable safe protection of the occupants. The ways of egress shall be free from obstruction, lighted, and ready for instant use at all times. Fire escapes, now in use or hereafter erected, shall **[be painted at least once a year, and]** be kept in safe condition, and up to such standard requirements as may be specified by the Department of Labor and Industry. **[The means**

of egress for special purpose buildings shall be approved by the Department of Labor and Industry.]

Section 3. The act is amended by adding a section to read:

*Section 4.2. Legislative Review of Certain Rules and Regulations.—*  
*(a) Whenever the department proposes rules or regulations or amendments thereto pursuant to the provisions of section 4 and before the department adopts finally any such rules or regulations or amendments thereto pursuant to the act of July 31, 1968 (P.L. 769, No. 240), referred to as the Commonwealth Documents Law, the department shall submit such rules or regulations or amendments thereto to the General Assembly pursuant to the provisions of this section.*

*(b) The department shall transmit such proposed rules or regulations or amendments thereto to the Speaker of the House of Representatives and to the President pro tempore of the Senate who shall authorize and direct an appropriate committee to review the proposals. Either committee may within thirty (30) calendar days or five (5) legislative days, whichever is later, recommend disapproval of the proposed rules or regulations or amendments thereto to the General Assembly. Subsequent to a recommendation for disapproval by either committee, the General Assembly may by concurrent resolution, within thirty (30) calendar days or five (5) legislative days, whichever is later, disapprove the proposed rules, regulations or amendments thereto.*

*(c) Any rule or regulation or amendment thereto not disapproved by the General Assembly within the allotted time may be finally adopted by the department pursuant to the Commonwealth Documents Law. Any rule or regulation or amendment thereto which has not been submitted to the General Assembly pursuant to this section or which has been disapproved shall be null and void and without effect.*

Section 4. Except for section 1 of this act which shall take effect immediately, the remainder of this act shall take effect in 60 days.

APPROVED—The 10th day of July, A. D. 1981.

DICK THORNBURGH