

As Passed by the Senate

135th General Assembly

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Sub. S. B. No. 112

Senator Rulli

Cosponsors: Senators Antonio, Brenner, Cirino, Craig, DeMora, Gavarone, Hicks-Hudson, Ingram, Johnson, Landis, Manning, Reineke, Reynolds, Schuring, Smith, Wilson

A BILL

To amend sections 3737.42 and 3737.51 and to enact
section 3737.07 of the Revised Code to require
school buildings to comply with national life
safety standards and to name this act the Ohio
Childhood Safety Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3737.42 and 3737.51 be amended
and section 3737.07 of the Revised Code be enacted to read as
follows:

Sec. 3737.07. (A) As used in this section:

(1) "Authority having jurisdiction" means an organization,
office, agency, or individual responsible for enforcing the
requirements under this section.

(2) "NFPA 101" means the standards for life safety code
published by the national fire protection association, which
includes the NFPA 80 standards for fire doors and other opening
protectives.

<u>(3) "Protective door assembly" or "protective door</u>	17
<u>assemblies" means any of the following:</u>	18
<u>(a) Doors with panic hardware or fire exit hardware;</u>	19
<u>(b) Door assemblies in exit enclosures;</u>	20
<u>(c) Electricity controlled egress doors;</u>	21
<u>(d) Door assemblies with special locking arrangements,</u>	22
<u>such as delayed egress, sensor release egress doors, and</u>	23
<u>elevator lobby doors.</u>	24
<u>(4) "Qualified inspector" means a person, who by</u>	25
<u>possession of a recognized degree, certificate, professional</u>	26
<u>standing, or skill, and who, by knowledge, training, and</u>	27
<u>experience, has demonstrated the ability to deal with the</u>	28
<u>subject matter, the work, or the project.</u>	29
<u>(5) "School building" means a structure used for the</u>	30
<u>instruction of students by a school governing authority.</u>	31
<u>(6) "School governing authority" means any of the</u>	32
<u>following:</u>	33
<u>(a) The board of education of a school district;</u>	34
<u>(b) The governing authority of a chartered nonpublic</u>	35
<u>school;</u>	36
<u>(c) The governing authority of a community school</u>	37
<u>established under Chapter 3314. of the Revised Code;</u>	38
<u>(d) The governing body of a STEM school established under</u>	39
<u>Chapter 3328. of the Revised Code;</u>	40
<u>(e) The board of trustees of a college-preparatory</u>	41
<u>boarding school established under Chapter 3328. of the Revised</u>	42
<u>Code.</u>	43

(B) Each school governing authority in this state shall do 44
both of the following: 45

(1) Cause all protective door assemblies in school 46
buildings used by the school governing authority for instruction 47
of students to be inspected and tested every twelve months in 48
accordance with division (C) of this section; 49

(2) Verify that such protective door assemblies are in 50
compliance with the following standards: 51

(a) If the protective door assembly was installed in 2015 52
or after, the 2015 NFPA 101, or other standards required by the 53
board of building standards; 54

(b) If the protective door assembly was installed prior to 55
2015, the NFPA 101 that was in effect on the date the protective 56
door assembly was installed or, if the protective door assembly 57
was installed before the NFPA 101 was published and in effect, 58
the building code standards in effect at the time of 59
installation. 60

(C) (1) A school governing authority shall cause all of the 61
protective door assemblies in school buildings used for the 62
instruction of students to be inspected and tested every twelve 63
months by a qualified inspector to confirm proper operation and 64
full closure. 65

(2) If a protective door assembly is not in compliance 66
with the applicable standards described in division (B) (2) of 67
this section, then the school governing authority shall take all 68
steps necessary to make the protective door assembly compliant. 69

(D) After the inspection of a protective door assembly in 70
a school building, the qualified inspector shall provide a 71
report to the school governing authority indicating any of the 72

<u>following:</u>	73
<u>(1) That the protective door assembly is in compliance</u>	74
<u>with the applicable standards described in division (B) (2) of</u>	75
<u>this section and no further inspection is required respecting</u>	76
<u>that protective door assembly for the next twelve months;</u>	77
<u>(2) That the protective door assembly is not in compliance</u>	78
<u>with the applicable standards;</u>	79
<u>(3) That the protective door assembly is not in compliance</u>	80
<u>with the applicable standards and there is a serious risk for</u>	81
<u>fire or life safety hazard.</u>	82
<u>(E) Each school governing authority shall maintain records</u>	83
<u>verifying annual inspections.</u>	84
<u>(F) If one or more protective door assemblies in a school</u>	85
<u>building are not in compliance with the applicable standards</u>	86
<u>described in division (B) (2) of this section, as indicated in a</u>	87
<u>report under division (D) (2), (D) (3), (G) (2), or (G) (3) of this</u>	88
<u>section, then the school governing authority shall do both of</u>	89
<u>the following:</u>	90
<u>(1) Take all steps necessary to make each such protective</u>	91
<u>door assembly compliant with the applicable standards;</u>	92
<u>(2) Cause another inspection of each such protective door</u>	93
<u>assembly immediately after completing those steps.</u>	94
<u>(G) After each inspection of a protective door assembly in</u>	95
<u>the school building under division (F) (2) of this section has</u>	96
<u>been completed, the qualified inspector shall provide a report</u>	97
<u>to the school governing authority indicating any of the</u>	98
<u>following:</u>	99
<u>(1) That the protective door assembly is in compliance</u>	100

with the applicable standards described in division (B)(2) of 101
this section and no further inspection is required respecting 102
that protective door assembly for the next twelve months; 103

(2) That the protective door assembly is not in compliance 104
with the applicable standards; 105

(3) That the protective door assembly is not in compliance 106
with the applicable standards and there is a serious risk for 107
fire or life safety hazard. 108

(H)(1) Beginning eighteen months after the effective date 109
of this section, the authority having jurisdiction shall 110
annually cause an inspection of the records retained by each 111
school governing authority under division (E) of this section. 112
If a protective door assembly in a school building is not fully 113
compliant with the applicable standards within eighteen months 114
after a report issued under division (D)(2) of this section, or 115
within one hundred eighty days after a report issued under 116
division (D)(3) of this section, and the school governing 117
authority is not actively taking steps to achieve compliance, 118
then the authority having jurisdiction shall issue a citation 119
pursuant to section 3737.42 of the Revised Code. Each protective 120
door assembly that is not in compliance with the applicable 121
standards, and which the respecting school governing authority 122
is not actively taking steps to achieve compliance with those 123
standards, is a separate violation and is subject to an 124
additional citation. 125

(2) If a citation is issued under division (H)(1) of this 126
section and section 3737.42 of the Revised Code, the school 127
governing authority shall post the citation issued concerning 128
the protective door assembly on a public web site managed by the 129
school governing authority. The school governing authority may 130

remove the citation posted under this division once the 131
protective door assembly is made compliant with the applicable 132
standards and an inspection confirms such compliance. 133

(I) No authority having jurisdiction shall do either of 134
the following: 135

(1) Issue a citation pursuant to this section and section 136
3737.42 of the Revised Code to a school governing authority that 137
is actively taking steps to reach compliance with the applicable 138
standards, regardless of whether full compliance is reached for 139
all protective door assemblies in the school building; 140

(2) Assess a civil penalty or any fine associated with a 141
citation issued pursuant to this section. 142

(J) A qualified inspector that inspects more than one 143
protective door assembly under division (D) or (G) of this 144
section in the same school building may combine the results of 145
such inspections into one report, so long as the report clearly 146
indicates which protective door assemblies are in compliance 147
with the applicable standards and which are not. 148

(K)(1) The fire marshal shall adopt rules, in accordance 149
with Chapter 119. of the Revised Code, that are necessary to 150
implement the requirements of this section. 151

(2) The fire marshal shall work in conjunction with the 152
board of building standards to implement such requirements. 153

(3) The rules shall require that protective door 154
assemblies are inspected in accordance with this section and 155
that the protective door assemblies continue to meet the 156
compliance standards required at the time of installation. 157

(L) Notwithstanding any provision of this section, a 158

temporary door-locking device in compliance with the rules 159
adopted by the fire marshal is not in conflict with this 160
section. 161

(M) Any citation issued pursuant to this section may be 162
appealed under section 3737.43 of the Revised Code. 163

Sec. 3737.42. (A) As used in this section, "authority 164
having jurisdiction" and "school governing authority" have the 165
same meanings as in section 3737.07 of the Revised Code. 166

(B) If, upon inspection or investigation, the fire 167
marshal, an assistant fire marshal, or a certified fire safety 168
inspector believes that the state fire code or an associated 169
order has been violated, or if an authority having jurisdiction 170
believes that section 3737.07 of the Revised Code has been 171
violated and that the school governing authority is not actively 172
taking steps to achieve compliance within the time prescribed by 173
division (H) (1) of that section, the fire marshal, assistant 174
fire marshal, ~~or~~ certified fire safety inspector, or authority 175
having jurisdiction shall, with reasonable promptness, issue a 176
citation to the responsible person. Each citation shall be in 177
writing and shall describe with particularity the nature of the 178
violation, including a reference to the provision of the state 179
fire code or associated order alleged to have been violated. In 180
addition, the citation shall fix a reasonable time for the 181
abatement of the violation. When the citation is issued by a 182
certified fire safety inspector~~or~~, an assistant fire marshal, 183
or an authority having jurisdiction other than the fire marshal, 184
a copy of the citation shall be furnished to the fire marshal. 185

~~(B)~~ (C) The fire marshal may prescribe procedures for the 186
issuance of a notice in lieu of a citation with respect to de 187
minimis violations that have no direct or immediate relationship 188

to safety or health. A notice in lieu of a citation shall not be 189
issued with respect to a violation of section 3737.07 of the 190
Revised Code. 191

~~(C) Each~~ (D) Except as provided in section 3737.07 of the 192
Revised Code, each citation issued under this section, or a copy 193
or copies of the citation, shall be prominently posted by the 194
responsible person, as prescribed in the state fire code, at or 195
near each place a violation referred to in the citation occurs. 196

Sec. 3737.51. (A) No person shall knowingly violate any 197
provision of the state fire code or any order made pursuant to 198
it. 199

(B) ~~Any~~ Except as provided in section 3737.07 of the 200
Revised Code, any person who has received a citation for a 201
serious violation of the fire code or any order issued pursuant 202
to it, shall be assessed a civil penalty of not more than one 203
thousand dollars for each such violation. 204

(C) ~~Any~~ Except as provided in section 3737.07 of the 205
Revised Code, any person who has received a citation for a 206
violation of the fire code or any order issued pursuant to it, 207
and such violation is specifically determined not to be of a 208
serious nature, may be assessed a civil penalty of not more than 209
one thousand dollars for each such violation. 210

(D) ~~Any~~ Except as provided in section 3737.07 of the 211
Revised Code, any person who fails to correct a violation for 212
which a citation has been issued within the period permitted for 213
its correction, may be assessed a civil penalty of not more than 214
one thousand dollars for each day during which such failure or 215
violation continues. 216

(E) ~~Any~~ Except as provided in section 3737.07 of the 217

Revised Code, any person who violates any of the posting 218
requirements, as prescribed by division ~~(C)~~ (D) of section 219
3737.42 of the Revised Code, shall be assessed a civil penalty 220
of not more than one thousand dollars for each violation. 221

(F) Due consideration to the appropriateness of the 222
penalty with respect to the gravity of the violation, the good 223
faith of the person being charged, and the history of previous 224
violations shall be given whenever a penalty is assessed under 225
this chapter. 226

(G) For purposes of this section, a serious violation 227
shall be considered to exist if there is a substantial 228
probability that an occurrence causing death or serious physical 229
harm to persons could result from a condition which exists, or 230
from one or more practices, means, methods, operations, or 231
processes which have been adopted or are in use, unless the 232
person did not and could not with the exercise of reasonable 233
diligence, know of the presence of the violation. 234

(H) Civil penalties imposed by this chapter shall be paid 235
to the fire marshal for deposit into the general revenue fund. 236
Such penalties may be recovered in a civil action in the name of 237
the state brought in the court of common pleas of the county 238
where the violation is alleged to have occurred. 239

Section 2. That existing sections 3737.42 and 3737.51 of 240
the Revised Code are hereby repealed. 241

Section 3. This act shall be known as the Ohio Childhood 242
Safety Act. 243