

Reported Recommending .....  
Ind. Postponed .....  
Passed Senate .....  
Failed to Pass Senate .....  
Passed House .....  
Failed to Pass House .....

**Senate File 74**

January 22, 1947.  
Passed on File.

By ELTHON, BYERS and REILLY.

## **A BILL FOR**

**An Act to amend chapter one hundred seventy (170), Code, 1946, relating to inspection of hotels, providing that the state fire marshal shall have certain powers and duties relating to fire prevention and safety in hotels; providing for safety of persons employed, housed or assembled in hotels; providing for the promulgation of rules and regulations for the enforcement of this act; providing for the enforcement of this act by the state fire marshal; providing penalties for violations of the provisions of this act.**

*Be It Enacted by the General Assembly of the State of Iowa:*

1 Section 1. Amend section one hundred seventy point forty  
2 (170.40), Code, 1946, by striking the word "department" in  
3 lines five (5) and six (6) and inserting in lieu thereof the  
4 words "state fire marshal".

1 Sec. 2. Amend section one hundred seventy point forty-  
2 two (170.42), Code, 1946, by striking the word "department"  
3 in line seventeen (17) and by inserting in lieu thereof the  
4 words "state fire marshal".

1 Sec. 3. Section one hundred seventy point forty-six  
2 (170.46), Code, 1946, is repealed and the following inserted  
3 in lieu thereof: "It shall be the duty of the state fire  
4 marshal to inspect hotels insofar as fire prevention and fire

5 protection is concerned, and the duty of the department to  
6 inspect hotels, restaurants and food establishments in every  
7 other respect as provided in this chapter. At least twice  
8 each calendar year the state fire marshal shall cause every  
9 hotel to be inspected, and the department shall cause to be  
10 inspected at least once each year every hotel, restaurant  
11 and food establishment in the state. Any inspector of said  
12 department and of the state fire marshal may enter any such  
13 place at any reasonable hour to make said inspections. The  
14 management shall afford free access to every part of the prem-  
15 ises and render all aid and assistance necessary to enable  
16 the inspector to make a thorough and complete examination.”

1 Sec. 4. Amend section one hundred seventy point forty-  
2 seven (170.47), Code, 1946, by striking the first sentence  
3 thereof ending in line eight (8) with the word “made” and by  
4 substituting in lieu thereof the following: “Upon receipt  
5 of a verified complaint to the department or to the state  
6 fire marshal, signed by any patron of any hotel, restaurant  
7 or food establishment, stating facts showing or purporting  
8 to show such place to be in violation of chapter one hundred  
9 seventy (170), Code, 1946, or amendments thereto, the depart-  
10 ment or state fire marshal, or both, depending upon the type  
11 of violation complained of, shall cause an immediate inspec-  
12 tion to be made.”

1 Sec. 5. Section one hundred seventy point forty-eight  
2 (170.48), Code, 1946, is repealed and the following inserted

3 in lieu thereof: "After each inspection made by the state  
4 fire marshal or his representative, a copy of his report upon  
5 all violations of the fire protection laws shall be sent to  
6 the mayor and the chief of the fire department of the city  
7 or town in which the hotel is located and immediate steps  
8 shall be taken to compel compliance with remedial orders as  
9 herein provided."

1 Sec. 6. Amend chapter one hundred seventy (170), Code,  
2 1946, by adding thereto the following sections:

3 "1. General requirements as to hotels. In addition to  
4 the other requirements of this chapter, every hotel shall be  
5 constructed, equipped, operated and maintained in a safe,  
6 sound and fireproof condition so as to provide for the safety  
7 and health of all persons employed, accommodated, housed or  
8 assembled therein with respect to the type of construction  
9 and materials used, fireproofing, the number and type of  
10 ways of egress, aisles and passageways, stairs and fire  
11 escapes, wall openings, exits and exit signs, doors and  
12 doorways, shaft ways and other vertical openings, emergency  
13 lighting, automatic sprinkler systems, fire alarm systems,  
14 fire drills, electrical equipment, inflammable and explosive  
15 materials, heating apparatus and fuel storage, number of oc-  
16 cupants, ventilation, and all other proper fire and panic  
17 protection.

18 "2. Rules and regulations. The state fire marshal shall  
19 have the power, and his duty shall be, to make, alter, amend

20 and repeal rules and regulations for carrying into effect all  
21 of the provisions of this act and of chapter one hundred  
22 seventy (170), Code, 1946, pertaining to fire protection in  
23 hotels, applying such provisions to specific conditions and  
24 prescribing means, methods and practices to make effective  
25 said provisions.

26 "3. Specific requirements:

27 "a. There shall be installed such emergency lighting  
28 systems, automatic sprinkler systems and alarm systems in  
29 hotels as the state fire marshal may specify and which in  
30 his judgment are necessary to give the proper protection from  
31 fire and panic to those employed, assembled, lodged or housed  
32 therein. No such system shall be installed unless they are  
33 of a type approved by the state fire marshal.

34 "b. The state fire marshal may order fire walls, or  
35 smoke barriers, or both, to be built in buildings already  
36 erected, or which may hereafter be erected, where he finds  
37 the erection of such fire walls or smoke barriers are neces-  
38 sary to the reasonable safe protection of the occupants.

39 "c. The ways of egress shall be free from obstruction,  
40 lighted, and ready for instant use at all times and equipped  
41 with self-closing doors.

42 "d. Fire escapes now in use, or hereafter erected,  
43 shall be painted at least once each year and be kept in  
44 safe condition and up to such standard requirements as may  
45 be specified by the state fire marshal for their safe usage.

46 “e. There shall be maintained at all times, a quick and  
47 effective means of calling for municipal fire fighting equip-  
48 ment and its immediate use is hereby made mandatory in case  
49 of fire in hotels.

50 “f. All hotels of frame or ordinary masonry construction  
51 three (3) stories or more in height or any such constructed  
52 hotel with twenty-five (25) or more rooms above the first  
53 floor shall be provided with an approved automatic sprinkler  
54 system throughout, and all other such constructed hotels  
55 shall be provided with an approved automatic sprinkler system  
56 in basement, and in all parts of said buildings except guest  
57 rooms and corridors.

58 “g. All elevators, stairways, and other vertical open-  
59 ings in hotels, must be enclosed in a manner approved by the  
60 state fire marshal.

61 “h. All hotel openings where a Class B fire escape  
62 passes shall be protected by steel frames and wire glass,  
63 unless said hotel is protected by an approved automatic  
64 sprinkler system.

65 “4. Whenever after careful inspection by the state fire  
66 marshal, or any of his deputies or designated subordinates,  
67 any hotel is found to be in an unsafe condition in regard to  
68 the above set out requirements or any defects dangerous to  
69 the occupants therein he shall give the owner or manager  
70 thereof, a written notice specifying the hazards to be elim-  
71 inated. The owner or manager thereof must comply with the

72 requirements of said notice within ten (10) days or after  
73 such further time as may be allowed by the marshal, his dep-  
74 puties or subordinates, after the receipt of said notice.  
75 Should the owner or manager fail to comply with the require-  
76 ments of said notice and fail to appeal therefrom as herein  
77 provided the state fire marshal shall immediately close said  
78 hotel to further occupancy and may vacate and place out of  
79 service said hotel until such time as the requirements of the  
80 marshal shall be fulfilled.

81 "5. Within the time prescribed above the owner or  
82 manager may appeal from the requirements set forth by the  
83 orders of the fire marshal by serving a notice of appeal upon  
84 the state fire marshal at his office at the capitol of the  
85 state, and as early as practicable within not to exceed  
86 twenty (20) days thereafter a hearing shall be had thereon.  
87 When notice of appeal is so served the state fire marshal  
88 shall forthwith post a suitable sign in the hotel in full  
89 view of the entrance or entrances thereof, notifying the pub-  
90 lic that he has found said hotel unsafe for occupancy and  
91 that his orders for corrections therein have not been met or  
92 fulfilled. Said notice shall remain posted until the appeal  
93 is finally determined. The state fire marshal shall promptly  
94 notify the owner or manager of the time and place of the hear-  
95 ing and after the hearing may affirm or modify the requirements  
96 appealed from.

97 "6. An appeal may be taken from the decision of the

98 state fire marshal to the district court of the county in  
99 which the hotel concerned is located within thirty (30) days  
100 from the time the decision was rendered by the state fire  
101 marshal, by giving at least ten (10) days notice to the  
102 fire marshal, same to be served in the same manner as orig-  
103 inal notices are now served and by filing with the clerk of  
104 the district court a bond for costs in the sum of five hundred  
105 dollars. The district court shall hear the appeal in equity,  
106 determine anew all questions submitted to it on appeal from  
107 the order of the fire marshal and render its decree thereon.  
108 An appeal to the supreme court of this state may be taken as  
109 in other equitable actions.

110 "7. Prosecutions:

111 "a. Any person who shall violate any of the provisions  
112 of this act and chapter one hundred seventy (170), Code,  
113 1946, as amended, pertaining to fire protection in hotels  
114 or to the rules and regulations of the state fire marshal  
115 or who shall fail or refuse to observe orders for the en-  
116 forcement of said provisions or rules and regulations issued  
117 by duly authorized deputies or subordinates of the state  
118 fire marshal or who shall hinder or delay or interfere with  
119 any officer charged with the enforcement of said provisions  
120 in the performance of his duty or shall mutilate or destroy  
121 any notice posted by the state fire marshal, the penalty for  
122 which is not otherwise herein provided, shall, upon convic-  
123 tion thereof, be punished by a fine of not more than one

124 hundred dollars and costs or not more than thirty (30) days  
125 imprisonment in the county jail, in the discretion of the  
126 court.

127 “b. In addition to the above any person who shall fail  
128 or refuse to vacate a hotel or portion of a hotel, or who  
129 shall fail or refuse to vacate or place out of service any  
130 hotel after an order to do so has been served upon him by  
131 the state fire marshal shall be liable for a penalty of ten  
132 dollars a day for each day he shall so fail or refuse to  
133 vacate or place out of service said hotel, each day’s refusal  
134 being deemed a separate offense.

135 “c. Prosecutions for violations of this act and of  
136 chapter one hundred seventy (170), Code, 1946, pertaining  
137 to fire protection in hotels or the rules and regulations  
138 of the state fire marshal may be instituted by the state  
139 fire marshal, or his deputies or subordinates, in the usual  
140 manner. Upon conviction after a hearing, the penalties pro-  
141 vided in this act shall be imposed without suspension and  
142 shall be final unless an appeal is taken in the manner  
143 prescribed by law.

144 “d. Any employee, owner or manager of a hotel who  
145 fails to promptly notify the local or municipal fire depart-  
146 ment of a fire in the hotel as herein provided shall be  
147 guilty of a misdemeanor and upon conviction thereof shall  
148 be punished by a fine of not more than one hundred dollars

149 or imprisonment in the county jail not to exceed thirty (30)  
150 days.

151 "8. Liability of owner. In case of fire or panic  
152 occurring in any hotel in the absence of the compliance  
153 with such safeguards of which it is the intent and purpose  
154 of this act and the rules and regulations of the state fire  
155 marshal to have provided, the owner or owners thereof shall  
156 be liable for damages in case of death or personal injury  
157 resulting from said fire or panic in any hotel and such  
158 failure to comply shall be deemed the proximate cause of  
159 said death or injury, and such action for damages may be  
160 maintained by any person now authorized by law to sue as  
161 in other cases of loss by death or injury.

162 "9. Enforcement. The fire protection provisions of  
163 this act and chapter one hundred seventy (170), Code, 1946,  
164 as amended, apply to every hotel and shall be enforced by  
165 the state fire marshal by and through his authorized repre-  
166 sentatives."

1 Sec. 7. Amend section one hundred seventy point forty-  
2 nine (170.49), Code, 1946, by inserting after the word  
3 "chapter" in line two (2) thereof the following: "other  
4 than pertaining to fire protection in hotels".

1 Sec. 8. If any provision of this act shall be declared  
2 invalid, such invalidity shall not affect the validity of  
3 any part of this act which can be given effect without such  
4 invalid part.

1    Sec. 9. This act, being deemed of immediate importance,  
2 shall be in full force and effect from and after its publi-  
3 cation in the....., a  
4 newspaper published at ....., Iowa, and  
5 the ....., a newspaper  
6 published at ....., Iowa.