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Bill Analysis

Version: As Introduced

Primary Sponsors: Sen. Rulli

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SUMMARY

- Requires protective door assemblies in certain school buildings to comply with the standards of the National Life Safety Code (NFPA 101) developed by the National Fire Protection Association.
- Requires the school governing authorities to verify compliance of those protective door assemblies by having an inspection every 12 months by a qualified inspector.
- Specifies that a temporary door-locking device in compliance with rules adopted by the Board of Building Standards is compliant for the purposes of the inspections, regardless of any contrary standards of NFPA 101
- Requires school governing authorities to maintain records of inspections conducted in accordance with the bill.
- Requires the authority having jurisdiction to annually inspect those records to monitor compliance with the bill's requirements.
- Requires the authority having jurisdiction, beginning 18 months after the first failed inspection, to impose a daily civil penalty on the school governing authority of \$1,000 per noncompliant protective door assembly.
- Stipulates that a school governing authority is not subject to the civil penalty if it is actively taking steps towards compliance.
- Authorizes the State Fire Marshal and the Board of Building Standards to adopt rules necessary to implement the bill's requirements.
- Names the bill the "Ohio Childhood Safety Act."

DETAILED ANALYSIS

Overview

The bill requires that all protective door assemblies in school buildings comply with the National Life Safety Code (NFPA 101) developed by the National Fire Protection Association. According to the Department of Commerce, the NFPA 101 is not referenced in, or incorporated into the Ohio Building Code (OBC) or Ohio Fire Code (OFC) for new school buildings, except for a life safety evaluation that is required for certain assembly occupancies. Therefore, while there may be some overlap between NFPA 101 and the existing OBC and OFC, the bill mandates a new standard for compliance for protective door assemblies in school buildings.

The bill defines “protective door assemblies” as:

- Doors with panic hardware or fire exit hardware;
- Door assemblies in exit enclosures;
- Electricity controlled egress doors; and
- Door assemblies with special locking arrangements, such as delayed egress, sensor release egress doors, and elevator lobby doors.¹

The bill requires annual inspections of those protective door assemblies and requires the authority having jurisdiction to impose fines on school governing authorities that do not, within 18 months of a failed inspection, achieve compliance with the NFPA 101 standards and are not taking steps towards achieving compliance.²

School buildings

The bill applies to structures used by a school governing authority for the instruction of students (“school buildings”). Under the bill, a “school governing authority” is the board of education of a school district, the governing authority of a chartered nonpublic school, the governing authority of a community school, the governing body of a STEM school, or the board of trustees of a college-preparatory boarding school.³

Inspections

All school governing authorities must have each protective door assembly in their school buildings inspected every 12 months by a “qualified inspector,” with the requisite degree, certification, professional standing, skill, knowledge, training, and experience to evaluate compliance of a particular protective door assembly with NFPA 101 standards. Following the inspection, the inspector must provide a report to the school governing authority that indicates

¹ R.C. 3781.50(A)(2) and (3).

² R.C. 3781.50(B), (H), and (I).

³ R.C. 3781.50(A)(5) and (6).

whether the protective door assembly is in compliance with those standards. If the protective door assembly is compliant, the school governing authority need not take further action until the next inspection. If the protective door assembly is not compliant, the school governing authority must take all necessary steps to achieve compliance and, after completing those steps, cause another inspection of the protective door assembly. If the protective door assembly fails the subsequent inspection, the process repeats until the protective door assembly is fully compliant with the NFPA 101 standards.⁴

Depending on the size of the school building, the areas of expertise of an inspector, scheduling, and numerous other factors, a school governing authority may hire one qualified inspector to inspect all protective door assemblies in the school building or it may divide the work among multiple qualified inspectors. The bill specifies that a qualified inspector who inspects more than one protective door assembly in the same school building may combine the results of the inspections into one report.⁵

Temporary door-locking device

The bill specifies that a temporary door-locking device in compliance with rules adopted by the Board of Building Standards is compliant for the purposes of the inspections, regardless of any contrary standards of NFPA 101.⁶

Records

The bill requires a school governing authority to maintain records of the annual inspections. Beginning 18 months after the bill's effective date, the authority having jurisdiction must annually review the records of each school governing authority to determine whether the protective door assemblies in its school buildings are compliant with NFPA 101 and the bill.⁷

Penalties

If a protective door assembly in a school building remains noncompliant with NFPA 101 for more than 18 months after a failed inspection, and the school governing authority is not actively taking steps to achieve compliance, the authority having jurisdiction must impose a civil penalty on the school governing authority. The penalty equals \$1,000 for each noncompliant door assembly. A new penalty applies every day, beginning 18 months after the failed inspection, that the school governing authority is not actively taking steps towards achieving compliance with the NFPA 101 standards. The bill requires that no penalty be imposed on a school district that is actively taking steps towards compliance, regardless of whether the protective door assemblies in the school building have actually achieved compliance.⁸

⁴ R.C. 3781.50(A)(4), (B), (C), (D), (F), and (G).

⁵ R.C. 3781.50(J).

⁶ R.C. 3781.50(L).

⁷ R.C. 3781.50(E).

⁸ R.C. 3781.50(H) and (I).

The bill does not provide a standard by which an authority having jurisdiction must evaluate whether a school district is “actively taking steps to reach compliance.” It does not require a hearing at which a school governing authority may present its case through witnesses and evidence, nor does it allow a school governing authority to appeal the determination of an authority having jurisdiction. The bill does not specify how the civil penalty is to be collected, where it must be deposited, or how it must be used.

Authority having jurisdiction

The bill defines “authority having jurisdiction” as “the organization, office, agency, or individual responsible for enforcing [the bill’s] requirements.”⁹ According to the Ohio Board of Building Standards, the authority having jurisdiction could vary between school governing authorities and with respect to different types of protective door assemblies. Any municipal corporation, county or township may apply to be certified by the Board of Building Standards to enforce the nonresidential OBC. Once certified, the community can employ personnel to enforce the OBC or contract with another community for enforcement. If a township is not certified, then enforcement defaults to the county, if the county is certified. If the county is not certified, then enforcement defaults to the Division of Industrial Compliance in the Ohio Department of Commerce. If a municipal corporation is not certified, enforcement defaults to the Division of Industrial Compliance.

The jurisdictional divide among fire code enforcement officials is equally complex. Furthermore, a protective door assembly in a school building is likely subject to both building code and fire code enforcement. It is not clear, under the bill, which authority having jurisdiction is ultimately responsible for determining the compliance of, and imposing the civil penalty on a particular school governing authority with respect to any particular protective door assembly.

Rules

The bill authorizes the State Fire Marshal and the Board of Building Standards to develop guidelines for the enforcement of NFPA 101, including the annual inspection of protective door assemblies within school buildings.¹⁰

Name

The bill names the law the “Ohio Childhood Safety Act.”¹¹

⁹ R.C. 3781.50(A)(1).

¹⁰ R.C. 3737.74 and 3781.50(K).

¹¹ Section 2 of the bill.

HISTORY

Action	Date
Introduced	04-25-23
