



SMOKE ALARM INSTALLATION LIABILITY Research Report

No Reported Cases in the United States Hold Nonprofit Organizations, Including Fire Departments, Liable for Damages as a Result of Smoke Alarm Installation

Introduction

Fire departments across the nation work to put out fires and to rescue building occupants. But fire departments and other nonprofit safety organizations also seek to prevent fires from spreading in the first place and to mitigate their impact. One way to accomplish this prevention goal is by educating communities about the importance of smoke alarms and providing and installing smoke alarms in residences. However, some fire departments and nonprofit groups have expressed concerns about the risk of liability associated with smoke alarm installation programs, potentially curtailing these life-saving activities.

Question Presented

Do reported cases in the United States hold nonprofit organizations, volunteer organizations, local governments, or fire departments liable for damages -- such as fire damage, death, or injury -- that are caused by a fire that occurred after the organization installed smoke alarms?

Methods

Legal research was conducted from February through April 2019, primarily using WestLaw Edge and LexisAdvance. Multiple search terms were used to search for cases, state statutes, and secondary sources. Secondary sources such as journal articles, treatises, and analyses prepared by American Law Reports (ALR) were examined for relevant references to case law.

Since WestLaw Edge and LexisAdvance focus primarily on appellate-level decisions (particularly at the state level), the following additional sources were searched for relevant trial-level decisions: (1) West Law Trial Court Orders; (2) Lexis News; (3) PoliticoPro; (4) HeinOnline Journals; and (5) Business Source Complete.



In addition to legal research databases, multiple Google searches were used to search for relevant material, including any news articles describing relevant case or statutory law.

Findings

Our research identified no cases -- at any level -- holding nonprofit organizations, volunteer organizations, local governments, or fire departments liable for damage or injury associated with installation of smoke alarms in non-public housing.

While our research identified secondary sources discussing liability for smoke alarm installation, including products liability as well as government and nonprofit immunity, none mention a court holding volunteer, fire department, or other government installers liable for related damages.

Case Law

Because no case law concerning non-profit installers (including fire departments) was identified, the remaining case law primarily involves plaintiffs attempting to hold for-profit corporations or landlords responsible for negligent installation or defective products. For-profit installers of smoke alarms might be found liable after alarm failures due to breach of contract and/or products liability.¹

Secondary Sources

Research identified several secondary sources related to smoke alarm installation liability.

The American Law Reports (ALR)² contains several volumes on contractual provisions and tort liability for fire-related services. For example, 36 A.L.R.6th 305 (2008) discusses the validity and applicability of limitation of liability clauses in alarm monitoring contracts.³ This ALR report partially supersedes a previous ALR report, 37 A.L.R.4th 47 (1985) (“Liability of person furnishing, installing, or servicing burglary or fire alarm system for burglary or fire loss”).⁴ While this latter report outlines cases involving products liability or improper servicing, it contains no discussion of fire departments or volunteer groups installing smoke or fire alarms. Instead, the cases involve for-profit alarm companies and contractual limitation of liability clauses.

Other secondary sources discuss similar topics, but also identify case law related to for-profit defendants only. One ALR treatise, 17 A.L.R.5th 825 (1994) discusses statutes or ordinances that impose penalties on “alarm system users, installers, or services for false alarms.”⁵ Additionally, American Law of Products Liability, 3d discusses products liability cases related to fire alarms (i.e., defects in the manufacturing or operation of the alarms themselves), but not liability related to installation.⁶

Government immunity, whether statutory or through common law, is discussed in *Civil Actions Against State and Local Government—It’s Division, Agencies, and Officers*.⁷ Section 3:16 covers police and fire protection, but does not refer to smoke alarm installations.

State Statutes

Although we do not identify any relevant case law, in order to more specifically protect volunteers, fire departments, and municipal actors, some jurisdictions have provided immunity from liability through statutory law. Three states—Arkansas, Connecticut, and Delaware—have statutes that explicitly address smoke alarm installation.

In Arkansas, volunteer firefighters may not be found civilly liable for injury or damage “resulting from any act or omission in the installation of a smoke alarm provided free of charge,” absent intentional misconduct.⁸ The

statute additionally protects board members and administrative personnel for the acts and omissions of personnel.⁹

Connecticut's immunity statute exculpates fire departments that install smoke alarms or batteries at residential premises. The statute applies when the installation (1) complies with manufacturer instructions and (2) occurs within the course of the department's official capacity.¹⁰ The term "fire department" in the statute encompasses municipal, independent, and volunteer fire departments and companies.¹¹

Delaware similarly provides immunity from liability for non-profit organizations, municipal governments, and fire departments that distribute or install smoke detectors for free.¹²

While not specifically addressing smoke alarm installation, some states provide statutory immunity for a fire department's failure to provide -- or method of providing -- fire protection services.¹³ It is unclear whether such statutes cover smoke and fire alarm installation.

Some other states provide immunity for fire department activities in addition to fire protection services. Georgia, for example, provides immunity for any volunteer conducting a "safety program," including those related to home safety and fire hazards.¹⁴

Conclusion

Our research finds no reported cases holding fire departments or nonprofit installers liable for smoke alarm installation. While some states expressly provide immunity from liability for these activities, these state statutes do not appear to be in response to any specific cases.

The information in this document does not constitute legal advice or legal representation. For legal advice, please consult specific legal counsel.

SUPPORTERS



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¹ *Butler v. Pittway Corp.*, 770 F.2d 7 (2nd Cir. 1985) (permitting a strict liability cause of action where alarm system's failure to sound may have contributed to damages and injuries).

² The American Law Reports (ALR) prepares, and regularly updates, summaries of case law addressing specific topics such as liability for smoke alarm installers.

³ 36 A.L.R.6th 305 (2008).

⁴ 37 A.L.R.4th 47 (1985).

⁵ 17 A.L.R.5th 825 (1994).

⁶ Am. L. Prod. Liab. 3d § 118:15.

⁷ 1. Civ. Actions Against State & Loc. Gov't 3:16.

⁸ ARK. CODE ANN. § 16-5-102(a).

⁹ ARK. CODE ANN. § 16-5-102(b).

¹⁰ CONN. GEN. STAT. ANN. § 52-557r(b).

¹¹ CONN. GEN. STAT. ANN. § 52-557r(a).

¹² DEL CODE ANN. tit. 16, § 6850 (2001).

¹³ See, e.g., ANN. CAL. GOV. CODE § 850.4; KAN. STAT. ANN. § 75-6104(n); S.C. CODE ANN. § 15-78-60(6).

¹⁴ GA. CODE ANN. 51-1-20.1.