



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Marvin Hall, Commissioner
Board of Insurance Commissioners
Austin, Texas

Dear Sir:

Opinion No. O-4219
Re: Interpretation of Texas
Fire Escape Law.

Your request for an opinion of this department reads:

"We wish to secure from your Office an interpretation of the Texas Fire Escape Law as applied to school houses under Article 3959 of the Law, since this was one of the Articles amended by the last session of the Legislature to include two-story school houses.

"Under Article 3959, a fire escape is required for each building with a lot area of 5,000 square feet, and if over 7,000 square feet, the second fire escape is required. The question has now arisen as to the interpretation of the Law in the case regarding the number of fire escapes required for a building which has a ground floor area of over 14,700 square feet and a second floor area of over 7,800 square feet. We would, therefore, appreciate a ruling from your Office as to the number of fire escapes which would be required in the application of the term 'lot area' in this case or similar ones.

"Since arrangements are being made to commence construction on this project about December 1, the Architects have requested that we secure this ruling as soon as possible."

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It is observed from your statement that the ground floor of the building has a lot area of over 14,700 square feet and that the second floor has an area of over 7,800 square feet. Although you use the term "over" with respect to the dimensions given, we presume that such dimensions will not exceed 15,000 and 10,000 square feet respectively.

Article 3959 of the Revised Civil Statutes as amended by the 47th Legislature reads:

"Each building which is or may be constructed within this State of three or more stories in height, or in case of a school-house two or more stories in height, which is owned by this State, or by any city, county, or school district, and in which building public assemblies are permitted or intended to be permitted, or in which schools of any kind are conducted, or in which sleeping apartments are permitted or intended to be permitted on any floor above the first, shall be provided and equipped with at least one adequate fire escape if the lot area of such building shall not exceed five thousand (5,000) square feet, and one additional adequate fire escape for each five thousand (5,000) square feet, or fraction thereof if such fraction exceeds two thousand (2,000) square feet in excess of the first five thousand (5,000) square feet of lot area."

It will be observed that the Legislature did not define the term "lot area of the building." Certainly, with respect to the first or ground floor it means the number of square feet covered by the building, calculated by its outside dimensions. If the second floor encompassed the same number of square feet, no statutory construction would be necessary, but in the instant case the second floor is considerable smaller than the ground floor.

The purpose of the Fire Escape Law, as expressed in the caption of the Bill, was to afford adequate protection of human life for those assembled in certain public buildings. The Legislature then determined that adequate protection could be afforded by one fire escape for each five thousand (5,000) feet of lot area. Obviously, the intention of the Legislature

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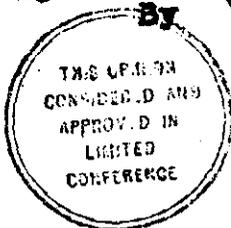
was to protect those occupying the second and other floors above the first as no fire escape is required for one story buildings. We believe that the protection anticipated by the Legislature can be afforded those occupying the second floor of the building by calculating the number of fire escapes required upon the basis of the square feet encompassed by the second floor. We believe the building under consideration to require two adequate fire escapes.

Yours very truly

ATTORNEY GENERAL OF TEXAS

APPROVED DEC 18, 1941
Boots Allen
FIRST ASSISTANT
ATTORNEY GENERAL

Lloyd Armstrong
By
Lloyd Armstrong
Assistant



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