

1 immediate vicinity of each sleeping area within all one and two
2 family dwellings, including any "manufactured home" as that term is
3 defined in subsection (j), section two, article nine, chapter
4 twenty-one of this code. The smoke detector shall be capable of
5 sensing visible or invisible particles of combustion and shall meet
6 the specifications and be installed as provided in the current
7 edition of the National Fire Protection Association Standard 72,
8 "Standard for the Installation, Maintenance and Use of Household
9 Fire Warning Equipment" and in the manufacturer's specifications.
10 When activated, the smoke detector shall provide an alarm suitable
11 to warn the occupants of the danger of fire.

12 (b) The owner of each dwelling described in subsection (a) of
13 this section shall provide, install and replace the operational
14 smoke detectors required by this section. So as to assure that the
15 smoke detector continues to be operational, in each dwelling
16 described in subsection (a) of this section which is not occupied
17 by the owner thereof, the tenant in any dwelling shall perform
18 routine maintenance on the smoke detectors within the dwelling.

19 (c) Where a dwelling is not occupied by the owner and is
20 occupied by an individual who is deaf or hearing impaired, the
21 owner shall, upon written request by or on behalf of the
22 individual, provide and install a smoke detector with a light
23 signal sufficient to warn the deaf or hearing-impaired individual
24 of the danger of fire.

1 (d) An automatic fire sprinkler system installed in accordance
2 with the current edition of the National Fire Protection
3 Association Standard 13D, "Standard for the Installation of
4 Sprinkler Systems in Residential Occupancies" may be provided in
5 lieu of smoke detectors.

6 (e) After investigating a fire in any dwelling described in
7 subsection (a) of this section, the local investigating authority
8 shall issue to the owner a smoke detector installation order in the
9 absence of the required smoke detectors.

10 (f) An operational single station carbon monoxide detector
11 with a suitable alarm or a combination smoke detector and carbon
12 monoxide detector, which shall be alternating current (AC) powered,
13 either plugged directly in to an electrical outlet that is not
14 controlled by a switch or hardwired into an alternating current
15 (AC) electrical source, with battery back up, and be installed,
16 maintained, tested, repaired or replaced, if necessary, in
17 accordance with the manufacturer's direction:

18 (1) In any newly constructed residential unit which has a
19 fuel-burning heating or cooking source including, but not limited
20 to, an oil or gas furnace or stove;

21 (2) In any residential unit which is connected to a newly
22 constructed building, including, but not limited to, a garage,
23 storage shed or barn, which has a fuel-burning heating or cooking
24 source, including, but not limited to, an oil or gas furnace or

1 stove;

2 (3) Effective September 1, 2012, in either a common area where
3 the general public has access or all rooms in which a person will
4 be sleeping that are adjoining to and being directly below and
5 above all areas or rooms that contain permanently installed fuel-
6 burning appliances and equipment that emit carbon monoxide as a
7 byproduct of combustion located within all apartment buildings,
8 boarding houses, dormitories, long-term care facilities, adult or
9 child care facilities, assisted living facilities, one- and two-
10 family dwellings intended to be rented or leased, hotels and
11 motels.

12 (g) Effective January 1, 2013, all single station carbon
13 monoxide detectors with a suitable alarm or a combination smoke
14 detector and carbon monoxide detectors shall be hardwired into an
15 alternating current (AC) electrical source, with battery backup,
16 when installed in all newly constructed apartment buildings,
17 boarding houses, dormitories, hospitals, long-term care facilities,
18 adult or child care facilities, assisted living facilities, one-
19 and two-family dwellings intended to be rented or leased, hotels
20 and motels that contain fuel-burning appliances and equipment that
21 emit carbon monoxide byproducts.

22 (h) In any long-term care facility that is staffed on a
23 twenty-four hour, seven day a week basis, the single station carbon
24 monoxide detector with a suitable alarm or a combination smoke

1 detector and carbon monoxide detector shall only be required to be
2 installed in an area of the facility that permits the detector to
3 be audible to the staff on duty.

4 (i) Any person installing a carbon monoxide detector in a
5 residential unit shall inform the owner, lessor or the occupant or
6 occupants of the residential unit of the dangers of carbon monoxide
7 poisoning and instructions on the operation of the carbon monoxide
8 detector installed.

9 (j) When repair or maintenance work is undertaken on a fuel-
10 burning heating or cooking source or a venting system in an
11 existing residential unit, the person making the repair or
12 performing the maintenance shall inform the owner, lessor or the
13 occupant or occupants of the unit being served by the fuel-burning
14 heating or cooking source or venting system of the dangers of
15 carbon monoxide poisoning and recommend the installation of a
16 carbon monoxide detector.

17 (k) Any person who violates any provision of this section is
18 guilty of a misdemeanor and, upon conviction thereof, for a first
19 offense, shall be fined \$250. For a second offense, the person is
20 guilty of a misdemeanor and, upon conviction thereof, shall be
21 fined \$750. For a third and subsequent offenses, the person is
22 guilty of a misdemeanor and, upon conviction thereof, shall be
23 fined \$2000.

24 (l) A violation of this section may not be considered by

1 virtue of the violation to constitute evidence of negligence or
2 contributory negligence or comparative negligence in any civil
3 action or proceeding for damages.

4 (m) A violation of this section may not constitute a defense
5 in any civil action or proceeding involving any insurance policy.

6 (n) Nothing in this section shall be construed to limit the
7 rights of any political subdivision in this state to enact laws
8 imposing upon owners of any dwelling or other building described in
9 subsection (a) or (f) of this section a greater duty with regard to
10 the installation, repair and replacement of the smoke detectors or
11 carbon monoxide detectors than is required by this section.

(NOTE: The purpose of this bill is to clarify that carbon
monoxide detectors are not required unless a structure contains
fuel burning appliances or equipment that emit carbon monoxide
byproducts.)

Strike-throughs indicate language that would be stricken from
the present law, and underscoring indicates new language that would
be added.)