

HOUSE BILL 401

E4

(71r0997)

ENROLLED BILL

— *Environmental Matters/ Education, Health, and Environmental Affairs* —

Introduced by **Delegates Barnes, Malone, Ali, Conway, Costa, DeBoy, Frush, Glassman, Hubbard, Jennings, Kipke, Levi, Mathias, Morhaim, Niemann, Pena-Melnyk, Ross, Stein, Stull, Weir, and Weldon**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Carbon Monoxide Alarms**

3 FOR the purpose of requiring the installation of certain carbon monoxide alarms
4 ~~within a certain distance from~~ in a central location outside of each sleeping area
5 within certain dwellings or, under certain circumstances, within a certain
6 distance from carbon monoxide-producing fixtures and equipment within
7 certain dwellings; establishing certain standards for the required carbon
8 monoxide alarm; ~~establishing certain duties related to the replacement, repair,~~
9 ~~and maintenance of carbon monoxide alarms;~~ prohibiting a person from

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 rendering a carbon monoxide alarm inoperable with a certain exception;
 2 clarifying that this Act does not prevent a county or municipal corporation from
 3 enacting more stringent requirements relating to carbon monoxide alarms;
 4 requiring that a certain disclosure form include certain information about a
 5 carbon monoxide alarm under certain circumstances; ~~providing for the~~
 6 application of this Act; defining certain terms; and generally relating to carbon
 7 monoxide alarms.

8 BY adding to

9 Article – Public Safety

10 Section 12–1101 through 12–1106 to be under the new subtitle “Subtitle 11.

11 Carbon Monoxide Alarms”

12 Annotated Code of Maryland

13 (2003 Volume and 2006 Supplement)

14 BY repealing and reenacting, without amendments,

15 Article – Real Property

16 Section 10–702(c)

17 Annotated Code of Maryland

18 (2003 Replacement Volume and 2006 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Real Property

21 Section 10–702(e)(2)

22 Annotated Code of Maryland

23 (2003 Replacement Volume and 2006 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 25 MARYLAND, That the Laws of Maryland read as follows:

26 **Article – Public Safety**

27 **SUBTITLE 11. CARBON MONOXIDE ALARMS.**

28 **12–1101.**

29 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 30 INDICATED.

31 (B) “CARBON MONOXIDE ALARM” MEANS A DEVICE THAT:

32 (1) SENSES CARBON MONOXIDE;

1 (2) WHEN SENSING CARBON MONOXIDE, IS CAPABLE OF EMITTING
2 A DISTINCT AND AUDIBLE SOUND;

3 (3) ~~IS CERTIFIED BY A TESTING LABORATORY THAT IS:~~

4 ~~(I) NATIONALLY RECOGNIZED;~~

5 ~~(II) INDEPENDENT; AND~~

6 ~~(III) NOT FOR PROFIT;~~

7 ~~(4) CONFORMS TO THE MOST RECENT UNDERWRITERS~~
8 ~~LABORATORIES STANDARDS OR CANADIAN STANDARD ASSOCIATION~~
9 ~~STANDARDS FOR CARBON MONOXIDE DEVICES LISTED AND CARRIES THE~~
10 ~~LISTING OF A NATIONALLY RECOGNIZED TESTING LABORATORY APPROVED BY~~
11 ~~THE OFFICE OF THE STATE FIRE MARSHAL; AND~~

12 ~~(5) (4) IS BATTERY POWERED, A PLUG-IN TYPE WITH BATTERY~~
13 ~~BACKUP, OR WIRED INTO AN ALTERNATING CURRENT (AC) POWERLINE WITH~~
14 ~~SECONDARY BATTERY BACKUP.~~

15 (c) (1) “DWELLING” MEANS A BUILDING OR PART OF A BUILDING
16 THAT PROVIDES LIVING OR SLEEPING FACILITIES FOR ONE OR MORE
17 INDIVIDUALS.

18 (2) “DWELLING” INCLUDES A ONE OR TWO FAMILY DWELLING,
19 MULTIFAMILY DWELLING, HOTEL, MOTEL, OR DORMITORY.

20 (d) “INSTALL” MEANS:

21 ~~(1) IF BATTERY POWERED, TO ATTACH TO THE WALL OR CEILING~~
22 ~~OF A DWELLING IN ACCORDANCE WITH THE MOST RECENT STANDARDS OF:~~

23 (1) THE NATIONAL FIRE PROTECTION ASSOCIATION RELATED TO
24 (NFPA) 720 STANDARD FOR THE INSTALLATION OF CARBON MONOXIDE
25 WARNING EQUIPMENT IN DWELLING UNITS; AND

26 (2) ~~TO PLUG DIRECTLY INTO AN ELECTRICAL OUTLET THAT IS~~
27 ~~NOT CONTROLLED BY A SWITCH; OR~~

1 ~~(3) TO HARDWIRE INTO AN ALTERNATING CURRENT (AC)~~
 2 ~~ELECTRICAL SERVICE~~ THE MANUFACTURER'S RECOMMENDATIONS.

3 **12-1102.**

4 THIS SUBTITLE ONLY APPLIES TO A ~~SINGLE FAMILY OR MULTIFAMILY~~
 5 DWELLING THAT:

6 (1) RELIES ON THE COMBUSTION OF A FOSSIL FUEL FOR HEAT,
 7 VENTILATION, ~~OR~~ HOT WATER, OR CLOTHES DRYER OPERATION; ~~OR~~ AND

8 ~~(2) IS CONNECTED TO A GARAGE.~~

9 (2) IS A NEWLY CONSTRUCTED DWELLING FOR WHICH A BUILDING
 10 PERMIT IS ISSUED ON OR AFTER JANUARY 1, 2008.

11 **12-1103.**

12 A CARBON MONOXIDE ALARM MAY BE COMBINED WITH A SMOKE
 13 ~~DETECTOR~~ ALARM IF THE COMBINED DEVICE COMPLIES WITH:

14 (1) ~~THE COMBINED DEVICE COMPLIES WITH THIS SUBTITLE AND;~~

15 (2) TITLE 9 OF THIS ARTICLE; AND

16 ~~(2) THE COMBINED UNIT EMITS AN ALARM AND VOICE WARNING~~
 17 ~~IN A MANNER THAT CLEARLY DIFFERENTIATES BETWEEN SMOKE DETECTION~~
 18 ~~AND CARBON MONOXIDE DETECTION.~~

19 (3) UNDERWRITERS LABORATORIES (UL) STANDARDS 217 AND
 20 2034.

21 **12-1104.**

22 (A) THERE MUST BE A CARBON MONOXIDE ALARM INSTALLED ~~WITHIN~~
 23 15 FEET IN A CENTRAL LOCATION OUTSIDE OF EACH SLEEPING AREA WITHIN A:

24 (1) ~~SINGLE FAMILY DWELLING SUBJECT TO THIS SUBTITLE; OR~~

25 (2) ~~MULTIFAMILY DWELLING SUBJECT TO THIS SUBTITLE.~~

1 ~~(B) (1) BEFORE THE COMMENCEMENT OF A LEASEHOLD, A~~
2 ~~LANDLORD SHALL:~~

3 ~~(I) INSTALL A CARBON MONOXIDE ALARM AS REQUIRED BY~~
4 ~~SUBSECTION (A) OF THIS SECTION; AND~~

5 ~~(H) REPLACE ANY CARBON MONOXIDE ALARM THAT WAS~~
6 ~~STOLEN, REMOVED, OR RENDERED INOPERABLE DURING A PRIOR LEASEHOLD.~~

7 ~~(2) DURING A LEASEHOLD, A LANDLORD IS NOT RESPONSIBLE~~
8 ~~FOR THE MAINTENANCE, REPAIR, OR REPLACEMENT OF A CARBON MONOXIDE~~
9 ~~ALARM.~~

10 ~~(3) A TENANT SHALL:~~

11 ~~(I) TEST AND MAINTAIN A CARBON MONOXIDE ALARM;~~

12 ~~(H) REPLACE ANY CARBON MONOXIDE ALARM THAT IS~~
13 ~~STOLEN, REMOVED, OR RENDERED INOPERABLE DURING THE TENANCY; AND~~

14 ~~(III) NOTIFY THE LANDLORD, OR THE LANDLORD'S~~
15 ~~AUTHORIZED AGENT, IN WRITING OF ANY DEFICIENCIES RELATED TO A CARBON~~
16 ~~MONOXIDE ALARM THAT THE TENANT IS UNABLE TO CORRECT.~~

17 ~~(c) (B)~~ NOTWITHSTANDING ~~SUBSECTIONS~~ SUBSECTION (A) ~~AND (B)~~
18 ~~OF THIS SECTION, IF THERE IS A CENTRALIZED ALARM SYSTEM THAT IS~~
19 ~~CAPABLE OF EMITTING A DISTINCT AND AUDIBLE SOUND TO WARN ALL~~
20 ~~OCCUPANTS, THE OWNER OF A MULTIFAMILY DWELLING MAY INSTALL A~~
21 ~~CARBON MONOXIDE ALARM WITHIN 25 FEET OF ANY CARBON~~
22 ~~MONOXIDE-PRODUCING FIXTURE AND EQUIPMENT.~~

23 **12-1105.**

24 EXCEPT AS PART OF ROUTINE MAINTENANCE, A PERSON MAY NOT
25 RENDER A CARBON MONOXIDE ALARM INOPERABLE.

26 **12-1106.**

1 (viii) Any other material defects of which the vendor has actual
2 knowledge; [and]

3 (ix) Whether the smoke detectors will provide an alarm in the
4 event of a power outage; AND

5 (X) IF THE PROPERTY RELIES ON THE COMBUSTION OF A
6 FOSSIL FUEL FOR HEAT, VENTILATION, HOT WATER, OR CLOTHES DRYER
7 OPERATION, WHETHER A CARBON MONOXIDE ALARM IS INSTALLED ON THE
8 PROPERTY.

9 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only~~
10 ~~to a newly constructed dwelling, as defined in § 12-1101(c) of the Public Safety Article~~
11 ~~as enacted by this Act, for which a building permit is issued on or after January 1,~~
12 ~~2008.~~

13 SECTION ~~2.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take
14 effect October 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.