

CHAPTER 401

(House Bill 401)

AN ACT concerning

Public Safety – Carbon Monoxide Alarms

FOR the purpose of requiring the installation of certain carbon monoxide alarms ~~within a certain distance from~~ in a central location outside of each sleeping area within certain dwellings or, under certain circumstances, within a certain distance from carbon monoxide-producing fixtures and equipment within certain dwellings; establishing certain standards for the required carbon monoxide alarm; ~~establishing certain duties related to the replacement, repair, and maintenance of carbon monoxide alarms;~~ prohibiting a person from rendering a carbon monoxide alarm inoperable with a certain exception; clarifying that this Act does not prevent a county or municipal corporation from enacting more stringent requirements relating to carbon monoxide alarms; requiring that a certain disclosure form include certain information about a carbon monoxide alarm under certain circumstances; ~~providing for the application of this Act;~~ defining certain terms; and generally relating to carbon monoxide alarms.

BY adding to

Article – Public Safety

Section 12-1101 through 12-1106 to be under the new subtitle “Subtitle 11.
Carbon Monoxide Alarms”

Annotated Code of Maryland

(2003 Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article – Real Property

Section 10-702(c)

Annotated Code of Maryland

(2003 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Real Property

Section 10-702(e)(2)

Annotated Code of Maryland

(2003 Replacement Volume and 2006 Supplement)

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

Article - Public Safety

SUBTITLE 11. CARBON MONOXIDE ALARMS.

12-1101.

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

(B) "CARBON MONOXIDE ALARM" MEANS A DEVICE THAT:

(1) SENSES CARBON MONOXIDE;

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

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

~~(I) NATIONALLY RECOGNIZED;~~

~~(II) INDEPENDENT; AND~~

~~(III) NOT FOR PROFIT;~~

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

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

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

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

(D) “INSTALL” MEANS:

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

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

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

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

12-1102.

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

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

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

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

12-1103.

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

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

(2) ~~TITLE 9 OF THIS ARTICLE; AND~~

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

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

12-1104.

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

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

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

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

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

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

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

~~(3) A TENANT SHALL:~~

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

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

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

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

12-1105.

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

12-1106.

THIS SUBTITLE DOES NOT PREVENT A COUNTY OR MUNICIPAL CORPORATION FROM ENACTING MORE STRINGENT LAWS THAT RELATE TO CARBON MONOXIDE ALARMS.

Article – Real Property

10-702.

(c) (1) A vendor of single family residential real property shall complete and deliver to each purchaser:

(i) A written residential property condition disclosure statement on a form provided by the State Real Estate Commission; or

(ii) A written residential property disclaimer statement on a form provided by the State Real Estate Commission.

(2) The State Real Estate Commission shall develop by regulation a single standardized form that includes the residential property condition disclosure and disclaimer statements required by this subsection.

(e) (2) The disclosure form shall include a list of defects, including latent defects, or information of which the vendor has actual knowledge in relation to the following:

(i) Water and sewer systems, including the source of household water, water treatment systems, and sprinkler systems;

(ii) Insulation;

(iii) Structural systems, including the roof, walls, floors, foundation, and any basement;

(iv) Plumbing, electrical, heating, and air conditioning systems;

(v) Infestation of wood-destroying insects;

(vi) Land use matters;

(vii) Hazardous or regulated materials, including asbestos, lead-based paint, radon, underground storage tanks, and licensed landfills;

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

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

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

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

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

Approved by the Governor, May 8, 2007.