

# HOUSE BILL 825

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By: **Delegates Frush and Pena-Melnyk**

Introduced and read first time: February 13, 2015

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Carbon Monoxide Poisoning – Portable Generators**

3 FOR the purpose of requiring the State Fire Prevention Commission to adopt  
4 comprehensive regulations to prevent carbon monoxide poisoning as part of the State  
5 Fire Prevention Code; providing that the Code shall comply with certain standards;  
6 prohibiting a person from using a portable generator in a certain manner;  
7 establishing that each day on which a violation of certain provisions of this Act  
8 continues after knowledge or official notice of the violation is a separate offense;  
9 providing for penalties for a violation of certain provisions of this Act; and generally  
10 relating to carbon monoxide poisoning and portable generators.

11 BY repealing and reenacting, with amendments,  
12 Article – Public Safety  
13 Section 6–206(a) and (d)  
14 Annotated Code of Maryland  
15 (2011 Replacement Volume and 2014 Supplement)

16 BY repealing and reenacting, without amendments,  
17 Article – Public Safety  
18 Section 6–601  
19 Annotated Code of Maryland  
20 (2011 Replacement Volume and 2014 Supplement)

21 BY adding to  
22 Article – Public Safety  
23 Section 9–1002  
24 Annotated Code of Maryland  
25 (2011 Replacement Volume and 2014 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



## Article – Public Safety

1  
2 6–206.

3 (a) (1) (i) To protect life and property from the hazards of fire [and],  
4 explosion, **AND CARBON MONOXIDE POISONING**, the Commission shall adopt  
5 comprehensive regulations as a State Fire Prevention Code.

6 (ii) The State Fire Prevention Code shall comply with standard safe  
7 practice as embodied in widely recognized standards of good practice for fire prevention  
8 [and], fire protection, **AND THE PREVENTION OF CARBON MONOXIDE POISONING**.

9 (iii) The State Fire Prevention Code has the force and effect of law in  
10 the political subdivisions of the State.

11 (2) (i) Except as provided in subparagraph (ii) of this paragraph, the  
12 regulations adopted under this subsection do not apply to existing installations, plants, or  
13 equipment.

14 (ii) If the Commission determines that an installation, plant, or  
15 equipment is a hazard so inimicable to the public safety as to require correction, the  
16 regulations adopted under this subsection apply to the installation, plant, or equipment.

17 (d) (1) The State Fire Prevention Code establishes the minimum requirements  
18 to protect life and property from the hazards of fire [and], explosion, **AND CARBON**  
19 **MONOXIDE POISONING**.

20 (2) If a State or local law or regulation is more stringent than the State  
21 Fire Prevention Code, the more stringent law or regulation governs if the more stringent  
22 law or regulation is:

23 (i) not inconsistent with the State Fire Prevention Code; and

24 (ii) not contrary to recognized standards and good engineering  
25 practices.

26 (3) If there is a question whether a State or local law or regulation governs,  
27 the decision of the Commission determines:

28 (i) which law or regulation governs; and

29 (ii) whether State and local officials have complied with the State  
30 Fire Prevention Code.

31 6–601.

1 (a) A person may not knowingly violate this title or a regulation adopted by the  
2 Commission.

3 (b) A person who violates this section is guilty of a misdemeanor and on conviction  
4 is subject to imprisonment not exceeding 10 days or a fine not exceeding \$1,000 or both.

5 **9-1002.**

6 (A) **A PERSON MAY NOT USE A PORTABLE GENERATOR:**

7 (1) **IN A WAY THAT ENDANGERS LIFE OR PROPERTY DUE TO THE**  
8 **HAZARDS OF FIRE, EXPLOSION, OR CARBON MONOXIDE POISONING;**

9 (2) **WITHIN 20 FEET OF A RESIDENTIAL DWELLING; OR**

10 (3) **IN VIOLATION OF ANY REGULATION ADOPTED BY THE**  
11 **COMMISSION UNDER TITLE 6, SUBTITLE 2 OF THIS ARTICLE.**

12 (B) **EACH DAY ON WHICH A VIOLATION OF THIS SECTION CONTINUES AFTER**  
13 **KNOWLEDGE OR OFFICIAL NOTICE OF THE VIOLATION IS A SEPARATE OFFENSE.**

14 (C) **A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO THE PENALTIES**  
15 **UNDER § 6-601 OF THIS ARTICLE.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2015.