
By: Delegate Krysiak

Introduced and read first time: January 16, 1997

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety - Carbon Monoxide Detectors**

3 FOR the purpose of requiring the installation of carbon monoxide detectors in certain
4 dwellings that are to be constructed; establishing certain minimum technical
5 standards for the detectors; establishing certain standards for the placement and
6 operation of the detectors; requiring landlords to provide certain kinds of detectors
7 for deaf or hearing-impaired tenants; providing for the enforcement of this Act;
8 establishing certain penalties for violations of this Act; and generally relating to
9 carbon monoxide detectors.

10 BY repealing and reenacting, without amendments,
11 Article 38A - Fires and Investigations
12 Section 3(a) through (c), inclusive
13 Annotated Code of Maryland
14 (1993 Replacement Volume and 1996 Supplement)

15 BY adding to
16 Article 38A - Fires and Investigations
17 Section 12C
18 Annotated Code of Maryland
19 (1993 Replacement Volume and 1996 Supplement)

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

22 **Article 38A - Fires and Investigations**

23 3.

24 (a) The State Fire Prevention Commission shall have the power to promulgate,
25 amend, and repeal regulations for the safeguarding of life and property from the hazards
26 of fire and explosion. Such regulations, amendments, or repealers shall be in accordance
27 with standard safe practice as embodied in widely recognized standards of good practice
28 for fire prevention and fire protection and shall have the force and effect of law in the
29 several counties, cities, and political subdivisions of the State. Such regulations and
30 amendments shall not apply to existing installations, plants, or equipment unless the State

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1 Fire Prevention Commission has duly found that the continuation thereof constitutes a
2 hazard so inimicable to the public welfare and safety as to require correction.

3 (b) The State Fire Prevention Commission, by September 1, 1964, shall
4 promulgate comprehensive regulations for the safeguarding of life and property from the
5 hazards of fire and explosion as a State Fire Prevention Code. Regulations embodied in
6 the State Fire Prevention Code shall be in accordance with standard safe practice as
7 embodied in widely recognized standards of good practice for fire prevention and fire
8 protection and shall have the force and effect of law in the several counties, cities, and
9 political subdivisions of the State. Such regulations and amendments shall not apply to
10 existing installations, plants, or equipment unless the State Fire Prevention Commission
11 has duly found that the continuation thereof constitutes a hazard so inimicable to the
12 public welfare and safety as to require correction.

13 (c) In their interpretation and application the regulations promulgated under this
14 chapter shall be held to be the minimum requirements for the safeguarding of life and
15 property from the hazards of fire and explosion. Whenever the provisions of any other
16 statute or local regulation are more stringent or impose higher standards than are
17 required by any regulations promulgated under this article, the provisions of such statute
18 or local regulation shall govern, provided they are not inconsistent with the State Code
19 and are not contrary to recognized standards and good engineering practices. In any
20 question, the decision of the State Fire Prevention Commission determines the relative
21 priority of any such State and local regulations and determines compliance with State fire
22 regulations by officials of the State and of the political subdivisions.

23 12C.

24 (A) THIS SECTION IS APPLICABLE TO ANY RESIDENTIAL UNIT FOR WHICH A
25 BUILDING PERMIT IS ISSUED ON OR AFTER OCTOBER 1, 1997 AND WHICH HAS A GAS
26 HEATING SYSTEM, FUEL BURNING APPLIANCES, OR AN ATTACHED GARAGE.

27 (B) (1) NOT LESS THAN ONE CARBON MONOXIDE DETECTOR SHALL BE
28 INSTALLED IN EACH RESIDENTIAL UNIT:

29 (I) WITHIN 40 FEET OF ALL ROOMS USED FOR SLEEPING; AND

30 (II) IN A MANNER AND LOCATION APPROVED BY THE STATE FIRE
31 PREVENTION COMMISSION.

32 (2) WHEN ACTIVATED, THE CARBON MONOXIDE DETECTOR SHALL
33 PROVIDE AN ALARM SUITABLE TO WARN THE OCCUPANTS.

34 (3) (I) UPON WRITTEN NOTIFICATION BY CERTIFIED MAIL BY THE
35 TENANT OR UPON NOTIFICATION IN PERSON BY THE TENANT, A LANDLORD SHALL
36 BE RESPONSIBLE FOR THE REPAIR OR REPLACEMENT OF THE CARBON MONOXIDE
37 DETECTOR.

38 (II) IF THE TENANT PERSONALLY NOTIFIES THE LANDLORD OF A
39 DEFECTIVE DETECTOR, THE LANDLORD SHALL PROVIDE A WRITTEN RECEIPT
40 ACKNOWLEDGING THE NOTIFICATION.

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1 (III) A TENANT MAY NOT REMOVE A CARBON MONOXIDE
2 DETECTOR OR RENDER A CARBON MONOXIDE DETECTOR INOPERATIVE.

3 (IV) EXCEPT FOR HOTELS OR MOTELS, A LANDLORD MAY REQUIRE
4 A REFUNDABLE DEPOSIT FOR A CARBON MONOXIDE DETECTOR NOT TO EXCEED
5 THE VALUE OF THE CARBON MONOXIDE DETECTOR.

6 (V) WHERE A TENANCY IS HELD BY A PERSON WHO IS DEAF OR
7 HEARING IMPAIRED AND UPON THE WRITTEN REQUEST OF THE PERSON TO THE
8 LANDLORD, A CARBON MONOXIDE DETECTOR SHALL BE PROVIDED WHICH, WHEN
9 ACTIVATED, SHALL PROVIDE A SIGNAL THAT IS APPROVED BY A NATIONALLY
10 RECOGNIZED TESTING LABORATORY FOR ELECTRICAL APPLIANCES AND IS
11 SUFFICIENT TO WARN THE DEAF OR HEARING IMPAIRED INDIVIDUAL.

12 (C) (1) EACH CARBON MONOXIDE DETECTOR MUST COMPLY WITH ALL
13 APPLICABLE FEDERAL AND STATE REGULATIONS AND MUST BEAR THE LABEL OF A
14 NATIONALLY RECOGNIZED STANDARD TESTING LABORATORY.

15 (2) EACH DETECTOR MUST BE A U.L. 2034 LISTED PRODUCT OR ITS
16 EQUIVALENT.

17 (D) CARBON MONOXIDE DETECTION SYSTEMS, INCLUDING SPECIALIZED
18 CARBON MONOXIDE DETECTORS FOR THE DEAF AND HEARING IMPAIRED, SHALL
19 BE APPROVED FOR THE PARTICULAR SYSTEM AND MAY ONLY BE USED FOR
20 DETECTION AND SIGNALING OF CARBON MONOXIDE.

21 (E) IF TWO OR MORE CARBON MONOXIDE DETECTORS ARE REQUIRED
22 UNDER SUBSECTION (B) OF THIS SECTION, THE CARBON MONOXIDE DETECTORS
23 SHALL BE OF A TYPE AND INSTALLED IN A MANNER SO THAT ACTIVATION OF ANY
24 ONE CARBON MONOXIDE DETECTOR CAUSES ACTIVATION OF ALL OTHER
25 REQUIRED CARBON MONOXIDE DETECTORS IN THE RESIDENTIAL DWELLING UNIT.

26 (F) A CARBON MONOXIDE DETECTOR REQUIRED UNDER THIS SECTION
27 SHALL BE OF A TYPE THAT OPERATES BOTH BY BATTERY AND ON AN ALTERNATING
28 CURRENT (AC) PRIMARY SOURCE OF ELECTRIC POWER IF THE CARBON MONOXIDE
29 DETECTOR IS INSTALLED IN A NEW RESIDENTIAL DWELLING UNIT:

30 (1) CONTAINING ALTERNATING CURRENT (AC) ELECTRICAL SERVICE;

31 (2) DESIGNED TO BE OCCUPIED BY ONE OR MORE FAMILIES; AND

32 (3) FOR WHICH A BUILDING PERMIT IS ISSUED FOR NEW
33 CONSTRUCTION ON OR AFTER OCTOBER 1, 1997.

34 (G) THE PROVISIONS OF THIS SECTION MAY BE ENFORCED BY THE STATE
35 FIRE MARSHAL OR A LOCAL OR STATE AUTHORITY HAVING JURISDICTION OVER
36 THE ENFORCEMENT OF FIRE AND BUILDING CODES.

37 (H) (1) A PERSON WHO KNOWINGLY VIOLATES ANY REGULATIONS
38 PROMULGATED BY THE STATE FIRE PREVENTION COMMISSION, OR ANY PROVISION
39 OF THIS SECTION, SHALL BE FINED NOT LESS THAN \$300 AND NOT MORE THAN \$1,000.

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1 (2) EACH DAY DURING WHICH ANY VIOLATION CONTINUES AFTER
2 KNOWLEDGE OR OFFICIAL NOTICE OF VIOLATION SHALL BE DEEMED A SEPARATE
3 OFFENSE.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 1997.