

HOUSE BILL 43

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E4
HB 228/97 - ENV

1998 Regular Session
8lr0082

(PRE-FILED)

By: **Delegate Krysiak**
Requested: July 14, 1997
Introduced and read first time: January 14, 1998
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 newly constructed; establishing certain minimum
5 technical standards for the detectors; establishing certain standards for the
6 placement and operation of the detectors; requiring landlords to provide certain
7 kinds of detectors for deaf or hearing impaired tenants; providing for the
8 enforcement of this Act; establishing certain penalties for violations of this Act;
9 and generally relating to 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 (1997 Replacement Volume and 1997 Supplement)

15 BY adding to
16 Article 38A - Fires and Investigations
17 Section 12C to be under the new subtitle "Carbon Monoxide Detection Systems"
18 Annotated Code of Maryland
19 (1997 Replacement Volume and 1997 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
25 promulgate, amend, and repeal regulations for the safeguarding of life and property
26 from the hazards of fire and explosion. Such regulations, amendments, or repealers
27 shall be in accordance with standard safe practice as embodied in widely recognized

1 standards of good practice for fire prevention and fire protection and shall have the
2 force and effect of law in the several counties, cities, and political subdivisions of the
3 State. Such regulations and amendments shall not apply to existing installations,
4 plants, or equipment unless the State Fire Prevention Commission has duly found
5 that the continuation thereof constitutes a hazard so inimicable to the public welfare
6 and safety as to require correction.

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

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

29 CARBON MONOXIDE DETECTION SYSTEMS

30 12C.

31 (A) THIS SECTION IS APPLICABLE TO ANY RESIDENTIAL UNIT FOR WHICH A
32 BUILDING PERMIT IS ISSUED ON OR AFTER OCTOBER 1, 1998, AND WHICH HAS A GAS
33 HEATING SYSTEM, FUEL BURNING APPLIANCES, OR AN ATTACHED GARAGE.

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

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

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

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

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

5 (II) IF THE TENANT PERSONALLY NOTIFIES THE LANDLORD OF A
6 DEFECTIVE DETECTOR, THE LANDLORD SHALL PROVIDE A WRITTEN RECEIPT
7 ACKNOWLEDGING THE NOTIFICATION.

8 (III) A TENANT MAY NOT REMOVE A CARBON MONOXIDE DETECTOR
9 OR RENDER A CARBON MONOXIDE DETECTOR INOPERATIVE.

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

13 (V) WHERE A TENANCY IS HELD BY A PERSON WHO IS DEAF OR
14 HEARING IMPAIRED AND UPON THE WRITTEN REQUEST OF THE PERSON TO THE
15 LANDLORD, THE LANDLORD SHALL PROVIDE OR HAVE PROVIDED A CARBON
16 MONOXIDE DETECTOR WHICH, WHEN ACTIVATED, PROVIDES A SIGNAL THAT IS
17 APPROVED BY A NATIONALLY RECOGNIZED TESTING LABORATORY FOR ELECTRICAL
18 APPLIANCES AND IS SUFFICIENT TO WARN THE DEAF OR HEARING IMPAIRED
19 INDIVIDUAL.

20 (C) (1) EACH CARBON MONOXIDE DETECTOR INSTALLED UNDER THIS
21 SECTION MUST COMPLY WITH ALL APPLICABLE FEDERAL AND STATE REGULATIONS
22 AND MUST BEAR THE LABEL OF A NATIONALLY RECOGNIZED STANDARD TESTING
23 LABORATORY.

24 (2) EACH CARBON MONOXIDE DETECTOR MUST BE A U.L. 2034 LISTED
25 PRODUCT OR ITS EQUIVALENT.

26 (D) CARBON MONOXIDE DETECTION SYSTEMS, INCLUDING SPECIALIZED
27 CARBON MONOXIDE DETECTORS FOR THE DEAF AND HEARING IMPAIRED, SHALL BE
28 APPROVED FOR THE PARTICULAR SYSTEM AND MAY ONLY BE USED FOR THE
29 DETECTION AND SIGNALING OF CARBON MONOXIDE.

30 (E) IF TWO OR MORE CARBON MONOXIDE DETECTORS ARE REQUIRED TO BE
31 INSTALLED UNDER SUBSECTION (B) OF THIS SECTION, THE CARBON MONOXIDE
32 DETECTORS SHALL BE OF A TYPE AND INSTALLED IN A MANNER SO THAT
33 ACTIVATION OF ANY ONE CARBON MONOXIDE DETECTOR CAUSES ACTIVATION OF
34 ALL OTHER REQUIRED CARBON MONOXIDE DETECTORS IN THE RESIDENTIAL
35 DWELLING UNIT.

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

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

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

2 (3) FOR WHICH A BUILDING PERMIT IS ISSUED FOR NEW
3 CONSTRUCTION ON OR AFTER OCTOBER 1, 1998.

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

7 (H) (1) A PERSON WHO KNOWINGLY VIOLATES ANY REGULATIONS ADOPTED
8 BY THE STATE FIRE PREVENTION COMMISSION, OR ANY PROVISION OF THIS
9 SECTION, SHALL BE SUBJECT TO A CIVIL FINE OF NOT LESS THAN \$300, BUT NOT
10 MORE THAN \$1,000.

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

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
15 effect October 1, 1998.