

HOUSE BILL 108

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E4
HB 228/97 - ENV

1999 Regular Session
9r0922

By: **Delegate Krysiak**

Introduced and read first time: January 25, 1999

Assigned to: Economic 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
6 and operation of the detectors; requiring landlords to provide certain kinds of
7 detectors for deaf or hearing impaired tenants; providing for the enforcement of
8 this Act; establishing certain penalties for violations of this Act; and generally
9 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 1998 Supplement)

15 BY adding to
16 Article 38A - Fires and Investigations
17 Section 12C
18 Annotated Code of Maryland
19 (1997 Replacement Volume and 1998 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
28 standards of good practice for fire prevention and fire protection and shall have the

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

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

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

28 12C.

29 (A) THIS SECTION IS APPLICABLE TO ANY RESIDENTIAL UNIT FOR WHICH A
30 BUILDING PERMIT IS ISSUED ON OR AFTER OCTOBER 1, 1999 AND WHICH HAS A GAS
31 HEATING SYSTEM, FUEL BURNING APPLIANCES, OR AN ATTACHED GARAGE.

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

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

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

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

39 (3) (I) UPON WRITTEN NOTIFICATION BY CERTIFIED MAIL BY THE
40 TENANT OR UPON NOTIFICATION IN PERSON BY THE TENANT, A LANDLORD SHALL

1 BE RESPONSIBLE FOR THE REPAIR OR REPLACEMENT OF THE CARBON MONOXIDE
2 DETECTOR.

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

6 (III) A TENANT MAY NOT REMOVE A CARBON MONOXIDE DETECTOR
7 OR RENDER A CARBON MONOXIDE DETECTOR INOPERATIVE.

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

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

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

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

22 (D) CARBON MONOXIDE DETECTION SYSTEMS, INCLUDING SPECIALIZED
23 CARBON MONOXIDE DETECTORS FOR THE DEAF AND HEARING IMPAIRED, SHALL BE
24 APPROVED FOR THE PARTICULAR SYSTEM AND MAY ONLY BE USED FOR DETECTION
25 AND SIGNALING OF CARBON MONOXIDE.

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

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

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

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

37 (3) FOR WHICH A BUILDING PERMIT IS ISSUED FOR NEW
38 CONSTRUCTION ON OR AFTER OCTOBER 1, 1999.

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

4 (H) (1) A PERSON WHO KNOWINGLY VIOLATES ANY REGULATIONS
5 PROMULGATED BY THE STATE FIRE PREVENTION COMMISSION, OR ANY PROVISION
6 OF THIS SECTION, SHALL BE FINED NOT LESS THAN \$300 AND NOT MORE THAN
7 \$1,000.

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

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
12 effect October 1, 1999.