

HOUSE BILL 108

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HB 228/97 - ENV

1999 Regular Session
9r0922

By: **Delegate Krysiak**

Introduced and read first time: January 25, 1999

Assigned to: Economic Matters

Reassigned: Environmental Matters, February 1, 1999

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 2, 1999

CHAPTER _____

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; requiring the detectors to be~~
8 installed and maintained in accordance with certain standards; establishing
9 certain requirements on landlords and tenants for the repair or replacement of
10 the detectors; providing for the enforcement of this Act; establishing certain
11 penalties for violations of this Act; providing for a delayed effective date; and
12 generally relating to carbon monoxide detectors.

13 BY repealing and reenacting, without amendments,
14 Article 38A - Fires and Investigations
15 Section 3(a) through (c), inclusive, and 12B(a)(3), (6), and (9)
16 Annotated Code of Maryland
17 (1997 Replacement Volume and 1998 Supplement)

18 BY adding to
19 Article 38A - Fires and Investigations
20 Section 12C to be under the new subheading "Carbon Monoxide Detectors"
21 Annotated Code of Maryland
22 (1997 Replacement Volume and 1998 Supplement)

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

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

4 3.

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

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

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

37 12B.

38 (a) (3) "Dwelling unit" means a single unit providing complete, independent
39 living facilities for 1 or more persons including permanent provisions for living,
40 sleeping, eating, cooking, and sanitation.

1 ~~(H)~~ (2) IF THE TENANT PERSONALLY NOTIFIES THE LANDLORD
2 OF A DEFECTIVE DETECTOR, THE LANDLORD SHALL PROVIDE A WRITTEN RECEIPT
3 ACKNOWLEDGING THE NOTIFICATION.

4 ~~(HH)~~ (3) A TENANT MAY NOT REMOVE A CARBON MONOXIDE
5 DETECTOR OR RENDER A CARBON MONOXIDE DETECTOR INOPERATIVE.

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

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

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

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

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

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

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

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

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

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

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

4 ~~(H)~~ (G) (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~~ 2000.