

HOUSE BILL 66

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E4

2001 Regular Session
(11r0592)

ENROLLED BILL

-- Economic Matters/Economic and Environmental Affairs --

Introduced by **Delegate Carlson**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Fire Safety-- Smoke Detectors - Residential Dwelling Units Disclosure**

3 FOR the purpose of requiring that ~~smoke detectors of a certain type be used in a~~
4 ~~residential dwelling unit that is sold or rented or in which renovations requiring~~
5 ~~a building permit or electrical permit are performed; making this Act applicable~~
6 ~~to smoke detectors powered in a certain way~~ certain leases and contracts of sale
7 residential property disclosure statements include a certain disclosure relating to
8 smoke detectors; providing for the application of this Act; and generally relating
9 to disclosures in leases and contracts of sale residential property disclosure
10 statements regarding smoke detectors.

11 BY ~~repealing and reenacting, with amendments, adding to~~
12 Article 38A - Fires and Investigations
13 Section ~~12A(p)~~ 12A(r)
14 Annotated Code of Maryland
15 (1997 Replacement Volume and 2000 Supplement)

1 BY repealing and reenacting, with amendments,
 2 Article - Real Property
 3 Section 10-702(d)(2)
 4 Annotated Code of Maryland
 5 (1996 Replacement Volume and 2000 Supplement)

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

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

9 12A.

10 ~~(p)~~ A smoke detector required under this section shall be of a type that
 11 operates both by battery and on an alternating current (AC) primary source of electric
 12 power if:

13 ~~(1)~~ ~~[the] THE~~ smoke detector is installed in a new residential dwelling
 14 unit:

15 ~~[(1)]~~ ~~(I)~~ Containing alternating current (AC) electrical service;

16 ~~[(2)]~~ ~~(II)~~ Designed to be occupied by 1 or more families; and

17 ~~[(3)]~~ ~~(III)~~ For which a building permit is issued for new construction on or
 18 after July 1, 1990; OR

19 ~~(2)~~ ~~THE SMOKE DETECTOR CURRENTLY OPERATES ON AN~~
 20 ~~ALTERNATING CURRENT (AC) PRIMARY SOURCE OF ELECTRIC POWER AND IS~~
 21 ~~LOCATED IN A RESIDENTIAL DWELLING UNIT:~~

22 ~~(I)~~ ~~THAT IS SOLD OR RENTED; OR~~

23 ~~(II)~~ ~~IN WHICH RENOVATIONS REQUIRING A BUILDING PERMIT OR~~
 24 ~~ELECTRICAL PERMIT ARE PERFORMED.~~

25 ~~(R)~~ ~~(I)~~ EACH LEASE OR CONTRACT OF SALE FOR AN EXISTING
 26 SINGLE-FAMILY HOME RESIDENTIAL DWELLING UNIT THAT CONTAINS
 27 ALTERNATING CURRENT (AC) ELECTRIC SERVICE SHALL CONTAIN A DISCLOSURE IN
 28 10-POINT BOLD TYPE THAT STATES:

29 "THIS HOME RESIDENTIAL DWELLING UNIT CONTAINS ALTERNATING
 30 CURRENT (AC) ELECTRIC SERVICE. IN THE EVENT OF A POWER OUTAGE, AN
 31 ALTERNATING CURRENT (AC) POWERED SMOKE DETECTOR WILL NOT PROVIDE AN
 32 ALARM SUITABLE TO WARN THE OCCUPANT OF THE HOME. THEREFORE, THE
 33 OCCUPANT SHOULD OBTAIN A DUAL POWERED SMOKE DETECTOR OR A BATTERY
 34 POWERED SMOKE DETECTOR."

1 ~~(2) AT THE TIME THE DISCLOSURE STATEMENT IS DELIVERED, EACH~~
 2 ~~LESSEE OR PURCHASER SHALL DATE AND SIGN A WRITTEN ACKNOWLEDGMENT OF~~
 3 ~~RECEIPT, WHICH SHALL BE INCLUDED IN OR ATTACHED TO THE LEASE OR~~
 4 ~~CONTRACT OF SALE.~~

5 Article - Real Property

6 10-702.

7 (d) (2) The disclosure form shall include a list of defects or information of
 8 which the vendor has actual knowledge in relation to the following:

9 (i) Water and sewer systems, including the source of household
 10 water, water treatment systems, and sprinkler systems;

11 (ii) Insulation;

12 (iii) Structural systems, including the roof, walls, floors, foundation,
 13 and any basement;

14 (iv) Plumbing, electrical, heating, and air conditioning systems;

15 (v) Infestation of wood-destroying insects;

16 (vi) Land use matters;

17 (vii) Hazardous or regulated materials, including asbestos,
 18 lead-based paint, radon, underground storage tanks, and licensed landfills; [and]

19 (viii) Any other material defects known to the vendor; AND

20 (IX) WHETHER THE SMOKE DETECTORS WILL PROVIDE AN ALARM
 21 IN THE EVENT OF A POWER OUTAGE.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
 23 construed only prospectively and may not be applied or interpreted to have any effect
 24 on or application to any ~~smoke detector located in a residential dwelling unit that is~~
 25 ~~sold or rented before the effective date of this Act or in which renovations requiring a~~
 26 ~~building permit or electrical permit are begun~~ lease or contract of sale residential
 27 property disclosure statement for an existing single-family home residential dwelling
 28 unit executed before the effective date of this Act.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 30 October 1, 2001.

