
By: **Delegates Moe, Bozman, Conway, Glassman, Malone, Parrott, and Stull**
Introduced and read first time: February 9, 2001
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; requiring the detectors to be installed and
6 maintained in accordance with certain standards; establishing certain
7 requirements for landlords and tenants for the repair or replacement of the
8 detectors; providing for the enforcement of this Act; establishing certain
9 penalties for violations of this Act; providing for a delayed effective date; and
10 generally relating to carbon monoxide detectors.

11 BY repealing and reenacting, without amendments,
12 Article 38A - Fires and Investigations
13 Section 3(a) through (c) and 12B(a)(3), (6), and (9)
14 Annotated Code of Maryland
15 (1997 Replacement Volume and 2000 Supplement)

16 BY adding to
17 Article 38A - Fires and Investigations
18 Section 12C to be under the new subheading "Carbon Monoxide Detectors"
19 Annotated Code of Maryland
20 (1997 Replacement Volume and 2000 Supplement)

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

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

24 3.

25 (a) The State Fire Prevention Commission shall have the power to
26 promulgate, amend, and repeal regulations for the safeguarding of life and property
27 from the hazards of fire and explosion. Such regulations, amendments, or repealers
28 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 12B.

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

33 (6) (i) "Multifamily residential dwelling" means a building or portion
34 of a building that contains more than 2 dwelling units and is not classified as a 1 or
35 2 family dwelling.

36 (ii) "Multifamily residential dwelling" does not include a town
37 house.

38 (9) "Town house" means a single family dwelling unit constructed in a
39 horizontal series of attached units with property lines separating the units.

CARBON MONOXIDE DETECTORS

1
2 12C.

3 (A) IN THIS SECTION, "RESIDENTIAL UNIT" MEANS A:

4 (1) DWELLING UNIT AS DEFINED IN § 12B OF THIS SUBTITLE;

5 (2) MULTIFAMILY RESIDENTIAL DWELLING AS DEFINED IN § 12B OF
6 THIS SUBTITLE;

7 (3) TOWN HOUSE AS DEFINED IN § 12B OF THIS SUBTITLE; AND

8 (4) BUILDING OR PORTION OF A BUILDING WHICH CONTAINS 1 OR 2
9 DWELLING UNITS.

10 (B) THIS SECTION IS APPLICABLE TO ANY NEW RESIDENTIAL UNIT FOR
11 WHICH AN INITIAL BUILDING PERMIT IS ISSUED ON OR AFTER JANUARY 1, 2002, FOR
12 A RESIDENCE TO BE CONSTRUCTED WITH A GAS HEATING SYSTEM, FUEL BURNING
13 APPLIANCES, OR AN ATTACHED GARAGE.

14 (C) CARBON MONOXIDE DETECTORS SHALL BE INSTALLED AND MAINTAINED
15 IN EACH RESIDENTIAL UNIT IN ACCORDANCE WITH THE NATIONAL FIRE
16 PROTECTION ASSOCIATION STANDARD 720.

17 (D) (1) UPON WRITTEN NOTIFICATION BY CERTIFIED MAIL BY THE TENANT
18 OR UPON NOTIFICATION IN PERSON BY THE TENANT, A LANDLORD SHALL BE
19 RESPONSIBLE FOR THE REPAIR OR REPLACEMENT OF THE CARBON MONOXIDE
20 DETECTOR.

21 (2) IF THE TENANT PERSONALLY NOTIFIES THE LANDLORD OF A
22 DEFECTIVE DETECTOR, THE LANDLORD SHALL PROVIDE A WRITTEN RECEIPT
23 ACKNOWLEDGING THE NOTIFICATION.

24 (3) A TENANT MAY NOT REMOVE A CARBON MONOXIDE DETECTOR OR
25 RENDER A CARBON MONOXIDE DETECTOR INOPERATIVE.

26 (4) A LANDLORD MAY REQUIRE A REFUNDABLE DEPOSIT FOR A CARBON
27 MONOXIDE DETECTOR NOT TO EXCEED THE VALUE OF THE CARBON MONOXIDE
28 DETECTOR.

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

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

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

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

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
9 effect January 1, 2002.