

# SENATE BILL 535

E4

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By: **Senators Klausmeier and Exum**

Introduced and read first time: February 2, 2007

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 2, 2007

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public Safety – Carbon Monoxide Alarms**

3 FOR the purpose of requiring the installation of certain carbon monoxide alarms  
4 ~~within a certain distance from~~ in a central location outside of each sleeping area  
5 within certain dwellings or, under certain circumstances, within a certain  
6 distance from carbon monoxide-producing fixtures and equipment within  
7 certain dwellings; establishing certain standards for the required carbon  
8 monoxide alarm; ~~establishing certain duties related to the replacement, repair,~~  
9 ~~and maintenance of carbon monoxide alarms;~~ prohibiting a person from  
10 rendering a carbon monoxide alarm inoperable with a certain exception;  
11 clarifying that this Act does not prevent a county or municipal corporation from  
12 enacting more stringent requirements relating to carbon monoxide alarms;  
13 requiring that a certain disclosure form include certain information about a  
14 carbon monoxide alarm under certain circumstances; defining certain terms;  
15 and generally relating to carbon monoxide alarms.

16 BY adding to

17 Article – Public Safety

18 Section 12-1101 through 12-1106 to be under the new subtitle “Subtitle 11.

19 Carbon Monoxide Alarms”

20 Annotated Code of Maryland

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2003 Volume and 2006 Supplement)

2 BY repealing and reenacting, without amendments,

3 Article – Real Property

4 Section 10–702(c)

5 Annotated Code of Maryland

6 (2003 Replacement Volume and 2006 Supplement)

7 BY repealing and reenacting, with amendments,

8 Article – Real Property

9 Section 10–702(e)(2)

10 Annotated Code of Maryland

11 (2003 Replacement Volume and 2006 Supplement)

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

14 **Article – Public Safety**

15 **SUBTITLE 11. CARBON MONOXIDE ALARMS.**

16 **12–1101.**

17 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
18 INDICATED.

19 (B) “CARBON MONOXIDE ALARM” MEANS A DEVICE THAT:

20 (1) SENSES CARBON MONOXIDE;

21 (2) WHEN SENSING CARBON MONOXIDE, IS CAPABLE OF EMITTING  
22 A DISTINCT AND AUDIBLE SOUND;

23 (3) IS ~~CERTIFIED BY A TESTING LABORATORY THAT IS:~~

24 ~~(I) NATIONALLY RECOGNIZED;~~

25 ~~(II) INDEPENDENT; AND~~

1                   ~~(III) NOT FOR PROFIT;~~

2                   ~~(4) CONFORMS TO THE MOST RECENT UNDERWRITERS~~  
3 ~~LABORATORIES STANDARDS OR CANADIAN STANDARD ASSOCIATION~~  
4 ~~STANDARDS FOR CARBON MONOXIDE DEVICES LISTED AND CARRIES THE~~  
5 ~~LISTING OF A NATIONALLY RECOGNIZED TESTING LABORATORY APPROVED BY~~  
6 ~~THE OFFICE OF THE STATE FIRE MARSHAL; AND~~

7                   ~~(5) (4) IS BATTERY POWERED, A PLUG-IN TYPE WITH BATTERY~~  
8 ~~BACKUP, OR WIRED INTO AN ALTERNATING CURRENT (AC) POWERLINE WITH~~  
9 ~~SECONDARY BATTERY BACKUP.~~

10                (c) (1) “DWELLING” MEANS A BUILDING OR PART OF A BUILDING  
11 THAT PROVIDES LIVING OR SLEEPING FACILITIES FOR ONE OR MORE  
12 INDIVIDUALS.

13                   (2) “DWELLING” INCLUDES A ONE OR TWO FAMILY DWELLING,  
14 MULTIFAMILY DWELLING, HOTEL, MOTEL, OR DORMITORY.

15                (D) “INSTALL” MEANS:

16                   ~~(1) IF BATTERY POWERED, TO ATTACH TO THE WALL OR CEILING~~  
17 ~~OF A DWELLING IN ACCORDANCE WITH THE MOST RECENT STANDARDS OF:~~

18                   (1) THE NATIONAL FIRE PROTECTION ASSOCIATION RELATED TO  
19 (NFPA) 720 STANDARD FOR THE INSTALLATION OF CARBON MONOXIDE  
20 WARNING EQUIPMENT IN DWELLING UNITS; AND

21                   ~~(2) TO PLUG DIRECTLY INTO AN ELECTRICAL OUTLET THAT IS~~  
22 ~~NOT CONTROLLED BY A SWITCH; OR~~

23                   ~~(3) TO HARDWIRE INTO AN ALTERNATING CURRENT (AC)~~  
24 ~~ELECTRICAL SERVICE THE MANUFACTURER’S RECOMMENDATIONS.~~

25 **12-1102.**

1           **THIS SUBTITLE ONLY APPLIES TO A ~~SINGLE FAMILY OR MULTIFAMILY~~**  
 2 **DWELLING THAT:**

3           **(1) RELIES ON THE COMBUSTION OF A FOSSIL FUEL FOR HEAT,**  
 4 **VENTILATION, ~~OR~~ HOT WATER, OR CLOTHES DRYER OPERATION; ~~OR~~ AND**

5           **~~(2) IS CONNECTED TO A GARAGE.~~**

6           **(2) IS A NEWLY CONSTRUCTED DWELLING FOR WHICH A**  
 7 **BUILDING PERMIT IS ISSUED ON OR AFTER JANUARY 1, 2008.**

8 **12-1103.**

9           **A CARBON MONOXIDE ALARM MAY BE COMBINED WITH A SMOKE**  
 10 **~~DETECTOR~~ ALARM IF THE COMBINED DEVICE COMPLIES WITH:**

11           **~~(1) THE COMBINED DEVICE COMPLIES WITH THIS SUBTITLE AND;~~**

12           **(2) TITLE 9 OF THIS ARTICLE; AND**

13           **~~(2) THE COMBINED UNIT EMITS AN ALARM AND VOICE WARNING~~**  
 14 **~~IN A MANNER THAT CLEARLY DIFFERENTIATES BETWEEN SMOKE DETECTION~~**  
 15 **~~AND CARBON MONOXIDE DETECTION.~~**

16           **(3) UNDERWRITERS LABORATORIES (UL) STANDARDS 217 AND**  
 17 **2034.**

18 **12-1104.**

19           **(A) THERE MUST BE A CARBON MONOXIDE ALARM INSTALLED ~~WITHIN~~**  
 20 **15 FEET IN A CENTRAL LOCATION OUTSIDE OF EACH SLEEPING AREA WITHIN A:**

21           **~~(1) SINGLE FAMILY DWELLING SUBJECT TO THIS SUBTITLE; OR~~**

22           **~~(2) MULTIFAMILY DWELLING SUBJECT TO THIS SUBTITLE.~~**

23           **~~(B) (1) BEFORE THE COMMENCEMENT OF A LEASEHOLD, A~~**  
 24 **~~LANDLORD SHALL:~~**

1 ~~(I) INSTALL A CARBON MONOXIDE ALARM AS REQUIRED BY~~  
2 ~~SUBSECTION (A) OF THIS SECTION; AND~~

3 ~~(II) REPLACE ANY CARBON MONOXIDE ALARM THAT WAS~~  
4 ~~STOLEN, REMOVED, OR RENDERED INOPERABLE DURING A PRIOR LEASEHOLD.~~

5 ~~(2) DURING A LEASEHOLD, A LANDLORD IS NOT RESPONSIBLE~~  
6 ~~FOR THE MAINTENANCE, REPAIR, OR REPLACEMENT OF A CARBON MONOXIDE~~  
7 ~~ALARM.~~

8 ~~(3) A TENANT SHALL:~~

9 ~~(I) TEST AND MAINTAIN A CARBON MONOXIDE ALARM;~~

10 ~~(II) REPLACE ANY CARBON MONOXIDE ALARM THAT IS~~  
11 ~~STOLEN, REMOVED, OR RENDERED INOPERABLE DURING THE TENANCY; AND~~

12 ~~(III) NOTIFY THE LANDLORD, OR THE LANDLORD'S~~  
13 ~~AUTHORIZED AGENT, IN WRITING OF ANY DEFICIENCIES RELATED TO A CARBON~~  
14 ~~MONOXIDE ALARM THAT THE TENANT IS UNABLE TO CORRECT.~~

15 ~~(C) (B)~~ NOTWITHSTANDING ~~SUBSECTIONS~~ SUBSECTION (A) ~~AND (B)~~  
16 OF THIS SECTION, IF THERE IS A CENTRALIZED ALARM SYSTEM THAT IS  
17 CAPABLE OF EMITTING A DISTINCT AND AUDIBLE SOUND TO WARN ALL  
18 OCCUPANTS, THE OWNER OF A ~~MULTIFAMILY~~ DWELLING MAY INSTALL A  
19 CARBON MONOXIDE ALARM WITHIN 25 FEET OF ANY CARBON  
20 MONOXIDE-PRODUCING FIXTURE AND EQUIPMENT.

21 **12-1105.**

22 EXCEPT AS PART OF ROUTINE MAINTENANCE, A PERSON MAY NOT  
23 RENDER A CARBON MONOXIDE ALARM INOPERABLE.

24 **12-1106.**

25 THIS SUBTITLE DOES NOT PREVENT A COUNTY OR MUNICIPAL  
26 CORPORATION FROM ENACTING MORE STRINGENT LAWS THAT RELATE TO  
27 CARBON MONOXIDE ALARMS.

**Article - Real Property**

10-702.

(c) (1) A vendor of single family residential real property shall complete and deliver to each purchaser:

(i) A written residential property condition disclosure statement on a form provided by the State Real Estate Commission; or

(ii) A written residential property disclaimer statement on a form provided by the State Real Estate Commission.

(2) The State Real Estate Commission shall develop by regulation a single standardized form that includes the residential property condition disclosure and disclaimer statements required by this subsection.

(e) (2) The disclosure form shall include a list of defects, including latent defects, or information of which the vendor has actual knowledge in relation to the following:

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

(ii) Insulation;

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

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

(v) Infestation of wood-destroying insects;

(vi) Land use matters;

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

(viii) Any other material defects of which the vendor has actual knowledge; [and]

1                    (ix) Whether the smoke detectors will provide an alarm in the  
2 event of a power outage; AND

3                    **(X) IF THE PROPERTY RELIES ON THE COMBUSTION OF A**  
4 **FOSSIL FUEL FOR HEAT, VENTILATION, HOT WATER, OR CLOTHES DRYER**  
5 **OPERATION, WHETHER A CARBON MONOXIDE ALARM IS INSTALLED ON THE**  
6 **PROPERTY.**

7                    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8                    October 1, 2007.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.