

# SENATE BILL 969

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CF HB 1413

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By: **Senators Glassman, Dyson, and Mathias**

Introduced and read first time: February 15, 2013

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 21, 2013

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 16, 2013

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

1 AN ACT concerning

2 **Public Safety – Fire Protection and Prevention – Residential Smoke Alarms**

3 FOR the purpose of repealing and recodifying certain provisions of law dealing with  
4 smoke detection systems; clarifying that the installation of certain smoke  
5 alarms is required in certain areas of certain buildings; providing that this Act  
6 is applicable statewide; authorizing a local jurisdiction to adopt certain  
7 regulations; requiring a minimum number of smoke alarms be installed in  
8 certain areas of certain residential occupancies; requiring a certain smoke  
9 alarm to activate other smoke alarms in certain circumstances; requiring  
10 certain power sources for certain smoke alarms; requiring a certain upgrading  
11 of certain smoke alarm placement under certain circumstances; requiring  
12 certain existing residential occupancies to be upgraded on or before a certain  
13 date; requiring a certain smoke alarm for a sleeping room occupied by a deaf or  
14 hard of hearing individual; requiring a landlord to respond to a certain notice in  
15 a certain manner; requiring hotels and motels to make a certain minimum  
16 number of smoke alarm notification appliances available under certain  
17 circumstances and to post a certain notice; authorizing a hotel or motel to  
18 charge a certain deposit; authorizing a certain landlord to require  
19 reimbursement from a tenant for the cost of a certain fire alarm; providing for  
20 enforcement of and responsibility for installation and maintenance of smoke  
21 alarms; authorizing a smoke alarm to be combined with a carbon monoxide  
22 alarm in certain circumstances; authorizing certain authorities to issue a  
23 certain order; requiring a certain person to respond within a certain period of  
24 time; altering the information about smoke alarms that must be included in a

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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 certain residential property disclosure statement; providing for the application  
2 of certain provisions of this Act; defining certain terms; and generally relating  
3 to residential smoke alarms.

4 BY repealing  
5 Article – Public Safety  
6 Section 9–101 through 9–106  
7 Annotated Code of Maryland  
8 (2011 Replacement Volume and 2012 Supplement)

9 BY adding to  
10 Article – Public Safety  
11 Section 9–101 through 9–106  
12 Annotated Code of Maryland  
13 (2011 Replacement Volume and 2012 Supplement)

14 BY repealing and reenacting, without amendments,  
15 Article – Public Safety  
16 Section 9–107 and 9–109  
17 Annotated Code of Maryland  
18 (2011 Replacement Volume and 2012 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article – Public Safety  
21 Section 9–108  
22 Annotated Code of Maryland  
23 (2011 Replacement Volume and 2012 Supplement)

24 BY repealing and reenacting, with amendments,  
25 Article – Real Property  
26 Section 10–702(e)(2)  
27 Annotated Code of Maryland  
28 (2010 Replacement Volume and 2012 Supplement)

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

31 **Article – Public Safety**

32 [9–101.

33 (a) (1) Notwithstanding any other provision of this article, this subtitle  
34 applies in Baltimore City.

35 (2) In Baltimore City, the Baltimore City fire department shall enforce  
36 this subtitle.

1           (3) In Baltimore City, appeals concerning this subtitle shall be made  
2 to the Baltimore City fire board.

3           (b) This subtitle does not affect a public local law or regulation that existed  
4 on July 1, 1982, that required smoke detectors in occupancies with less than ten  
5 dwelling units.]

6 [9-102.

7           (a) (1) Each sleeping area within each occupancy classified residential, as  
8 defined in the most recent edition of the National Fire Protection Association Life  
9 Safety Code adopted by the State Fire Prevention Commission, shall be equipped with  
10 at least one approved smoke detector that:

11                           (i) senses visible or invisible particles of combustion; and

12                           (ii) is installed in a manner and location approved by the State  
13 Fire Prevention Commission.

14           (2) When activated, the smoke detector shall provide an alarm  
15 suitable to warn the occupants.

16           (b) (1) The landlord shall install smoke detectors as required under  
17 subsection (a) of this section.

18           (2) On written notification by certified mail by the tenant or on  
19 notification in person by the tenant, the landlord shall repair or replace the smoke  
20 detector.

21           (3) If the tenant personally notifies the landlord of the failure of a  
22 smoke detector, the landlord shall provide a written receipt acknowledging the  
23 notification.

24           (4) A tenant may not remove a smoke detector or render a smoke  
25 detector inoperative.

26           (5) Except for hotels or motels, a landlord may require a refundable  
27 deposit for a smoke detector not exceeding the value of the smoke detector.

28           (6) On written request of a tenant who is deaf or hearing impaired, the  
29 landlord shall provide a smoke detector that, when activated, provides a signal that:

30                           (i) is approved by a nationally recognized testing laboratory for  
31 electrical appliances; and

32                           (ii) is sufficient to warn the deaf or hearing impaired tenant.

1 (c) (1) Regardless of the number of units, each hotel or motel shall have  
2 available at least one smoke detector for the deaf or hearing impaired for each 50 units  
3 or fraction of 50 units.

4 (2) The hotel or motel may require a refundable deposit for a portable  
5 smoke detector not exceeding the value of the smoke detector.

6 (3) The hotel or motel shall post in a conspicuous place at the  
7 registration desk a permanent sign that states the availability of smoke detectors for  
8 the deaf or hearing impaired.

9 (d) On or before July 1, 1982, an occupant of a one, two, or three family  
10 residential dwelling constructed before July 1, 1975, shall:

11 (1) equip each occupant's living unit with at least one approved  
12 battery or alternating current (AC) primary electric powered smoke detector; and

13 (2) maintain the smoke detector.]

14 [9-103.

15 (a) At least one smoke detector shall be installed on each level, including a  
16 basement but excluding an attic, of each new residential dwelling unit:

17 (1) that contains alternating current (AC) electrical service;

18 (2) that is classified residential, as defined in the most recent edition  
19 of the National Fire Protection Association Life Safety Code adopted by the State Fire  
20 Prevention Commission; and

21 (3) for which a building permit is issued for new construction on or  
22 after January 1, 1989.

23 (b) If two or more smoke detectors are required under subsection (a) of this  
24 section, the smoke detectors shall be of a type and installed in a manner so that  
25 activation of one smoke detector causes activation of all other required smoke  
26 detectors in the residential dwelling unit.

27 (c) A smoke detector required under this subtitle shall operate both by  
28 battery and on an alternating current (AC) primary source of electric power if the  
29 smoke detector is installed in a new residential dwelling unit:

30 (1) that contains alternating current (AC) electrical service;

31 (2) that is designed to be occupied by one or more families; and

1                   (3)     for which a building permit is issued for new construction on or  
2 after July 1, 1990.

3                   (d)     This section:

4                   (1)     may be enforced by a county fire chief, fire administrator, or  
5 municipal fire chief; and

6                   (2)     does not prevent a county from enacting more stringent laws that  
7 relate to smoke detectors.]

8 [9–104.

9                   (a)     (1)     Except as provided in paragraph (2) of this subsection and §  
10 9–102(d) of this subtitle, smoke detection systems shall operate on an alternating  
11 current (AC) primary source of electric power.

12                   (2)     Smoke detection systems may operate on approved power supplies  
13 other than an alternating current (AC) primary source of electric power if:

14                             (i)     the power supply is approved by the State Fire Prevention  
15 Commission; and

16                             (ii)    it is clearly evident that reasonable safety is secured.

17                   (b)     Each approved smoke detector shall be installed so as not to exceed the  
18 lineal or square footage allowances specified for the smoke detector, based on the  
19 generally accepted test standards under which the smoke detector was tested and  
20 approved.

21                   (c)     Smoke detection systems, including specialized smoke detectors for the  
22 deaf and hearing impaired, shall be approved for the particular system and shall only  
23 be used for detection and signaling in the event of fire.

24                   (d)     Each lease for an existing residential dwelling unit that contains  
25 alternating current (AC) electric service shall contain a disclosure in 10–point bold  
26 type that states:

27                   “**This residential dwelling unit contains alternating current (AC) electric  
28 service. In the event of a power outage, an alternating current (AC) powered smoke  
29 detector will not provide an alarm. Therefore, the occupant should obtain a dual  
30 powered smoke detector or a battery powered smoke detector.**”]

31 [9–105.

1 A person may sell or install a smoke detection system, smoke detector, smoke  
2 alarm, or specialized smoke detectors or smoke alarms for the deaf and hard of  
3 hearing only in accordance with the State Fire Prevention Code.]

4 [9-106.

5 (a) If approved by the State Fire Prevention Commission, an approved  
6 automatic fire sprinkler system may be installed instead of a smoke detection system.

7 (b) Installing an approved automatic fire sprinkler system does not nullify  
8 the other requirements of the State Fire Prevention Code or exempt an occupancy  
9 from other requirements that are clearly applicable under the State Fire Prevention  
10 Code.]

11 **9-101.**

12 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
13 INDICATED.

14 (B) “SLEEPING AREA” MEANS A SPACE THAT INCLUDES ONE OR MORE  
15 SLEEPING ROOMS AND A HALL OR COMMON AREA IMMEDIATELY ADJACENT TO  
16 ANY SLEEPING ROOM.

17 (C) “SLEEPING ROOM” MEANS AN ENCLOSED ROOM WITH A BED  
18 ARRANGED TO BE USED AS A BEDROOM.

19 ~~(B)~~ (D) “SMOKE ALARM” MEANS A SINGLE OR MULTIPLE STATION  
20 DEVICE THAT DETECTS VISIBLE OR INVISIBLE PRODUCTS OF COMBUSTION AND  
21 INCLUDES A BUILT-IN INTERNAL ALARM SIGNAL.

22 ~~(C)~~ (E) “SMOKE DETECTOR” MEANS A SYSTEM-CONNECTED SMOKE  
23 SENSING DEVICE TIED TO A FIRE ALARM CONTROL PANEL OR A HOUSEHOLD  
24 FIRE WARNING PANEL.

25 **9-102.**

26 (A) THIS SUBTITLE APPLIES THROUGHOUT THE STATE, INCLUDING  
27 BALTIMORE CITY.

28 (B) AN AUTOMATIC SMOKE ALARM SHALL BE PROVIDED IN EACH  
29 SLEEPING AREA WITHIN EACH RESIDENTIAL OCCUPANCY, INCLUDING ONE- AND  
30 TWO-FAMILY DWELLINGS, LODGING OR ROOMING HOUSES, HOTELS,  
31 DORMITORIES, AND APARTMENT BUILDINGS, AS DEFINED IN NFPA 101: LIFE  
32 SAFETY CODE AS ADOPTED BY THE STATE FIRE PREVENTION COMMISSION.

1           **(C) SMOKE ALARMS SHALL:**

2                   **(1) BE INSTALLED IN ACCORDANCE WITH NFPA 72: NATIONAL**  
3 **FIRE ALARM CODE AS REFERENCED BY THE STATE FIRE PREVENTION CODE;**

4                   **(2) BE LISTED AND LABELED BY A NATIONALLY RECOGNIZED**  
5 **TESTING LABORATORY TO COMPLY WITH UNDERWRITERS LABORATORIES (UL)**  
6 **217, "STANDARD FOR SAFETY FOR SINGLE AND MULTIPLE STATION SMOKE**  
7 **ALARMS";**

8                   **(3) BE SUITABLE FOR SENSING VISIBLE OR INVISIBLE PRODUCTS**  
9 **OF COMBUSTION; AND**

10                   **(4) SOUND AN ALARM SUITABLE TO WARN THE OCCUPANTS.**

11           **(D) LOCAL JURISDICTIONS MAY ADOPT SMOKE ALARM REGULATIONS**  
12 **THAT ARE MORE STRINGENT THAN THE PROVISIONS OF THIS SUBTITLE.**

13 **9-103.**

14           **(A) THIS SECTION APPLIES ONLY TO NEW RESIDENTIAL UNITS**  
15 **CONSTRUCTED AFTER JULY 1, 2013.**

16           ~~**(A)**~~ **(B) AT LEAST ONE SMOKE ALARM SHALL BE INSTALLED IN EACH**  
17 **SLEEPING ROOM, IN THE HALLWAY OR COMMON AREA OUTSIDE OF SLEEPING**  
18 **ROOMS, AND IN THE HALLWAY OR COMMON AREA ON EACH LEVEL WITHIN A**  
19 **NEW RESIDENTIAL DWELLING UNIT CONSTRUCTED AFTER JULY 1, 2013,**  
20 **INCLUDING BASEMENTS AND EXCLUDING UNOCCUPIED ATTICS, GARAGES, AND**  
21 **CRAWL SPACES.**

22           ~~**(B)**~~ **(C) IF TWO OR MORE SMOKE ALARMS ARE REQUIRED WITHIN A**  
23 **RESIDENTIAL UNIT, THE SMOKE ALARMS SHALL BE ARRANGED SO THAT**  
24 **ACTIVATION OF ANY ONE SMOKE ALARM CAUSES ALARM ACTIVATION OF ALL**  
25 **OTHER REQUIRED SMOKE ALARMS WITHIN THE RESIDENTIAL UNIT.**

26           ~~**(C)**~~ **(D) EACH SMOKE ALARM REQUIRED BY THIS SECTION SHALL**  
27 **OPERATE ON AN ALTERNATING CURRENT (AC) PRIMARY SOURCE OF ELECTRIC**  
28 **POWER WITH A BATTERY BACKUP OR AN APPROVED ALTERNATE SECONDARY**  
29 **POWER SOURCE.**

30           ~~**(D)**~~ **(E) IN ONE- AND TWO-FAMILY DWELLINGS, A SMOKE DETECTOR**  
31 **INSTALLED AS A PART OF AN APPROVED HOUSEHOLD FIRE ALARM SYSTEM IS AN**  
32 **ACCEPTABLE ALTERNATIVE TO THE AC POWERED-BATTERY BACKUP SMOKE**

1 ALARM REQUIRED BY THIS SECTION, IF THE SMOKE DETECTOR IS INSTALLED  
2 AND LOCATED AS SPECIFIED IN SUBSECTION ~~(A)~~ (B) OF THIS SECTION.

3 ~~(E)~~ (F) A SMOKE DETECTOR INSTALLED AS A PART OF AN APPROVED  
4 FIRE ALARM SYSTEM IS AN ACCEPTABLE ALTERNATIVE TO THE AC  
5 POWERED-BATTERY BACKUP SMOKE ALARM REQUIRED BY THIS SECTION, IF  
6 THE SMOKE DETECTOR IS INSTALLED AND LOCATED AS SPECIFIED IN  
7 SUBSECTION ~~(A)~~ (B) OF THIS SECTION.

8 **9-104.**

9 (A) (1) AT LEAST ONE SMOKE ALARM SHALL BE PROVIDED IN EACH  
10 RESIDENTIAL SLEEPING AREA.

11 (2) SMOKE ALARMS REQUIRED IN ONE- AND TWO-FAMILY  
12 DWELLINGS CONSTRUCTED BEFORE JULY 1, 1975, SHALL BE BATTERY  
13 POWERED OR ALTERNATING CURRENT (AC) PRIMARY ELECTRIC POWERED  
14 UNITS.

15 (3) SMOKE ALARMS REQUIRED IN ONE- AND TWO-FAMILY  
16 DWELLINGS CONSTRUCTED BETWEEN JULY 1, 1975, AND JUNE 30, 1990, SHALL  
17 BE ALTERNATING CURRENT (AC) PRIMARY ELECTRIC POWERED UNITS.

18 (4) SMOKE ALARMS REQUIRED IN MULTIFAMILY RESIDENTIAL  
19 OCCUPANCIES INCLUDING APARTMENTS, LODGING OR ROOMING HOUSES,  
20 DORMITORIES, AND HOTELS SHALL BE ALTERNATING CURRENT (AC) PRIMARY  
21 ELECTRIC POWERED UNITS.

22 (5) SMOKE ALARMS REQUIRED IN A RESIDENTIAL OCCUPANCY  
23 CONSTRUCTED ON OR AFTER JULY 1, 1990, SHALL BE ALTERNATING CURRENT  
24 (AC) PRIMARY ELECTRIC POWERED UNITS WITH BATTERY BACKUP OR AN  
25 APPROVED ALTERNATE SECONDARY POWER SOURCE.

26 (B) AT LEAST ONE SMOKE ALARM SHALL BE INSTALLED IN EACH LEVEL  
27 OF A RESIDENTIAL OCCUPANCY CONSTRUCTED ON OR AFTER JANUARY 1, 1989,  
28 INCLUDING BASEMENTS AND EXCLUDING UNOCCUPIED ATTICS, GARAGES, AND  
29 CRAWL SPACES.

30 (C) IF TWO OR MORE SMOKE ALARMS ARE REQUIRED WITHIN A  
31 RESIDENTIAL UNIT CONSTRUCTED ON OR AFTER JANUARY 1, 1989, THE SMOKE  
32 ALARMS SHALL BE ARRANGED SO THAT ACTIVATION OF ANY ONE SMOKE ALARM  
33 CAUSES ALARM ACTIVATION OF ALL OTHER REQUIRED SMOKE ALARMS WITHIN  
34 THE RESIDENTIAL UNIT.



1           (D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, SMOKE  
2 ALARM PLACEMENT IN A ONE- OR TWO-FAMILY DWELLING SHALL BE  
3 UPGRADED TO COMPLY WITH PARAGRAPH (3) OF THIS SUBSECTION IN EXISTING  
4 RESIDENTIAL OCCUPANCIES WHEN ANY ONE OF THE FOLLOWING OCCURS:

5                   (I) THE EXISTING SMOKE ALARMS EXCEED 10 YEARS FROM  
6 THE DATE OF MANUFACTURE;

7                   (II) THE EXISTING SMOKE ALARMS FAIL TO RESPOND TO  
8 OPERABILITY TESTS OR OTHERWISE MALFUNCTION;

9                   (III) THERE IS ~~A CHANGE OF OWNERSHIP OR~~ A CHANGE OF  
10 TENANT IN ~~THE~~ A RESIDENTIAL UNIT AND THE RESIDENTIAL UNIT HAS NOT  
11 PREVIOUSLY BEEN EQUIPPED IN ACCORDANCE WITH THIS SUBTITLE WITH  
12 SEALED LONG-LIFE BATTERY SMOKE ALARMS WITH SILENCE/HUSH BUTTON  
13 FEATURES WITHIN THE 10 YEARS PRECEDING THE CHANGE OF OWNERSHIP OR  
14 CHANGE OF TENANT; OR

15                   (IV) A BUILDING PERMIT IS ISSUED FOR AN ADDITIONAL  
16 RESIDENTIAL UNIT OR ALTERATION TO A RESIDENTIAL UNIT.

17           (2) SMOKE ALARM PLACEMENT SHALL BE UPGRADED TO COMPLY  
18 WITH PARAGRAPH (3) OF THIS SUBSECTION IN ALL EXISTING RESIDENTIAL  
19 OCCUPANCIES ON OR BEFORE JANUARY 1, 2018.

20           (3) UPGRADED SMOKE ALARM PLACEMENT SHALL INCLUDE THE  
21 FOLLOWING:

22                   (I) A MINIMUM OF ONE SMOKE ALARM ON EACH LEVEL OF  
23 THE RESIDENTIAL UNIT, INCLUDING BASEMENTS AND EXCLUDING UNOCCUPIED  
24 ATTICS, GARAGES, AND CRAWL SPACES;

25                   (II) SMOKE ALARMS SHALL BE ALTERNATING CURRENT  
26 (AC) PRIMARY POWERED UNITS WITH BATTERY BACKUP, EXCEPT AS FOLLOWS:

27                           1. SMOKE ALARMS IN ONE- AND TWO-FAMILY  
28 DWELLINGS CONSTRUCTED BEFORE JULY 1, 1975, MAY BE BATTERY OPERATED;  
29 AND

30                           2. SMOKE ALARMS REQUIRED IN NEW LOCATIONS BY  
31 THIS SECTION, IF SMOKE ALARMS DID NOT PREVIOUSLY EXIST, MAY BE BATTERY  
32 OPERATED; AND

1 (III) IF BATTERY OPERATED SMOKE ALARMS ARE  
2 PERMITTED, ONLY SEALED, TAMPER RESISTANT UNITS INCORPORATING A  
3 SILENCE/HUSH BUTTON AND USING LONG-LIFE BATTERIES MAY BE USED.

4 (E) IN ONE- AND TWO-FAMILY DWELLINGS, A SMOKE DETECTOR  
5 INSTALLED AS A PART OF AN APPROVED HOUSEHOLD FIRE ALARM SYSTEM IS AN  
6 ACCEPTABLE ALTERNATIVE TO THE AC POWERED-BATTERY BACKUP SMOKE  
7 ALARMS REQUIRED BY THIS SECTION, IF THE SMOKE DETECTORS ARE  
8 INSTALLED AND LOCATED AS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.

9 (F) A SMOKE DETECTOR INSTALLED AS A PART OF AN APPROVED FIRE  
10 ALARM SYSTEM IS AN ACCEPTABLE ALTERNATIVE TO THE AC  
11 POWERED-BATTERY BACKUP SMOKE ALARMS REQUIRED BY THIS SECTION, IF  
12 THE SMOKE DETECTORS ARE INSTALLED AND LOCATED AS SPECIFIED IN  
13 SUBSECTION (A) OF THIS SECTION.

14 **9-105.**

15 (A) EACH SLEEPING ROOM OCCUPIED BY A DEAF OR HARD OF HEARING  
16 INDIVIDUAL SHALL BE PROVIDED WITH A SMOKE ALARM SUITABLE TO ALERT  
17 THE DEAF OR HARD OF HEARING INDIVIDUAL.

18 (B) (1) ON WRITTEN REQUEST ON BEHALF OF A TENANT WHO IS DEAF  
19 OR HARD OF HEARING, A SLEEPING ROOM OCCUPIED BY A DEAF OR HARD OF  
20 HEARING INDIVIDUAL SHALL BE PROVIDED WITH AN APPROVED NOTIFICATION  
21 APPLIANCE DESIGNED TO ALERT DEAF OR HARD OF HEARING INDIVIDUALS.

22 (2) THE LANDLORD SHALL PROVIDE A NOTIFICATION APPLIANCE  
23 THAT, WHEN ACTIVATED, PROVIDES A SIGNAL THAT IS SUFFICIENT TO WARN  
24 THE DEAF OR HARD OF HEARING TENANT IN THOSE SLEEPING ROOMS.

25 (C) HOTELS AND MOTELS SHALL HAVE AVAILABLE AT LEAST ONE  
26 APPROVED NOTIFICATION APPLIANCE FOR THE DEAF OR HARD OF HEARING  
27 INDIVIDUAL FOR EACH 50 UNITS OR FRACTION OF 50 UNITS.

28 (D) HOTELS AND MOTELS SHALL POST IN A CONSPICUOUS PLACE AT  
29 THE REGISTRATION DESK A PERMANENT SIGN THAT STATES THE AVAILABILITY  
30 OF SMOKE ALARM NOTIFICATION APPLIANCES FOR THE DEAF OR HARD OF  
31 HEARING INDIVIDUAL.

32 (E) (1) HOTELS, ~~AND MOTELS, AND LANDLORDS~~ MAY REQUIRE A  
33 REFUNDABLE DEPOSIT FOR NOTIFICATION APPLIANCES FOR THE DEAF OR  
34 HARD OF HEARING INDIVIDUAL.

1           **(2) THE AMOUNT OF THE DEPOSIT MAY NOT EXCEED THE VALUE**  
2 **OF THE NOTIFICATION APPLIANCE.**

3           **(F) A LANDLORD MAY REQUIRE REIMBURSEMENT FROM A TENANT FOR**  
4 **THE COST OF A SMOKE ALARM REQUIRED UNDER THIS SUBTITLE.**

5 **9-106.**

6           **(A) SMOKE ALARM REQUIREMENTS SHALL BE ENFORCED BY THE STATE**  
7 **FIRE MARSHAL, A COUNTY OR MUNICIPAL FIRE MARSHAL, A FIRE CHIEF, THE**  
8 **BALTIMORE CITY FIRE DEPARTMENT, OR ANY OTHER DESIGNATED AUTHORITY**  
9 **HAVING JURISDICTION.**

10           **(B) (1) THE BUILDING PERMIT APPLICANT IS RESPONSIBLE FOR THE**  
11 **PROPER INSTALLATION OF REQUIRED SMOKE ALARMS IN RESIDENTIAL**  
12 **OCCUPANCIES CONSTRUCTED ON OR AFTER JULY 1, 2013.**

13           **(2) IF A BUILDING PERMIT IS NOT REQUIRED, THE GENERAL**  
14 **CONTRACTOR SHALL BEAR THE RESPONSIBILITY DESCRIBED IN PARAGRAPH (1)**  
15 **OF THIS SUBSECTION.**

16           **(C) THE LANDLORD OR PROPERTY OWNER IS RESPONSIBLE FOR THE**  
17 **INSTALLATION, REPAIR, MAINTENANCE, AND REPLACEMENT OF SMOKE ALARMS**  
18 **REQUIRED BY THIS SUBTITLE.**

19           **(D) OCCUPANTS OF A RESIDENTIAL OCCUPANCY MAY NOT REMOVE OR**  
20 **TAMPER WITH A REQUIRED SMOKE ALARM OR OTHERWISE RENDER THE SMOKE**  
21 **ALARM INOPERATIVE.**

22           **(E) (1) TESTING OF SMOKE ALARMS IS THE RESPONSIBILITY OF THE**  
23 **OCCUPANT OF THE RESIDENTIAL UNIT.**

24           **(2) A TENANT SHALL NOTIFY THE LANDLORD IN WRITING OF THE**  
25 **FAILURE OR MALFUNCTION OF A REQUIRED SMOKE ALARM.**

26           **(3) (i) THE LANDLORD SHALL PROVIDE WRITTEN**  
27 **ACKNOWLEDGMENT OF THE NOTIFICATION AND SHALL REPAIR OR REPLACE**  
28 **THE SMOKE ALARM WITHIN 5 CALENDAR DAYS AFTER THE NOTIFICATION.**

29           **(ii) THE WRITTEN NOTIFICATION REQUIRED UNDER**  
30 **SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE DELIVERED BY CERTIFIED**  
31 **MAIL, RETURN RECEIPT REQUESTED TO THE LANDLORD, OR BY HAND DELIVERY**  
32 **TO THE LANDLORD OR THE LANDLORD'S AGENT, AT THE ADDRESS USED FOR**  
33 **THE PAYMENT OF RENT.**

1                   **(III) IF THE DELIVERY OF THE NOTIFICATION IS MADE BY**  
2 **HAND AS DESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**  
3 **LANDLORD OR THE LANDLORD’S AGENT SHALL PROVIDE TO THE TENANT A**  
4 **WRITTEN RECEIPT FOR THE DELIVERY.**

5                   **(IV) THE LANDLORD SHALL PROVIDE WRITTEN**  
6 **ACKNOWLEDGMENT OF THE NOTIFICATION AND SHALL REPAIR OR REPLACE**  
7 **THE SMOKE ALARM WITHIN 5 CALENDAR DAYS AFTER THE NOTIFICATION.**

8           **(F) (1) IF A RESIDENTIAL UNIT DOES NOT CONTAIN ALTERNATING**  
9 **CURRENT (AC) PRIMARY ELECTRIC POWER, BATTERY OPERATED SMOKE**  
10 **ALARMS OR SMOKE ALARM OPERATION ON AN APPROVED ALTERNATE SOURCE**  
11 **OF POWER MAY BE PERMITTED.**

12                   **(2) BATTERY OPERATED SMOKE ALARMS SHALL BE SEALED,**  
13 **TAMPER RESISTANT UNITS INCORPORATING A SILENCE/HUSH BUTTON AND**  
14 **USING LONG-LIFE BATTERIES.**

15           **(G) A SMOKE ALARM MAY BE COMBINED WITH A CARBON MONOXIDE**  
16 **ALARM IF THE DEVICE COMPLIES WITH:**

17                   **(1) THIS SUBTITLE;**

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

19                   **(3) UNDERWRITERS LABORATORIES (UL) STANDARDS 217 AND**  
20 **2034.**

21 9–107.

22           Failure to comply with this subtitle may not be used as a policy defense in the  
23 settlement of a property insurance claim.

24 9–108.

25           (a) If [after investigating a fire in a one, two, or three family residential  
26 dwelling] the State Fire Marshal or [local investigating] **OTHER DESIGNATED**  
27 authority **WITH JURISDICTION** finds the absence of **OPERATING**, required smoke  
28 detectors, the State Fire Marshal or [local investigating] **OTHER** authority shall issue  
29 [to the occupant] a smoke [detection] **ALARM** installation order **TO THE**  
30 **RESPONSIBLE LANDLORD, OWNER, OR OCCUPANT.**

1 (b) [A] **THE RESPONSIBLE** person [may not fail to] **SHALL** comply with a  
2 smoke [detection] **ALARM** installation order within [15] **5 CALENDAR** days [of  
3 reoccupancy].

4 [(c) (1) A person who violates subsection (b) of this section is guilty of a  
5 misdemeanor and on conviction is subject to a fine not exceeding \$50.

6 (2) The penalty provision of § 9–109 of this subtitle does not apply to  
7 this section.]

8 9–109.

9 (a) A person may not knowingly violate this subtitle.

10 (b) A person who violates this section is guilty of a misdemeanor and on  
11 conviction is subject to imprisonment not exceeding 10 days or a fine not exceeding  
12 \$1,000 or both.

13 **Article – Real Property**

14 10–702.

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

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

20 (ii) Insulation;

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

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

24 (v) Infestation of wood–destroying insects;

25 (vi) Land use matters;

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

28 (viii) Any other material defects of which the vendor has actual  
29 knowledge;

1                    (ix) Whether the smoke [detectors] ALARMS:

2                    1. [will] WILL provide an alarm in the event of a power  
3 outage;

4                    2. ARE OVER 10 YEARS OLD; AND

5                    3. IF BATTERY OPERATED, ARE SEALED, TAMPER  
6 RESISTANT UNITS INCORPORATING A SILENCE/HUSH BUTTON AND USE  
7 LONG-LIFE BATTERIES AS REQUIRED IN ALL MARYLAND HOMES BY 2018; and

8                    (x) If the property relies on the combustion of a fossil fuel for  
9 heat, ventilation, hot water, or clothes dryer operation, whether a carbon monoxide  
10 alarm is installed on the property.

11                    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 July 1, 2013.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.