

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2031 Session of  
2011

INTRODUCED BY FARRY, CARROLL, COHEN, D. COSTA, DALEY, DeLUCA,  
DiGIROLAMO, DONATUCCI, GIBBONS, HARKINS, HORNAMAN, McGEEHAN,  
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NOVEMBER 28, 2011

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, NOVEMBER 28, 2011

AN ACT

1 Providing standards for carbon monoxide alarms; and imposing  
2 penalties.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Carbon  
7 Monoxide Alarm Standards Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall  
10 have the meanings given to them in this section unless the  
11 context clearly indicates otherwise:

12 "Approved carbon monoxide alarm." Includes:

13 (1) A single station carbon monoxide alarm listed as  
14 complying with ANSI/UL2034 installed in accordance with this  
15 act.

16 (2) A device that may be combined with a smoke alarm if  
17 the combined alarm complies with ANSI/UL2034 for carbon

monoxide alarms and ANSI/UL217 for smoke alarms and emits an alarm in a manner that clearly differentiates between detecting the presence of carbon monoxide and the presence of smoke.

"Fossil fuel." Coal, kerosene, oil, wood, fuel gases and other petroleum or hydrocarbon products which emit carbon monoxide as a by-product of combustion.

"Installed." A carbon monoxide alarm that is hardwired into the electrical wiring, directly plugged into an electrical outlet without a switch, other than a circuit breaker, or, if the alarm is battery-powered, attached to the wall or ceiling of a residential building in accordance with National Fire Protection Association (NFPA) 720.

"Multifamily dwelling." Any building or structure consisting of two or more dwelling units where the occupants are primarily permanent in nature and which is wholly or partly used or intended to be used for living or sleeping. The term excludes the following:

(1) Dormitories.

(2) Monasteries.

(3) Dwellings defined as "residential buildings" in this act.

"Operational." Working and in service.

"Residential building." Detached one-family and two-family dwellings and multiple single-family dwellings which are not more than three stories in height with a separate means of egress, which includes accessory structures.

Section 3. Administration.

Nothing in this act is intended to modify the authority and responsibilities of the Department of Labor and Industry under

the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act.

Section 4. Carbon monoxide alarm requirements.

(a) Existing residential building.--Each existing residential building having a fossil fuel-burning heater or appliance, fireplace or an attached garage sold after the effective date of this act shall have an operational and centrally located carbon monoxide detector installed in the vicinity of the bedrooms and the fossil fuel-burning heater or fireplace. Upon sale of a residential building the seller or buyer shall negotiate to ensure that the building is in compliance with the provisions of this section. The seller shall disclose information regarding the installation of carbon monoxide detectors on the property disclosure statement required by 68 Pa.C.S. Ch. 73 (relating to seller disclosures).

(b) Existing multifamily dwellings.--Each multifamily dwelling having a fossil fuel-burning heater or appliance, fireplace or an attached garage must have an operational, centrally located and approved carbon monoxide alarm installed in the vicinity of the bedrooms and the fossil fuel-burning heater or fireplace within one year of the effective date of this section.

Section 5. Carbon monoxide alarm requirements in rental properties.

(a) Owner responsibilities.--The owner of a residential building or multifamily dwelling having a fossil fuel-burning heater or appliance, fireplace or an attached garage used for rental purposes and required to be equipped with one or more carbon monoxide alarms shall:

(1) Provide and install an operational, centrally

1 located and approved carbon monoxide alarm in the vicinity of  
2 the bedrooms and the fossil fuel-burning heater or fireplace.

3 (2) Replace any required carbon monoxide alarm that has  
4 been stolen, removed, found missing or rendered inoperable  
5 during a prior occupancy of the rental property and which has  
6 not been replaced by the prior occupant before the  
7 commencement of a new occupancy of the rental property.

8 (3) Ensure that the batteries are in operating condition  
9 at the time the new occupant takes residence in the rental  
10 property.

11 (b) Maintenance, repair or replacement.--Except as provided  
12 in subsection (a), the owner of a residential building used for  
13 rental purposes is not responsible for the maintenance, repair  
14 or replacement of a carbon monoxide alarm or the care and  
15 replacement of batteries while the building is occupied.  
16 Responsibility for maintenance and repair of carbon monoxide  
17 alarms shall revert to the owner of the building upon vacancy of  
18 the rental property.

19 (c) Occupant responsibilities.--The occupant of each  
20 residential building and multifamily dwelling used for rental  
21 purposes in which an operational and approved carbon monoxide  
22 alarm has been provided must:

23 (1) Keep and maintain the device in good repair.

24 (2) Test the device.

25 (3) Replace batteries as needed.

26 (4) Replace any device that is stolen, removed, missing  
27 or rendered inoperable during the occupancy of the building.

28 (5) Notify the owner or the authorized agent of the  
29 owner in writing of any deficiencies pertaining to the carbon  
30 monoxide alarm.

1 Section 6. Enforcement.

2 (a) Failure to install or maintain.--Willful failure to  
3 install or maintain in operating condition any carbon monoxide  
4 alarm required by this act is a summary offense punishable by a  
5 fine of \$50.

6 (b) Tampering or removal.--Tampering with, removing,  
7 destroying, disconnecting or removing the batteries from any  
8 installed carbon monoxide alarm, except in the course of  
9 inspection, maintenance or replacement of the alarm, is a  
10 summary offense punishable by a fine of \$500 in the case of a  
11 first conviction and a misdemeanor of the third degree  
12 punishable by a fine of \$3,000 in the case of a second or  
13 subsequent conviction.

14 Section 7. Municipal requirements.

15 Nothing in this act shall be construed to prevent a  
16 municipality from adopting, by resolution, equal or more  
17 stringent requirements relating to carbon monoxide alarms.

18 Section 20. Effective date.

19 This act shall take effect January 1, 2012.