

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 920 Session of 2011

INTRODUCED BY BROWNE, SOLOBAY, FONTANA, STACK, COSTA AND
YUDICHAK, MARCH 30, 2011

REFERRED TO URBAN AFFAIRS AND HOUSING, MARCH 30, 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
18 monoxide alarms and ANSI/UL217 for smoke alarms and emits an

1 alarm in a manner that clearly differentiates between
2 detecting the presence of carbon monoxide and the presence of
3 smoke.

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

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

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

18 (1) Dormitories.

19 (2) Monasteries.

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

22 "Operational." Working and in service.

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

27 Section 3. Administration.

28 Nothing in this act is intended to modify the authority and
29 responsibilities of the Department of Labor and Industry under
30 the act of November 10, 1999 (P.L.491, No.45), known as the

1 Pennsylvania Construction Code Act.

2 Section 4. Carbon monoxide alarm requirements.

3 (a) Existing residential building.--Each existing
4 residential building having a fossil fuel-burning heater or
5 appliance, fireplace or an attached garage sold after the
6 effective date of this act shall have a carbon monoxide detector
7 installed in accordance with the provisions of the act of
8 November 10, 1999 (P.L.491, No.45), known as the Pennsylvania
9 Construction Code Act. Upon sale of a residential building the
10 seller shall ensure that the building is in compliance with the
11 provisions of this section. The seller shall disclose
12 information regarding the installation of carbon monoxide
13 detectors on the property disclosure statement required by 68
14 Pa.C.S. Ch. 73 (relating to seller disclosures).

15 (b) Existing multifamily dwellings.--Each multifamily
16 dwelling having a fossil fuel-burning heater or appliance,
17 fireplace or an attached garage must have an operational and
18 approved carbon monoxide alarm installed outside of each
19 separate sleeping area in the immediate vicinity of the bedrooms
20 within one year of the effective date of this section.

21 Section 5. Carbon monoxide alarm requirements in rental
22 properties.

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

28 (1) Provide and install an operational and approved
29 carbon monoxide alarm outside of each sleeping area in the
30 immediate vicinity of the bedrooms.

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

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

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

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

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

22 (2) Test the device.

23 (3) Replace batteries as needed.

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

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

29 Section 6. Enforcement.

30 (a) Failure to install or maintain.--Willful failure to

1 install or maintain in operating condition any carbon monoxide
2 alarm required by this act is a summary offense punishable by a
3 fine of \$50.

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

12 Section 7. Municipal administration and enforcement.

13 (a) General rule.--A municipality may, by resolution,
14 administer and enforce the provisions of this act.

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

18 Section 20. Effective date.

19 This act shall take effect January 1, 2012.