

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2140 Session of
2003

INTRODUCED BY BARD, GINGRICH, BROWNE, YOUNGBLOOD, WOJNAROSKI,
CURRY, GOODMAN, HORSEY, KENNEY AND MELIO, OCTOBER 27, 2003

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, OCTOBER 27, 2003

AN ACT

1 Amending Title 68 (Real and Personal Property) of the
2 Pennsylvania Consolidated Statutes, providing for the
3 disclosure of the existence of carbon monoxide sensor devices
4 in certain residential properties.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 68 of the Pennsylvania Consolidated
8 Statutes is amended by adding a chapter to read:

9 CHAPTER 77

10 CARBON MONOXIDE SENSOR DEVICES

11 Sec.

12 7701. Definitions.

13 7702. Carbon monoxide sensor device disclosure.

14 7703. Delivery of affidavit.

15 7704. Violation.

16 § 7701. Definitions.

17 The following words and phrases when used in this chapter
18 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Buyer." Any person receiving any estate or interest in real
3 property in a residential real estate transfer.

4 "Carbon monoxide sensor device." A carbon monoxide alarm or
5 detector bearing the label of a nationally recognized testing
6 laboratory and that has been tested and listed as complying with
7 the most recent Underwriters Laboratories Standard 2034 or its
8 equivalent.

9 "Residential real estate." Any real property located within
10 this Commonwealth that is a dwelling, including, but not limited
11 to, a single-family dwelling, a single unit located within any
12 multifamily dwelling, a condominium or a cooperative unit. This
13 term shall not include:

14 (1) Any real property that does not rely, in whole or in
15 part, on the combustion of wood or fossil fuel for heat,
16 cooking, ventilation or hot water.

17 (2) Any real property that is heated by steam, hot water
18 or electric heat and is not conducted by ductwork or
19 ventilation shafts to any room containing a wood or fossil
20 fuel-burning heating unit.

21 "Residential real estate transfer." The transfer of any
22 residential real estate by sale, exchange, installment sales
23 contract or grant. This term shall not include transfers by a
24 fiduciary in the course of the administration of a decedent's
25 estate, guardianship, conservatorship or trust.

26 "Seller." Any person transferring any estate or interest in
27 real property in a residential real estate transfer.

28 "Sufficiently equipped." Having at least one operating
29 carbon monoxide sensor device for each floor in a single-family
30 dwelling or for each floor of each unit in a multifamily

1 dwelling, including basements and attic floors.

2 § 7702. Carbon monoxide sensor device disclosure.

3 (a) General rule.--Any seller who intends to transfer
4 residential real estate shall not sign any agreement of transfer
5 for the residential real estate prior to providing the buyer
6 with a sworn affidavit pertaining to the residential real estate
7 proposed to be transferred certifying that the residential real
8 estate is sufficiently equipped with carbon monoxide sensor
9 devices and in a form substantially similar to the following:

10 CARBON MONOXIDE SENSOR DEVICE AFFIDAVIT

11 I/We hereby certify that
12 the residential real estate located at
13 to be transferred to
14 is equipped with at least
15 one operating carbon monoxide sensor device for each
16 floor, if a single-family dwelling, or each floor of each
17 unit if a multifamily dwelling, including basements and
18 attic floors, in compliance with 68 Pa.C.S. Ch. 77
19 (relating to carbon monoxide sensor devices).

20 Sworn to and certified before me this day of ,
21 20 .

22 Notary

23 (b) Promulgation.--The Real Estate Commission shall
24 promulgate the carbon monoxide sensor device affidavit provided
25 for in this section.

26 § 7703. Delivery of affidavit.

27 (a) Method of delivery.--The seller shall deliver the carbon
28 monoxide sensor device affidavit to the buyer by personal
29 delivery; first class mail; certified mail, return receipt
30 requested; or facsimile transmission to the buyer or the buyer's

1 agent.

2 (b) Parties to whom delivered.--For purposes of this
3 chapter, delivery to one prospective buyer or buyer's agent is
4 deemed delivery to all persons intending to take title as
5 cotenants, joint tenants or as a tenant by the entirety with
6 the buyer. Receipt may be acknowledged on the statement, in an
7 agreement of transfer for the residential real estate or shown
8 in any other verifiable manner.

9 § 7704. Violation.

10 (a) General rule.--A residential real estate transfer shall
11 not be invalidated because of the failure of any seller to
12 comply with the provisions herein. However, any person who
13 willfully or negligently violates or fails to perform any duty
14 prescribed by the provisions of this chapter may be liable for
15 actual damages suffered by the buyer as a result of a violation
16 of this chapter. This chapter shall not be construed to restrict
17 or expand the authority of a court to impose punitive damages or
18 apply other remedies applicable under any other provision of
19 law.

20 (b) Statute of limitations.--An action for damages as a
21 result of a violation of this chapter must be commenced within
22 two years after the date of final settlement.

23 Section 2. This act shall apply to agreements for the
24 transfer of residential real estate executed after the effective
25 date of this act.

26 Section 3. This act shall take effect in 90 days.