

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1445 Session of
2009

INTRODUCED BY SOLOBAY, BRENNAN, BRIGGS, CALTAGIRONE, COHEN,
D. COSTA, CRUZ, GINGRICH, GOODMAN, HARHAI, HORNAMAN, KOTIK,
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YOUNGBLOOD, KORTZ, MAHONEY, K. SMITH, THOMAS, GEIST, BEYER,
BROWN, ADOLPH, MIRABITO, HELM AND FARRY, MAY 5, 2009

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JANUARY 25, 2010

AN ACT

1 Providing standards for carbon monoxide alarms and for powers
2 and duties of the Department of Labor and Industry; and
3 imposing penalties.

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

6 ~~Section 1. Short title.~~



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

9 ~~Section 2. Definitions.~~

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

13 ~~"Approved carbon monoxide alarm." A device:~~

14 ~~(1) Listed by a nationally recognized testing laboratory~~
15 ~~that is Occupational Safety and Health Administration (OSHA)-~~
16 ~~approved to test and certify to American National Standards.~~

~~(2) That may be combined with smoke alarms if 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.~~

~~"Department." The Department of Labor and Industry of the Commonwealth.~~

~~"Dwelling." Any building or structure that contains at least one dwelling unit used, designed to be used, rented, leased, occupied or intended for living purposes.~~

~~"Dwelling unit." A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.~~

~~"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 the dwelling 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) Boarding houses.~~

~~(2) Dormitories.~~

~~(3) Fraternities.~~

~~(4) Monasteries.~~

~~"Operational." Working and in service in accordance with
manufacturer instructions.~~

~~"Single family dwelling." Any building or structure
consisting of one dwelling unit where the occupants are
primarily permanent in nature and which is wholly or partly used
or intended to be used for living or sleeping.~~

~~Section 3. Administration.~~

~~The department shall administer the provisions of this act
and may develop regulations for the implementation of this act.~~

~~Section 4. Carbon monoxide alarm requirements.~~

~~(a) Existing dwelling units. Each single family dwelling
and multifamily dwelling having a fossil fuel burning heater or
appliance, fireplace or an attached garage must have an
operational and approved carbon monoxide alarm installed in
accordance with the manufacturer's installation instructions
within ten feet of each room principally used for sleeping
purposes. The following apply:~~

~~(1) Owners of single family dwellings shall install an
approved carbon monoxide alarm at the earliest of the
following:~~

~~(i) At the issuance of a permit for interior
alterations, repairs, fossil fuel fired appliance
replacements or where one or more sleeping rooms are
added or created.~~

~~(ii) Upon the sale of the dwelling.~~

~~(iii) Within one year of the effective date of this
act.~~

~~(2) Owners of multifamily dwellings shall install an~~

~~approved carbon monoxide alarm within 120 days of the
enactment of this act.~~

~~(b) New construction. All single family dwellings and
dwelling units in a multifamily structure for which a building
permit is issued for new construction and having a fossil fuel
burning heater or appliance, fireplace or an attached garage
must have an operational and approved carbon monoxide alarm
installed in accordance with the manufacturer's installation
instructions within ten feet of each room principally used for
sleeping purposes prior to occupancy.~~

~~Section 5. Carbon monoxide alarm requirements in rental
properties.~~

~~(a) Owner responsibilities. The owner of a single family
dwelling or dwelling unit in a multifamily structure 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 in accordance with the
manufacturer's installation instructions one operational and
approved carbon monoxide alarm within ten feet of each room
principally used for sleeping.~~

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

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

~~(b) Carbon monoxide alarm alternative for rental~~

1 ~~properties. In lieu of the requirements of subsection (a), an~~
2 ~~owner of a multifamily dwelling may have a department approved~~
3 ~~carbon monoxide alarm installed in accordance with the~~
4 ~~manufacturer's installation instructions between ten and 25 feet~~
5 ~~of carbon monoxide producing central fixtures and equipment,~~
6 ~~provided that there is a centralized alarm system or other~~
7 ~~mechanism for all residents to hear or see at all times.~~

8 ~~(c) Maintenance, repair or replacement. Except as provided~~
9 ~~in subsection (a), the owner of a single family dwelling or~~
10 ~~multifamily dwelling unit used for rental purposes is not~~
11 ~~responsible for the maintenance, repair or replacement of a~~
12 ~~carbon monoxide alarm or the care and replacement of batteries~~
13 ~~while the dwelling is occupied. Responsibility for maintenance~~
14 ~~and repair of carbon monoxide alarms shall revert to the owner~~
15 ~~of the dwelling upon vacancy of the rental property.~~

16 ~~(d) Occupant responsibilities. The occupant of each single~~
17 ~~family dwelling or multifamily dwelling unit used for rental~~
18 ~~purposes in which an operational and approved carbon monoxide~~
19 ~~alarm has been provided and installed in accordance with the~~
20 ~~manufacturer's installation instructions 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 in accordance with the~~
25 ~~manufacturer's installation instructions that is stolen,~~
26 ~~removed, missing or rendered inoperable during the occupancy~~
27 ~~of the dwelling or dwelling unit.~~

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.~~

~~Section 6. Violations.~~

~~(a) Failure to install or maintain. Willful failure to install or maintain in operating condition any carbon monoxide alarm required by this act is a summary offense.~~

~~(b) Tampering or removal. Tampering with, removing, destroying, disconnecting or removing the batteries from any installed carbon monoxide alarm, except in the course of inspection, maintenance, or replacement of the alarm, is a summary offense in the case of a first conviction and a misdemeanor of the third degree in the case of a second or subsequent conviction.~~

~~Section 7. Municipal regulation.~~

~~This act does not prevent a county or municipality from enacting more stringent requirements relating to carbon monoxide alarms.~~

~~Section 8. Effective date.~~

~~This act shall take effect in 120 days.~~

SECTION 1. SHORT TITLE.

THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE CARBON MONOXIDE ALARM STANDARDS ACT.

SECTION 2. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

"APPROVED CARBON MONOXIDE ALARM." INCLUDES:

(1) A SINGLE STATION CARBON MONOXIDE ALARM LISTED AS COMPLYING WITH ANSI/UL2034 INSTALLED IN ACCORDANCE WITH THIS ACT.

(2) A DEVICE THAT MAY BE COMBINED WITH A SMOKE ALARM IF THE COMBINED ALARM COMPLIES WITH ANSI/UL2034 FOR CARBON



1 MONOXIDE ALARMS AND ANSI/UL217 FOR SMOKE ALARMS AND EMITS AN
2 ALARM IN A MANNER THAT CLEARLY DIFFERENTIATES BETWEEN
3 DETECTING THE PRESENCE OF CARBON MONOXIDE AND THE PRESENCE OF
4 SMOKE.

5 "FOSSIL FUEL." COAL, KEROSENE, OIL, WOOD, FUEL GASES AND
6 OTHER PETROLEUM OR HYDROCARBON PRODUCTS WHICH EMIT CARBON
7 MONOXIDE AS A BY-PRODUCT OF COMBUSTION.

8 "INSTALLED." A CARBON MONOXIDE ALARM THAT IS HARDWIRED INTO
9 THE ELECTRICAL WIRING, DIRECTLY PLUGGED INTO AN ELECTRICAL
10 OUTLET WITHOUT A SWITCH, OTHER THAN A CIRCUIT BREAKER, OR, IF
11 THE ALARM IS BATTERY-POWERED, ATTACHED TO THE WALL OR CEILING OF
12 A RESIDENTIAL BUILDING IN ACCORDANCE WITH NATIONAL FIRE
13 PROTECTION ASSOCIATION (NFPA) 720.

14 "OPERATIONAL." WORKING AND IN SERVICE.

15 "RESIDENTIAL BUILDING." DETACHED ONE-FAMILY AND TWO-FAMILY
16 DWELLINGS AND MULTIPLE SINGLE-FAMILY DWELLINGS WHICH ARE NOT
17 MORE THAN THREE STORIES IN HEIGHT WITH A SEPARATE MEANS OF
18 EGRESS, WHICH INCLUDES ACCESSORY STRUCTURES.

19 SECTION 3. ADMINISTRATION.

20 NOTHING IN THIS ACT IS INTENDED TO MODIFY THE AUTHORITY AND
21 RESPONSIBILITIES OF THE DEPARTMENT OF LABOR AND INDUSTRY UNDER
22 THE ACT OF NOVEMBER 10, 1999 (P.L.491, NO.45), KNOWN AS THE
23 PENNSYLVANIA CONSTRUCTION CODE ACT.

24 SECTION 4. CARBON MONOXIDE ALARM REQUIREMENTS.

25 (A) EXISTING BUILDINGS.--EACH RESIDENTIAL BUILDING HAVING A
26 FOSSIL FUEL-BURNING HEATER OR APPLIANCE, FIREPLACE OR AN
27 ATTACHED GARAGE MUST HAVE AN OPERATIONAL AND APPROVED CARBON
28 MONOXIDE ALARM INSTALLED OUTSIDE OF EACH SEPARATE SLEEPING AREA
29 IN THE IMMEDIATE VICINITY OF THE BEDROOMS. THE FOLLOWING APPLY:

30 (1) OWNERS OF RESIDENTIAL BUILDINGS SHALL INSTALL A

1 MINIMUM OF ONE APPROVED CARBON MONOXIDE ALARM PER RESIDENCE
2 WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS ACT.

3 (2) UPON THE SALE OF A RESIDENTIAL BUILDING, THE SELLER
4 SHALL ENSURE THAT THE BUILDING IS IN COMPLIANCE WITH THE
5 PROVISIONS OF THIS ACT. THE SELLER SHALL DISCLOSE INFORMATION
6 REGARDING THE INSTALLATION OF CARBON MONOXIDE DETECTORS ON
7 THE PROPERTY DISCLOSURE STATEMENT REQUIRED BY 68 PA.C.S. CH.
8 73 (RELATING TO SELLER DISCLOSURES).

9 (B) NEW CONSTRUCTION.--ALL NEW RESIDENTIAL BUILDINGS
10 PERMITTED UNDER THE INTERNATIONAL RESIDENTIAL CODE ARE TO COMPLY
11 WITH THE REQUIREMENTS OF THE MOST CURRENT EDITION OF THE ICC
12 INTERNATIONAL RESIDENTIAL CODE FOR INSTALLATION AND PLACEMENT OF
13 CARBON MONOXIDE DETECTORS.

14 SECTION 5. CARBON MONOXIDE ALARM REQUIREMENTS IN RENTAL
15 PROPERTIES.

16 (A) OWNER RESPONSIBILITIES.--THE OWNER OF A RESIDENTIAL
17 BUILDING HAVING A FOSSIL FUEL-BURNING HEATER OR APPLIANCE,
18 FIREPLACE OR AN ATTACHED GARAGE USED FOR RENTAL PURPOSES AND
19 REQUIRED TO BE EQUIPPED WITH ONE OR MORE CARBON MONOXIDE ALARMS
20 SHALL:

21 (1) PROVIDE AND INSTALL AN OPERATIONAL AND APPROVED
22 CARBON MONOXIDE ALARM OUTSIDE OF EACH SLEEPING AREA IN THE
23 IMMEDIATE VICINITY OF THE BEDROOMS.

24 (2) REPLACE ANY REQUIRED CARBON MONOXIDE ALARM THAT HAS
25 BEEN STOLEN, REMOVED, FOUND MISSING OR RENDERED INOPERABLE
26 DURING A PRIOR OCCUPANCY OF THE RENTAL PROPERTY AND WHICH HAS
27 NOT BEEN REPLACED BY THE PRIOR OCCUPANT BEFORE THE
28 COMMENCEMENT OF A NEW OCCUPANCY OF THE RENTAL PROPERTY.

29 (3) ENSURE THAT THE BATTERIES ARE IN OPERATING CONDITION
30 AT THE TIME THE NEW OCCUPANT TAKES RESIDENCE IN THE RENTAL

PROPERTY.

(B) MAINTENANCE, REPAIR OR REPLACEMENT.--EXCEPT AS PROVIDED IN SUBSECTION (A), THE OWNER OF A RESIDENTIAL BUILDING USED FOR RENTAL PURPOSES IS NOT RESPONSIBLE FOR THE MAINTENANCE, REPAIR OR REPLACEMENT OF A CARBON MONOXIDE ALARM OR THE CARE AND REPLACEMENT OF BATTERIES WHILE THE BUILDING IS OCCUPIED. RESPONSIBILITY FOR MAINTENANCE AND REPAIR OF CARBON MONOXIDE ALARMS SHALL REVERT TO THE OWNER OF THE BUILDING UPON VACANCY OF THE RENTAL PROPERTY.

(C) OCCUPANT RESPONSIBILITIES.--THE OCCUPANT OF EACH RESIDENTIAL BUILDING USED FOR RENTAL PURPOSES IN WHICH AN OPERATIONAL AND APPROVED CARBON MONOXIDE ALARM HAS BEEN PROVIDED MUST:

(1) KEEP AND MAINTAIN THE DEVICE IN GOOD REPAIR.

(2) TEST THE DEVICE.

(3) REPLACE BATTERIES AS NEEDED.

(4) REPLACE ANY DEVICE THAT IS STOLEN, REMOVED, MISSING OR RENDERED INOPERABLE DURING THE OCCUPANCY OF THE BUILDING.

(5) NOTIFY THE OWNER OR THE AUTHORIZED AGENT OF THE OWNER IN WRITING OF ANY DEFICIENCIES PERTAINING TO THE CARBON MONOXIDE ALARM.

SECTION 6. ENFORCEMENT.

(A) FAILURE TO INSTALL OR MAINTAIN.--WILLFUL FAILURE TO INSTALL OR MAINTAIN IN OPERATING CONDITION ANY CARBON MONOXIDE ALARM REQUIRED BY THIS ACT IS A SUMMARY OFFENSE PUNISHABLE BY A FINE OF \$500.

(B) TAMPERING OR REMOVAL.--TAMPERING WITH, REMOVING, DESTROYING, DISCONNECTING OR REMOVING THE BATTERIES FROM ANY INSTALLED CARBON MONOXIDE ALARM, EXCEPT IN THE COURSE OF INSPECTION, MAINTENANCE OR REPLACEMENT OF THE ALARM, IS A

1 SUMMARY OFFENSE PUNISHABLE BY A FINE OF \$500 IN THE CASE OF A
2 FIRST CONVICTION AND A MISDEMEANOR OF THE THIRD DEGREE
3 PUNISHABLE BY A FINE OF \$3,000 IN THE CASE OF A SECOND OR
4 SUBSEQUENT CONVICTION.

5 SECTION 7. MUNICIPAL ADMINISTRATION AND ENFORCEMENT.

6 (A) GENERAL RULE.--A MUNICIPALITY MAY, BY RESOLUTION,
7 ADMINISTER AND ENFORCE THE PROVISIONS OF THIS ACT.

8 (B) CONSTRUCTION.--NOTHING IN THIS ACT SHALL BE CONSTRUED TO
9 PREVENT A MUNICIPALITY FROM ADOPTING, BY RESOLUTION, EQUAL OR
10 MORE STRINGENT REQUIREMENTS RELATING TO CARBON MONOXIDE ALARMS.

11 SECTION 8. EFFECTIVE DATE.

12 THIS ACT SHALL TAKE EFFECT IN 120 DAYS.