

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 920 Session of 2011

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

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, JUNE 11,
2012

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 "APARTMENT." A ROOM OR SUITE OF TWO OR MORE ROOMS, OCCUPIED
13 OR LEASED FOR OCCUPATION, OR INTENDED OR DESIGNED TO BE
14 OCCUPIED, AS A DOMICILE.

15 "Approved carbon monoxide alarm." Includes:

16 (1) A single station carbon monoxide alarm listed as
17 complying with ANSI/UL2034 installed in accordance with this

1 act.

2 (2) A device that may be combined with a smoke alarm if
3 the combined alarm complies with ANSI/UL2034 for carbon
4 monoxide alarms and ANSI/UL217 for smoke alarms and emits an
5 alarm in a manner that clearly differentiates between
6 detecting the presence of carbon monoxide and the presence of
7 smoke.

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

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

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

22 ~~(1) Dormitories.~~

23 ~~(2) Monasteries.~~

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

26 "MULTIFAMILY DWELLING." ANY HOUSE OR BUILDING, OR PORTION ←
27 THEREOF, THAT IS INTENDED OR DESIGNED TO BE OCCUPIED OR LEASED
28 FOR OCCUPATION, OR OCCUPIED AS A HOME OR RESIDENCE FOR THREE OR
29 MORE HOUSEHOLDS LIVING IN SEPARATE APARTMENTS THAT THEY ARE
30 COOKING ON THE PREMISES. THE TERM EXCLUDES THE FOLLOWING:

1 (1) DORMITORIES.

2 (2) MONASTERIES.

3 "Operational." Working and in service.

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

8 Section 3. Administration.

9 Nothing in this act is intended to modify the authority and
10 responsibilities of the Department of Labor and Industry under
11 the act of November 10, 1999 (P.L.491, No.45), known as the
12 Pennsylvania Construction Code Act.

13 Section 4. Carbon monoxide alarm requirements.

14 ~~(a) Existing residential building. Each existing~~ ←
15 ~~residential building having a fossil fuel burning heater or~~
16 ~~appliance, fireplace or an attached garage sold after the~~
17 ~~effective date of this act shall have an operational and~~
18 ~~centrally located carbon monoxide detector installed in the~~
19 ~~vicinity of the bedrooms and the fossil fuel burning heater or~~
20 ~~fireplace. Upon sale of a residential building the seller or~~
21 ~~buyer shall negotiate to ensure that the building is in~~
22 ~~compliance with the provisions of this section. The~~

23 (A) RESIDENTIAL BUILDING.--UPON THE SALE OF A RESIDENTIAL ←
24 BUILDING, THE seller shall disclose information regarding the
25 installation of carbon monoxide detectors on the property
26 disclosure statement required by 68 Pa.C.S. Ch. 73 (relating to
27 seller disclosures).

28 (b) ~~Existing multifamily dwellings. Each MULTIFAMILY~~ ←
29 DWELLINGS.--EACH APARTMENT IN A multifamily dwelling ~~having,~~ ←
30 WHICH USES a fossil fuel-burning heater or appliance, fireplace ←

1 or an attached garage, must have an operational, centrally
2 located and approved carbon monoxide alarm installed in the
3 vicinity of the bedrooms and the fossil fuel-burning heater or
4 fireplace within one year of the effective date of this ~~section~~
5 ACT.

6 Section 5. Carbon monoxide alarm requirements in rental
7 properties.

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

13 (1) Provide and install an operational, centrally
14 located and approved carbon monoxide alarm in the vicinity of
15 the bedrooms and the fossil fuel-burning heater or fireplace.

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

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

24 (b) Maintenance, repair or replacement.--Except as provided
25 in subsection (a), the owner of a ~~residential building~~
26 MULTIFAMILY DWELLING used for rental purposes is not responsible
27 for the maintenance, repair or replacement of a carbon monoxide
28 alarm or the care and replacement of batteries while the
29 building is occupied. Responsibility for maintenance and repair
30 of carbon monoxide alarms shall revert to the owner of the

1 building upon vacancy of the rental property.

2 (c) Occupant responsibilities.--The occupant of each
3 ~~residential building and~~ multifamily dwelling used for rental
4 purposes in which an operational and approved carbon monoxide
5 alarm has been provided must:

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

7 (2) Test the device.

8 (3) Replace batteries as needed.

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

11 (5) Notify the owner or the authorized agent of the
12 owner in writing of any deficiencies pertaining to the carbon
13 monoxide alarm.

14 Section 6. Enforcement.

15 ~~(a) Failure to install or maintain.~~ Willful failure to
16 install or maintain in operating condition any carbon monoxide
17 alarm required by this act is a summary offense punishable by a
18 fine of UP TO \$50.

19 ~~(b) Tampering or removal. Tampering with, removing,~~
20 ~~destroying, disconnecting or removing the batteries from any~~
21 ~~installed carbon monoxide alarm, except in the course of~~
22 ~~inspection, maintenance or replacement of the alarm, is a~~
23 ~~summary offense punishable by a fine of \$500 in the case of a~~
24 ~~first conviction and a misdemeanor of the third degree~~
25 ~~punishable by a fine of \$3,000 in the case of a second or~~
26 ~~subsequent conviction.~~

27 Section 7. Municipal requirements.

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

1 Section 20. Effective date.

2 This act shall take effect ~~January 1, 2012~~ IMMEDIATELY.

