

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1432 Session of  
2010

INTRODUCED BY LOGAN, FERLO, FARNESE, HUGHES, PIPPY, COSTA,  
TARTAGLIONE, WASHINGTON, KITCHEN AND FONTANA, JULY 8, 2010

REFERRED TO URBAN AFFAIRS AND HOUSING, JULY 8, 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." Includes:

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

17 (2) A device that may be combined with a smoke alarm if  
18 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.

"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 buildings.--Each residential building having a fossil fuel-burning heater or appliance, fireplace or an attached garage must have an operational and approved carbon monoxide alarm installed outside of each separate sleeping area in the immediate vicinity of the bedrooms. The following apply:

(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 alarms on the  
7 property disclosure statement required by 68 Pa.C.S. Ch. 73  
8 (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 alarms.

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 up to \$50.

(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 January 1, 2011.