

Senate Study Bill 3023 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

A BILL FOR

1 An Act requiring carbon monoxide detectors in certain dwellings
2 and multiple-unit residential buildings, making penalties
3 applicable, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 100.18, subsection 1, Code 2009, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *Oa.* "Carbon monoxide detector" means a
4 device which detects carbon monoxide and which incorporates
5 control equipment and an alarm-sounding unit operated from a
6 power supply either in the unit or obtained at the point of
7 installation.

8 Sec. 2. Section 100.18, Code 2009, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. 2A. *a.* Multiple-unit residential buildings
11 and single-family dwellings, the construction of which is
12 begun on or after July 1, 2011, shall include the installation
13 of carbon monoxide detectors in compliance with the rules
14 established by the state fire marshal under subsection 4.

15 *b.* The rules shall require the installation of carbon
16 monoxide detectors in existing single-family rental units and
17 multiple-unit residential buildings. Existing single-family
18 dwellings shall be equipped with approved carbon monoxide
19 detectors. A person who files for a homestead credit pursuant
20 to chapter 425 shall certify that the single-family dwelling
21 for which the credit is filed has a carbon monoxide detector
22 installed in compliance with this section, or that one will be
23 installed within thirty days of the date the filing for the
24 credit is made. The state fire marshal shall adopt rules and
25 establish appropriate procedures to administer this subsection.

26 *c.* An owner or an owner's agent of a multiple-unit
27 residential building or a single-family rental unit shall
28 supply light-emitting carbon monoxide detectors, upon request,
29 for a tenant with a hearing impairment.

30 Sec. 3. Section 100.18, subsections 4, 6, and 7, Code 2009,
31 are amended to read as follows:

32 4. The state fire marshal shall enforce the requirements
33 of ~~subsection~~ subsections 2 and 2A and may implement a program
34 of inspections to monitor compliance with the provisions
35 of ~~that subsection~~ those subsections. Upon inspection,

1 the state fire marshal shall issue a written notice to the
2 owner or manager of a multiple-unit residential building or
3 single-family ~~dwelling~~ rental unit informing the owner or
4 manager of compliance or noncompliance with this section. The
5 state fire marshal may contract with any political subdivision
6 without fee assessed to either the state fire marshal or the
7 political subdivision, for the performance of the inspection
8 and notification responsibilities. The inspections authorized
9 under this section are limited to the placement, repair, and
10 operability of smoke detectors and carbon monoxide detectors.
11 Any broader inspection authority is not derived from this
12 section. The state fire marshal shall adopt rules under
13 chapter 17A as necessary to enforce this section including
14 rules concerning the placement of smoke detectors and carbon
15 monoxide detectors and the use of acceptable smoke detectors
16 and carbon monoxide detectors. The smoke detectors and
17 carbon monoxide detectors shall display a label or other
18 identification issued by an approved testing agency or another
19 label specifically approved by the state fire marshal.

20 6. If a smoke detector or carbon monoxide detector is found
21 to be inoperable, the owner or manager of the multiple-unit
22 residential building or single-family ~~dwelling~~ rental
23 unit shall correct the situation within fourteen days after
24 written notification to the owner or manager by the tenant,
25 guest, roomer, state fire marshal, fire marshal's subordinates,
26 chiefs of local fire departments, building inspectors, or other
27 fire, building, or safety officials. If the owner or manager
28 of a multiple-unit residential building or single-family rental
29 unit fails to correct the situation within the fourteen days
30 the tenant, guest, or roomer may cause the smoke detector or
31 carbon monoxide detector to be repaired or purchase and install
32 a smoke detector or carbon monoxide detector required under
33 this section and may deduct the repair cost or purchase price
34 from the next rental payment or payments made by the tenant,
35 guest, or roomer. However, a lessor or owner may require a

1 lessee, tenant, guest, or roomer who has a residency of longer
2 than thirty days to provide the battery for a battery operated
3 smoke detector or carbon monoxide detector.

4 7. No person may render inoperable a smoke detector, or
5 carbon monoxide detector which is required to be installed by
6 this section, by tampering.

7 Sec. 4. EFFECTIVE DATE. This Act takes effect July 1, 2011.

8

EXPLANATION

9 This bill amends current law that requires smoke detectors
10 in multiple-unit residential buildings and single-family
11 dwellings to also require the installation of carbon monoxide
12 detectors, as defined in the bill, in such buildings.

13 The bill requires the installation of carbon monoxide
14 detectors in multiple-unit residential buildings and
15 single-family dwellings constructed on or after July 1, 2011.
16 In addition, the state fire marshal shall adopt rules for
17 the installation of carbon monoxide detectors in existing
18 multiple-unit residential buildings and single-family rental
19 units. The owner of a single-family dwelling is responsible
20 for installing a carbon monoxide detector and shall certify
21 such installation upon filing for a homestead credit. Owners
22 of multiple-unit residential buildings and single-family
23 rental units are also required to supply light-emitting carbon
24 monoxide detectors for hearing-impaired tenants.

25 Current requirements applicable to smoke detectors are also
26 made applicable to carbon monoxide detectors in the bill. The
27 bill provides that the state fire marshal shall enforce the
28 requirements of the bill concerning carbon monoxide detectors
29 and provides that an occupant of a multiple-unit residential
30 building or single-family rental unit in which the owner fails
31 to install or fix a carbon monoxide detector within 14 days
32 of receiving written notice may deduct the cost of fixing or
33 installing a carbon monoxide detector from the next rental
34 payment. In addition, a person is prohibited from making a
35 carbon monoxide detector inoperable. A person who violates a

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1 provision of the bill concerning carbon monoxide detectors is
2 guilty of a simple misdemeanor.

3 The bill takes effect July 1, 2011.