

House Study Bill 539 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON VANDER LINDEN)

A BILL FOR

1 An Act requiring carbon monoxide alarms 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 2016, is
2 amended by adding the following new paragraphs:

3 NEW PARAGRAPH. *0a.* "*Carbon monoxide alarm*" 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 NEW PARAGRAPH. *0b.* "*Fuel*" means coal, kerosene, oil, fuel
9 gases, or other petroleum products or hydrocarbon products
10 such as wood that emit carbon monoxide as a by-product of
11 combustion.

12 Sec. 2. Section 100.18, Code 2016, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 2A. *a.* Multiple-unit residential buildings
15 and single-family dwellings, the construction of which is begun
16 on or after July 1, 2017, and that have a fuel-fired heater or
17 appliance, a fireplace, or an attached garage, shall include
18 the installation of carbon monoxide alarms in compliance
19 with the rules established by the state fire marshal under
20 subsection 4.

21 *b.* The rules shall require the installation of carbon
22 monoxide alarms in existing single-family rental units and
23 multiple-unit residential buildings that have a fuel-fired
24 heater or appliance, a fireplace, or an attached garage.
25 Existing single-family dwellings that have a fuel-fired heater
26 or appliance, a fireplace, or an attached garage shall be
27 equipped with approved carbon monoxide alarms. A person who
28 files for a homestead credit pursuant to chapter 425 shall
29 certify that the single-family dwelling for which the credit
30 is filed and that has a fuel-fired heater or appliance, a
31 fireplace, or an attached garage, has carbon monoxide alarms
32 installed in compliance with this section, or that such alarms
33 will be installed within thirty days of the date the filing
34 for the credit is made. The state fire marshal shall adopt
35 rules and establish appropriate procedures to administer this

1 subsection.

2 *c.* An owner of a multiple-unit residential building or
3 a single-family rental unit that has a fuel-fired heater or
4 appliance, a fireplace, or an attached garage, or an owner's
5 agent, shall supply light-emitting carbon monoxide alarms, upon
6 request, for a tenant with a hearing impairment.

7 *d.* The owner of a building requiring the installation of
8 carbon monoxide alarms under this subsection shall install a
9 carbon monoxide alarm within fifteen feet of the entrance of
10 each room in the building lawfully used for sleeping purposes
11 or in a location as specified by rules established by the state
12 fire marshal under subsection 4.

13 Sec. 3. Section 100.18, subsections 4, 6, and 7, Code 2016,
14 are amended to read as follows:

15 4. The state fire marshal shall enforce the requirements
16 of ~~subsection~~ subsections 2 and 2A and may implement a program
17 of inspections to monitor compliance with the provisions
18 of ~~that subsection~~ those subsections. Upon inspection,
19 the state fire marshal shall issue a written notice to the
20 owner or manager of a multiple-unit residential building or
21 single-family ~~dwelling~~ rental unit informing the owner or
22 manager of compliance or noncompliance with this section. The
23 state fire marshal may contract with any political subdivision
24 without fee assessed to either the state fire marshal or the
25 political subdivision, for the performance of the inspection
26 and notification responsibilities. The inspections authorized
27 under this section are limited to the placement, repair, and
28 operability of smoke detectors and carbon monoxide alarms. Any
29 broader inspection authority is not derived from this section.
30 The state fire marshal shall adopt rules under chapter 17A as
31 necessary to enforce this section including rules concerning
32 the placement of smoke detectors and carbon monoxide alarms
33 and the use of acceptable smoke detectors and carbon monoxide
34 alarms. The smoke detectors and carbon monoxide alarms shall
35 display a label or other identification issued by an approved

1 testing agency or another label specifically approved by the
2 state fire marshal.

3 6. If a smoke detector or carbon monoxide alarm is found
4 to be inoperable, the owner or manager of the multiple-unit
5 residential building or single-family dwelling rental unit
6 shall correct the situation within fourteen days after written
7 notification to the owner or manager by the tenant, guest,
8 roomer, state fire marshal, fire marshal's subordinates, chiefs
9 of local fire departments, building inspectors, or other fire,
10 building, or safety officials. If the owner or manager of
11 a multiple-unit residential building or single-family rental
12 unit fails to correct the situation within the fourteen days
13 the tenant, guest, or roomer may cause the smoke detector or
14 carbon monoxide alarm to be repaired or purchase and install
15 a smoke detector or carbon monoxide alarm required under this
16 section and may deduct the repair cost or purchase price from
17 the next rental payment or payments made by the tenant, guest,
18 or roomer. However, a lessor or owner may require a lessee,
19 tenant, guest, or roomer who has a residency of longer than
20 thirty days to provide the battery for a battery operated smoke
21 detector or carbon monoxide alarm.

22 7. No person may render inoperable a smoke detector, or
23 carbon monoxide alarm which is required to be installed by this
24 section, by tampering.

25 Sec. 4. EFFECTIVE DATE. This Act takes effect July 1, 2017.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with
28 the explanation's substance by the members of the general assembly.

29 This bill amends current law that requires smoke detectors
30 in multiple-unit residential buildings and single-family
31 dwellings to also require the installation of carbon monoxide
32 alarms, as defined in the bill, in such buildings.

33 The bill requires the installation of carbon monoxide alarms
34 in multiple-unit residential buildings and single-family
35 dwellings constructed on or after July 1, 2017, and that have

1 a fuel-fired heater or appliance as defined in the bill, a
2 fireplace, or an attached garage. Carbon monoxide alarms
3 shall be installed within 15 feet of the entrance of each
4 room lawfully used for sleeping purposes or in a location as
5 specified by rule. In addition, the state fire marshal shall
6 adopt rules for the installation of carbon monoxide alarms
7 in the same manner in existing multiple-unit residential
8 buildings and single-family rental units that have a fuel-fired
9 appliance, a fireplace, or an attached garage. The owner of
10 a single-family dwelling that has a fuel-fired appliance, a
11 fireplace, or an attached garage is responsible for installing
12 carbon monoxide alarms in the same manner and shall certify
13 such installation upon filing for a homestead credit. Owners
14 of multiple-unit residential buildings and single-family rental
15 units that have a fuel-fired appliance, a fireplace, or an
16 attached garage are also required to supply light-emitting
17 carbon monoxide alarms for hearing-impaired tenants.

18 Current requirements applicable to smoke alarms are also
19 made applicable to carbon monoxide alarms in the bill. The
20 bill provides that the state fire marshal shall enforce the
21 requirements of the bill concerning carbon monoxide alarms
22 and provides that an occupant of a multiple-unit residential
23 building or single-family rental unit in which the owner fails
24 to install or fix a carbon monoxide alarm within 14 days
25 of receiving written notice may deduct the cost of fixing
26 or installing a carbon monoxide alarm from the next rental
27 payment. In addition, a person is prohibited from making
28 a carbon monoxide alarm inoperable. A person who violates
29 a provision of the bill concerning carbon monoxide alarms
30 is guilty of a simple misdemeanor. A simple misdemeanor is
31 punishable by confinement for no more than 30 days or a fine of
32 at least \$65 but not more than \$625, or by both.

33 The bill takes effect July 1, 2017.