

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 09-0500.01 Esther van Mourik

HOUSE BILL 09-1091

HOUSE SPONSORSHIP

Soper and Court, Merrifield, Todd

SENATE SPONSORSHIP

Romer, Schwartz

House Committees

Business Affairs and Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT CARBON MONOXIDE ALARMS BE**
102 **INSTALLED IN RESIDENTIAL PROPERTIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires any existing single-family dwelling or dwelling unit of an existing multi-family dwelling offered for sale or transfer on or after July 1, 2009, that has a fuel-burning heater or appliance, a fireplace, or an attached garage to have an operational carbon monoxide alarm installed within a specified distance of each room lawfully used for sleeping purposes.

Requires any single-family dwelling or dwelling unit of a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 (c) IS BATTERY POWERED, PLUGS INTO A DWELLING'S ELECTRICAL
2 OUTLET AND HAS A BATTERY BACKUP, IS WIRED INTO A DWELLING'S
3 ELECTRICAL SYSTEM AND HAS A BATTERY BACK-UP, OR IS CONNECTED TO
4 AN ELECTRICAL SYSTEM VIA AN ELECTRICAL PANEL; AND

5 (d) MAY BE COMBINED WITH A SMOKE DETECTING DEVICE IF THE
6 COMBINED DEVICE COMPLIES WITH APPLICABLE LAW REGARDING BOTH
7 SMOKE DETECTING DEVICES AND CARBON MONOXIDE ALARMS AND THAT
8 THE COMBINED UNIT PRODUCES AN ALARM, OR AN ALARM AND VOICE
9 SIGNAL, IN A MANNER THAT CLEARLY DIFFERENTIATES BETWEEN THE TWO
10 HAZARDS.

11 (2) "DWELLING UNIT" MEANS ANY PORTION OF A BUILDING THAT
12 INCLUDES PROVISIONS FOR LIVING, SLEEPING, OR LODGING BY ONE OR
13 MORE PERSONS.

14 (3) "FUEL" MEANS COAL, KEROSENE, OIL, FUEL GASES, OR OTHER
15 PETROLEUM PRODUCTS OR HYDROCARBON PRODUCTS SUCH AS WOOD THAT
16 EMIT CARBON MONOXIDE AS A BY-PRODUCT OF COMBUSTION.

17 (4) "INSTALLED" MEANS THAT A CARBON MONOXIDE ALARM IS
18 INSTALLED IN A DWELLING UNIT IN ONE OF THE FOLLOWING WAYS:

19 (a) WIRED DIRECTLY INTO THE DWELLING'S ELECTRICAL SYSTEM;

20 (b) DIRECTLY PLUGGED INTO AN ELECTRICAL OUTLET WITHOUT A
21 SWITCH OTHER THAN A CIRCUIT BREAKER; OR

22 (c) IF THE ALARM IS BATTERY-POWERED, ATTACHED TO THE WALL
23 OR CEILING OF THE DWELLING UNIT IN ACCORDANCE WITH THE NATIONAL
24 FIRE PROTECTION ASSOCIATION'S STANDARD 720, OR ANY SUCCESSOR
25 STANDARD, FOR THE OPERATION AND INSTALLATION OF CARBON
26 MONOXIDE DETECTION AND WARNING EQUIPMENT IN DWELLING UNITS.

27 (5) "MULTI-FAMILY DWELLING" MEANS ANY IMPROVED REAL

1 PROPERTY USED OR INTENDED TO BE USED AS A RESIDENCE AND THAT
2 CONTAINS MORE THAN ONE DWELLING UNIT. MULTI-FAMILY DWELLING
3 INCLUDES A CONDOMINIUM OR COOPERATIVE.

4 (6) "OPERATIONAL" MEANS WORKING AND IN SERVICE IN
5 ACCORDANCE WITH MANUFACTURER INSTRUCTIONS.

6 (7) "SINGLE-FAMILY DWELLING" MEANS ANY IMPROVED REAL
7 PROPERTY USED OR INTENDED TO BE USED AS A RESIDENCE AND THAT
8 CONTAINS ONE DWELLING UNIT.

9 **38-45-102. Carbon monoxide alarms in single-family**
10 **dwelling.** (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EACH
11 EXISTING SINGLE-FAMILY DWELLING OFFERED FOR SALE OR TRANSFER ON
12 OR AFTER JULY 1, 2009, THAT HAS A FUEL-BURNING HEATER OR
13 APPLIANCE, A FIREPLACE, OR AN ATTACHED GARAGE SHALL HAVE AN
14 OPERATIONAL CARBON MONOXIDE ALARM INSTALLED WITHIN TEN FEET OF
15 THE ENTRANCE TO EACH ROOM LAWFULLY USED FOR SLEEPING PURPOSES.

16 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EVERY
17 SINGLE-FAMILY DWELLING FOR WHICH A BUILDING PERMIT IS ISSUED FOR
18 NEW CONSTRUCTION ON OR AFTER JULY 1, 2009, THAT HAS A
19 FUEL-BURNING HEATER OR APPLIANCE, A FIREPLACE, OR AN ATTACHED
20 GARAGE SHALL HAVE AN OPERATIONAL CARBON MONOXIDE ALARM
21 INSTALLED WITHIN TEN FEET OF THE ENTRANCE TO EACH ROOM LAWFULLY
22 USED FOR SLEEPING PURPOSES.

23 (3) NO PERSON SHALL REMOVE BATTERIES FROM, OR IN ANY WAY
24 RENDER INOPERABLE, A CARBON MONOXIDE ALARM, EXCEPT AS PART OF
25 A PROCESS TO INSPECT, MAINTAIN, REPAIR, OR REPLACE THE ALARM OR
26 REPLACE THE BATTERIES IN THE ALARM.

27 **38-45-103. Carbon monoxide alarms in multi-family**

1 **dwelling.** (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
2 EVERY DWELLING UNIT OF AN EXISTING MULTI-FAMILY DWELLING OFFERED
3 FOR SALE OR TRANSFER ON OR AFTER JULY 1, 2009, THAT HAS A
4 FUEL-BURNING HEATER OR APPLIANCE, A FIREPLACE, OR AN ATTACHED
5 GARAGE SHALL HAVE AN OPERATIONAL CARBON MONOXIDE ALARM
6 INSTALLED WITHIN TEN FEET OF THE ENTRANCE TO EACH ROOM LAWFULLY
7 USED FOR SLEEPING PURPOSES.

8 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EVERY
9 DWELLING UNIT OF A MULTI-FAMILY DWELLING FOR WHICH A BUILDING
10 PERMIT IS ISSUED FOR NEW CONSTRUCTION ON OR AFTER JULY 1, 2009,
11 THAT HAS A FUEL-BURNING HEATER OR APPLIANCE, A FIREPLACE, OR AN
12 ATTACHED GARAGE SHALL HAVE AN OPERATIONAL CARBON MONOXIDE
13 ALARM INSTALLED WITHIN TEN FEET OF THE ENTRANCE TO EACH ROOM
14 LAWFULLY USED FOR SLEEPING PURPOSES.

15 (3) NO PERSON SHALL REMOVE BATTERIES FROM, OR IN ANY WAY
16 RENDER INOPERABLE, A CARBON MONOXIDE ALARM, EXCEPT AS PART OF
17 A PROCESS TO INSPECT, MAINTAIN, REPAIR, OR REPLACE THE ALARM OR
18 REPLACE THE BATTERIES IN THE ALARM.

19 **38-45-104. Carbon monoxide alarms in rental properties.**

20 (1) EXCEPT AS PROVIDED IN SUBSECTION (5) OF THIS SECTION, ANY
21 SINGLE-FAMILY DWELLING OR DWELLING UNIT IN A MULTI-FAMILY
22 DWELLING FOR WHICH A BUILDING PERMIT IS ISSUED FOR NEW
23 CONSTRUCTION ON OR AFTER JULY 1, 2009, THAT IS USED FOR RENTAL
24 PURPOSES SHALL BE SUBJECT TO THE REQUIREMENTS SPECIFIED IN
25 SECTIONS 38-45-102 AND 38-45-103.

26 (2) EXCEPT AS PROVIDED IN SUBSECTION (5) OF THIS SECTION,
27 EACH EXISTING SINGLE-FAMILY DWELLING OR EXISTING DWELLING UNIT IN

1 A MULTI-FAMILY DWELLING THAT IS USED FOR RENTAL PURPOSES THAT
2 HAS A CHANGE IN TENANT OCCUPANCY ON OR AFTER JULY 1, 2009, SHALL
3 BE SUBJECT TO THE REQUIREMENTS SPECIFIED IN SECTIONS 38-45-102 AND
4 38-45-103.

5 (3) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
6 OWNER OF ANY RENTAL PROPERTY SPECIFIED IN SUBSECTIONS (1) AND (2)
7 OF THIS SECTION SHALL:

8 (I) PRIOR TO THE COMMENCEMENT OF A NEW TENANT OCCUPANCY,
9 REPLACE ANY CARBON MONOXIDE ALARM THAT WAS STOLEN, REMOVED,
10 FOUND MISSING, OR FOUND NOT OPERATIONAL AFTER THE PREVIOUS
11 OCCUPANCY;

12 (II) ENSURE THAT ANY BATTERIES NECESSARY TO MAKE THE
13 CARBON MONOXIDE ALARM OPERATIONAL ARE PROVIDED TO THE TENANT
14 AT THE TIME THE TENANT TAKES RESIDENCE IN THE DWELLING UNIT;

15 (III) REPLACE ANY CARBON MONOXIDE ALARM IF NOTIFIED BY A
16 TENANT AS SPECIFIED IN PARAGRAPH (c) OF SUBSECTION (4) OF THIS
17 SECTION THAT ANY CARBON MONOXIDE ALARM WAS STOLEN, REMOVED,
18 FOUND MISSING, OR FOUND NOT OPERATIONAL DURING THE TENANT'S
19 OCCUPANCY; AND

20 (IV) FIX ANY DEFICIENCY IN A CARBON MONOXIDE ALARM IF
21 NOTIFIED BY A TENANT AS SPECIFIED IN PARAGRAPH (d) OF SUBSECTION (4)
22 OF THIS SECTION.

23 (b) EXCEPT AS PROVIDED IN PARAGRAPH (a) OF THIS SUBSECTION
24 (3), THE OWNER OF A SINGLE-FAMILY DWELLING OR DWELLING UNIT IN A
25 MULTI-FAMILY DWELLING THAT IS USED FOR RENTAL PURPOSES IS NOT
26 RESPONSIBLE FOR THE MAINTENANCE, REPAIR, OR REPLACEMENT OF A
27 CARBON MONOXIDE ALARM OR THE CARE AND REPLACEMENT OF

1 BATTERIES FOR SUCH AN ALARM.

2 (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
3 TENANT OF ANY RENTAL PROPERTY SPECIFIED IN SUBSECTIONS (1) AND (2)
4 OF THIS SECTION SHALL:

5 (a) KEEP, TEST, AND MAINTAIN ALL CARBON MONOXIDE ALARMS
6 IN GOOD REPAIR;

7 (b) NOTIFY, IN WRITING, THE OWNER OF THE SINGLE-FAMILY
8 DWELLING OR DWELLING UNIT OF A MULTI-FAMILY DWELLING, OR THE
9 OWNER'S AUTHORIZED AGENT, IF THE BATTERIES OF ANY CARBON
10 MONOXIDE ALARM NEED TO BE REPLACED;

11 (c) NOTIFY, IN WRITING, THE OWNER OF THE SINGLE-FAMILY
12 DWELLING OR DWELLING UNIT OF A MULTI-FAMILY DWELLING, OR THE
13 OWNER'S AUTHORIZED AGENT, IF ANY CARBON MONOXIDE ALARM IS
14 STOLEN, REMOVED, FOUND MISSING, OR FOUND NOT OPERATIONAL DURING
15 THE TENANT'S OCCUPANCY OF THE SINGLE-FAMILY DWELLING OR
16 DWELLING UNIT IN THE MULTI-FAMILY DWELLING; AND

17 (d) NOTIFY, IN WRITING, THE OWNER OF THE SINGLE-FAMILY
18 DWELLING OR DWELLING UNIT OF A MULTI-FAMILY DWELLING, OR THE
19 OWNER'S AUTHORIZED AGENT, OF ANY DEFICIENCY IN ANY CARBON
20 MONOXIDE ALARM THAT THE TENANT CANNOT CORRECT.

21 (5) NOTWITHSTANDING THE REQUIREMENTS OF SECTION 38-45-103
22 (1) AND (2), SO LONG AS THERE IS A CENTRALIZED ALARM SYSTEM OR
23 OTHER MECHANISM FOR A RESPONSIBLE PERSON TO HEAR THE ALARM AT
24 ALL TIMES IN A MULTI-FAMILY DWELLING USED FOR RENTAL PURPOSES,
25 SUCH MULTI-FAMILY DWELLING MAY HAVE AN OPERATIONAL CARBON
26 MONOXIDE ALARM INSTALLED WITHIN TWENTY-FIVE FEET OF ANY
27 FUEL-BURNING HEATER OR APPLIANCE, FIREPLACE, OR GARAGE.

1 (6) NO PERSON SHALL REMOVE BATTERIES FROM, OR IN ANY WAY
2 RENDER INOPERABLE, A CARBON MONOXIDE ALARM, EXCEPT AS PART OF
3 A PROCESS TO INSPECT, MAINTAIN, REPAIR, OR REPLACE THE ALARM OR
4 REPLACE THE BATTERIES IN THE ALARM.

5 **38-45-105. Municipal or county ordinances regarding carbon**
6 **monoxide alarms.** NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO
7 LIMIT A MUNICIPALITY, CITY, HOME RULE CITY, CITY AND COUNTY,
8 COUNTY, OR OTHER LOCAL GOVERNMENTAL ENTITY FROM ADOPTING OR
9 ENFORCING ANY REQUIREMENTS FOR THE INSTALLATION AND
10 MAINTENANCE OF CARBON MONOXIDE ALARMS THAT ARE MORE
11 STRINGENT THAN THE REQUIREMENTS SET FORTH IN THIS ARTICLE.

12 **38-45-106. Immunity from liability.** ANY PERSON WHO
13 INSTALLS OR MAINTAINS, IN ACCORDANCE WITH THE MANUFACTURER'S
14 PUBLISHED INSTRUCTIONS IN EXISTENCE AT THE TIME OF INSTALLATION,
15 A CARBON MONOXIDE ALARM SHALL HAVE NO LIABILITY, DIRECTLY OR
16 INDIRECTLY, TO ANY PERSON WITH RESPECT TO THE OPERATION,
17 MAINTENANCE, OR EFFECTIVENESS OF THE CARBON MONOXIDE ALARM.

18 **SECTION 3. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.