

Analysis by the Legislative Reference Bureau 2007 Senate Bill 289

Current law requires the owner of a residential building to install smoke detectors in specified locations within the building. A “residential building” is any public building that is used for sleeping or lodging purposes. The term includes an apartment building, a rooming house, a hotel, a children’s home, a community-based residential facility, or a dormitory. The term does not include a hospital or a nursing home.

This bill creates a similar requirement concerning carbon monoxide detectors. The bill generally directs an owner of a residential building to install an electronic or battery-operated carbon monoxide detector, approved by an independent product safety certification organization, in the basement of the building, within 15 feet of each sleeping area, and in certain hallways and adjacent rooms. The requirement does not apply under certain limited circumstances, including where the building has no attached garage and no fuel-burning appliances. The bill also requires the Department of Commerce (Commerce) to promulgate rules establishing a procedure under which the owner of a residential building may apply for a waiver of the requirement to install carbon monoxide detectors.

The bill requires the owner to maintain reasonably every carbon monoxide detector that is located in the building but specifies that the owner is not liable for damages resulting from the failure of the carbon monoxide detector to operate properly if someone other than the owner tampered with, removed, or destroyed it. The bill allows occupants to notify an owner of a defective or missing carbon monoxide detector and requires the owner to repair or replace the carbon monoxide detector within five days after receipt of the notice.

The bill requires the Department of Health and Family Services (DHFS) to promulgate rules requiring the annual inspection of sealed combustion units for carbon monoxide emissions in hotels, tourist rooming houses, and bed and breakfast establishments. It requires Commerce to promulgate rules requiring the annual inspection of such units in other residential buildings.

The bill provides that if Commerce or DHFS discovers a violation upon inspection of a building, the respective department must give the building owner an opportunity to correct the violation before a penalty is imposed. If the owner does not correct the violation, he or she is subject to a \$50 forfeiture for each day of violation occurring after the date on which the correction was required to be made. The bill prohibits tampering with an installed carbon monoxide detector and specifies that a person convicted of tampering is subject to a fine not to exceed \$10,000 or imprisonment for not more than nine months, or both, for a first offense and is guilty of a Class I felony for a second or subsequent offense. The bill also requires Commerce and DHFS to inspect sealed combustion units for carbon monoxide emissions. Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.