

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

**INTRODUCED**

LLS NO. 09-0500.01 Esther van Mourik

**HOUSE BILL 09-1091**

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**HOUSE SPONSORSHIP**

**Soper and Court**, Merrifield, Todd

**SENATE SPONSORSHIP**

**Romer**, Schwartz

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**House Committees**  
Business Affairs and Labor

**Senate Committees**

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**A BILL FOR AN ACT**

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

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**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.*

multi-family dwelling for which a building permit is issued for new construction 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.

Sets forth the maintenance and installation requirements for carbon monoxide alarms in single-family dwellings and dwelling units in multi-family dwellings that are used for rental purposes.

Specifies that nothing in the act shall be construed to limit a municipality, city, home rule city, city and county, county, or other local governmental entity from adopting or enforcing more stringent requirements for the installation and maintenance of carbon monoxide alarms.

Establishes that any person who installs a carbon monoxide alarm according to the manufacturer's published instructions shall have no liability to any person with respect to the operation, maintenance, or effectiveness of the carbon monoxide alarm.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1. Short title.** This act shall be known and may be  
3 cited as the "Lofgren Family Carbon Monoxide Safety Act".

4           **SECTION 2.** Title 38, Colorado Revised Statutes, is amended BY  
5 THE ADDITION OF A NEW ARTICLE to read:

6   **ARTICLE 45**

7   **Safety of Real Property**

8           **38-45-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
9 CONTEXT OTHERWISE REQUIRES:

10           (1) "CARBON MONOXIDE ALARM" MEANS A DEVICE THAT DETECTS  
11 CARBON MONOXIDE AND THAT:

12           (a) PRODUCES A DISTINCT, AUDIBLE ALARM;

13           (b) IS LISTED BY A NATIONALLY RECOGNIZED, INDEPENDENT  
14 PRODUCT-SAFETY TESTING AND CERTIFICATION LABORATORY TO CONFORM  
15 TO THE LATEST STANDARDS FOR CARBON MONOXIDE ALARMS ISSUED BY  
16 SUCH LABORATORY OR ANY SUCCESSOR STANDARDS;

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.