

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

January 27, 2009
Date

Committee on Business Affairs and Labor.

After consideration on the merits, the Committee recommends the following:

HB09-1091 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, line 15, strike "LATEST".
- 2 Page 3, strike lines 11 through 13 and substitute the following:
 - 3 "(2) "DWELLING UNIT" MEANS A SINGLE UNIT PROVIDING COMPLETE
 - 4 INDEPENDENT LIVING FACILITIES FOR ONE OR MORE PERSONS, INCLUDING
 - 5 PERMANENT PROVISIONS FOR LIVING, SLEEPING, EATING, COOKING, AND
 - 6 SANITATION."
- 7 Page 4, line 10, strike "**dwelling**s. (1)" and substitute "**dwelling**s - **rules**."
- 8 (1) (a) and, after "LAW," insert "THE SELLER OF";
- 9 line 12, strike "FUEL-BURNING" and substitute "FUEL-FIRED";
- 10 line 13, strike "HAVE" and substitute "ASSURE THAT";
- 11 line 14, after "ALARM", insert "IS";
- 12 line 15, strike "PURPOSES." and substitute "PURPOSES OR IN A LOCATION AS
- 13 SPECIFIED IN ANY BUILDING CODE ADOPTED BY THE STATE OR ANY LOCAL
- 14 GOVERNMENT ENTITY.
- 15 (b) BY JULY 1, 2009, THE REAL ESTATE COMMISSION CREATED IN
- 16 SECTION 12-61-105, C.R.S., SHALL BY RULE REQUIRE EACH LISTING
- 17 CONTRACT FOR RESIDENTIAL REAL PROPERTY THAT IS SUBJECT TO THE
- 18 COMMISSION'S JURISDICTION PURSUANT TO ARTICLE 61 OF TITLE 12, C.R.S.,

1 TO DISCLOSE THE REQUIREMENTS SPECIFIED IN PARAGRAPH (a) OF THIS
2 SUBSECTION (1).";

3 strike lines 17 through 22 and substitute the following:

4 "SINGLE-FAMILY DWELLING THAT INCLUDES EITHER FUEL-FIRED APPLIANCES
5 OR AN ATTACHED GARAGE WHERE, ON OR AFTER JULY 1, 2009, INTERIOR
6 ALTERATIONS, REPAIRS, FUEL-FIRED APPLIANCE REPLACEMENTS, OR
7 ADDITIONS, ANY OF WHICH REQUIRE A BUILDING PERMIT, OCCURS OR WHERE
8 ONE OR MORE ROOMS LAWFULLY USED FOR SLEEPING PURPOSES ARE ADDED
9 SHALL HAVE AN OPERATIONAL CARBON MONOXIDE ALARM INSTALLED
10 WITHIN TEN FEET OF THE ENTRANCE TO EACH ROOM LAWFULLY USED FOR
11 SLEEPING PURPOSES OR IN A LOCATION AS SPECIFIED IN ANY BUILDING CODE
12 ADOPTED BY THE STATE OR ANY LOCAL GOVERNMENT ENTITY.".

13 Page 5, line 1, strike "**dwelling. (1)**" and substitute "**dwelling - rules.**
14 (1) (a)" and, after "LAW,", insert "THE SELLER OF";

15 line 4, strike "FUEL-BURNING" and substitute "FUEL-FIRED";

16 line 5, strike "HAVE" and substitute "ASSURE THAT" and, after "ALARM",
17 insert "IS";

18 line 7, strike "PURPOSES." and substitute "PURPOSES OR IN A LOCATION AS
19 SPECIFIED IN ANY BUILDING CODE ADOPTED BY THE STATE OR ANY LOCAL
20 GOVERNMENT ENTITY.

21 (b) BY JULY 1, 2009, THE REAL ESTATE COMMISSION CREATED IN
22 SECTION 12-61-105, C.R.S., SHALL BY RULE REQUIRE EACH LISTING
23 CONTRACT FOR RESIDENTIAL REAL PROPERTY THAT IS SUBJECT TO THE
24 COMMISSION'S JURISDICTION PURSUANT TO ARTICLE 61 OF TITLE 12, C.R.S.,
25 TO DISCLOSE THE REQUIREMENTS SPECIFIED IN PARAGRAPH (a) OF THIS
26 SUBSECTION (1).";

27 strike lines 9 through 14 and substitute the following:

28 "DWELLING UNIT OF A MULTI-FAMILY DWELLING THAT INCLUDES
29 FUEL-FIRED APPLIANCES OR AN ATTACHED GARAGE WHERE , ON OR AFTER
30 JULY 1, 2009, INTERIOR ALTERATIONS, REPAIRS, FUEL-FIRED APPLIANCE
31 REPLACEMENTS, OR ADDITIONS, ANY OF WHICH REQUIRE A BUILDING
32 PERMIT, OCCURS OR WHERE ONE OR MORE ROOMS LAWFULLY USED FOR
33 SLEEPING PURPOSES ARE ADDED SHALL HAVE AN OPERATIONAL CARBON
34 MONOXIDE ALARM INSTALLED WITHIN TEN FEET OF THE ENTRANCE TO EACH

1 ROOM LAWFULLY USED FOR SLEEPING PURPOSES OR IN A LOCATION AS
2 SPECIFIED IN ANY BUILDING CODE ADOPTED BY THE STATE OR ANY LOCAL
3 GOVERNMENT ENTITY.";

4 strike lines 21 through 24 and substitute the following:

5 "SINGLE-FAMILY DWELLING OR DWELLING UNIT IN A MULTI-FAMILY
6 DWELLING USED FOR RENTAL PURPOSES AND THAT INCLUDES FUEL-FIRED
7 APPLIANCES OR AN ATTACHED GARAGE WHERE, ON OR AFTER JULY 1, 2009,
8 INTERIOR ALTERATIONS, REPAIRS, FUEL-FIRED APPLIANCE REPLACEMENTS,
9 OR ADDITIONS, ANY OF WHICH REQUIRES A BUILDING PERMIT, OCCURS OR
10 WHERE ONE OR MORE ROOMS LAWFULLY USED FOR SLEEPING PURPOSES ARE
11 ADDED SHALL BE SUBJECT TO THE REQUIREMENTS SPECIFIED IN".

12 Page 7, strike line 27 and substitute the following:

13 "FUEL-FIRED HEATER OR APPLIANCE, FIREPLACE, OR GARAGE OR IN A
14 LOCATION AS SPECIFIED IN ANY BUILDING CODE ADOPTED BY THE STATE OR
15 ANY LOCAL GOVERNMENT ENTITY.".

16 Page 8, strike lines 12 through 17 and substitute the following:

17 **"38-45-106. Limitation of liability.** (1) NO PERSON SHALL HAVE
18 A CLAIM FOR RELIEF AGAINST A PROPERTY OWNER, AN AUTHORIZED AGENT
19 OF A PROPERTY OWNER, A PERSON IN POSSESSION OF REAL PROPERTY, OR AN
20 INSTALLER FOR ANY DAMAGES RESULTING FROM THE OPERATION,
21 MAINTENANCE, OR EFFECTIVENESS OF A CARBON MONOXIDE ALARM IF THE
22 PROPERTY OWNER, AUTHORIZED AGENT, PERSON IN POSSESSION OF REAL
23 PROPERTY, OR INSTALLER INSTALLS A CARBON MONOXIDE ALARM IN
24 ACCORDANCE WITH THE MANUFACTURER'S PUBLISHED INSTRUCTIONS AND
25 THE PROVISIONS OF THIS ARTICLE.

26 (2) A PURCHASER SHALL HAVE NO CLAIM FOR RELIEF AGAINST ANY
27 PERSON LICENSED PURSUANT TO ARTICLE 61 OF TITLE 12, C.R.S., FOR ANY
28 DAMAGES RESULTING FROM THE OPERATION, MAINTENANCE, OR
29 EFFECTIVENESS OF A CARBON MONOXIDE ALARM IF SUCH LICENSED PERSON
30 COMPLIES WITH RULES PROMULGATED PURSUANT TO SECTIONS 38-45-102
31 (1) (b) AND 38-45-103 (1) (b). NOTHING IN THIS SUBSECTION (2) SHALL
32 AFFECT ANY REMEDY THAT A PURCHASER MAY OTHERWISE HAVE AGAINST
33 A SELLER.".

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