A BILL FOR AN ACT

CONCERNING A REQUIREMENT THAT CARBON MONOXIDE ALARMS BE 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
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.


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

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

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

ARTICLE 45

Safety of Real Property

38-45-101. Definitions. As used in this article, unless the context otherwise requires:

(1) "Carboxmonoxide alarm" means a device that detects carbon monoxide and that:

(a) Produces a distinct, audible alarm;

(b) Is listed by a nationally recognized, independent product-safety testing and certification laboratory to conform to the latest standards for carbon monoxide alarms issued by such laboratory or any successor standards;
(c) Is battery powered, plugs into a dwelling's electrical outlet and has a battery backup, is wired into a dwelling's electrical system and has a battery back-up, or is connected to an electrical system via an electrical panel; and

(d) May be combined with a smoke detecting device if the combined device complies with applicable law regarding both smoke detecting devices and carbon monoxide alarms and that the combined unit produces an alarm, or an alarm and voice signal, in a manner that clearly differentiates between the two hazards.

(2) "Dwelling unit" means any portion of a building that includes provisions for living, sleeping, or lodging by one or more persons.

(3) "Fuel" means coal, kerosene, oil, fuel gases, or other petroleum products or hydrocarbon products such as wood that emit carbon monoxide as a by-product of combustion.

(4) "Installed" means that a carbon monoxide alarm is installed in a dwelling unit in one of the following ways:

(a) Wired directly into the dwelling's electrical system;

(b) Directly plugged into an electrical outlet without a switch other than a circuit breaker; or

(c) If the alarm is battery-powered, attached to the wall or ceiling of the dwelling unit in accordance with the National Fire Protection Association's Standard 720, or any successor standard, for the operation and installation of carbon monoxide detection and warning equipment in dwelling units.

(5) "Multi-family dwelling" means any improved real
PROPERTY USED OR INTENDED TO BE USED AS A RESIDENCE AND THAT CONTAINS MORE THAN ONE DWELLING UNIT. MULTI-FAMILY DWELLING INCLUDES A CONDOMINIUM OR COOPERATIVE.

(6) "Operational" means working and in service in accordance with manufacturer instructions.

(7) "Single-family dwelling" means any improved real property used or intended to be used as a residence and that contains one dwelling unit.

38-45-102. Carbon monoxide alarms in single-family dwellings. (1) Notwithstanding any other provision of law, each existing single-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 shall have an operational carbon monoxide alarm installed within ten feet of the entrance to each room lawfully used for sleeping purposes.

(2) Notwithstanding any other provision of law, every single-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 shall have an operational carbon monoxide alarm installed within ten feet of the entrance to each room lawfully used for sleeping purposes.

(3) No person shall remove batteries from, or in any way render inoperable, a carbon monoxide alarm, except as part of a process to inspect, maintain, repair, or replace the alarm or replace the batteries in the alarm.

38-45-103. Carbon monoxide alarms in multi-family
dwellings. (1) Notwithstanding any other provision of law, every 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 shall have an operational carbon monoxide alarm installed within ten feet of the entrance to each room lawfully used for sleeping purposes.

(2) Notwithstanding any other provision of law, every dwelling unit of a 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 shall have an operational carbon monoxide alarm installed within ten feet of the entrance to each room lawfully used for sleeping purposes.

(3) No person shall remove batteries from, or in any way render inoperable, a carbon monoxide alarm, except as part of a process to inspect, maintain, repair, or replace the alarm or replace the batteries in the alarm.

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

(1) Except as provided in subsection (5) of this section, any single-family dwelling or dwelling unit in a multi-family dwelling for which a building permit is issued for new construction on or after July 1, 2009, that is used for rental purposes shall be subject to the requirements specified in sections 38-45-102 and 38-45-103.

(2) Except as provided in subsection (5) of this section, each existing single-family dwelling or existing dwelling unit in
A MULTI-FAMILY DWELLING THAT IS USED FOR RENTAL PURPOSES THAT
HAS A CHANGE IN TENANT OCCUPANCY ON OR AFTER JULY 1, 2009, SHALL
BE SUBJECT TO THE REQUIREMENTS SPECIFIED IN SECTIONS 38-45-102 AND
38-45-103.

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

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

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

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

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

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

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

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

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

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

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

(5) NOTWITHSTANDING THE REQUIREMENTS OF SECTION 38-45-103 (1) AND (2), SO LONG AS THERE IS A CENTRALIZED ALARM SYSTEM OR OTHER MECHANISM FOR A RESPONSIBLE PERSON TO HEAR THE ALARM AT ALL TIMES IN A MULTI-FAMILY DWELLING USED FOR RENTAL PURPOSES, SUCH MULTI-FAMILY DWELLING MAY HAVE AN OPERATIONAL CARBON MONOXIDE ALARM INSTALLED WITHIN TWENTY-FIVE FEET OF ANY FUEL-BURNING HEATER OR APPLIANCE, FIREPLACE, OR GARAGE.
(6) NO PERSON SHALL REMOVE BATTERIES FROM, OR IN ANY WAY RENDER INOPERABLE, A CARBON MONOXIDE ALARM, EXCEPT AS PART OF A PROCESS TO INSPECT, MAINTAIN, REPAIR, OR REPLACE THE ALARM OR REPLACE THE BATTERIES IN THE ALARM.

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

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

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