

BILL ANALYSIS

C.S.H.B. 861
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Business & Industry
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, there is not a statewide requirement that one-family or two-family dwellings have the appropriate safety equipment for detecting smoke. Unfortunately, many lives have been lost to home fires. Installing smoke detectors in no way should preclude proper use and maintenance of fuel burning appliances. Many lives can be saved and protected simply by installing working smoke detectors at a minimal cost for the equipment.

C.S.H.B. 861 would require each one-family or two-family dwelling with construction commencing on or after January 1, 2008, or such dwellings built before that date that are sold or transferred on or after January 1, 2008, to have working smoke detectors before an owner can sell or transfer the property.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of insurance in SECTION 1 (Section 766.004, Health and Safety Code) of this bill.

ANALYSIS

C.S.H.B. 861 amends the Health and Safety Code to define "department", "one-family or two-family dwelling" and "smoke detector." This bill requires each one-family or two-family dwelling ("dwelling") to have a working smoke detector installed in the dwelling in accordance with certain statutory requirements and rules.

C.S.H.B. 861 provides that a title insurance agent or other closing agent involved in the transfer of title to a dwelling on sale or transfer of the dwelling is not responsible for verifying or ensuring compliance with Chapter 766, Health and Safety Code, as added by this Act.

C.S.H.B. 861 requires the commissioner of insurance to adopt rules prescribing requirements relating to the placement, installation, maintenance, and number of smoke detectors required in a dwelling. The commissioner of insurance is required to adopt the rules no later than December 1, 2007.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute differs from the original by removing all provisions relating to the installation of carbon monoxide detectors.

The substitute gives rulemaking authority to the commissioner of insurance rather than the Health and Human Services Commission.

The substitute adds a new subsection relating to responsibility of the title insurance or closing agent.

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