

BILL ANALYSIS

S.B. 338
By: Van de Putte
Business & Industry
Committee Report (Amended)

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 or carbon monoxide. Unfortunately, many lives have been lost to fires and carbon monoxide poisonings. Installing these devices 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 and carbon monoxide alarms at a minimal cost for the equipment.

S.B. 338 requires each one-family or two-family dwelling constructed, remodeled, or repaired, in this state to be equipped with a working smoke detector in accordance with the local building code. The bill also requires each one-family or two-family dwelling, where there is a transfer of ownership, to be equipped with a working smoke detector. S.B. 338 also requires the owner of a fraternity or sorority house to have working smoke detectors. The bill requires the Texas Department of Insurance to prepare and distribute certain information of public interest regarding fire safety and the dangers of carbon monoxide.

S.B. 338 adds smoke detectors, carbon monoxide detectors and emergency escape ladders to the list of items in the Seller's Disclosure Notice required under 5.008, Property Code. The bill also contains provisions that establish landlord compliance with the smoke detector requirement.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Requires this Act to be known as the Senator Frank Madla Act.

SECTION 2. Amends Subtitle A, Title 9, Health and Safety Code, by adding Chapter 766, as follows:

CHAPTER 766. FIRE SAFETY IN RESIDENTIAL DWELLINGS

Sec. 766.001. DEFINITIONS. Defines "carbon monoxide alarm," "department," "fossil fuel," "one-family or two-family dwelling," "smoke detector," and "smoke detector for hearing-impaired persons."

Sec. 766.002. SMOKE DETECTOR REQUIREMENT. (a) Requires each one-family or two-family dwelling (dwelling) constructed in this state to have working smoke detectors installed in the dwelling in accordance with the smoke detector requirements of the building code in effect in the political subdivision in which the dwelling is located, including performance, location, and power source requirements.

(b) Requires any home improvement to the dwelling that requires the issuance of a building permit, if the dwelling does not comply with the smoke detector requirements of the building code in effect in the political subdivision in which the dwelling is located, to include the installation of smoke detectors in accordance with the building code in effect in the political subdivision in which

the dwelling is located, including performance, location, and power source requirements.

(c) Prohibits title to an existing one-family or two-family dwelling to be transferred unless there are working smoke detectors installed in the dwelling in accordance with the smoke detector requirements of the building code in effect in the political subdivision in which the dwelling is located. Requires any smoke detectors required under the building code in effect in the political subdivision, if an existing dwelling is transferred to a hearing-impaired person, to be a smoke detector for a hearing-impaired person.

Sec. 766.0025. FRATERNITY AND SORORITY HOUSES. (a) Defines "fraternity or sorority house."

(b) Requires the owner of a fraternity or sorority house to have working smoke detectors installed in the fraternity house or sorority house in accordance with the smoke detector requirements of the building code in effect in the political subdivision in which the fraternity or sorority house is located.

Sec. 766.003. INFORMATION RELATING TO FIRE SAFETY AND CARBON MONOXIDE DANGERS. Requires the Texas Department of Insurance (TDI) to prepare information of public interest relating to fire safety in the home and the dangers of carbon monoxide. Requires the information to inform the public about certain methods of prevention and actions taken relating to fire safety and the dangers of carbon monoxide. Requires TDI to distribute the information described by this section to the public in any manner TDI determines is cost-effective, including providing the information on TDI's Internet website and publishing informational pamphlets.

SECTION 3. Amends Subsection (b), Section 5.008, Property Code, to require the seller's disclosure notice to include information regarding smoke detectors, smoke detectors for a hearing-impaired person, carbon monoxide alarms, and emergency escape ladders. Provides an example of language to use in the notice.

SECTION 4. Amends Subchapter F, Chapter 92, Property Code, by adding Section 92.2571, as follows:

Sec. 92.2571. ALTERNATIVE COMPLIANCE. Provides that a landlord complies with the requirements of this subchapter relating to the provision of smoke detectors in the dwelling unit if the landlord has a fire detection device, as defined by Article 5.43-2, Insurance Code, that includes a smoke detection device installed in a dwelling unit, or for a dwelling unit that is a one-family or two-family dwelling unit, installs smoke detectors in compliance with Chapter 766, Health and Safety Code.

SECTION 5. Makes application of the change in law made by this Act to Section 5.008, Property Code, prospective.

SECTION 6. Effective date: September 1, 2007.

EFFECTIVE DATE

September 1, 2007.

EXPLANATION OF AMENDMENTS

Committee Amendment No. 1 provides that a title insurance agent or other closing agent involved in the transfer of title to a one-family or two-family dwelling is not on sale or transfer of the dwelling responsible for verifying that the seller has complied with the requirements of the bill or ensuring that the dwelling complies with the requirements of the bill.

Committee Amendment No. 2 removes Section 766.002(c), Health and Safety Code, from the bill.

S.B. 338 80(R)