

BILL ANALYSIS

Senate Research Center

C.S.S.B. 338
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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 smoke detectors and carbon monoxide alarms 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.

C.S.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, and it sets forth a criminal penalty for failing to install a working smoke detector before re-selling or otherwise transferring ownership of such a dwelling. 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.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION 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 alteration, remodeling, enlargement, or repair of a dwelling, 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) Requires that working smoke detectors be installed in a 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, before the owner of an existing dwelling may re-sell or otherwise transfer ownership of the dwelling to another person. Requires any smoke detectors required under the building code in effect in the political subdivision, if an existing dwelling is re-sold or transferred to a hearing-impaired person, to be a smoke detector for a hearing-impaired person.

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.

Sec. 766.004. CRIMINAL PENALTY. Provides that a person who violates Section 766.002(c) commits an offense and that an offense under this section is a Class C misdemeanor.

SECTION 3. 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 4. Effective date: September 1, 2007.