

By: Eissler, et al.

H.B. No. 861

Substitute the following for H.B. No. 861:

By: Zedler

C.S.H.B. No. 861

A BILL TO BE ENTITLED

AN ACT

relating to smoke detectors in certain residential dwellings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle A, Title 9, Health and Safety Code, is amended by adding Chapter 766 to read as follows:

CHAPTER 766. SMOKE DETECTORS IN CERTAIN

RESIDENTIAL DWELLINGS

Sec. 766.001. DEFINITIONS. In this chapter:

(1) "One-family or two-family dwelling" means a structure that has one or two residential units that are occupied as, or designed or intended for occupancy as, a residence by individuals.

(2) "Smoke detector" has the meaning assigned by Section 792.001.

Sec. 766.002. RESPONSIBILITY OF TITLE INSURANCE OR CLOSING AGENT. 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:

(1) verifying that the seller has complied with the requirements of this chapter; or

(2) ensuring that the dwelling complies with the requirements of this chapter.

Sec. 766.003. SMOKE DETECTOR REQUIRED. (a) Each one-family or two-family dwelling must have a working smoke

1 detector installed in the dwelling in accordance with Subsection  
2 (b) if construction on the dwelling commences on or after January 1,  
3 2008. If the dwelling is constructed before January 1, 2008, there  
4 must be a working smoke detector installed in the dwelling in  
5 accordance with Subsection (b) before the owner of the dwelling may  
6 sell or otherwise transfer ownership of the dwelling to another  
7 person.

8 (b) A smoke detector must be installed in accordance with  
9 the requirements of Sections 92.254, 92.255, and 92.257, Property  
10 Code.

11 Sec. 766.004. RULES. (a) The commissioner of insurance  
12 shall adopt rules requiring:

13 (1) each one-family or two-family dwelling the  
14 construction of which commences on or after January 1, 2008, to be  
15 equipped with a smoke detector; and

16 (2) each one-family or two-family dwelling the  
17 ownership of which is sold or transferred on or after January 1,  
18 2008, to be equipped with a smoke detector.

19 (b) The rules adopted under Subsection (a) must prescribe  
20 requirements relating to the placement, installation, maintenance,  
21 and number of smoke detectors required in a one-family or  
22 two-family dwelling.

23 SECTION 2. The commissioner of insurance shall adopt rules  
24 under Section 766.004, Health and Safety Code, as added by this Act,  
25 not later than December 1, 2007.

26 SECTION 3. This Act takes effect September 1, 2007.