

By: Eissler

H.B. No. 861

A BILL TO BE ENTITLED

AN ACT

relating to carbon monoxide alarms and 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. CARBON MONOXIDE ALARMS AND SMOKE DETECTORS IN CERTAIN RESIDENTIAL DWELLINGS

Sec. 766.001. DEFINITIONS. In this chapter:

(1) "Carbon monoxide alarm" means a device that detects and sounds an alarm to indicate the presence of a harmful level of carbon monoxide gas.

(2) "Commission" means the Health and Human Services Commission.

(3) "Fossil fuel" includes coal, kerosene, oil, wood, fuel gases, and other petroleum or hydrocarbon products.

(4) "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.

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

Sec. 766.002. CARBON MONOXIDE ALARM REQUIRED. (a) Each one-family or two-family dwelling that has a household appliance or

1 heating system that burns a fossil fuel must have a working carbon
2 monoxide alarm installed in the dwelling in accordance with
3 commission rules if construction on the dwelling commences on or
4 after January 1, 2008.

5 (b) Each one-family or two-family dwelling that has a
6 household appliance or heating system that burns a fossil fuel that
7 is constructed before January 1, 2008, must have a working carbon
8 monoxide alarm installed in the dwelling in accordance with
9 commission rules before the owner of the dwelling may sell or
10 otherwise transfer ownership of the dwelling to another person.

11 (c) The carbon monoxide alarm must:

12 (1) comply with Underwriters Laboratories, Inc.,
13 Standard 2034 or Canadian Standards Association Standard 6.19-01;
14 and

15 (2) be:

16 (A) hardwired into the electrical system of the
17 one-family or two-family dwelling and contain a battery for backup
18 power;

19 (B) directly plugged into an unswitched
20 electrical outlet of the one-family or two-family dwelling and
21 contain a battery for backup power; or

22 (C) battery powered and attached to a wall or
23 ceiling of the one-family or two-family dwelling.

24 (d) A carbon monoxide alarm may be combined with a smoke
25 detecting device if the combined device:

26 (1) complies with the laws and rules for both smoke
27 detectors and carbon monoxide alarms; and

1 (2) emits both a voice alarm and a tone alarm that
2 clearly differentiate between a carbon monoxide alert and a smoke
3 alert.

4 Sec. 766.003. SMOKE DETECTOR REQUIRED. (a) Each
5 one-family or two-family dwelling must have a working smoke
6 detector installed in the dwelling in accordance with Subsection
7 (b) if construction on the dwelling commences on or after January 1,
8 2008. If the dwelling is constructed before January 1, 2008, there
9 must be a working smoke detector installed in the dwelling in
10 accordance with Subsection (b) before the owner of the dwelling may
11 sell or otherwise transfer ownership of the dwelling to another
12 person.

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

16 Sec. 766.004. RULES. (a) The commission shall adopt rules
17 requiring:

18 (1) each one-family or two-family dwelling described
19 by Section 766.002 the construction of which commences on or after
20 January 1, 2008, to be equipped with a carbon monoxide alarm;

21 (2) each one-family or two-family dwelling described
22 by Section 766.002 the ownership of which is sold or transferred on
23 or after January 1, 2008, to be equipped with a carbon monoxide
24 alarm;

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

1 (4) each one-family or two-family dwelling the
2 ownership of which is sold or transferred on or after January 1,
3 2008, to be equipped with a smoke detector.

4 (b) The rules adopted under Subsection (a) must prescribe
5 requirements relating to the placement, installation, maintenance,
6 and number of carbon monoxide alarms and smoke detectors required
7 in a one-family or two-family dwelling.

8 SECTION 2. The Health and Human Services Commission shall
9 adopt rules under Section 766.004, Health and Safety Code, as added
10 by this Act, not later than December 1, 2007.

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