

1-1 By: Van de Putte, et al. S.B. No. 338  
1-2 (In the Senate - Filed January 26, 2007; February 14, 2007,  
1-3 read first time and referred to Committee on Business and Commerce;  
1-4 April 23, 2007, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 8, Nays 0; April 23, 2007,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 338 By: Van de Putte

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to carbon monoxide alarms and smoke detectors in certain  
1-11 residential dwellings; providing a penalty.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. This Act shall be known as the Senator Frank  
1-14 Madla Act.

1-15 SECTION 2. Subtitle A, Title 9, Health and Safety Code, is  
1-16 amended by adding Chapter 766 to read as follows:

1-17 CHAPTER 766. FIRE SAFETY IN RESIDENTIAL DWELLINGS

1-18 Sec. 766.001. DEFINITIONS. In this chapter:

1-19 (1) "Carbon monoxide alarm" means a device that  
1-20 detects and sounds an alarm to indicate the presence of a harmful  
1-21 level of carbon monoxide gas.

1-22 (2) "Department" means the Texas Department of  
1-23 Insurance.

1-24 (3) "Fossil fuel" includes coal, kerosene, oil, wood,  
1-25 fuel gases, and other petroleum or hydrocarbon products.

1-26 (4) "One-family or two-family dwelling" means a  
1-27 structure that has one or two residential units that are occupied  
1-28 as, or designed or intended for occupancy as, a residence by  
1-29 individuals.

1-30 (5) "Smoke detector" means a device or a listed  
1-31 component of a system that detects and sounds an alarm to indicate  
1-32 the presence of visible or invisible products of combustion in the  
1-33 air.

1-34 (6) "Smoke detector for hearing-impaired persons" has  
1-35 the meaning assigned by Section 792.001.

1-36 Sec. 766.002. SMOKE DETECTOR REQUIREMENT. (a) Each  
1-37 one-family or two-family dwelling constructed in this state must  
1-38 have working smoke detectors installed in the dwelling in  
1-39 accordance with the smoke detector requirements of the building  
1-40 code in effect in the political subdivision in which the dwelling is  
1-41 located, including performance, location, and power source  
1-42 requirements.

1-43 (b) If a one-family or two-family dwelling does not comply  
1-44 with the smoke detector requirements of the building code in effect  
1-45 in the political subdivision in which the dwelling is located, any  
1-46 alteration, remodeling, enlargement, or repair of the dwelling must  
1-47 include the installation of smoke detectors in accordance with the  
1-48 building code in effect in the political subdivision in which the  
1-49 dwelling is located, including performance, location, and power  
1-50 source requirements.

1-51 (c) Before the owner of an existing one-family or two-family  
1-52 dwelling may re-sell or otherwise transfer ownership of the  
1-53 dwelling to another person, there must be working smoke detectors  
1-54 installed in the dwelling in accordance with the smoke detector  
1-55 requirements of the building code in effect in the political  
1-56 subdivision in which the dwelling is located, including  
1-57 performance, location, and power source requirements. If an  
1-58 existing one-family or two-family dwelling is re-sold or  
1-59 transferred to a hearing-impaired person, any smoke detector  
1-60 required under the building code in effect in the political  
1-61 subdivision must be a smoke detector for a hearing-impaired person.

1-62 Sec. 766.003. INFORMATION RELATING TO FIRE SAFETY AND  
1-63 CARBON MONOXIDE DANGERS. (a) The department shall prepare

2-1 information of public interest relating to:  
2-2 (1) fire safety in the home; and  
2-3 (2) the dangers of carbon monoxide.  
2-4 (b) The information must inform the public about:  
2-5 (1) ways to prevent fires in the home, and actions to  
2-6 take if a fire occurs in the home;  
2-7 (2) the need to test smoke detectors every month to  
2-8 ensure the smoke detector is working;  
2-9 (3) replacing the battery in a battery-operated smoke  
2-10 detector every six months;  
2-11 (4) the need to have fire safety equipment in the home,  
2-12 including fire extinguishers and emergency escape ladders;  
2-13 (5) the need to develop and practice a fire escape  
2-14 plan;  
2-15 (6) the availability of carbon monoxide detectors;  
2-16 (7) using carbon monoxide alarms as a backup to  
2-17 prevent carbon monoxide poisoning; and  
2-18 (8) the need to properly use and maintain fossil  
2-19 fuel-burning appliances.  
2-20 (c) The department shall distribute the information  
2-21 described by this section to the public in any manner the department  
2-22 determines is cost-effective, including providing the information  
2-23 on the department's Internet website and publishing informational  
2-24 pamphlets.  
2-25 Sec. 766.004. CRIMINAL PENALTY. A person who violates  
2-26 Section 766.002(c) commits an offense. An offense under this  
2-27 section is a Class C misdemeanor.  
2-28 SECTION 3. Subchapter F, Chapter 92, Property Code, is  
2-29 amended by adding Section 92.2571 to read as follows:  
2-30 Sec. 92.2571. ALTERNATIVE COMPLIANCE. A landlord complies  
2-31 with the requirements of this subchapter relating to the provision  
2-32 of smoke detectors in the dwelling unit if the landlord:  
2-33 (1) has a fire detection device, as defined by Article  
2-34 5.43-2, Insurance Code, that includes a smoke detection device  
2-35 installed in a dwelling unit; or  
2-36 (2) for a dwelling unit that is a one-family or  
2-37 two-family dwelling unit, installs smoke detectors in compliance  
2-38 with Chapter 766, Health and Safety Code.  
2-39 SECTION 4. This Act takes effect September 1, 2007.

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