By: Richardson H.B. No. 534

A BILL TO BE ENTITLED

AN ACT

relating to the required maintenance and operation of carbon monoxide detectors on hotel property; authorizing a criminal penalty.

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

SECTION 1. The heading to Chapter 792, Health and Safety Code, is amended to read as follows:

CHAPTER 792. SMOKE AND CARBON MONOXIDE DETECTORS IN HOTELS

SECTION 2. Section 792.001, Health and Safety Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a) and (1-b) to read as follows:

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

(1-a) "Carbon monoxide detector for hearing impaired persons" means a carbon monoxide detector that, in addition to sounding an alarm, uses a xenon design strobe light with a visible effective intensity of not less than 100 candela, as tested and labeled in accordance with ANSI/UL Standard 1638, and with a flash rate of not less than 60 nor more than 120 flashes per minute.

(1-b) "Hotel" means a building in which members of the public obtain sleeping accommodations for consideration, including a hotel, motel, tourist home, tourist house, tourist court, hostel, lodging house, rooming house, or inn. The term does not include:

(A) a hospital, sanitarium, or nursing home; or

(B) a building in which all or substantially all of the occupants have the right to use or possess their sleeping accommodations for at least 28 consecutive days.

SECTION 3. The heading to Section 792.002, Health and Safety Code, is amended to read as follows:

Sec. 792.002. SMOKE AND CARBON MONOXIDE DETECTORS IN HOTELS; CRIMINAL PENALTY.

SECTION 4. Section 792.002, Health and Safety Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (f) to read as follows:

(a) A person who operates a hotel commits an offense if the person:

(1) does not maintain a smoke detector and a carbon monoxide detector in good working order in every room of the hotel that is regularly used for sleeping;

(2) does not maintain smoke detectors and carbon monoxide detectors for hearing-impaired persons as prescribed by Subsection (b); or

(3) does not comply with the requirements of Subsection (c) if a hotel patron requests a room with a smoke detector and a carbon monoxide detector for hearing-impaired persons.

(b) A person who operates a hotel shall maintain one smoke detector and one carbon monoxide detector for hearing-impaired persons for each 60, or fraction of 60, rooms of the hotel that are regularly used for sleeping, except that the operator is not

required to maintain more than five smoke detectors and five carbon monoxide detectors for hearing-impaired persons.

(c) If a hotel patron requests a room with a smoke detector and carbon monoxide detector for hearing-impaired persons, the operator of the hotel shall:

(1) assign the patron to a room in which a hard-wired smoke detector and carbon monoxide detector for hearing-impaired persons have [~~has~~] been properly installed; or

(2) install in the patron's room a portable smoke detector and carbon monoxide detector for hearing-impaired persons using a receptacle that cannot be controlled by a wall switch.

(f) This section does not apply to a hotel the local fire marshal certifies as not having any carbon monoxide-producing sources on the hotel property. The hotel shall publicly display the certificate in an area accessible by hotel guests.

SECTION 5. The heading to Section 792.003, Health and Safety Code, is amended to read as follows:

Sec. 792.003. SMOKE AND CARBON MONOXIDE DETECTOR LIST.

SECTION 6. Section 792.003(a), Health and Safety Code, is amended to read as follows:

(a) To qualify for use under this chapter, a smoke detector and a carbon monoxide detector must be listed by the state fire marshal after the devices have [~~device has~~] been tested and shown to be effective by the state fire marshal or by a testing laboratory under conditions and procedures approved by the state fire marshal.

SECTION 7. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act.

An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 8. This Act takes effect September 1, 2027.