

SENATE BILL REPORT

SB 5561

As of March 4, 2009

Title: An act relating to the installation of carbon monoxide alarms in dwelling units.

Brief Description: Requiring carbon monoxide alarms to be installed in dwelling units built or manufactured after December 31, 2009.

Sponsors: Senators Kline, Fairley and Kohl-Welles.

Brief History:

Committee Activity: Labor, Commerce & Consumer Protection: 2/02/09.

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Staff: Ingrid Mungia (786-7423)

Background: Under the state fire protection statutes, all dwelling units occupied by persons other than the owner, or built after 1980, must be equipped with smoke detection devices. Installation of the device is the owner's responsibility, and the owner is required to ensure that a device is operational after a vacancy. The tenant is responsible for maintaining the smoke detection device, including the replacement of batteries. Noncompliance by a landlord or a tenant is punishable by a fine of up to \$200.

Under the state Residential Landlord-Tenant Act, the landlord is required to maintain the premises in a manner fit for human habitation. Included in this is the duty to provide written notice: (1) that the unit has a smoke detection device; (2) that the tenant is responsible for maintaining the device in proper operating condition; and (3) that there are penalties for noncompliance.

Summary of Bill: Carbon monoxide alarms must be installed inside all dwelling units built or manufactured after December 31, 2009. The alarms must be designed, manufactured, and installed inside dwelling units in conformance with nationally accepted standard and rules adopted by the Chief of the Washington State Patrol through the Director of Fire Protection. The installation and maintenance of a carbon monoxide alarm in a dwelling unit is the responsibility of the owner. However, if a tenancy exists, the maintenance of a carbon monoxide alarm in a dwelling unit, including the replacement of batteries when required for the proper operation of the carbon monoxide alarm, is the responsibility of the tenant. The tenant must maintain the alarm as specific by the alarm manufacturer. An owner or tenant

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failing to comply with the alarm installation and maintenance requirements is subject to a fine of up to \$200.

A dwelling unit means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

A carbon monoxide alarm means a device meant for the purpose of detecting carbon monoxide that produces a distinct audible alarm; that is battery powered, has a plug-in with battery backup, or is wired into the dwelling unit's AC power line with a secondary battery backup; and may be combined with a smoke detection device.

Appropriation: None.

Fiscal Note: Requested on January 29, 2009.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This is new construction only; no one is being asked to retro fit. Those states that had power outages due to bad weather had a number of deaths due to carbon monoxide poisoning. This doesn't take effect until January 1, 2010. This bill was brought forward because of an actual tragedy that did occur. Carbon monoxide changed my life November 4, 2004. The Poison Control answers hundreds of phone calls every year because of carbon monoxide. This happens throughout the year, not just in the winter months. Fifteen other states have passed similar legislation, this is not new. This is a national problem. In the December 2006 wind storm, there were over 300 carbon monoxide poisoning cases. There is a national trend toward passing legislation similar to this bill. All states require smoke alarms, why not carbon monoxide alarms? The bill could be improved by extending this legislation to current rental units.

OTHER: Not sure this bill is necessary. This last September at the International Code Council a provision was adopted to require mandatory carbon monoxide detectors in all residential construction. Additionally, the bill has the Chief of the Washington State Patrol adopting rules and standards. This requirement should be done by the State Building Code Council. The State Building Code Council should be the organization to adopt rules in the rulemaking process. There is a national standard for new residential construction and a move to get them into existing residential construction. We believe the effort should be focused on education. We certainly appreciate the focus of the legislation, wanting to make sure buyers purchase safe dwellings. The Building Code Council should be the organization to pursue rules. This needs to go the State Building Code Council so they can say when, where, and how.

Persons Testifying: PRO: Senator Kline, prime sponsor; Amy Searight, carbon monoxide victim; Jim Williams, Washington Poison Control; Neil Hampson, Virginia Mason Medical Center.

OTHER: Brain Minnich, BIAW; Tim Nogler, State Building Code Council; Julie Johnson, Rental Housing Association of Puget Sound; Bob Mitchell, Washington Realtors, Washington Commercial Realtors; John Darnell, City of Tumwater International Code Council.