

SENATE BILL REPORT

SB 5561

As Reported by Senate Committee On:
Labor, Commerce & Consumer Protection, February 12, 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, 2/12/09 [DPS, w/oRec].

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Majority Report: That Substitute Senate Bill No. 5561 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Honeyford and Kline.

Minority Report: That it be referred without recommendation.

Signed by Senators Holmquist, Ranking Minority Member; King.

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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill (Recommended Substitute): The state building code council (council) must adopt rules by July 1, 2010 requiring all buildings classified as residential occupancies be equipped with carbon monoxide alarms. The council may phase in the carbon monoxide alarm requirements on a reasonable schedule, so long as the rules require all newly constructed buildings classified as residential occupancies be equipped with alarms by January 1, 2011, and all other buildings classified as residential occupancies be equipped with alarms by January 1, 2013.

The council may exempt categories of buildings classified as residential occupancies if it determines the requirement is unnecessary to protect the health and welfare of the occupants.

The rules adopted by the council must:

1. consider applicable nationally accepted standards; and
2. require the maintenance of an alarm in a building where a tenancy exists is the responsibility of the tenant.

EFFECT OF CHANGES MADE BY LABOR, COMMERCE & CONSUMER PROTECTION COMMITTEE (Recommended Substitute):

- requires the building code council to develop rules, including exemptions, for all residential housing to be equipped with carbon monoxide alarms; and
- gives authority to the building code council to set the schedule for the carbon monoxide alarm requirement within minimum timelines:
 - new construction begins January 1, 2011; and
 - all other residence by January 1, 2013.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: 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.