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(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...  
PUBLIC HEARING - COMMITTEE RECORDS**

**2009-10**

(session year)

**Joint**

(Assembly, Senate or Joint)

**Committee for Review of Administrative Rules ...**

**COMMITTEE NOTICES ...**

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

**INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL**

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)
  - (**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Stefanie Rose (LRB) (June 2012)

February 13, 2009

Robert Marchant  
Senate Chief Clerk  
B20 Southeast, State Capitol  
P.O. Box 7882  
Madison, Wisconsin 53707-7882

Patrick Fuller  
Assembly Chief Clerk  
Room 401  
17 West Main Street  
Madison, Wisconsin 53703

Dear Chief Clerks:

**TRANSMITTAL IN FINAL DRAFT FORM OF ADMINISTRATIVE  
RULES AND REPORT**

CLEARINGHOUSE RULE NO.: 08-085

RULE NO.: Comm 21.095 and 62.1200

RELATING TO: Carbon Monoxide Alarms

Pursuant to section 227.19, Stats., agencies are required to submit, in triplicate, copies of the proposed administrative rules in final draft form together with a rule report and an analysis. The recommendations received from the Legislative Council are also to be submitted.

At this time, this material, together with cover letters to the President of the Senate and the Speaker of the Assembly, is being transmitted for referral to the standing committees for legislative review.

Respectfully submitted,



*for* Richard J. Leinenkugel  
Secretary

February 13, 2009

Senator Fred Risser  
President of the Senate  
Room 220 South, State Capitol  
Madison, Wisconsin 53702

Representative Michael Sheridan  
Speaker of the Assembly  
Room 211 West, State Capitol  
Madison, Wisconsin 53702

Dear Senator Risser and Representative Sheridan:

### NOTICE OF ADMINISTRATIVE RULES IN FINAL DRAFT FORM

CLEARINGHOUSE RULE NO.: 08-085

RULE NO.: Comm 21.095 and 62.1200

RELATING TO: Carbon Monoxide Alarms

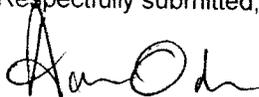
Section 227.19, Stats., requires agencies to submit proposed rules in final draft form to the presiding officer of each house for referral to the appropriate legislative standing committees.

The following information, as required by law, is being submitted to you.

1. Rules in final draft form (in triplicate).
2. Report consisting of:
  - a) Rule Report.
  - b) Public Hearing Attendance Record.
  - c) Public Hearing Comment and Agency Response Form.
  - d) Legislative Council Rules Clearinghouse Report.
  - e) Response to Legislative Council Rules Clearinghouse Report.
  - f) Fiscal Estimate.
  - g) Final Regulatory Flexibility Analysis.

If you have any questions regarding this matter, please do not hesitate to contact us.

Respectfully submitted,



 Richard J. Leinenkugel  
Secretary

# RULE REPORT

## Department of Commerce

Clearinghouse Rule No.: 08-085

Rule No.: Comm 21.095 and 62.1200

Relating to: Carbon Monoxide Alarms

Contact person for substantive questions:

Contact person for internal processing:

Name James Quast

Name James Quast

Title Program Manager

Title Program Manager

Telephone Number (608) 266-9292

Telephone Number (608) 266-9292

1. Basis and purpose of the proposed rule.

The rules establish minimum requirements for the installation and maintenance of carbon monoxide alarms in buildings accommodating residential type occupancies where people sleep or lodge, excluding hospitals and nursing homes, that reflect the statutory mandates of 2007 Wisconsin Act 205.

2. How the proposed rule advances relevant statutory goals or purposes.

Under various provisions of chapter 101, Stats., the Department of Commerce protects public health, safety, and welfare by promulgating comprehensive requirements for design, construction, use and maintenance of public buildings and places of employment and adopts rules that establish uniform, statewide standards for the construction of 1- and 2-family dwellings. 2007 Wisconsin Act 205 specifically directs the Department to address carbon monoxide alarms involving these types of buildings.

3. Changes to the rule analysis or fiscal estimate that was prepared for public hearing.

No changes were made to the fiscal estimate and only clarification and grammatical changes were made to the rule analysis.

**FISCAL ESTIMATE WORKSHEET**  
 Detailed Estimate of Annual Fiscal Effect  
 DOA-2047(R06/99)

ORIGINAL  
 CORRECTED

UPDATED  
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.  
 Comm 21.095 & 62.1200

Amendment No.

Subject  
 Carbon Monoxide Alarms

**I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):**

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
<b>A. State Costs By Category</b>		
State Operations - Salaries and Fringes	\$ 0	\$ -
(FTE Position Changes)	( 0 FTE)	( - FTE)
State Operations - Other Costs	0	-
Local Assistance	0	-
Aids to Individuals or Organizations	0	-
<b>TOTAL State Costs By Category</b>	<b>\$</b>	<b>\$ -</b>
<b>B. State Costs By Source of Funds</b>		
GPR	\$ 0	\$ -
FED	0	-
PRO/PRS	0	-
SEG/SEG-S	0	-
<b>III. State Revenues- Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>		
	<b>Increased Rev.</b>	<b>Decreased Rev.</b>
GPR Taxes	\$ 0	\$ -
GPR Earned	0	-
FED	0	-
PRO/PRS	0	-
SEG/SEG-S	0	-
<b>TOTAL State Revenues</b>	<b>\$ 0</b>	<b>\$ -</b>

**NET ANNUALIZED FISCAL IMPACT**

STATE

LOCAL

NET CHANGE IN COSTS

\$ 0

\$ 0

NET CHANGE IN REVENUES

\$ 0

\$ 0

Agency/Prepared by: (Name & Phone No.)

Authorized Signature/Telephone No.

Date

Commerce/James Quast, 266-9292

*James Quast* 6-8976

8/28/08

FISCAL ESTIMATE  
DOA-2048 (R06/99)

ORIGINAL  
 CORRECTED

UPDATED  
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.  
Comm 21.095 & 62.1200  
Amendment No. if Applicable

Subject

Carbon Monoxide Alarms

Fiscal Effect

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

Increase Existing Appropriation  
 Decrease Existing Appropriation  
 Create New Appropriation  
 Increase Existing Revenues  
 Decrease Existing Revenues

Increase Costs - May be Possible to Absorb Within Agency's Budget  Yes  No  
 Decrease Costs

Local:  No local government costs

1.  Increase Costs  
 Permissive  Mandatory

3.  Increase Revenues  
 Permissive  Mandatory

5. Types of Local Governmental Units Affected:

Towns  Villages  Cities

2.  Decrease Costs  
 Permissive  Mandatory

4.  Decrease Revenues  
 Permissive  Mandatory

Counties  Others \_\_\_\_\_

School Districts  WTCS Districts

Fund Sources Affected

GPR  FED  PRO  PRS  SEG  SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

The rules implement mandates imposed by 2007 Wisconsin Act 205 regarding the installation and maintenance of carbon monoxide alarms in buildings accommodating residential type occupancies where people sleep or lodge, excluding hospitals and nursing homes. The rules will not increase the department's revenue or cost with respect to administration or enforcement over that imposed by the Act.

The Act and the rules affect the owners of commercial buildings where people sleep or lodge and tourist room houses (rental cabins) where fuel burning appliances are installed. The types of commercial buildings affected include apartment buildings, condominiums, hotels, motels, fraternities, sororities, dormitories, convents, seminaries, community based residential facilities, home shelters and tourist rooming houses (rental cabins). The department does not believe that the rules will increase the effect on owners over that imposed by the Act. Battery or plug-in type carbon monoxide detectors typically range in cost from \$25 to \$50. New construction installation costs for a hard-wired type carbon monoxide alarm with battery backup ranges in cost from \$65 to \$85 and \$90 to \$110 if interconnection is involved. Combination carbon monoxide alarms and smoke alarms are also available. The use of combination carbon monoxide alarms and smoke alarms should result in installation and labor cost savings over that for separate systems.

Long-Range Fiscal Implications

No long range fiscal implications are anticipated.

Agency/Prepared by: (Name & Phone No.)  
Commerce/James Quast, 266-9292

Authorized Signature/Telephone No.

*James Quast* 6-8976

Date

8/28/08

# FINAL REGULATORY FLEXIBILITY ANALYSIS

## Department of Commerce

CLEARINGHOUSE RULE NO.: 08-085

RULE NO.: Comm 21.095 and 62.1200

RELATING TO: Carbon Monoxide Alarms

Final regulatory flexibility analysis not required. (Statement of determination required.)

The proposed rules implement the mandates imposed by 2007 Wisconsin Act 205. The Act establish requirements for the installation and maintenance of carbon monoxide alarms in buildings accommodating residential type occupancies where people sleep or lodge, excluding hospitals and nursing homes. The department does not believe that the proposed rules will increase the effect on small businesses over that imposed by the Act.

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.
2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

*(Continued on reverse side)*





**DEPARTMENT OF COMMERCE  
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 08-085		Hearing Location: Madison	
Rule Number: Comm 21.095 and 62.1200		Hearing Date: October 14, 2008	
Relating to: Carbon Monoxide Alarms			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
speaker #1	Jeff Wiswell, Public Affairs Counsel Apartment Association South Central Wisconsin Madison	<p>Believes that there are good reasons for the adoption of a carbon monoxide law.</p> <p>Is pleased that the type of power source is not dictated further for existing construction.</p> <p>Is comfortable with the statutory exemptions, allowing the omission of carbon monoxide alarms when there are no garages and the fuel burning appliances are sealed combustion and under warranty.</p> <p>Concerned about some of the specificity aspects of the location of the carbon monoxide alarms as mandated by the legislation. (Did not elaborate with any details.)</p>	Support noted.
written	David Bloom Wisconsin State Fire Chiefs Association Madison	Registered in favor of the proposed rules.	Support noted.
written	Gary Goyke Wisconsin Rental Housing Legislative Council, Madison	Requests to be actively involved in the development of the permanent rule.	The proposed permanent rule basically reflects the emergency rule which implements 2007 Wisconsin Act 205. The permanent rule does clarify a few issues of the Act, but the substantive provisions of the rules are established by the Act.
written	David Lind, Fire Marshall North Shore Fire Dept. Bayside	<p>Raises the question as to how will the proposed carbon monoxide legislation be enforced.</p> <p>Suggests that language as a note should be added to address where and where not to install the devices.</p> <p>Asks who will enforce the installation and inspection in existing buildings.</p> <p>Asks whether testing language will be added, including replacement of batteries on a regular basis, such as yearly.</p>	<p>For new residential construction, requirements will be checked through plan review and field inspection.</p> <p>The law and manufacturer's instructions address where to install the alarms; where not to install the alarms is dependent upon variables including the selection of the alarms and changing technology.</p> <p>The department is working with the Comm 14 Fire Prevention Council to develop an inspection strategy to coincide with yearly fire inspections.</p> <p>It does not appear to be prudent to dictate specific testing and battery provisions in light of the various alarm technologies available.</p>

**DEPARTMENT OF COMMERCE  
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 08-085		Hearing Location: Madison	
Rule Number: Comm 21.095 and 62.1200		Hearing Date: October 14, 2008	
Relating to: Carbon Monoxide Alarms			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
written	Lind continued Brad Boyeks, Director of Government Affairs Wisconsin Builders Association Madison	Supports the overall life safety purposes of the legislation. Expresses concern about the requirements for interconnected and hardwired CO detectors that expand beyond that spelled out in 2007 Wisconsin Act 205 which also recognized plug in detectors.	Support noted. The more specific requirements regarding carbon monoxide alarm power sources and interconnection were established under provisions of ss. 101.02 (15) (a) and (j) and 101.63 (1), Stats. Section 101.02 (15) (a) and (j), Stats., grants the department the ability to establish construction and maintenance standards that will protect the health, safety and welfare of occupants in public buildings and places of employment. Section 101.63 (1), Stats., grants the department the authority to establish construction standards for one- and 2- family dwellings and components thereof. In most cases, carbon monoxide alarms for dwelling unit sleeping areas can be accomplished by using combination smoke/carbon monoxide alarm devices. Smoke alarms are all ready required to be hard-wired and interconnected within dwelling units.
written	Daniel Gengler, Chairperson Wisconsin Alliance for Fire Safety (email)	Registers in full support of the language.	Support noted.
written	Jeff Wiswell, Public Affairs Counsel Apartment Association South Central Wisconsin Madison	In noting the differences in the installation provisions for smoke detectors under s. 101.145 (4), Stats., and that for carbon monoxide alarms under 2007 Wisconsin Act 205, suggests that the department call upon the Legislature to revisit the area of the installation of alarms to eliminate any possible confusion for all parties.	The department will provide assistance to the Legislature if and when requested.
written	Randall Dahmen, PE Wauwaukee	Raises several questions and asks for clarification concerning the location of carbon monoxide alarms as directed under s. 101.149 (2) (a), Stats.,: <ul style="list-style-type: none"> <li>• Subds. 2. and 3., Asks whether the reference to "adjacent units" includes those units above or below a unit that contains a fuel burning appliance.</li> <li>• Asks how is the 15 feet measured under subds. 2. and 3 relative to dwelling units.</li> </ul>	"Subdivision 2. does not make a reference to adjacent units". The final rule clarifies that adjacent applies to units on the same floor level. The 15-foot distance relates to the alarm being within 15 feet of each sleeping area <b>within</b> the dwelling unit; not the location of one dwelling unit in relation to other dwelling units.

**DEPARTMENT OF COMMERCE  
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 08-085		Hearing Location: Madison	
Rule Number: Comm 21.095 and 62.1200		Hearing Date: October 14, 2008	
Relating to: Carbon Monoxide Alarms			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
	Dahmen continued	<ul style="list-style-type: none"> <li>Subds. 4. and 5., Asks whether the reference to 75 feet involved other floors above or below the unit.</li> </ul> <p>Suggests that duplicate rules be placed also in chapter Comm 64 since only HVAC designer truly know if a furnace is to be open fuel burning based upon their final HVAC design.</p> <p>Asks that clarification be provided relative to the installation responsibility of the owner versus the designer submitting the plans.</p> <p>Provides a copy of New York City's ordinance or information relative to carbon monoxide alarms.</p>	<p>Subdivision 4., specifically states <b>within the room</b> that has a fuel-burning appliance. Comm 62.1200(2)(a)3. has been clarified that the measurement is along the hallway from unit's door.</p> <p>The installation of carbon monoxide alarms is required for all types of fuel burning appliances, not just furnaces. For new construction, carbon monoxide alarms are required for all fueling burning furnaces, even sealed-combustion types. See Comm 62.1200(2). Duplicate rules are contrary to the required administrative rule drafting format.</p> <p>Statutorily the building owner is ultimately responsible relative to code compliance; this is the same as for any provision in the building codes.</p> <p>Information acknowledged.</p>



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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Ronald Sklansky**  
*Clearinghouse Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

### CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

#### CLEARINGHOUSE RULE 08-085

AN ORDER to renumber Comm 66.0911; to amend Comm 20.24 (1) and (2); and to create Comm 21.095, 20.24 Table 20.24-14, 62.1200, 62.3500 (3) (e) and Note, and 66.0911 (title) and (2), relating to carbon monoxide alarms and affecting small business.

Submitted by **DEPARTMENT OF COMMERCE**

09-05-2008 RECEIVED BY LEGISLATIVE COUNCIL.

10-02-2008 REPORT SENT TO AGENCY.

RS:MM

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]  
Comment Attached            YES             NO
2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]  
Comment Attached            YES             NO
3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]  
Comment Attached            YES             NO
4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]  
Comment Attached            YES             NO
5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]  
Comment Attached            YES             NO
6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]  
Comment Attached            YES             NO
7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)].  
Comment Attached            YES             NO



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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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Ronald Sklansky  
Clearinghouse Director

Richard Sweet  
Clearinghouse Assistant Director

Terry C. Anderson  
Legislative Council Director

Laura D. Rose  
Legislative Council Deputy Director

### CLEARINGHOUSE RULE 08-085

#### Comments

**[NOTE:** All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

#### 1. Statutory Authority

a. Section 101.149 (1) (am), Stats, defines “carbon monoxide detector” as an *electronic or battery-operated* device that sounds an alarm when an unsafe level of carbon monoxide is in the air. (Emphasis added). Section Comm 21.095 (1) (a) requires the installation of “carbon monoxide alarms with battery secondary power supplies” and ss. Comm 21.095 (2) and 62.1200 (2) (c) require the alarm to be wired to the dwelling’s electrical service. Section Comm 62.1200 (2) (c) requires carbon monoxide alarms to be interconnected under certain circumstances. The department should fully describe its authority to impose these more stringent requirements.

b. The department has not complied with the requirements in s. 101.145 (6) (b), Stats., that the rules specify conditions under which the department may issue orders under s. 101.145 (8) (a), Stats.

#### 2. Form, Style and Placement in Administrative Code

a. The rule preface does not include a separate section on the rule’s effect on small business. [See s. 1.02 (2) (a) 10., Manual.]

b. It is unclear whether the provision requiring the installation of carbon monoxide alarms in tourist rooming houses has been placed in the correct chapter of the Administrative Code. The rule places that requirement in ch. 21 Comm, which applies to the design and construction of one- and two-family dwellings (see. s. Comm 21.01). Although ch. Comm 21

does not contain a definition of the term, s. 101.61 (1), Stats., defines “dwelling” as any building that contains one or two dwelling units, and defines “dwelling unit” as a structure or that part of a structure which is used or intended to be used as a home, residence, or sleeping place by one person or by two or more persons *maintaining a common household, to the exclusion of all others*. (Emphasis added.) This definition does not appear to encompass tourist rooming houses.

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

Section Comm 62.1200 (3) (d) should provide a precise reference to the Administrative Code provision under which HVAC qualifier certification is issued (s. Comm 5.71).

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. The summary of the rule refers to new and existing commercial buildings, but only to new tourist rooming houses. Why does the summary not contain a description of the applicability to the rule to existing tourist rooming houses?

b. In the rule preface comparison of adjacent state rules, the word “for” should be inserted before the phrase “carbon monoxide alarm regulations.”

c. In the rule preface section regarding analysis and supporting documents used to determine the rule’s effect on small business, the word “in” preceding the phrase “from \$65 to \$85” should be deleted.

d. Why does the rule use the term “carbon monoxide alarm” when the term “carbon monoxide detector” is the term that is used, and defined, in the statutes?

e. Section Comm 21.095 (1) (a) requires the installation of a carbon monoxide alarm in every tourist rooming house that contains a fuel-burning appliance. However, s. 101.149 (5), Stats., contains a number of exceptions to this requirement. These exceptions should be included in the text of the rule. Also, “and which” should be changed to “that.”

f. In s. Comm 21.095 (3) (b) (intro.), the phrase “For the purposes of” should be replaced by the word “In.”

g. In s. Comm 62.1200 (3) (a), the phrase “shall be responsible for arranging the inspection” should be replaced by the phrase “shall arrange for the inspection.” Also, in this subsection, every occurrence of the notation “subd.” should be replaced by the notation “sub.”

# RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

## Department of Commerce

CLEARINGHOUSE RULE NO.: 08-085

RULE NO.: Comm 21.095 and 62.1200

RELATING TO: Carbon Monoxide Alarms

Agency contact person for substantive questions.

Name: James Quast

Title: Program Manager

Telephone No. (608) 266-9292

Legislative Council report recommendations accepted in whole.

Yes

No

1. Review of statutory authority [s. 227.15(2)(a)]

a.  Accepted

b.  Accepted in part

c.  Rejected

d.  Comments attached

2. Review of rules for form, style and placement in administrative code [s. 227.15(2)(c)]

a.  Accepted

b.  Accepted in part

c.  Rejected

d.  Comments attached

*(Continued on reverse side)*

3. Review rules for conflict with or duplication of existing rules [s. 227.15(2)(d)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
4. Review rules for adequate references to related statutes, rules and forms [s. 227.15(2)(e)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15(2)(f)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
6. Review rules for potential conflicts with, and comparability to, related federal regulations [s. 227.15(2)(g)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
7. Review rules for permit action deadline [s. 227.15(2)(h)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached

## COMMENTS ON LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

Clearinghouse Rule No. 08-085

Rule No.: Comm 21.095 and 62.1200

Relating to: Carbon Monoxide Alarms

### **1. Statutory Authority**

a. The more stringent requirements regarding carbon monoxide alarm power sources were established under 101.02 (15) (a) and (j) and 101.63 (1), Stats. Section 101.02 (15) (a) and (j), Stats., grants the department the ability to establish construction and maintenance standards that will protect the health, safety and welfare of occupants in public buildings and places of employment. Section 101.63 (1), Stats., grants the department the authority to establish construction standards for one- and 2- family dwellings and components thereof.

### **2. Form, Style and Placement in Administrative Code**

a. The department prefers to combine the effect on business with the section dealing with analysis, thereby, placing it in context.

b. A "cabin" or a "cottage" is a type of dwelling. The rental of a cabin or cottage is to the exclusion of others, similar to that of an apartment rental unit. The proposed construction of a new one- and 2- family dwelling falls under the scope of chapters Comm 20 to 25.

### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. The rules of the dwelling code, chs. Comm 20 to 25 apply prospectively to the construction of new one- and 2- family dwellings. The application of the dwelling code is statutorily limited to structures constructed on or after December, 1978. [s. 101.615 (intro.), Stats.]

d. The devices by the UL standard 2034 and the industry are referred to as "alarms".

e. The installation of carbon monoxide alarms without the exceptions for the construction of new one- and 2- family dwellings serving as tourist rooming houses is proposed under the department's statutory authority of s. 101.63 (1), Stats. The statutory exceptions under s. 101.149 (5) are applicable to existing tourist rooming houses.



State of Wisconsin \ Department of Commerce

# **RULES IN FINAL DRAFT FORM**

**Rule No.:** Comm 21.095 and 62.1200

**Relating to:** Carbon Monoxide Alarms

**Clearinghouse Rule No.:** 08-085

The Wisconsin Department of Commerce adopts an order to renumber Comm 66.0911; to amend Comm 20.24 (1) and (2); and to create s. Comm 21.095, Comm 20.24 Table 20.24-14, Comm 62.1200, Comm 62.3500 (3) (e) and (f), Comm 62.3500 (3) Note, Comm 66.0911 (title) and Comm 66.0911 (2), relating to carbon monoxide alarms and affecting small business.

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**Analysis of Rule**

**1. Statutes Interpreted**

Statutes Interpreted: ss. 101.02 (15) and 101.63 (1), Stats., and s. 101.149, Stats., as created by 2007 Wisconsin Act 205.

**2. Statutory Authority**

Statutory Authority: ss. 101.02 (1) and (15) (a) and 101.63 (1), Stats., and s. 101.149, Stats., as created by 2007 Wisconsin Act 205.

**3. Related Statute or Rule**

Statutes: ss. 101.12 (1), Stats.,  
Administrative Rules: Chapters Comm 60-66, Wisconsin Commercial Building Code  
Chapters Comm 20-25, Uniform Dwelling Code

**4. Explanation of Agency Authority**

Under the statutes cited, the Department of Commerce protects public health, safety, and welfare by promulgating comprehensive requirements for design, construction, use and maintenance of public buildings and places of employment and adopts rules that establish uniform, statewide standards for the construction of 1- and 2-family dwellings. 2007 Wisconsin Act 205 specifically directs the Department to address carbon monoxide alarms involving these types of buildings.

**5. Summary of Proposed Rules**

The rules establish minimum requirements for the installation and maintenance of carbon monoxide alarms in buildings accommodating residential type occupancies where people sleep or lodge, excluding hospitals and nursing homes, that reflect the statutory mandates of 2007 Wisconsin Act 205. Specifically, the rules would:

**For new tourist rooming houses** (cabins under the scope of Uniform Dwelling Code) (October 1, 2008), Comm 21.095

- Require the installation of carbon monoxide alarms where any type of fuel burning appliances are installed.
- Require the carbon monoxide alarms to be continuously powered by the building's electrical service with battery backups.

**For new commercial buildings:** (October 1, 2008),

- Require the installation of carbon monoxide alarms where any type of fuel burning appliances are installed. Comm 62.1200 (2) (a)
- Require the carbon monoxide alarms to be continuously powered by the building's electrical service with battery backups. Comm 62.1200 (2) (c)

**For existing commercial buildings** (Buildings existing on October 1, 2008 or reviewed and receiving department plan approval under the rules effective prior to October 1, 2008)

- Require the installation of carbon monoxide alarms by April 1, 2010.
- Do not dictate the type of power sources for the carbon monoxide alarms, thereby allowing batteries, electrical outlet plug-ins or wired to the building's electrical service.
- Allow the omission of carbon monoxide alarms provided there are no attached garages and all of the fuel burning appliances are of sealed combustion type either under warranty or annually inspected for carbon monoxide emissions. Comm 62.1200 (2) (a) 4.

The rules require carbon monoxide alarms to be listed and labeled identifying conformance to UL 2034, Underwriters Laboratories Inc, Standard for Safety Single and Multiple Station Carbon Monoxide Alarms.

Under the federal Americans with Disabilities Act, ADA, and the federal Fair Housing Law certain carbon monoxide alarms may be required to have both audible and visual alarm features.

Owners of existing tourist rooming houses will need to install and maintain carbon monoxide alarms in accordance with s. 101.149 (2) and (3), Stats., by April 1, 2010.

## **6. Summary of, and Comparison with, Existing or Proposed Federal Regulations**

An internet-based search of code of federal regulations and the federal register did not identify any federal requirements for the installation and maintenance of carbon monoxide alarms in residential buildings.

## **7. Comparison with Rules in Adjacent States**

An Internet-based search for carbon monoxide alarm regulations for the states of Illinois, Iowa, Michigan and Minnesota found the following:

- Illinois under Public Act 094-0741, the Carbon Monoxide Alarm Detector Act, has required the installation of carbon monoxide alarms in all occupancies and structures which have sleeping rooms since January 1, 2007.
- Iowa requires the installation of carbon monoxide alarms in foster care facilities.

- Michigan has not enacted any carbon monoxide alarm regulations at this time.
- Minnesota statute, 299F.50, requires carbon monoxide alarms in all single family homes and multifamily apartments units; new construction as of January 1, 2007; existing single family homes as of August 1, 2008 and existing multi-family and apartment buildings as of August 1, 2009.

## **8. Summary of Factual Data and Analytical Methodologies**

In developing the rules the Department reviewed the language of 2007 Wisconsin Act 205 in conjunction with the Department's broad authority under ss. 101.02 (15) and 101.63 (1), Stats., to protect public health and safety regarding the construction of public buildings, places of employment and one- and two- family dwellings to be used as tourist rooming houses. The current administrative rules for the installation of fire alarms (smoke detectors) were used as a model for these proposed rules pertaining to carbon monoxide alarms. The Department also analyzed the complexities of compliance under several scenarios where fuel burning appliances are added or replaced during the life of the building, such as residential condominiums.

## **9. Analysis and Supporting Documents used to Determine Effect on Small Business or in Preparation of Economic Impact Report**

The proposed rules implement mandates imposed by 2007 Wisconsin Act 205. The Act affects the owners of commercial buildings where people sleep or lodge and tourist room houses (rental cabins) where fuel burning appliances are installed. The types of commercial buildings affected include apartment buildings, condominiums, hotels, motels, bed and breakfast establishments, fraternities, sororities, dormitories, convents, seminaries, jails, prisons, community based residential facilities, and home shelters. The department does not believe that the rules will increase the effect on small businesses over that imposed by the Act. Battery or plug-in type carbon monoxide alarms typically range in cost from \$25 to \$50. New construction installation costs for a hard-wired type carbon monoxide alarm with battery backup ranges from \$65 to \$85 and \$90 to \$110 if interconnection is involved. Combination carbon monoxide alarms and smoke alarms are also available. Smoke alarms are currently required for residential occupancies. The use of combination carbon monoxide alarms and smoke alarms should result in installation and labor cost savings over that for separate systems.

An economic impact report has not been required to be prepared.

## **10. Agency Contact.**

James Quast, Program Manager, [jim.quast@wisconsin.gov](mailto:jim.quast@wisconsin.gov), (608) 266-9292

**11. Public Hearing Comments.**

The hearing record on this proposed rulemaking will remain open until October 24, 2008. Written comments on the proposed may be submitted to James Quast, at the Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689, or email at jim.quast@wisconsin.gov.

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SECTION 1. Comm 20.24 (1) and (2) are amended to read:

**Comm 20.24 (1) CONSENT.** Pursuant to s. 227.21 (2), Stats., the attorney general ~~and the revisor of statutes have~~ has consented to the incorporation by reference of the standards listed in Tables 20.24-1 to ~~20.24-12~~ 20.14-14.

**(2) ADOPTION OF STANDARDS.** The standards referenced in Tables 20.24-1 to ~~20.24-12~~ 20.14-14 are incorporated by reference into this chapter.

**Note:** Copies of the adopted standards are on file in the offices of the department and the legislative reference bureau. Copies of the standards may be purchased through the respective organizations listed in Tables 20.24-1 to ~~20.24-12~~ 20.14-14.

SECTION 2. Comm 20.24 Table 20.24-14 is created to read:

**Table 20.24-14**

UL	Underwriters Laboratories, Inc 333 Pfingsten Road Northbrook, IL 60062-2096
<b>Standard Reference Number</b>	<b>Title</b>
2034-2005	Single and Multiple State Carbon Monoxide Alarms

SECTION 3. Comm 21.095 is created to read:

**Comm 21.095 Carbon monoxide alarms. (1)** (a) Listed and labeled carbon monoxide alarms with battery secondary power supplies shall be installed and maintained in dwellings to be utilized as licensed tourist rooming houses and that contain fuel-burning appliances in accordance with s. 101.149 (2) and (3), Stats.

**Note:** Section 101.149 (2) and (3), Stats., reads:

**(2) INSTALLATION REQUIREMENTS.** (a) Except as provided in par. (b), the owner of a residential building shall install a carbon monoxide detector in all of the following places not later than the date specified under par. (c):

1. In the basement of the building if the basement has a fuel-burning appliance.
2. Within 15 feet of each sleeping area of a unit that has a fuel-burning appliance.
3. Within 15 feet of each sleeping area of a unit that is immediately adjacent to a unit that has a fuel-burning appliance.
4. In each room that has a fuel-burning appliance and that is not used as a sleeping area. A carbon monoxide detector shall be installed under this subdivision not more than 75 feet from the fuel-burning appliance.
5. In each hallway leading from a unit that has a fuel-burning appliance, in a location that is within 75 feet from the unit, except that, if there is no electrical outlet within this distance, the owner shall place the carbon monoxide detector at the closest available electrical outlet in the hallway.

(b) If a unit is not part of a multiunit building, the owner of the residential building need not install more than one carbon monoxide detector in the unit.

(c) 1. Except as provided under subd. 2., the owner of a residential building shall comply with the requirements of this subsection before the building is occupied.

2. The owner of a residential building shall comply with the requirements of this subsection not later than April 1, 2010, if construction of the building was initiated before October 1, 2008, or if the department approved the plans for the construction of the building under s. 101.12, Stats., before October 1, 2008.

(d) Any carbon monoxide detector that bears an Underwriters Laboratories, Inc., listing mark or similar mark from an independent product safety certification organization satisfies the requirements of this subsection.

(e) The owner shall install every carbon monoxide detector required by this subsection according to the directions and specifications of the manufacturer of the carbon monoxide detector.

**(3) MAINTENANCE REQUIREMENTS.** (a) The owner of a residential building shall reasonably maintain every carbon monoxide detector in the residential building in the manner specified in the instructions for the carbon monoxide detector.

(b) An occupant of a unit in a residential building may give the owner of the residential building written notice that a carbon monoxide detector in the residential building is not functional or has been removed by a person other than the occupant. The owner of the residential building shall repair or replace the nonfunctional or missing carbon monoxide detector within 5 days after receipt of the notice.

(c) The owner of a residential building is not liable for damages resulting from any of the following:

1. A false alarm from a carbon monoxide detector if the carbon monoxide detector was reasonably maintained by the owner of the residential building.

2. The failure of a carbon monoxide detector to operate properly if that failure was the result of tampering with, or removal or destruction of, the carbon monoxide detector by a person other than the owner or the result of a faulty alarm that was reasonably maintained by the owner as required under par. (a).

(b) In this section:

1. "Fuel-burning appliance" means a device that is installed in a dwelling and burns fossil-fuel or carbon based fuel where carbon monoxide is a combustion by-product, including stoves, ovens, grills, clothes dryers, furnaces, boilers, water heaters, heaters, fireplaces and stoves.

2. "Tourist rooming house" has the meaning as given under s. HFS 195.03 (20).

**Note:** Section HFS 195.03 (20) reads: "Tourist rooming house" means all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients. It does not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under ch. HFS 197.

(2) Carbon monoxide alarms shall be wired to the dwelling's electrical service.

(3) Carbon monoxide alarms within a dwelling unit shall be interconnected so that activation of one alarm will cause activation of all alarms within the dwelling unit.

(4) Carbon monoxide alarms shall conform to UL 2034.

(5) The installation of carbon monoxide alarms or detectors in adjacent units required under s. 101.149 (2) (a) 3., Stats., shall apply to those units located on the same floor level.

(6) Pursuant to s. 101.145 (6) (b), Stats., the department may issue orders for a violation of the provisions of this section.

(7) Violation of the provisions of this section shall be subject to the penalties provided under s. 101.149 (8), Stats.

**Note:** Section 101.149 (8), Stats., reads:

(8) PENALTIES. (a) If the department of commerce or the department of health and family services determines after an inspection of a building under this section or s. 254.74 (1g) that the owner of the building has violated sub. (2) or (3), the respective department shall issue an order requiring the person to correct the violation within 5 days or within such shorter period as the respective department determines is necessary to protect public health and safety. If the person does not correct the violation within the time required, he or she shall forfeit \$50 for each day of violation occurring after the date on which the respective department finds that the violation was not corrected.

(b) If a person is charged with more than one violation of sub. (2) or (3) arising out of an inspection of a building owned by that person, those violations shall be counted as a single violation for the purpose of determining the amount of a forfeiture under par. (a).

(c) Whoever violates sub. (4) is subject to the following penalties:

1. For a first offense, the person may be fined not more than \$10,000 or imprisoned for not more than 9 months, or both.
2. For a 2nd or subsequent offense, the person is guilty of a Class I felony.

SECTION 4. Comm 62.1200 is created to read:

**Comm 62.1200 Carbon monoxide alarms.** These are department rules in addition to the requirements in IBC chapter 12:

(1) DEFINITIONS. In this section:

(a) "Dwelling unit" has the meaning as given in s. 101.61 (1), Stats.

**Note:** Section 101.61 (1) reads: "Dwelling unit" means a structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

(b) "Fuel-burning appliance" means a device that is installed in a building and burns fossil-fuel or carbon based fuel where carbon monoxide is a combustion by-product, including stoves, ovens, grills, clothes dryers, furnaces, boilers, water heaters, heaters, fireplaces and stoves.

(c) "Residential building" has the meaning as given in s. 101.149 (1) (b), Stats.

**Note:** Section 101.149 (1) (b) reads: "Residential building" means a tourist rooming house, a bed and breakfast establishment, or any public building that is used for sleeping or lodging purposes. "Residential building" does not include a hospital or nursing home.

(d) "Sealed combustion appliance" means a listed appliance that acquires all air for combustion through a dedicated sealed passage from the outside to a sealed combustion chamber and all combustion products are vented to the outside through a separate dedicated sealed vent.

(e) "Sleeping area" has the meaning as given in s. 101.145 (1) (b), Stats.

**Note:** Section 101.145 (1) (b) reads: "Sleeping area" means the area of the unit in which the bedrooms or sleeping rooms are located. Bedrooms or sleeping rooms separated by another use area such as a kitchen or living

room are separate sleeping areas but bedrooms or sleeping rooms separated by a bathroom are not separate sleeping areas.

**(2) INSTALLATION.** (a) 1. Listed and labeled carbon monoxide alarms or detectors shall be installed at locations specified in s. 101.149 (2), Stats., and maintained in accordance with s. 101.149 (3), Stats., in buildings, including buildings existing on October 1, 2008, which are residential buildings or include residential buildings, and contain fuel-burning appliances, except as provided in subd. 4.

**Note:** Section 101.149 (2) and (3), Stats., reads:

**(2) INSTALLATION REQUIREMENTS.** (a) Except as provided in par. (b), the owner of a residential building shall install a carbon monoxide detector in all of the following places not later than the date specified under par. (c):

1. In the basement of the building if the basement has a fuel-burning appliance.
2. Within 15 feet of each sleeping area of a unit that has a fuel-burning appliance.
3. Within 15 feet of each sleeping area of a unit that is immediately adjacent to a unit that has a fuel-burning appliance.
4. In each room that has a fuel-burning appliance and that is not used as a sleeping area. A carbon monoxide detector shall be installed under this subdivision not more than 75 feet from the fuel-burning appliance.
5. In each hallway leading from a unit that has a fuel-burning appliance, in a location that is within 75 feet from the unit, except that, if there is no electrical outlet within this distance, the owner shall place the carbon monoxide detector at the closest available electrical outlet in the hallway.

(b) If a unit is not part of a multiunit building, the owner of the residential building need not install more than one carbon monoxide detector in the unit.

(c) 1. Except as provided under subd. 2., the owner of a residential building shall comply with the requirements of this subsection before the building is occupied.

2. The owner of a residential building shall comply with the requirements of this subsection not later than April 1, 2010, if construction of the building was initiated before October 1, 2008, or if the department approved the plans for the construction of the building under s. 101.12, Stats., before October 1, 2008.

(d) Any carbon monoxide detector that bears an Underwriters Laboratories, Inc., listing mark or similar mark from an independent product safety certification organization satisfies the requirements of this subsection.

(e) The owner shall install every carbon monoxide detector required by this subsection according to the directions and specifications of the manufacturer of the carbon monoxide detector.

**(3) MAINTENANCE REQUIREMENTS.** (a) The owner of a residential building shall reasonably maintain every carbon monoxide detector in the residential building in the manner specified in the instructions for the carbon monoxide detector.

(b) An occupant of a unit in a residential building may give the owner of the residential building written notice that a carbon monoxide detector in the residential building is not functional or has been removed by a person other than the occupant. The owner of the residential building shall repair or replace the nonfunctional or missing carbon monoxide detector within 5 days after receipt of the notice.

(c) The owner of a residential building is not liable for damages resulting from any of the following:

1. A false alarm from a carbon monoxide detector if the carbon monoxide detector was reasonably maintained by the owner of the residential building.
2. The failure of a carbon monoxide detector to operate properly if that failure was the result of tampering with, or removal or destruction of, the carbon monoxide detector by a person other than the owner or the result of a faulty alarm that was reasonably maintained by the owner as required under par. (a).

2. The installation of carbon monoxide alarms or detectors in accordance with s. 101.149 (2) and (3), Stats., shall be throughout the entire building where a portion of the building includes a residential building.

3. The installation of carbon monoxide alarms or detectors in adjacent units required under s. 101.149 (2) (a) 3., Stats., shall apply to those units located on the same floor level.

4. The 75-foot installation limit specified under s. 101.149 (2) (a) 5., Stats., shall be measured from the door of the unit along the hallway leading from the unit.

5. The installation of carbon monoxide alarms or detectors is not required in buildings if construction of the building was initiated before October 1, 2008, or if the department approved the plans for the construction of the building under s. Comm 61.30, provided the building does not have an attached enclosed garage and either of the following circumstances applies:

a. All of the fuel-burning appliances in the building are of a sealed-combustion type that are covered by the manufacturers' warranties against defects.

b. All of the fuel-burning appliances in the building are of sealed-combustion type that are inspected in accordance with sub. (3) or rules promulgated by the department of health services under s. 254.74 (1) (am), Stats.

(b) 1. Carbon monoxide alarms shall conform to UL 2034.

2. Carbon monoxide alarms shall be listed and labeled identifying conformance to UL 2034.

3. Carbon monoxide detectors and sensors as part of a gas detection or emergency signaling system shall conform to UL 2075.

(c) Carbon monoxide alarms to be installed in a building shall be wired to the building's electrical service and include battery secondary power supplies, if either of the following conditions applies:

1. Plans for the construction of the building were submitted for review under s. Comm 61.30 on or after October 1, 2008.

2. Construction of the building was initiated on or after October 1, 2008, if plans were not required to be submitted and approved under s. Comm 61.30.

(d) Carbon monoxide alarms to be installed within a dwelling unit shall be interconnected so that activation of one alarm will cause activation of all alarms within the dwelling unit, if either of the following conditions applies:

1. Plans for the construction of the building were submitted for review under s. Comm 61.30 on or after October 1, 2008.

2. Construction of the building was initiated on or after October 1, 2008, if plans were not required to be submitted and approved under s. Comm 61.30.

**(3) INSPECTION OF SEALED COMBUSTION APPLIANCES.** (a) The owner of a building or their agent shall arrange the inspection of sealed combustion appliances and the vents and chimneys serving the appliances under sub. (2) (a) 4. b.

(b) Pursuant to sub. (2) (a) 4. b., the inspection of the sealed combustion appliances, vents and chimneys shall be for the purpose of determining carbon monoxide emission levels.

(c) Pursuant to sub. (2) (a) 4. b., the inspection of the sealed combustion appliances, vents and chimneys shall be performed at least once a year.

(d) For the propose of sub. (2) (a) 4. b., the inspection of the sealed combustion appliances, vents and chimneys shall be performed by an individual who holds a certification issued under s. Comm 5.73 as an HVAC qualifier.

(e) If upon inspection, the carbon monoxide emissions from a fuel burning appliance, vent or chimney are not within manufacturer's specifications, the appliance may not be operated until repaired or carbon monoxide alarms or detectors are installed in accordance with s. 101.149 (2) and (3), Stats.

**(4)** Pursuant to s. 101.145 (6) (b), Stats., the department may issue orders for a violation of the provisions of this section.

**(5) PENALTIES.** Violation of the provisions of this section shall be subject to the penalties provided under s. 101.149 (8), Stats.

**Note:** Section 101.149 (8), Stats., reads:

**(8) PENALTIES.** (a) If the department of commerce or the department of health and family services determines after an inspection of a building under this section or s. 254.74 (1g) that the owner of the building has violated sub. (2) or (3), the respective department shall issue an order requiring the person to correct the violation within 5 days or within such shorter period as the respective department determines is necessary to protect public health and safety. If the person does not correct the violation within the time required, he or she shall forfeit \$50 for each day of violation occurring after the date on which the respective department finds that the violation was not corrected.

(b) If a person is charged with more than one violation of sub. (2) or (3) arising out of an inspection of a building owned by that person, those violations shall be counted as a single violation for the purpose of determining the amount of a forfeiture under par. (a).

(c) Whoever violates sub. (4) is subject to the following penalties:

1. For a first offense, the person may be fined not more than \$10,000 or imprisoned for not more than 9 months, or both.
2. For a 2nd or subsequent offense, the person is guilty of a Class I felony.

SECTION 5. Comm 62.3500 (3) (e) and (f) are created to read:

**Comm 62.3500 (3) (e)** UL 2034 – 2005, Single and Multiple State Carbon Monoxide Alarms.

(f) UL 2075 – 2007, Gas and Vapor Detectors and Sensors.

SECTION 6. Comm 62.3500 (3) Note is amended to read:

**Comm 62.3500 (3) Note:** ANSI/ASAE standards may be purchased from the American Society of Agricultural Engineers, 2950 Niles Road, St. Joseph, MI 49085-9659.

ASTM standards may be purchased from ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.

NFPA standards may be purchased from the National Fire Protection Association, One Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101.

UL standards may be purchased for Underwriters Laboratories, Inc., 333 Pfingsten Road, Northbrook, IL 60062-2096.

Copies of the standards adopted under this section are on file in the offices of the department and the legislative reference bureau.

SECTION 7. Comm 66.0911 is renumbered Comm 66.0911 (1).

SECTION 8. Comm 66.0911 (1) (title) is created to read:

**Comm 66.0911 Other requirements. (1) ELEVATOR RECALL.**

SECTION 9. Comm 66.0911 (2) is created to read:

**Comm 66.0911 (2) CARBON MONOXIDE ALARMS.** This is a department rule in addition to the requirements in IEBC section 911: A building or a portion of a building changed to be or include a residential building as defined under s. 101.149 (1) (b), Stats., shall be provided with carbon monoxide alarms or detectors in accordance with s. Comm 62.1200.

**(END)**

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**EFFECTIVE DATE**

Pursuant to s. 227.22 (2) (intro.), Stats these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

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