



## 2003 SENATE BILL 520

March 2, 2004 – Introduced by Senator WIRCH, cosponsored by Representatives BERCEAU, HINES, HAHN, GUNDERSON and YOUNG, by request of the Hekenberger Family. Referred to Committee on Economic Development, Job Creation and Housing.

1     **AN ACT** *to amend* 101.145 (2); and *to create* 101.148 of the statutes; **relating**  
2             **to:** the installation of carbon monoxide detectors in certain public buildings,  
3             granting rule-making authority, and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Current law requires the owner of a “residential building” to install smoke detectors in specified locations within the building. A “residential building” is any public building that is used for sleeping or lodging purposes. The term includes an apartment building, rooming house, hotel, children’s home, community-based residential facility, or dormitory. The term does not include a hospital or nursing home.

This bill creates a similar requirement concerning carbon monoxide detectors. The bill generally directs an owner of a residential building to install an electronic or battery operated carbon monoxide detector in certain locations within the building. The bill requires the owner to maintain any carbon monoxide detector that is located in the common area of a building occupied by tenants and requires an occupant to maintain any carbon monoxide detector that is located inside the occupant’s dwelling unit. The bill allows occupants and municipal or state inspectors to notify an owner of a defective carbon monoxide detector and requires the owner to repair or replace the carbon monoxide detector within five days after receipt of the notice.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 101.145 (2) of the statutes is amended to read:

2           101.145 (2) APPROVAL. A smoke detector required under this section shall be  
3 approved by underwriters laboratory Underwriters Laboratories Inc.

4           **SECTION 2.** 101.148 of the statutes is created to read:

5           **101.148 Carbon monoxide detectors. (1) DEFINITIONS.** In this section:

6           (a) “Carbon monoxide detector” means an electronic or battery operated device  
7 that sounds an alarm when an unsafe amount of carbon monoxide gas is in the air.

8           (b) “Residential building” has the meaning given in s. 101.145 (1) (a).

9           (c) “Sleeping area” has the meaning given in s. 101.145 (1) (b).

10          (d) “Unit” means a part of a residential building that is occupied by one or more  
11 persons, to the exclusion of all others, as a home, residence, or sleeping place.

12          **(2) INSTALLATION REQUIREMENTS.** (a) The owner of a residential building shall  
13 install a carbon monoxide detector in the following locations in the residential  
14 building:

15           1. The basement.

16           2. The head of any stairway on each floor level.

17           3. The sleeping areas of each unit or elsewhere in the unit within 6 feet of each  
18 sleeping area.

19          (b) A carbon monoxide detector installed under this subsection shall be  
20 approved by Underwriters Laboratories Inc. before installation.

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1 (c) The owner shall install every carbon monoxide detector required by this  
2 section according to the directions and specifications of the manufacturer of the  
3 carbon monoxide detector.

4 **(3) MAINTENANCE REQUIREMENTS.** (a) The owner of a residential building shall  
5 maintain any carbon monoxide detector that is located in a common area of the  
6 residential building.

7 (b) The occupant of a unit in a residential building shall maintain any carbon  
8 monoxide detector that is located in the unit.

9 (c) Notwithstanding pars. (a) and (b), an occupant of a unit in a residential  
10 building or a state, county, city, village, or town officer, agent, contractor, or employee  
11 with powers or duties involving inspection of real or personal property may give the  
12 owner of the residential building written notice that a carbon monoxide detector in  
13 the residential building is not functional. The owner shall repair or replace the  
14 nonfunctional carbon monoxide detector within 5 days after receipt of the notice.

15 **(4) ENFORCEMENT AND PENALTY.** (a) To ensure compliance with subs. (2) and (3),  
16 the department may, by rule, require the inspection of all of the following:

- 17 1. The common area of a residential building.
- 18 2. A unit within a residential building, at the request of the owner of the  
19 residential building or an occupant of the unit to be inspected.

20 (b) Whoever violates sub. (2) or (3) shall forfeit not more than \$50. Each  
21 violation and each day of violation constitutes a separate offense.

**SECTION 3. Effective date.**

22  
23 (1) This act takes effect on the first day of the 6th month beginning after  
24 publication.

25 (END)