



2009 SENATE BILL 415

December 2, 2009 - Introduced by Senators HANSEN, SULLIVAN and ERPENBACH, cosponsored by Representatives HINTZ, MASON, DEXTER and ZEPNICK. Referred to Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.

1 **AN ACT to amend** 440.974 (1) (b); and **to create** 101.615 (1m) and 101.647 of the
2 **statutes; relating to:** requiring carbon monoxide detectors in buildings
3 containing one or two dwelling units.

Analysis by the Legislative Reference Bureau

This bill requires the owner of most buildings that contain one or two dwelling units (dwelling) to install a carbon monoxide detector (detector) in the basement of the dwelling and on each floor level except the attic or storage area of each dwelling unit. Under the bill, the owner of the dwelling must install the detector according to the directions and specifications of the manufacturer of the detector and requires that the detector bear an Underwriters Laboratories, Inc., listing mark. If any occupant who is not the owner, or any state or local building inspector, notifies the owner that a detector is not functional, the owner must provide, within five days after receipt of that notice, any maintenance necessary to make the detector functional. The bill exempts an owner of a dwelling from damages resulting from a false alarm from a detector that was reasonably maintained by the owner or from the failure of the detector to operate properly as the result of tampering.

The bill requires new dwellings to have carbon monoxide detectors that are wired to the dwelling's electrical service. Existing dwellings may use a battery powered detector. The bill exempts certain dwellings from the requirement to install detectors. Under the bill, no detector is required if the dwelling has no attached garage, no fireplace, and no fuel-burning appliances.

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The bill authorizes a state or local building inspector to inspect new dwellings, and, at the request of a dwelling owner or renter, the interior of a dwelling unit to ensure compliance with the requirements established under this bill.

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

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

1 **SECTION 1.** 101.615 (1m) of the statutes is created to read:

2 101.615 **(1m)** Section 101.647 applies to a dwelling the initial construction of
3 which was commenced before, on, or after the effective date of this subsection.

4 **SECTION 2.** 101.647 of the statutes is created to read:

5 **101.647 Carbon monoxide detectors. (1) DEFINITIONS.** In this section:

6 (a) “Carbon monoxide detector” has the meaning given in s. 101.149 (1) (am).

7 (b) “Fuel-burning appliance” means a device that is installed in a dwelling,
8 that burns fossil fuel or carbon-based fuel, and that produces carbon monoxide as
9 a combustion by-product.

10 **(2) INSTALLATION AND SAFETY CERTIFICATION.** The owner of a dwelling shall
11 install any carbon monoxide detector required under this section according to the
12 directions and specifications of the manufacturer of the carbon monoxide detector.
13 A carbon monoxide detector required under this section shall bear an Underwriters
14 Laboratories, Inc., listing mark and may be a device that is combined with a smoke
15 detector.

16 **(3) REQUIREMENT.** (a) The owner of a dwelling shall install a functional carbon
17 monoxide detector in the basement of the dwelling and on each floor level except the
18 attic or storage area of each dwelling unit. If the building permit for the initial
19 construction of the dwelling was issued on or after the effective date of this

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1 paragraph [LRB inserts date], and the electrical service for the dwelling is
2 provided by a public utility, as defined in s. 196.01 (5), the owner of the dwelling shall
3 install each carbon monoxide detector required under this subsection so that it is
4 powered by the dwelling's electrical wiring system. A carbon monoxide detector
5 wired to the dwelling's electrical wiring system shall have a backup battery power
6 supply. Except as provided under par. (b), the occupant of the dwelling unit shall
7 maintain any carbon monoxide detector in that unit.

8 (b) If any occupant who is not the owner of a dwelling, or any person authorized
9 by state law or by city, village, town, or county ordinance or resolution to exercise
10 powers or duties involving inspection of real or personal property, gives written
11 notice to the owner that the carbon monoxide detector is not functional, the owner
12 shall provide, within 5 days after receipt of that notice, any maintenance necessary
13 to make that carbon monoxide detector functional.

14 (4) INSPECTION. The department or person authorized by state law or by city,
15 village, town, or county ordinance or resolution to exercise powers or duties involving
16 inspection of real or personal property may inspect new dwellings and, at the request
17 of the owner or renter, may inspect the interior of a dwelling unit in a dwelling to
18 ensure compliance with this section.

19 (5) LIABILITY EXEMPTION. The owner of a dwelling is not liable for damages
20 resulting from any of the following:

21 (a) A false alarm from a carbon monoxide detector if the carbon monoxide
22 detector was reasonably maintained by the owner of the dwelling.

23 (b) The failure of a carbon monoxide detector to operate properly if that failure
24 was the result of tampering with, or removal or destruction of, the carbon monoxide

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1 detector by a person other than the owner of the dwelling or the result of a faulty
2 detector that was reasonably maintained by the owner of the dwelling.

3 (6) TAMPERING PROHIBITED. No person may tamper with, remove, destroy,
4 disconnect, or remove batteries from an installed carbon monoxide detector, except
5 in the course of inspection, maintenance, or replacement of the detector.

6 (7) EXCEPTIONS. Subsections (2) and (3) do not apply to the owner of a dwelling
7 if all of the following apply:

8 (a) The dwelling does not have an attached garage.

9 (b) The dwelling does not have a fireplace.

10 (c) The dwelling does not have a fuel-burning appliance.

11 **SECTION 3.** 440.974 (1) (b) of the statutes is amended to read:

12 440.974 (1) (b) Subject to s. 440.975, standards for the practice of home
13 inspection by home inspectors and standards for specifying the mechanical and
14 structural components of improvements to residential real property that are
15 included in a home inspection. The rules promulgated under this paragraph shall
16 include standards for the inspection of carbon monoxide detectors. The rules
17 promulgated under this paragraph may not require a home inspector to use a
18 specified form for the report required under s. 440.975 (3).

19 **SECTION 4. Effective date.**

20 (1) This act takes effect on the first day of the 13th month beginning after the
21 effective date of this subsection.

22 (END)