

**2003 DRAFTING REQUEST**

**Bill**

Received: **09/04/2003**

Received By: **rmarchan**

Wanted: **As time permits**

Identical to LRB:

For: **Robert Wirch (608) 267-8979**

By/Representing: **amber**

This file may be shown to any legislator: **NO**

Drafter: **rmarchan**

May Contact:

Addl. Drafters:

Subject: **Buildings/Safety - misc.**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Wirch@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Carbon monoxide detectors

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**Instructions:**

Require detectors in "residential buildings" per 101.145.

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rmarchan 09/04/2003	kfollett 10/01/2003					S&L
/P1			jfrantze 10/01/2003		lnorthro 10/01/2003		S&L
/1	gmalaise	kfollett	jfrantze		lnorthro	lemery	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	01/13/2004	01/15/2004 kfollett 01/22/2004	01/22/2004	_____	01/22/2004	02/19/2004	

FE Sent For:

At  
Intro.

<END>

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Requester's email: **Sen.Wirch@legis.state.wi.us**

Carbon copy (CC:) to: **robert.marchant@legis.state.wi.us**

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**Instructions:**

Require detectors in "residential buildings" per 101.145.

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/P1			jfrantze 10/01/2003		Inorthro 10/01/2003		S&L
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*Senate  
per  
Amber*

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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Require detectors in "residential buildings" per 101.145.

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/P1		11Kjf 1/22	jfrantze 10/01/2003	_____	Inorthro 10/01/2003		
			J 1/22	J/ls 1/22			

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**<END>**

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1/?	rmarchan	10/1 kj	10/1 Jb	10/1 Pcy			

FE Sent For:

<END>

OCT 3

**1999 BILL**

DW-9-4

PWF

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. (P) This bill creates a similar requirement concerning carbon monoxide detectors.

Regen

1 AN ACT to amend 101.145 (2), 101.715, 101.745 (2) and 101.925 (2); and to create  
2 101.148, 101.615 (1m), 101.648, 101.715 (2), 101.748 and 101.928 of the  
3 statutes; relating to: the installation of carbon monoxide detectors in new  
4 residential buildings and providing a penalty.

public

**Analysis by the Legislative Reference Bureau**

~~Current law does not require carbon monoxide detectors in residential buildings.~~ This bill generally directs an owner of a new residential building that contains a fuel-burning appliance to install an electronic or battery operated carbon monoxide detector in certain locations within the building. This bill requires the owner to maintain any carbon monoxide detector located in the common area of a building occupied by tenants and requires an occupant to maintain any carbon monoxide detector inside the occupant's dwelling unit. This 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. ~~This bill also directs a manufacturer of new manufactured homes to install a carbon monoxide detector on each floor level of each manufactured home.~~ This bill authorizes the department of commerce to investigate each regulated building to ensure compliance with these requirements.

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the



**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. 101.145 (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~~ <sup>ies</sup> Underwriters Laboratory, Inc. ~~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) "Fuel-burning appliance" means a residential or commercial air  
9 conditioner, boiler, clothes dryer, ~~clothes washer, dehumidifier, dishwasher, fire~~  
10 ~~place, freezer, furnace, microwave oven, oven, refrigerator, stove or water heater~~ that  
11 is directly powered by coal, fuel cubes produced from solid waste, fuel oil, natural gas,  
12 peat, propane or wood.

13 (c) "Residential building" has the meaning given in s. 101.145 (1) (a).

14 (d) "Sleeping area" has the meaning given in s. 101.145 (1) (b).

15 (e) "Unit" means part of a residential building that is occupied by one or more  
16 persons, to the exclusion of all others, as a home, residence, or sleeping place.

17 (2) INSTALLATION REQUIREMENTS. (a) The owner of a residential building, the  
18 initial construction of which is commenced on or after the effective date of this  
19 paragraph .... [revisor inserts date] ~~and that contains a fuel-burning appliance~~  
20 install a carbon monoxide detector in the following locations in the residential  
21 building:

**BILL**

- 1           1. The basement.
- 2           2. The head of any stairway on each floor level.
- 3           3. The sleeping areas of each unit or elsewhere in the unit within 6 feet of each
- 4 sleeping area.

5           (b) A carbon monoxide detector installed under this subsection shall be  
 6 approved by Underwriters Laboratory<sup>ies</sup> Inc. before installation.

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

10          (3) MAINTENANCE REQUIREMENTS. (a) The owner of a residential building shall  
 11 maintain any carbon monoxide detector located in a common area of the residential  
 12 building.

13          (b) The occupant of a unit in a residential building shall maintain any carbon  
 14 monoxide detector in the unit.

15          (c) Notwithstanding pars. (a) and (b), an occupant of a unit in a residential  
 16 building or a state, county, city, village, or town officer, agent, or employee<sup>e</sup> charged  
 17 ~~under statute or municipal ordinance~~ with powers or duties involving inspection of  
 18 real or personal property may give the owner of the residential building written  
 19 notice that a carbon monoxide detector in the residential building is not functional.

20          The owner shall repair or replace the non-functional carbon monoxide detector  
 21 within 5 days after receipt of the notice.

22          (4) ENFORCEMENT AND PENALTY. (a) To ensure compliance with subs. (2) and (3),  
 23 the department may inspect<sup>✓</sup> all of the following: <sup>✓</sup> (by rule, require the inspection of

- 24           1. The common area of a residential building.

**BILL**

1           2. A unit within a residential building, at the request of the owner of the  
2 residential building or an occupant of the unit to be inspected.

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

5           **SECTION 3.** 101.615 (1m) of the statutes is created to read:

6           101.615 (1m) Section 101.648 first applies to a dwelling the initial construction  
7 of which was commenced on the effective date of this subsection .... [reviser inserts  
8 date].

9           **SECTION 4.** 101.648 of the statutes is created to read:

10           **101.648 Carbon monoxide detectors.** (1) **DEFINITIONS.** In this section:

11           (a) "Carbon monoxide detector" has the meaning given in s. 101.148 (1) (a).

12           (b) "Fuel-burning appliance" has the meaning given in s. 101.148 (1) (b).

13           (2) **INSTALLATION REQUIREMENTS.** (a) Every owner of a dwelling that contains  
14 a fuel-burning appliance shall install a carbon monoxide detector in the following  
15 locations in every dwelling unit:

16           1. The basement.

17           2. Each floor level, except the attic or storage area.

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

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

23           (3) **MAINTENANCE REQUIREMENTS.** (a) The occupant of a dwelling unit shall  
24 maintain any carbon monoxide detector in the dwelling unit.

**BILL**

1 (b) Notwithstanding par. (a), an occupant of a dwelling unit or a state, county,  
2 city, village or town officer, agent or employe charged under statute or municipal  
3 ordinance with powers or duties involving inspection of real or personal property  
4 may give the owner of the building written notice that a carbon monoxide detector  
5 in a dwelling unit is not functional. The owner shall repair or replace the  
6 non-functional carbon monoxide detector within 5 days after receipt of the notice.

7 (4) ENFORCEMENT. (a) To ensure compliance with subs. (2) and (3), the  
8 department or any city, village, town or county may inspect all of the following:

- 9 1. A dwelling, except a dwelling unit within a dwelling.
- 10 2. A dwelling unit within a dwelling, at the request of the owner or occupant  
11 of the dwelling unit to be inspected.

12 **SECTION 5.** 101.715 of the statutes is amended to read:

13 **101.715 Application.** This subchapter applies to a dwelling the initial  
14 construction of which was commenced on or after December 1, 1978, except that s.  
15 as follows:

16 (1) Section 101.745 applies to a manufactured building the initial manufacture  
17 of which was commenced on or after May 23, 1978.

18 **SECTION 6.** 101.715 (2) of the statutes is created to read:

19 101.715 (2) Section 101.748 first applies to a manufactured building the initial  
20 manufacture of which was commenced on the effective date of this subsection ....  
21 [revisor inserts date].

22 **SECTION 7.** 101.745 (2) of the statutes is amended to read:

23 101.745 (2) APPROVAL. A smoke detector required under this section shall be  
24 approved by ~~underwriters laboratory~~ Underwriters Laboratory, Inc.

25 **SECTION 8.** 101.748 of the statutes is created to read:

**BILL**

1 **101.748 Carbon monoxide detectors.** (1) DEFINITION. In this section,  
2 "carbon monoxide detector" has the meaning given in s. 101.148 (1) (a).

3 (2) INSTALLATION REQUIREMENTS. (a) The manufacturer of a manufactured  
4 building shall install a carbon monoxide detector on each floor level of each dwelling  
5 unit within the manufactured building, except the attic or storage area.

6 (b) A carbon monoxide detector installed under this subsection shall be  
7 approved by Underwriters Laboratory, Inc. before installation.

8 (c) The manufacturer of a manufactured building shall install every carbon  
9 monoxide detector required by this section according to the directions and  
10 specifications of the manufacturer of the carbon monoxide detector.

11 **SECTION 9.** 101.925 (2) of the statutes is amended to read:

12 101.925 (2) APPROVAL. A smoke detector required under this section shall be  
13 approved by ~~underwriters laboratory~~ Underwriters Laboratory, Inc.

14 **SECTION 10.** 101.928 of the statutes is created to read:

15 **101.928 Carbon monoxide detectors.** (1) DEFINITION. In this section,  
16 "carbon monoxide detector" has the meaning given in s. 101.148 (1) (a).

17 (2) INSTALLATION REQUIREMENTS. (a) The manufacturer of a manufactured home  
18 manufactured on or after the effective date of this paragraph .... [revisor inserts date]  
19 shall install a carbon monoxide detector on each floor level of the manufactured  
20 home, except the attic or storage area.

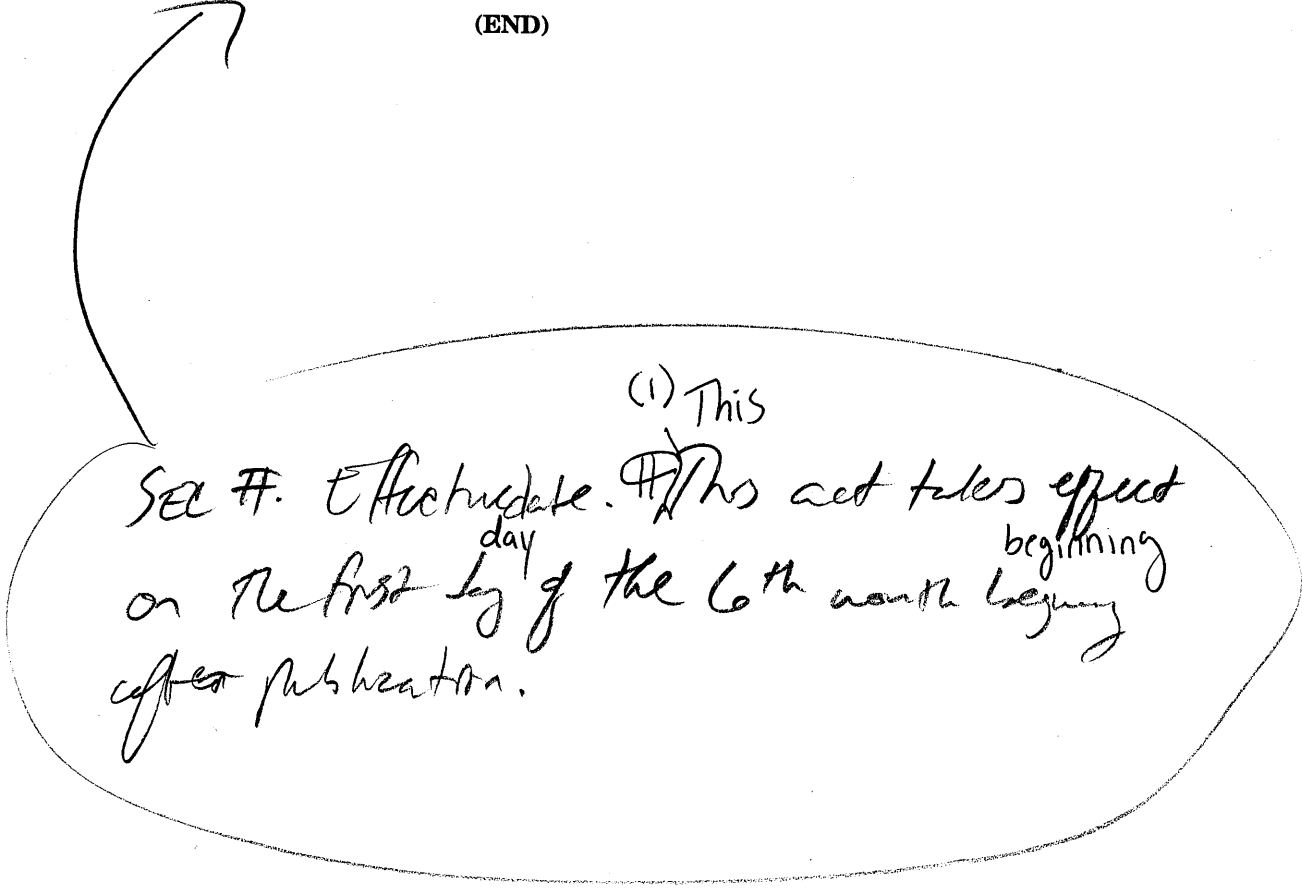
21 (b) A carbon monoxide detector installed under this subsection shall be  
22 approved by Underwriters Laboratory, Inc. before installation.

**BILL**

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

4

(END)



(1) This  
Sec #. Effective date. This act takes effect  
on the first <sup>day</sup> of the 6<sup>th</sup> month <sup>beginning</sup> beginning  
after publication.

1/13/04

Amber,

Require for all buildings, not just those  
built after effective date



State of Wisconsin  
2003 - 2004 LEGISLATURE

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1  
LRB-3205/PA  
RJM:kjf  
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~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Reger

granting rule-making authority,

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 and  
3 providing a penalty.

*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. This bill generally directs an owner of a ~~new~~ residential building to install an electronic or battery operated carbon monoxide detector in certain locations within the building. This bill requires the owner to maintain any carbon monoxide detector located in the common area of a building occupied by tenants and requires an occupant to maintain any carbon monoxide detector inside the occupant's dwelling unit. This 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

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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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1           SECTION 1. 101.145<sup>✓</sup> (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<sup>✓</sup> 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 <sup>(a)</sup> 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 ~~the~~  
13 ~~initial construction of which is commenced on or after the effective date of this~~  
14 ~~paragraph ... [revisor inserts date]~~ shall install a carbon monoxide detector in the  
15 following locations in the residential building:

16           1. The basement.

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

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

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

1 (c) The owner shall install every carbon monoxide detector required by this  
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4 (3) MAINTENANCE REQUIREMENTS. (a) The owner of a residential building shall  
5 maintain any carbon monoxide detector located in a common area of the residential  
6 building.

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

22 **SECTION 3. Effective date.**

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

25 (END)