

2/27/07 - 317 E

Meeting w/ Rep. Kerkman, Sen. Wirth

Other states -

Illinois has passed a CO law

Also NY

police chief -

concern because sealed combustion units can fail
do they need to be inspected? - fire chiefs do
not have expertise - remove SECTION 1?

open issues -

inspection of sealed units?

where to put detectors - look at other states

add language to relieve owner of liability if
detectors are properly maintained

another meeting - week of 3/19

20th - 10:00 -

Kite, Robin

From: McGuire, Paula
Sent: Tuesday, March 20, 2007 1:14 PM
To: Kite, Robin
Subject: FW: CO Detector LRB-0931/P1
Attachments: CO Detector Comments 3_05_07.pdf

Robin--I am not sure if Representative Kerkman's office forwarded this to you.

From: Trisha A. Pugal [mailto:pugal@wisconsinlodging.info]
Sent: Monday, March 05, 2007 9:13 AM
To: McGuire, Paula; Kerkman, Samantha; Sen.Wirch; Kathi Kilgore
Cc: WIA Executive Committee
Subject: CO Detector LRB-0931/P1

Senator Wirch, Representative Kerkman, and others:

Attached please find our comments relating to the CO Detector LRB-0931/P1 as requested.

I am at the Conference on Tourism through Tuesday evening, however can be reached by cell at 262-993-2851 should you have any questions before I return to the office Wednesday morning.

Thank-you,

Trisha Pugal, CAE
President, CEO
Wisconsin Innkeepers Association
1025 S. Moorland Road - Suite 200
Brookfield, Wi. 53005
Phone: 262-782-2851
Fax: 262-782-0550
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For Lodging Information Visit: www.wisconsinlodging.info



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March 5, 2007

Memo to: Senator Robert Wirth and Representative Samantha Kerkman

From: Trisha Pugal, CAE
President, CEO

RE: CO Detector LRB-0931/P1 Draft

First of all, we appreciate the opportunity to provide information on the perspective of the lodging industry as you develop your legislation.

Based on our research of carbon monoxide poisoning incidents in the last few years, approximately 90% or more occur in residences, with the remaining 10% split in a variety of RV's, nursing homes, stores, etc, with very few applied to public lodging facilities. The Chetek fatalities are the only fatalities at a lodging facility in Wisconsin that we could locate.

Thus, it would seem more rational to take an approach with new requirements that would focus on what could have prevented the tragic loss in Chetek, rather than to allow remote possibilities that have no basis of occurrence in an already extremely limited segment (lodging) to be considered as mandates.

It is also important to note that the new requirements will add a cost to a broad range of small to large businesses that should not be masked by merely looking at the initial cost of implementation. The reality is that the CO Detectors (and the batteries attached) will unfortunately be more vulnerable to theft and tampering than smoke detectors due to their more accessible placement.

We would respectfully request that reasonable requirements, based on facts and actual occurrences, versus discretionary conjecture prevail as this legislation is planned.

With this in mind, we offer the following changes to the draft for your consideration:

1. Page 3, line 6
After "within 15 feet of each sleeping area" add:
"within or adjacent to an enclosed area with a fuel burning appliance without a sealed fuel combustion unit"
2. Page 3, line 12
Provide the same added language as in number 1 above.
3. Page 3, line 24
After "owner", add:
" , if it is maintained in the manner specified in the instructions for the carbon monoxide detector, or if the detector is faulty"

(Assuming reasonable maintenance under (a))

4. Page 4, line 14/15

After "does not contain an attached garage" add:

“, or does not have any fuel-burning appliances, or...”

Also, strike the word "and" at the start of line 15

5. Page 5, line 4

After "Each violation and each..." add:

“ensuing”

6. After discussing concerns with tampering and theft of the detectors with a property owner, we discovered that it is unclear what the rights of the property owner are with theft/tampering. If convicted, the courts receive up to \$10,000, but how does the property owner recoup their costs? Perhaps this is addressed elsewhere, but we would appreciate clarification.

The Conference on Tourism is being held today and through tomorrow, with many lodging owners and operators attending. We would appreciate an opportunity to bring any potential additional concerns to your attention immediately following this event, if that is acceptable.

Thank-you again for your consideration.

Cc: WIA Executive Committee
Kathi Kilgore, Partner Lobbyist

NYC Carbon Monoxide Law

Over 1,500,000 Visitors Last Year



Please help spread the word about the danger of Carbon Monoxide by adding this small button to your site. It only takes a minute, simply add [this code](#) to your Website.

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SF350



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[Night Hawk Carbon Monoxide](#)

[Gas Detectors](#)

[Monoxide Alarm](#)

New York Carbon Monoxide Law

Frequently Asked Questions on NYC's New Carbon Monoxide Law

- **What is carbon monoxide (CO)?**

CO is a highly toxic gas. It is the product of the incomplete combustion of fossil fuels such as oil, natural gas, gasoline, wood and coal. The major sources of CO in homes and apartments are fossil fuel burning boilers, furnaces, water heaters, fireplaces and parking garages. CO is very dangerous because it is colorless, odorless, tasteless, and non-irritating. CO poisoning can be fatal. The warning signs of CO poisoning are headaches, dizziness, tiredness and nausea. If you feel that you are suffering from the effects of CO poisoning or that your home may have a CO leak immediately open all of the windows and remove yourself from your home and call the Fire Department.

- **What are building owners' responsibilities under New York City's new law on carbon monoxide detectors?**

- Provide and install at least one approved carbon monoxide alarm within each dwelling unit. The carbon monoxide alarms must be installed within fifteen feet of the primary entrance to each sleeping room. This applies to all multiple dwellings and one- and two-family homes.
- File (in person or by mail) a "[Certificate of Satisfactory Installation](#)" within 10 days from the date of installation, with [HPD's Borough Code Enforcement office](#) in the borough in which the dwelling is located. This applies to all multiple dwellings.
- Post a [notice in a form approved by HPD](#) in a common area informing occupants of Local Law # 7 requirements. This applies to class "A" multiple dwellings. "A" units are dwellings used, as a rule, for permanent residences. The typical residential apartment is an "A" unit.
- Provide a [notice in a form approved by HPD](#) informing occupants of Local Law # 7 requirements. This applies to non-owner occupied units in private one- and two-family homes.
- Provide written information regarding the testing and maintenance of carbon monoxide alarms, including general information concerning carbon monoxide poisoning and what to do if a carbon monoxide alarm goes off, to at least one

Carbon monoxide fears over death

A man has died and a woman has been taken to hospital suffering from suspected carbon monoxide poisoning.
Monday, 12 February 2007, 10:19 GMT

Calling all Lawyers

We need to get in touch with US and UK lawyers who can offer good legal advice to the public about Carbon Monoxide Poisoning. Please contact us [here](#) if you can help.

Home | Can you help us?

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[! CO Discussion Forum](#)

[! CO Legal Advice](#)

What is Carbon Monoxide?

[10 step guide to CO safety](#)

Carbon Monoxide Poisoning

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[Dr David Penney](#)

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[NYC Carbon Monoxide Law](#)

[Carbon Monoxide & Health Links](#)

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[CO in packaged meat](#)

[Site Map](#)

adult occupant of each dwelling unit. This applies to class "A" multiple dwellings and non-owner occupied units in one- and two-family homes.

- o Keep all records relating to the installation and maintenance of carbon monoxide alarms and make them available upon request to the Department of Housing Preservation and Development (HPD), the Department of Buildings (DOB), the Fire Department and the Department of Health and Mental Hygiene (DOHMH). Records for all multiple dwellings must be kept on the premises unless HPD grants permission to keep them elsewhere; records for non-owner occupied units in private dwellings may be kept by the owner.
 - o Keep and maintain the carbon monoxide alarms or systems in good repair. This applies to class "B" multiple dwellings. "B" units are dwellings used, as a rule, on a temporary basis. For example, single room occupancies are typically B units.
 - o Some units in buildings without fossil fuel burning furnaces or boilers may be exempt (see Department of Buildings regulations on <http://home.nyc.gov/html/dob/home.html> for more info). CO detectors are also required in dormitories, nursing homes, and schools.
- **What are tenants' responsibilities under New York City's new law on carbon monoxide detectors?**
 - o Reimburse the building owner \$25.00 for each carbon monoxide alarm that is newly installed or installed as a result of the occupant's failure to maintain the carbon monoxide alarm or where the carbon monoxide alarm has been lost or damaged by the occupant.
 - o Keep and maintain the carbon monoxide alarm in good repair.
 - **When must the detectors be installed?**

All detectors must be installed by November 1, 2004. Under limited circumstances, the Department of Buildings' borough offices may grant time extensions until June 30, 2005. Extensions will be considered on a case by case basis. Visit <http://home.nyc.gov/html/dob/home.html> for more information about the extension process.
 - **What types of CO detectors are required?**

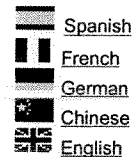
Approved CO detectors must be marked "UL." For existing buildings, CO detectors can be battery-operated, or can plug into an electrical outlet as long as it has a battery back-up in case of power interruption. New buildings or substantially improved buildings must have detectors that are hard-wired to the building's electrical systems. The installation of a combination smoke alarm/CO detector is allowed.
 - **Where should the CO detectors be installed?**

CO detectors must be installed within 15 feet of the primary entrance of each bedroom. They can be

Poisoning Advice

Fact Sheets: 1 | 2 | 3 | 4

Bumper Sticker



Translated with BABEL FISH (SORRY)

Dotnology Limited

Updated: 27th/February/2007



installed at other room locations and at heights recommended by the manufacturer. CO detectors do not have to be installed on or near the ceiling. To ensure proper operation, do not install CO detectors next to bathrooms, which are sources of humidity, or near gas stoves, gas dryers, etc. Detectors should not be placed in areas where they are likely to be damaged by children or pets.

- **What forms must building owners submit to HPD? Where do building owners get the forms? When do building owners have to submit them?**

Owners must file (in person or by mail) a Certificate of Installation with the HPD Code Enforcement borough office within 10 days of installation.

Owners may either download the Certificate of Installation or pick one up at any of HPD's Code Enforcement borough offices.

- **If a tenant wants to install his/her own detector, can the owner allow that, or does the owner have to install it?**

Local Law # 7 requires the owner of the dwelling to provide and install at least one approved and operational CO alarm. If building owners and tenants are in agreement in allowing the tenant to install the CO alarm, it is strongly suggested that the owner be provided access to confirm that an approved CO alarm is properly installed and operational. It is the owner of the multiple dwelling that must file (in person or by mail) the certificate of installation with HPD.

- **If you own your apartment, are you responsible for installing the detector?**

For owner-occupied coops and condos, the board and the shareholders must make this decision.

- **If a building owner has a vacant apartment with no tenant expected to move in, must the owner install a detector in the vacant apartment? Or, must the owner only install the detector immediately before the new tenant moves in?**

Owners are required to install CO detectors in each dwelling unit. Nothing in the law limits installation to occupied units.

- **Can a building owner be reimbursed for the cost of a carbon monoxide detector?**

When a building owner installs a detector in a rental apartment, the law requires the tenant to reimburse the owner for \$25 within one year.

- **Is a combination smoke/carbon monoxide detector permitted?**

Yes

- **If a building owner installs a combination smoke/carbon monoxide detector, can the owner get a \$35 reimbursement from the tenant (\$10 for smoke detector plus \$25 for carbon monoxide detector?)**

Owners who install a combined smoke and carbon monoxide alarm are entitled to be reimbursed a maximum of \$35.00 only when the smoke alarm needs to be replaced i.e. it is missing or inoperable. If the smoke alarm is operable and the building owner still wants to replace it with a combined alarm, he or she can only be reimbursed \$25.00.

- **Who is responsible for maintaining the carbon monoxide detectors?**

While the law places responsibility for maintaining the detectors with the tenant, it requires building owners to replace any detectors that are lost, stolen or become inoperable. The owner has to "replace within 30 calendar days after the receipt of written notice any such device which becomes inoperable within one year of the installation of such device due to a defect in the manufacture of such device and through no fault of the occupant of the dwelling unit." (27-2046.1b(4)). The building owner does not get another \$25 reimbursement for this kind of replacement. Presumably, the alarm is covered by manufacturer warranty for that long.

- **What are some tips for maintaining carbon monoxide detectors?**

- Test all carbon monoxide detectors at least once a month (all alarms have test buttons).
- Replace batteries twice a year, in the spring and in the fall when clocks are changed for daylight savings time.
- An audible trouble signal will sound warning that the battery is low. Replace the battery immediately.
- Never paint over carbon monoxide detectors.
- Replace carbon monoxide detectors as recommended by the manufacturer. Aged CO detectors may fail to sound in the presence of carbon monoxide gas.

- **How will HPD enforce the carbon monoxide rules?**

HPD will issue violations for failure to install carbon monoxide detectors and for failure to provide proper notification and certification of installation in accordance with the law.

- **What are the penalties if an owner does not install a CO detector?**

Failure to provide or maintain a CO detector is a class B violation. Civil penalties can range from \$25 to \$100 and \$10 per day for each violation until the violation is certified as corrected. In addition, failure to provide proper notices to occupants or certification of installation is a class A violation which can carry civil penalties of up to \$50.

- **What are some heating season tips that owners should follow?**

- While a CO detector may help to alert you to the presence of elevated CO levels, it is important to make sure that plumbing, heating and other gas powered equipment in your home is properly maintained and serviced regularly by a licensed professional.
- Keep chimneys clean and maintain chimney flues.
- Do not attempt to heat your home with the oven. Burning gas in a closed house or apartment uses up oxygen and produces deadly carbon monoxide gases.

- Never keep your car idling in the garage and never turn on gas-powered equipment, such as snow blowers, chainsaws or generators inside your home and garage.
 - Kerosene heaters are dangerous and illegal in New York City. If you use electric heaters make sure that they are U.L. rated, and kept away from any combustible materials such as draperies and linens. Unplug electric blankets and portable electric heaters when not in use.
 - Make sure you have a working smoke detector in every bedroom and on every level. Check and change the batteries often.
 - You can check if a repair company has a plumber's or oil burner installer's license online by using the Building Information System at <http://home.nyc.gov/html/dob/home.html>
 - **Where can tenants and building owners get more information?**
Tenants and building owners may call 311 or visit HPD's website at www.nyc.gov/hpd
-

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IL

Carbon Monoxide Alarm Detector Act

To be used as a reference to answer questions regarding Public Act 094-0741, Carbon Monoxide Alarm Detector Act, signed into law on May 8, 2006.

Compliance Date: January 1, 2007

1. Every dwelling unit shall be equipped with at least one approved carbon monoxide alarm in an operating condition within 15 feet of every room used for sleeping purposes.
2. The CO alarm can be combined with smoke detecting devices, provided each unit has a distinct alarm that differentiates the hazard.
3. Every structure that contains more than one dwelling unit shall contain at least one CO alarm within 15 feet of each sleeping area.
4. The owner of the property must supply and install all required alarms.
5. In non-owner occupied dwellings:

The owner must provide the tenant with written information regarding testing and maintenance and must make sure the batteries in the CO alarm are in operating condition when the tenant takes possession of the dwelling unit.

The tenant must take responsibility to test and provide general maintenance for the alarms; notify the owner or owner's agent in writing of any deficiencies the tenant can not correct and allow the owner or the owner's agent access to the dwelling unit to correct any deficiencies in the carbon monoxide alarm reported in writing to the owner or agent.
6. The carbon monoxide alarms required under this Act may be:
 - a) battery powered
 - b) plug-in with battery back-up; or
 - c) wired into the structures AC power line with battery back-up
7. Failure to install or maintain is a Class B misdemeanor
8. Tampering with, removing, destroying, disconnecting, or removing the batteries from any installed CO alarm is a Class A misdemeanor in the case of the first conviction and a Class 4 felony in the case of a second subsequent conviction.
9. Exemptions – a residential unit in a building that:
 - a) does not rely on combustion of fossil fuel for heat, ventilation or hot water;
 - b) is not connected in any way to a garage; and
 - c) is not sufficiently close to any ventilated source of carbon monoxide, as determined by the local building commissioner.

Public Act 094-0741

HB5284 Enrolled

LRB094 17775 LCT 53074 b

AN ACT concerning safety.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 1. Short title. This Act may be cited as the Carbon Monoxide Alarm Detector Act.

Section 5. Definitions. In this Act:

"Approved carbon monoxide alarm" or "alarm" means a carbon monoxide alarm that complies with all the requirements of the rules and regulations of the Illinois State Fire Marshal, bears the label of a nationally recognized testing laboratory, and complies with the most recent standards of the Underwriters Laboratories or the Canadian Standard Association.

"Dwelling unit" means a room or suite of rooms used for human habitation, and includes a single family residence as well as each living unit of a multiple family residence and each living unit in a mixed use building.

Section 10. Carbon monoxide detector.

(a) Every dwelling unit shall be equipped with at least one approved carbon monoxide alarm in an operating condition within 15 feet of every room used for sleeping purposes. The carbon monoxide alarm may be combined with smoke detecting devices provided that the combined unit complies with the respective provisions of the administrative code, reference standards, and departmental rules relating to both smoke detecting devices and carbon monoxide alarms and provided that the combined unit emits an alarm in a manner that clearly differentiates the hazard.

(b) Every structure that contains more than one dwelling unit shall contain at least one approved carbon monoxide alarm in operating condition within 15 feet of every room used for sleeping purposes.

(c) It is the responsibility of the owner of a structure to supply and install all required alarms. It is the responsibility of a tenant to test and to provide general maintenance for the alarms within the tenant's dwelling unit or rooming unit, and to notify the owner or the authorized agent of the owner in writing of any deficiencies that the tenant cannot correct. The owner is responsible for providing one tenant per dwelling unit with written information regarding alarm testing and maintenance.

The tenant is responsible for replacement of any required batteries in the carbon monoxide alarms in the tenant's dwelling unit, except that the owner shall ensure that the batteries are in operating condition at the time the tenant takes possession of the dwelling unit. The tenant shall provide the owner or the authorized agent of the owner with access to the dwelling unit to correct any deficiencies in the carbon monoxide alarm that have been reported in writing to the owner

or the authorized agent of the owner.

(d) The carbon monoxide alarms required under this Act may be either battery powered, plug-in with battery back-up, or wired into the structure's AC power line with secondary battery back-up.

Section 15. Violation.

(a) Willful failure to install or maintain in operating condition any carbon monoxide alarm required by this Act is a Class B misdemeanor.

(b) Tampering with, removing, destroying, disconnecting, or removing the batteries from any installed carbon monoxide alarm, except in the course of inspection, maintenance, or replacement of the alarm, is a Class A misdemeanor in the case of a first conviction and a Class 4 felony in the case of a second or subsequent conviction.

Section 20. Exemptions. The following residential units shall not require carbon monoxide detectors:

(1) A residential unit in a building that: (i) does not rely on combustion of fossil fuel for heat, ventilation, or hot water; (ii) is not connected in any way to a garage; and (iii) is not sufficiently close to any ventilated source of carbon monoxide, as determined by the local building commissioner, to receive carbon monoxide from that source.

(2) A residential unit that is not sufficiently close to any source of carbon monoxide so as to be at risk of receiving carbon monoxide from that source, as determined by the local building commissioner.

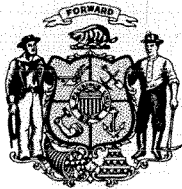
Effective Date: 1/1/2007

Floor Actions

Date	Action
5/8/2006	Public Act 094-0741

Per Paula

Sealed units are assumed "sealed" & safe
through warranty period
after warranty expires - the units must
be inspected by an HVAC inspector
(annually?) or else must install detectors



State of Wisconsin
2007 - 2008 LEGISLATURE

800

RM run
P2

LRB-0931/PT

RNK:wj:pg

stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-note

Regen

1 AN ACT to amend 101.145 (2); and to create 101.14 (2) (bg) and 101.149 of the
2 statutes; relating to: the installation of carbon monoxide detectors in certain
3 buildings, providing an exemption from emergency rule procedures, granting
4 rule-making authority, and providing penalties.

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, a rooming house, a hotel, a children's home, a community-based residential facility, or a dormitory. The term does not include a hospital or a 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, bearing an Underwriters Laboratories, Inc., listing mark in the basement of the building and within 15 feet of each sleeping area. The bill also requires the Department of Commerce to promulgate rules establishing a procedure under which the owner of a residential building may apply for a waiver of the requirement to install carbon monoxide detectors. The bill requires the owner to maintain reasonably every carbon monoxide detector that is located in the building but specifies that the owner is not liable for damages resulting from the failure of the carbon monoxide detector to operate properly if someone other than the owner tampered with, removed, or

No #

The requirement does not apply under certain limited circumstances, including where the building has no attached garage and no fuel-burning appliances.

destroyed it. The bill allows occupants to notify an owner of a defective or missing carbon monoxide detector and requires the owner to repair or replace the carbon monoxide detector within five days after receipt of the notice.

The bill prohibits tampering with an installed carbon monoxide detector and specifies that a person convicted of tampering is subject to a fine not to exceed \$10,000 or imprisonment for not more than nine months, or both, for a first offense and is guilty of a Class I felony for a second or subsequent offense. The bill also requires the chief of every local fire department to ensure that fire safety inspections include inspections of sealed combustion units for carbon monoxide emissions.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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.** 101.14 (2) (bg) of the statutes is created to read:

2 101.14 (2) (bg) The chief of every fire department shall ensure that the
3 inspections required under par. (b) include inspections of sealed fuel combustion
4 units for carbon monoxide emissions.

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

6 101.145 (2) APPROVAL. A smoke detector required under this section shall be
7 approved by ~~underwriters laboratory~~ Underwriters Laboratories, Inc.

8 **SECTION 3.** 101.149 of the statutes is created to read:

9 **101.149 Carbon monoxide detectors. (1) DEFINITIONS.** In this section:

10 (a) "Carbon monoxide detector" means an electronic or battery-operated device
11 that sounds an alarm when an unsafe level of carbon monoxide is in the air.

12 (b) "Residential building" has the meaning given in s. 101.145 (1) (a).

13 (c) "Sleeping area" has the meaning given in s. 101.145 (1) (b).

1 (d) "Unit" means a part of a residential building that is occupied by one or more
2 persons as a home, residence, or sleeping place.

3 (2) INSTALLATION REQUIREMENTS. (a) Except as provided in sub. (5), the owner
4 of a residential building the construction of which was initiated before the effective
5 date of this paragraph [revisor inserts date], shall install a carbon monoxide
6 detector in the basement of the building and within 15 feet of each sleeping area not
7 later than the first day of the 18th month beginning after the effective date of this
8 paragraph [revisors inserts date].

9 (b) Except as provided in sub. (5), the owner of a residential building, the
10 construction of which was initiated on or after the effective date of this paragraph
11 [revisor inserts date], shall install a carbon monoxide detector in the basement
12 of the building and within 15 feet of each sleeping area before occupancy.

13 (c) Any carbon monoxide detector that bears an Underwriters Laboratories,
14 Inc., listing mark satisfies the requirements of this subsection.

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

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

21 (b) The owner of a residential building is not liable for damages resulting from
22 the failure of a carbon monoxide detector to operate properly if that failure was the
23 result of tampering with, or removal or destruction of, the carbon monoxide detector
24 by a person other than the owner

insert
3-12

or the result of a faulty detector that was reasonably maintained by the owner as required under para (a)

1 (c) An occupant of a unit in a residential building, the department, or a building
 2 inspector certified by the department may give the owner of the residential building
 3 written notice that a carbon monoxide detector in the residential building is not
 4 functional or has been removed by a person other than the occupant. The owner of
 5 the residential building shall repair or replace the nonfunctional or missing carbon
 6 monoxide detector within 5 days after receipt of the notice.

7 (d) The owner of a residential building is not liable for damages resulting from
 8 a false alarm from a carbon monoxide detector if the carbon monoxide detector was
 9 reasonably maintained by the owner of the residential building.

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

13 (5) EXCEPTIONS. Subsections (2) and (3) do not apply to the owner of a
 14 residential building if the residential building does not contain an attached garage
 15 and if all the fuel-burning appliances in the building have sealed fuel combustion
 16 units.

17 (6) RULES. The department shall promulgate rules establishing a procedure
 18 under which the owner of a residential building may apply to the department for a
 19 waiver of the requirements under sub. (2).

20 (7) INSPECTION. To ensure compliance with subs. (2) and (3), the department,
 21 or a building inspector certified by the department, may inspect all of the following:

22 (a) The common area of a residential building.

23 (b) A unit within a residential building, at the request of the owner of the
 24 residential building or an occupant of the unit to be inspected.

insert
4-16

1 (8) PENALTIES. (a) A person who violates sub. (2) or (3) shall be subject to a
2 warning by the department or a certified building inspector for a first offense. A
3 person who violates sub. (2) or (3) shall forfeit not more than \$25 for a 2nd offense
4 and not more than \$50 for a 3rd or subsequent offense. ~~Each violation and each day~~
5 ~~of violation constitutes a separate offense.~~

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

7 1. For a first offense, the person may be fined not more than \$10,000 or
8 imprisoned for not more than 9 months, or both.

9 2. For a 2nd or subsequent offense, the person is guilty of a Class I felony.

10 **SECTION 4. Nonstatutory provisions.**

11 (1) EMERGENCY RULES. Using the procedure under section 227.24 of the statutes,
12 the department of commerce shall promulgate as emergency rules the rules required
13 under section 101.149 (6) of the statutes, as created by this act. Notwithstanding
14 section 227.24 (1) (c) and (2) of the statutes, the emergency rules promulgated under
15 this subsection may remain in effect until the date on which the permanent rules
16 required under section 101.149 (6) of the statutes, as created by this act, take effect.
17 Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department of
18 commerce is not required to provide evidence that promulgating rules under this
19 subsection as emergency rules is necessary for the preservation of the public peace,
20 health, safety, or welfare and is not required to provide a finding of emergency for the
21 rules promulgated under this subsection.

22 **SECTION 5. Effective dates.** This act takes effect on the first day of the 6th
23 month beginning after publication, except as follows:

insert
5-5

**2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0931/P2ins.
RNK:.....

INSERT 3-12

* ****NOTE: I have not changed these provisions that specify the location of the detectors although I understand that this issue is still under discussion and additional changes may be required in the next version of the draft.

INSERT 4-16

(5) EXCEPTIONS. Subsections (2) and (3) do not apply to the owner of a residential building if the residential building does not have an attached garage and any of the following apply:

- (a) The residential building does not have any fuel-burning appliances.
- (b) All of the fuel-burning appliances in the residential building have sealed combustion units that are covered by the manufacturer's warranty against defects.
- (c) All of the fuel-burning appliances in the residential building have sealed combustion units that are inspected annually by a person who is qualified to conduct such inspections, as determined by the department.

INSERT 5-5

****NOTE: I have not inserted the term "ensuing" in this provision as requested because I am not sure what the intent of that language is. Instead, I have removed the sentence that provided that each violation and each day of violation constitutes a separate offense because I'm not sure that this language accomplishes your objective. For example, if a building owner fails to install 20 detectors, does this constitute 20 offenses? And if those 20 detectors are still not installed after 7 days, does this now constitute 140 offenses? In other words, how do you want the violations to be counted? You may wish to provide that the penalty applies for each day of violation as under the smoke detector law (s. 101.145 (6), stats.).

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0931/P2dn

RNK:.....

wij

This redraft incorporates the changes that you requested. I understand that additional changes will be required in a later version of the draft. Please note the following:

1. I have changed the term "sealed fuel combustion units" in this draft to "sealed combustion units" because my research indicates that this latter term is the one most commonly used in the industry. Do you concur?

2. You had asked that I include a provision authorizing restitution to an owner for the theft or destruction of a carbon monoxide detector. ~~Under~~ current law, s. 973.20 (2), stats, authorizes a court to enter an order of restitution for a crime that results in damage or loss or destruction of property. Consequently, it is unnecessary to add a restitution provision to this draft. ✓

Please feel free to contact me if you have any questions with regard to this draft.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0931/P2dn
RNK:wlj:rs

March 30, 2007

This redraft incorporates the changes that you requested. I understand that additional changes will be required in a later version of the draft. Please note the following:

1. I have changed the term "sealed fuel combustion units" in this draft to "sealed combustion units" because my research indicates that this latter term is the one most commonly used in the industry. Do you concur?
2. You had asked that I include a provision authorizing restitution to an owner for the theft or destruction of a carbon monoxide detector. Current law, s. 973.20 (2), stats., authorizes a court to enter an order of restitution for a crime that results in damage or loss or destruction of property. Consequently, it is unnecessary to add a restitution provision to this draft.

Please feel free to contact me if you have any questions with regard to this draft.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

Kite, Robin

From: McGuire, Paula
Sent: Thursday, August 09, 2007 12:57 PM
To: Kite, Robin
Subject: Carbon Monoxide--Approved changes for drafting.

0931

Hey Robin--Thanks for your help--Here are the changes that have been discussed and approved by the group--I am around all day today and tomorrow if you have any questions regarding the changes/intent of what we are trying to achieve

Thanks!

Paula

254.65 (about)

Page 2-Section 1

Remove: The Chief of every fire department shall ensure that inspections....
 Replace: DHFS already does inspections of hotels for a variety of things--add inspection of fuel combustion units to the list of items DHFS inspects. Units do not have to be inspected while they under manufacturers warranty, but they will need to be inspected during the routine inspections when they are no longer under warranty. DOC inspects apartments and they will be responsible for those inspections. DOC and DHFS will need to promulgate rules.

Page 3-Section 2

Installation Requirements

Line 12 (Drafters Note)

Add: Where there is a source of carbon monoxide within a hotel room a detector must be installed in the room with the source, and a detector is required in the rooms on either side of the source also, and a detector is needed in the hallway as close to the room with the source as practical but within 75 feet.

For example--Room number 310 has a gas fireplace--Rooms 309, 310, 311 would need detectors, as well as one detector in the hallway as close to room 310 as possible but within a mandatory 75 feet. The hotel would not need to install the detector in the hallway within 15 feet if there wasn't an electrical outlet already in the hallway, but they would need to install the detector in the closest outlet available. There needs to be a limit to the distance to the nearest outlet.

If the only source of carbon monoxide is a nonsleeping unit then one detector would be required at the location of the source.

Add: For new construction of a stand alone unit (example, a cabin) there would only need to be one detector in the unit if there is a source of carbon monoxide.

Add: Hotels currently in the planning process that have been approved by DOC would be classified as existing construction (not new construction) and would not

can talk to Commerce

need to be hard wired for carbon monoxide detectors.

Page 5-Section 8

Penalties

Line 12 (Drafters Note)

Establish violations the same as under smoke detector laws

Do we need to clarify that offenses are based per licensed property? For example, the hotel should have 5 carbon monoxide detectors but they have zero detectors--This would equal 1 offense because it is all on the same property. Also, clarify that the warning is the first offense and there is no penalty. This issue came up through discussion regarding if a hotel could receive both a warning and offense with penalty on the same day. The intent is that a warning would be issued first, proceeded by a penalty if the warning does not result in complying with the standards for carbon monoxide detectors. Further discussion also brought up the issue of how fines are established--from what day to what day is used to decide the amount of a fine--for example, if a hotel is notified of an offense and takes steps to remedy the problem but then has to wait 3 weeks for a reinspection which determines that the repair wasn't done properly does the fine apply for each day of the 3 week period that existed after

Kite, Robin

From: McGuire, Paula
Sent: Thursday, August 16, 2007 11:30 AM
To: Kite, Robin
Subject: FW: Carbon Monoxide Draft--Questions....

I am waiting to hear back from everyone--here is one thought.

From: Trisha A. Pugal [mailto:pugal@wisconsinlodging.info]
Sent: Thursday, August 16, 2007 11:33 AM
To: McGuire, Paula; Henderson, Patrick W - DOA; Popp, Sarah; Kathi Kilgore; David Bloom
Subject: Re: Carbon Monoxide Draft--Questions....

Paula:

Commerce currently inspects lodging properties' new construction and renovation projects, and DHFS inspects existing lodging properties once Commerce has approved them. Commerce no longer performs regular inspections once the facility is approved (unless there is renovation).

While I can't speak for apartments, DHFS would be the appropriate entity for lodging properties (assuming it would not be included in fire inspections, per Chief Bloom's earlier request). The person to contact at DHFS about this would be Jim Kaplanek, Chief of Food Safety & Recreational Licensing at DHFS (608-261-8361).

Trisha Pugal, CAE
 President, CEO
 Wisconsin Innkeepers Association
 1025 S. Moorland Road - Suite 200
 Brookfield, Wi. 53005
 Phone: 262-782-2851
 Fax: 262-782-0550
 E-Mail: pugal@wisconsinlodging.info
 For Lodging Information Visit: www.wisconsinlodging.info

From: "McGuire, Paula" <Paula.McGuire@legis.wisconsin.gov>
Date: Thu, 16 Aug 2007 10:27:52 -0500
To: "Henderson, Patrick W - DOA" <Patrick.Henderson@Wisconsin.gov>, "Popp, Sarah" <Sarah.Popp@legis.wisconsin.gov>, Kathi Kilgore <Kilgore@swandby.com>, "Trisha A. Pugal" <pugal@wisconsinlodging.info>, David Bloom <bloomd@town.madison.wi.us>
Conversation: Carbon Monoxide Draft--Questions....
Subject: Carbon Monoxide Draft--Questions....

Robin Kite is working on the draft for the carbon monoxide draft--She has raised some questions about the inspections regarding having DOC and DHFS both doing inspections--It is my recollection that DOC would handle inspections for apartments and DHFS would handle inspections for hotels--To do this it would need to be referenced both in Chapter 101 for DOC and Chapter 254 for DHFS--referencing it in two places could be confusing. As I recall, we were planning on DHFS perform the inspections because DOC inspections are done at the local level with local firefighters that would not have the expertise to do this type of inspection.

PLEASE LET ME KNOW--by Friday, August 17, 2007--your thoughts regarding inspections

- 1--Have DOC inspect detectors in apartments and have DHFS inspect detectors in hotels
 --or--
2. Have DOC perform inspections in both apartments and hotels.
 --or--

08/22/2007

3. Your suggestion

Kite, Robin

From: McGuire, Paula
Sent: Thursday, August 16, 2007 12:39 PM
To: Kite, Robin
Subject: FW: Carbon Monoxide Draft--Questions....

From: David Bloom [mailto:bloomd@town.madison.wi.us]
Sent: Thursday, August 16, 2007 12:26 PM
To: McGuire, Paula; Henderson, Patrick W - DOA; Popp, Sarah; Kathi Kilgore; Trisha A. Pugal
Subject: RE: Carbon Monoxide Draft--Questions....

Paula

I believe the inspection that we are referring to is the inspection annually to verify that the sealed gas unit continued to meet the standard as a sealed unit and had not been tampered with or damaged so that the sealed gas unit no longer provided the protection of a sealed unit. That is what I remember from our conversations. I do not know if DHFS would have inspectors with the expertise to verify those sealed units continue to meet the standard a sealed unit must meet.

DOC deputizes the fire inspectors in each local fire department to conduct inspections of all commercial buildings, which includes apartments, hotels and motels, of those local communities. That local inspector can check for carbon monoxide detectors in those buildings but does not have the expertise to check a sealed gas unit and verify that it continues to meet the standard for a sealed gas unit.

Dave Bloom
608-444-3324

-----Original Message-----

From: McGuire, Paula [mailto:Paula.McGuire@legis.wisconsin.gov]
Sent: Thursday, August 16, 2007 10:28 AM
To: Henderson, Patrick W - DOA; Popp, Sarah; Kathi Kilgore; Trisha A. Pugal; David Bloom
Subject: Carbon Monoxide Draft--Questions....

Robin Kite is working on the draft for the carbon monoxide draft--She has raised some questions about the inspections regarding having DOC and DHFS both doing inspections--It is my recollection that DOC would handle inspections for apartments and DHFS would handle inspections for hotels--To do this it would need to be referenced both in Chapter 101 for DOC and Chapter 254 for DHFS--referencing it in two places could be confusing. As I recall, we were planning on DHFS perform the inspections because DOC inspections are done at the local level with local firefighters that would not have the expertise to do this type of inspection.

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