



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2007 Wisconsin Act 205
[2007 Senate Bill 289]

**Installation of Carbon Monoxide
Detectors**

2007 Wisconsin Act 205 generally requires the owner of a residential building to install a carbon monoxide detector, approved by an independent safety certification organization, in the basement of the building, within 15 feet of each sleeping area, and in certain specified hallways and adjacent rooms. The Act requires the owner to install and reasonably maintain every carbon monoxide detector in the residential building in the manner specified in the instructions for the carbon monoxide detector. An occupant of the building may notify the owner that a carbon monoxide detector is not functional or has been removed by a person other than the occupant. The owner must repair or replace the nonfunctional or missing carbon monoxide detector within five days of receipt of the notice.

The owner of a residential building is not liable for damages under the Act for a false alarm if the detector was reasonably maintained by the owner. In addition, the Act states that an owner is not liable for the failure of a carbon monoxide detector to operate properly if the failure was the result of tampering with, or removal or destruction of, the carbon monoxide detector by a person other than the owner or as a result of a faulty detector that was reasonably maintained.

The Act also requires the Department of Health and Family Services to promulgate rules for the inspection of sealed combustion units (furnaces or water heaters, for example) of hotels, tourist rooming houses, and bed and breakfast establishments. The Department of Commerce is charged with promulgating rules for all other residential buildings as defined by the Act. These inspection rules only apply to those residential buildings in which the owner chooses not to install carbon monoxide detectors under the exception specified in s.101.149 (5) (c), Stats., as created by the Act. The Act also provides exceptions for a residential building that does not have any fuel burning appliances and for buildings where all sealed combustion units are covered by the manufacturers warranty against defects.

Effective Date: October 1, 2008 (emergency rule provisions of the Act take effect on April 22, 2008.)

Prepared by: Dan Schmidt, Senior Analyst

April 23, 2008 (Revised
May 13, 2008)

DWS:ksm

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.