



SPONSOR: Sen. Sokola & Rep. Bentz
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DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE BILL NO. 91

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO CARBON MONOXIDE DETECTION DEVICES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 16 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

Chapter 66C. Carbon Monoxide Detection Devices.

§ 6601C. Definitions.

For purposes of this chapter:

(1) “Carbon monoxide detection devices” means a battery-operated or AC powered device that detects the presence of the carbon monoxide gas in order to prevent carbon monoxide poisoning. Carbon monoxide detection devices include combination smoke and carbon monoxide detectors.

(2) “Dwelling unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

(3) “Lodging establishment” means any building, group of buildings, structure, facility, place, or places of business where 1 or more dwelling units or sleeping units are provided and which is kept, used, maintained, advertised, or held out to the public to provide lodging accommodations for pay which can be construed to be a hotel, motel, motor hotel, apartment or multi-family dwelling, bed and breakfast facility, bunkhouse, cabin, condominiums, dormitory, extended-stay establishment, multi-family dwelling, resort, or other similar place by any other name, be it rented, leased or owned for either transient guests, permanent guests, or for both transient and permanent guests. “Lodging establishment” does not include dormitories and other living or sleeping facilities owned or maintained by public or private schools, colleges, universities, or churches unless made available to the general public and not used exclusively for students and faculty.

(4) “Owner” means any person, firm, corporation, or government entity having a legal or equitable interest in the premises who owns the lodging establishment or the person who operate or manage the lodging establishment.

(5) "Sleeping unit" means a room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

(6) "Transient" means occupancy of a dwelling unit or sleeping unit for not more than 30 days.

§ 6602C. Carbon monoxide detection devices required.

(a) Each owner of a lodging establishment shall install carbon monoxide detection devices in accordance with the installation requirements in § 6603C of this title if a dwelling unit or sleeping unit has either of the following:

(1) A fossil-fuel burning heater or appliance, a fireplace, or other feature, fixture, or element that emits carbon monoxide as a byproduct of combustion.

(2) An attached garage.

(b) The requirement of carbon monoxide detection devices under subsection (a) of this section applies to all new and existing lodging establishments, in accordance with the compliance dates provided in § 6604C of this title, regardless of when any such lodging establishment was built.

(c) The owner of a lodging establishment must install and maintain carbon monoxide detection devices required under this chapter unless there is a tenant of a rented or leased lodging establishment required to have carbon monoxide detection devices under this chapter and the rental agreement, lease agreement, or contract is for a period of 1 month or more. In such a case, the owner must install the required carbon monoxide detection devices but the tenant is responsible for maintaining an operable battery in any carbon monoxide detection devices within the individual rented or leased dwelling unit.

§ 6603C. Carbon monoxide detection device installation.

(a) For each dwelling unit or sleeping unit required to have a carbon monoxide detection device under § 6602C(a) of this section, the devices must be installed as follows:

(1) On the ceiling in the room of a dwelling unit or sleeping unit in which a fossil-fuel burning heater or appliance, a fireplace, or other feature, fixture, or element that emits carbon monoxide as a byproduct of combustion in permanently installed.

(2) On the ceiling in the room of a dwelling unit or sleeping unit that shares a common wall, floor, or ceiling with a room in which a fossil-fuel burning heater or appliance, a fireplace, or other feature, fixture, or element that emits carbon monoxide as a byproduct of combustion in permanently installed.

(3) On the ceiling in the room of a dwelling unit or sleeping unit that has an attached garage.

(4) On the ceiling in the room of a dwelling unit or sleeping unit that shares a common wall, floor, or ceiling with an attached garage.

(b) Carbon monoxide detection devices are not required in a dwelling unit or sleeping unit if of the following apply:

(1) A dwelling unit or sleeping unit is located more than one story above or below any story that contains a fuel-burning appliance or an attached garage.

(2) A dwelling unit or sleeping unit is not connected by duct work or ventilation shafts to any room containing a fuel-burning appliance or to an attached garage.

(c) If there is a conflict between installation requirements, this section is to be interpreted to require the more strict of the installation requirement, for a particular dwelling unit or sleeping unit.

§ 6604C. Compliance dates.

(a) For each lodging establishment, newly erected or constructed after [the effective date of this chapter], the carbon monoxide detection devices required under § 6602C of this title must be installed at the time of construction.

(b) For each lodging establishment, in the process of being erected or constructed as of [the effective date of this chapter], the carbon monoxide detection devices required under § 6602C of this title must be installed 1 year after [the effective date of this chapter].

(c) For each existing lodging establishment, erected or constructed prior to [the effective date of this chapter], the carbon monoxide detection devices required under § 6602C of this title must be installed 2 years after [the effective date of this chapter].

§ 6605C. Penalties for noncompliance; enforcement.

(a) The Justice of the Peace Court has jurisdiction over violations of this section.

(b) It is unlawful for an owner or tenant of a lodging establishment required to have carbon monoxide detection devices under this chapter to fail to comply with this chapter. Violation of this subsection is punishable by a civil fine of not less than \$100 nor more than \$500 for each offense.

(c) It is unlawful to tamper with, damage, destroy, or render inoperative any carbon monoxide detection devices required under this chapter. Violation of this subsection is punishable by a civil fine of not less than \$100 nor more than \$500 for each offense.

(d) The State Fire Marshal may take the following actions under this chapter:

(1) Issue a summons, where necessary, to the owner and the occupant of such lodging establishment, for an appearance in the nearest Justice of the Peace Court when a fire department responds to an alarm of any type at a

81 lodging establishment required to have carbon monoxide detection devices under this chapter and such
82 establishment does not have carbon monoxide detection devices or has carbon monoxide detection devices that are
83 inoperable, not in service, or not installed or maintained as required under this chapter.

84 (2) The State Fire Marshal's Office shall have authority to investigate a complaint that a lodging establishment
85 required to have carbon monoxide detection devices under this chapter and such establishment does not have
86 carbon monoxide detection devices or has carbon monoxide detection devices that are inoperable, not in service,
87 or not installed or maintained as required under this chapter.

88 (e) Each fine collected under this section must be remitted to the State Fire Marshal's Office in accordance with §
89 6612 of this title, which provisions must be complied with in implementing the requirements of this chapter, except where
90 the fines are collected within the jurisdictions of the cities of Wilmington, Newark, Dover, or New Castle, in which such
91 fines must be remitted to the appropriate political subdivision. All receipts must be used to subsidize the costs of providing
92 a greater public awareness of the ramifications of not having carbon monoxide detectors.

93 (f) The State Fire Marshal's Office shall be the statewide manager and agency for all public awareness programs
94 generated by the proceeds of the fines collected under this section.

95 (g) In addition to other remedies provided by this section, the State Fire Marshal or the Attorney General may, in
96 addition to other remedies provided by this section, institute injunction, mandamus, abatement, or any other appropriate
97 action or proceeding to prevent any continued violations of this chapter.

SYNOPSIS

This Act creates a requirement that lodging establishments with an appliance that emits carbon monoxide or an attached garage have working carbon monoxide detection devices in each dwelling or sleeping unit.

Author: Senator Sokola