

BILL ANALYSIS

Senate Research Center
80R4370 MCK-F

S.B. 338
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Business & Commerce
3/26/2007
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, there is not a statewide requirement that one-family or two-family dwellings have the appropriate safety equipment for detecting smoke or carbon monoxide. Unfortunately, many lives have been lost to fires and carbon monoxide poisonings. Installing smoke detectors and carbon monoxide alarms in no way should preclude proper use and maintenance of fuel burning appliances. Many lives can be saved and protected simply by installing working smoke detectors and carbon monoxide alarms at a minimal cost for the equipment.

As proposed, S.B. 338 required each one-family or two-family dwelling on which construction begins on or after January 1, 2008, to be equipped with both a working smoke detector and a working carbon monoxide alarm. This bill also requires each one-family or two-family dwelling, where there is a transfer of ownership, to be equipped with both a working smoke detector and a working carbon monoxide alarm. The requirement of a carbon monoxide alarm is contingent upon the dwelling containing a household appliance or heating system that burns a fossil fuel (e.g., coal, kerosene, oil, wood, fuel gases, and other petroleum or hydrocarbon products).

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Health and Human Services Commission in SECTION 1 (Section 766.004, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle A, Title 9, Health and Safety Code, by adding Chapter 766, as follows:

CHAPTER 766. CARBON MONOXIDE ALARMS AND SMOKE DETECTORS IN CERTAIN RESIDENTIAL DWELLINGS

Sec. 766.001. DEFINITIONS. Defines "carbon monoxide alarm," "commission," "fossil fuel," "one-family or two-family dwelling," and "smoke detector."

Sec. 766.002. CARBON MONOXIDE ALARM REQUIRED. (a) Requires each one-family or two-family dwelling (dwelling) that has a household appliance or heating system that burns a fossil fuel to have a working carbon monoxide alarm installed in accordance with Health and Human Services Commission (HHSC) rules if construction on the dwelling begins on or after January 1, 2008.

(b) Requires each dwelling constructed before January 1, 2008, that has a household appliance or heating system that burns a fossil fuel to have a working carbon monoxide alarm installed in accordance with HHSC rules before the owner may sell or otherwise transfer ownership to another person.

(c) Sets forth certain requirements regarding a carbon monoxide alarm.

(d) Authorizes a carbon monoxide alarm to be combined with a smoke detecting device if certain conditions are met.

Sec. 766.003. SMOKE DETECTOR REQUIRED. Requires each dwelling to have a working smoke detector installed in accordance with Subsection (b) if construction on the dwelling begins on or after January 1, 2008. Requires each dwelling constructed before January 1, 2008, to have a working smoke detector installed in accordance with Subsection (b) before the owner may sell or otherwise transfer ownership to another person. Requires a smoke detector to be installed in accordance with the requirements of Sections 92.254 (Smoke Detector), 92.255 (Installation and Location in New Construction), and 92.257 (Installation Procedure), Property Code.

Sec. 766.004. RULES. Requires certain rules to be adopted by HHSC, and requires said rules to prescribe requirements relating to the placement, installation, maintenance, and quantity of carbon monoxide alarms and smoke detectors in a dwelling.

SECTION 2. Requires HHSC to adopt rules under Section 766.004, Health and Safety Code, as added by this Act, not later than December 1, 2007.

SECTION 3. Effective date: September 1, 2007.