

PUBLIC SAFETY DEPARTMENT [661]

Notice of Intended Action

Pursuant to the authority of 2016 Acts, Senate File 2219 and Iowa Code section 100.35, the State Fire Marshal in the Department of Public Safety hereby gives Notice of Intended Action to adopt new Chapter 211, "Carbon Monoxide Alarms", Iowa Administrative Code.

2016 Iowa Acts, Senate File 2219, which requires the installation of carbon monoxide alarms in certain single-family dwellings and single- and multiple-unit residential buildings, and which provides for enforcement and penalties, was enacted by the Iowa General Assembly during its regular session in 2016. The legislation requires the State Fire Marshal to promulgate administrative rules to require the installation of carbon monoxide alarms in existing single-family dwellings and existing single-family rental units and multiple-unit residential buildings, that have a fuel-fired heater or appliance, a fireplace, or an attached garage, and for single-family dwellings and single-family rental units and multiple-unit residential buildings, that have a fuel-fired heater or appliance, a fireplace, or an attached garage and for which construction is begun on or after July 1, 2018. The legislation also requires the State Fire Marshal to promulgate administrative rules for the enforcement of these requirements, including the placement of carbon monoxide alarms and the use of approved carbon monoxide alarms, and authorizes the State Fire Marshal to implement a program of inspections limited to the placement, repair, and operability of carbon monoxide alarms to monitor compliance and notify the owner or manager of any non-compliance. The legislation authorizes the State Fire Marshal to contract with any political subdivision for the performance of the inspections and notifications, without any fee assessed to either the State Fire Marshal or the political subdivision. The legislation will be effective on July 1, 2018.

Any person may comment on the amendment by e-mail at admrule@dps.state.ia.us or by mail to Rules Coordinator, Iowa Department of Public Safety, Oran Pape Building, 215 East 7th Street, Des Moines, Iowa, 50319. Comments must be received by 4:30 p.m. on _____, 2017.

A public hearing on the amendment will be held on _____, 2017 at 10 a.m. in the First Floor Public Conference Room (Room 125), Oran Pape Building, 215 East 7th Street, Des Moines, Iowa. Persons may present their views orally or in writing at the public hearing.

The fiscal impact for the adoption of the 2012 Life Safety Code is expected to be minimal, and less than \$100,000. The State Fire Marshal intends to coordinate and work closely with local building code officials and inspectors to fulfill the requirements of the legislation.

Pursuant to the provisions of rule 661—10.222(17A), the State Fire Marshal does not have authority to waive requirements established by statute. Pursuant to the provisions of rules 661—200.2(100) and 661—10.222(17A), the State Fire Marshal has the authority to grant waivers from the rules.

It is expected that there will be no impact on jobs. The installation of carbon monoxide alarms will promote the safety of persons living in single- or multi-family dwelling units.

These amendments are intended to implement 2016 Acts, Senate File 2219.

The following amendments are proposed.

ITEM 1. Adopt the following **new** 661—Chapter 211:

CHAPTER 211*

CARBON MONOXIDE ALARMS

* Copy or delete the formatting from the generated framework to draft the new rules.

661—211.1(86GA,SF2219) Definitions. The following definitions apply to rules 661—211.1 through 661—211.13.

“Approved carbon monoxide alarm” means a device which detects carbon monoxide and which incorporates an alarm-sounding unit operated from a power supply either in the unit or obtained at the point of installation, and which meets the standards established by the underwriters’ laboratories or is approved by the state fire marshal or a local fire code official. Carbon monoxide detection systems shall comply with NFPA 720. Carbon monoxide detectors shall be listed in accordance with UL 2075.

“Building” means a combination of materials, whether portable or fixed, to form a structure affording facilities or shelter for persons, animals or property. The word “building” includes any part of a building unless the context clearly requires a different meaning.

“Fuel” means coal, kerosene, oil, fuel gases, or other petroleum products or hydrocarbon products such as wood that emit carbon monoxide as a by-product of combustion.

“Single-family residence” means a building that contains one or two dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

“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 which provide complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

“Dormitory” means a residential building or portion of a building at an educational institution which houses students in rooms not individually equipped with cooking facilities.

“Existing” means buildings, facilities or conditions that are already in existence, constructed or officially authorized prior to the adoption of this code.

“Fire code official” means the fire chief or other designated authority charged with the administration and enforcement of the code, or a duly authorized representative.

“Labeled” means equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, approved agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

“Listed” means equipment, materials, products or services included in a list published by an organization acceptable to the state fire marshal or local fire code official and concerned with evaluation of products or services that maintains periodic inspection of production of listed equipment or materials or periodic evaluation of services and whose listing states either that the equipment, material, product or service meets identified standards or has been tested and found suitable for a specified purpose.

“Multiple-unit residential building” means a residential building, an apartment house, or a portion of a building or an apartment house with two or more dwelling units, hotel, motel, dormitory, or rooming house.

“Private garage” means a building or portion of a building in which motor vehicles used by the tenants of the building or buildings on the premises are stored or kept, without provisions for repairing or servicing such vehicles for-profit.

“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.

“Structure” means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner except transmission and distribution equipment of public utilities. “Structure” includes any part of a structure unless the context clearly requires a different meaning.

661—211.2(86GA,SF2219) Scope. The provisions of this chapter apply to single and multi-family residences and to other residential occupancies as required herein or by another provision of law. Carbon monoxide detection shall be installed in new and existing buildings in accordance with the following subsections.

661—211.3(86GA,SF2219) Carbon monoxide alarms--requirements. Carbon monoxide alarms are required in the following buildings and structures:

211.3(1) *New construction.* Multiple-unit residential buildings and single-family dwellings, the construction of which is begun on or after July 1, 2018, and that have or are served by fuel-fired heater or appliance, a fireplace, or an have attached garage.

211.3(2) *Existing construction.*

a. Existing single-family rental units and multiple-unit residential buildings that have or are served by a fuel-fired heater or appliance, a fireplace, or have an attached garage.

b. Existing single-family dwellings that have a fuel-fired heater or appliance, a fireplace, or have an attached garage.

211.3(3) {Catchwords [if any].} Every structure that contains one or more dwelling units or sleeping units shall have an approved carbon monoxide alarm in the following locations:

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.

b. In each sleeping unit.

c. In each bedroom where a fuel burning appliance is located within a bedroom or its attached bathroom.

211.3(4) {Catchwords [if any].} Commercially installed carbon monoxide detection systems which have the capability of notifying all occupants of sleeping rooms within a structure shall be an acceptable alternative to carbon monoxide alarms and shall be deemed compliant with this section.

211.3(5) *Carbon monoxide alarms—exceptions.* Carbon monoxide alarms shall not be required in the following:

a. in dwelling units or sleeping units where there are no communicating openings between the fuel-burning appliance or fuel-burning fireplace and the dwelling unit, or sleeping unit.

b. in dwelling units or sleeping units where carbon monoxide detection is provided in an approved location between the fuel burning appliance or fuel-burning fireplace and the dwelling unit, or sleeping unit.

c. where the dwelling or sleeping unit 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.

d. where there are no communicating openings between the private garage and the dwelling unit or sleeping unit.

e. in dwelling units or sleeping units located more than one story above or below a private garage.

f. where the private garage connects to the building through an open-ended corridor.

211.3(6) *Forced-air furnaces and appliances.* Dwelling and sleeping units which are served by a fuel burning forced air furnace or appliance, not located in the unit, shall have an approved carbon monoxide alarm.

Exception: An approved carbon monoxide alarm shall not be required in dwelling units or sleeping units where carbon monoxide detection is provided in the first room or area served by each main duct leaving the furnace or appliance, and the carbon monoxide alarm signals are automatically transmitted to the residents of the units.

661—211.4(86GA,SF2219) Approved carbon monoxide alarms—installation requirements.

Approved single-station carbon monoxide alarms shall be acceptable in all areas covered by this chapter, unless other devices or systems are required by any provision of 661—Chapter 201, 202, or 205. Any single-station carbon monoxide alarms installed on or after July 1, 2018, in compliance with this subrule, including a replacement of an existing alarm, may be a component of an approved dual sensor smoke alarm.

211.4(1) {Catchwords [if any].} Any installation of wiring and equipment shall comply with IAC 661-504, (state electrical code), and requirements established by the manufacturer of the equipment serviced by the wiring.

211.4(2) *{Catchwords [if any].}* All devices, combinations of devices, and equipment to be installed in conformity with this chapter shall be approved and used for the purposes for which they are intended.

211.4(3) *{Catchwords [if any].}* Equipment shall be installed in accordance with the manufacturer's recommendations.

211.4(4) *{Catchwords [if any].}* In new buildings and additions constructed after July 1, 2018, required carbon monoxide alarms shall receive their primary power from the building wiring when such wiring is served from a commercial source. Wiring shall be permanent and without a disconnecting switch other than that required for overcurrent protection and shall be equipped with a battery backup.

211.4(5) *{Catchwords [if any].}* New and replacement carbon monoxide alarms installed in existing structures or in buildings without commercial power may be solely battery operated.

211.4(6) *{Catchwords [if any].}* Installed fire warning equipment shall be mounted so as to be supported independently of its attachment to wires.

661—211.5(86GA,SF2219) Combination alarms. *{insert new text}*

211.5(1) *{Catchwords [if any].}* Combination carbon monoxide/smoke alarms shall be an acceptable alternative to carbon monoxide alarms. Combination carbon monoxide/smoke alarms shall be listed in accordance with UL 2034 and UL 2075 and UL 268.

211.5(2) *{Catchwords [if any].}* 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 alarm.

661—211.6(86GA,SF2219) Hearing impaired--requirements. An owner, or their agent, of a multiple-unit residential building or a single-family rental unit that has a fuel-fired heater or appliance, a fireplace, or an attached garage, or an owner's agent, shall supply light-emitting carbon monoxide alarms, upon request, for a tenant with a hearing impairment.

661—211.7(86GA,SF2219) Certification of installation required. {insert new text}

211.7(1) Certification—single-family dwelling units. A person who files for a homestead credit pursuant to chapter 425 shall certify that the single-family dwelling for which the credit is filed and that has a fuel-fired heater or appliance, a fireplace, or an attached garage, has carbon monoxide alarms installed in compliance with this section, or that such alarms will be installed within thirty days of the date the filing for the credit is made.

211.7(2) Reports to fire marshal. Each county or city assessor charged with the responsibility of accepting homestead tax credit applications shall obtain certification of carbon monoxide alarms on a form acceptable to the state fire marshal, signed by the person making application for credit, and shall file a quarterly report with the fire marshal listing the name and address and stating whether applicant attested to a detector(s) being present at the time of application or that a detector(s) would be installed as required within 30 days.

661—211.8(86GA,SF2219) Inspections. {insert new text}

211.8(1) Any inspections authorized under this section are limited to the placement, repair, and operability of smoke detectors and carbon monoxide alarms.

661—211.9(86GA,SF2219) Inoperable carbon monoxide alarms. {insert new text}

211.9(1) Corrective action. If a smoke detector or carbon monoxide alarm is found to be inoperable, the owner or manager of the multiple-unit residential building or single-family dwelling rental unit shall correct the situation within thirty days after written notification to the

owner or manager by the tenant, guest, roomer, state fire marshal, fire marshal's subordinates, chiefs of local fire departments, building inspectors, or other fire, building, or safety officials.

211.9(2) *Remedies by tenant, guest, or roomer.* If the owner or manager of a multiple-unit residential building or single-family rental unit fails to correct the situation within the fourteen thirty days the tenant, guest, or roomer may cause the smoke detector or carbon monoxide alarm to be repaired or purchase and install a smoke detector or carbon monoxide alarm required under this section and may deduct the repair cost or purchase price from the next rental payment or payments made by the tenant, guest, or roomer. However, a lessor or owner may require a lessee, tenant, guest, or roomer who has a residency of longer than thirty days to provide the battery for a battery operated smoke detector or carbon monoxide alarm.

211.9(3) {Catchwords [if any].} The failure of any non-reliable or short-life component which renders the alarm inoperable shall be readily apparent to the occupant of the unit without the need for a test.

661—211.10(86GA,SF2219) Maintenance of carbon monoxide alarms within dwelling units or sleeping units. {insert new text}

211.10(1) {Catchwords [if any].} 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 or sleeping unit with written information regarding alarm testing and maintenance.

211.10(2) {Catchwords [if any].} The tenant is responsible for replacement of any required batteries in the carbon monoxide alarms in the tenant's dwelling or sleeping unit, except

that the owner shall ensure that the batteries are in operating condition at the time the tenant takes possession of the dwelling or sleeping unit. The tenant shall provide the owner or the authorized agent of the owner with access to the dwelling or sleeping 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.

211.10(3) *{Catchwords [if any].}* Carbon monoxide alarms and carbon monoxide detection systems shall be maintained in accordance with NFPA 720. Carbon monoxide alarms and carbon monoxide detectors that become inoperable or begin producing end-of-life signals shall be replaced. [Note: Suggest moving this up to 211.3, Requirements, along with 211.9(3)]

211.10(4) *{Catchwords [if any].}* All apparatus shall be restored to normal immediately after each alarm test.

211.10(5) *{Catchwords [if any].}* Single-station battery-operated or battery backup carbon monoxide alarms shall be replaced in accordance with the manufacturer's instructions.

661—211.11(86GA,SF2219) Violations. The following shall be considered violations of fire marshal rules per Iowa Code 100.13 and 100.35.

211.11(1) *{Catchwords [if any].}* Willful failure to install or maintain in operating condition any carbon monoxide alarm required by this rule.

211.11(2) *{Catchwords [if any].}* Rendering inoperable a carbon monoxide alarm, which is required to be installed by this section, by tampering.

211.11(3) *{Catchwords [if any].}* 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.

211.11(4) {*Catchwords* [if any].} Making false or misleading claims as to the installation of a carbon monoxide alarm.

661—211.12(100) Violations--orders. {insert new text}

211.12(1) {*Catchwords* [if any].} If a person has violated or is violating a provision of this rule adopted pursuant to Iowa Code Chapter 100.18, the state fire marshal, the chief of any fire department, or the fire prevention officer of a fire department organized under Iowa code chapter 400 may issue an order directing the person to desist in the practice which constitutes the violation and to take corrective action as necessary to ensure that the violation will cease. The order shall be in writing and shall specify a reasonable time by which the person shall comply with the order.

211.12(2) {*Catchwords* [if any].} Notwithstanding any other provision of law to the contrary, if the state fire marshal determines that an emergency exists respecting any matter affecting or likely to affect the public safety, the fire marshal may issue any order necessary to terminate the emergency without notice or hearing. An emergency order is binding and effective immediately, until or unless the order is modified, vacated, or stayed at an administrative hearing or by a district court.

211.12(3) {*Catchwords* [if any].} Violation of a rule adopted by the fire marshal is a simple misdemeanor. However, upon proof that the fire marshal gave written notice to the defendant of the violation, and proof that the violation constituted a clear and present danger to life, and proof that the defendant failed to eliminate the condition giving rise to the violation within thirty days after receipt of notice from the fire marshal, the penalty is that provided by law for a serious misdemeanor. Each day of the continuing violation of a rule after conviction of a

violation of the rule is a separate offense. A conviction is subject to appeal as in other criminal cases.

661—211.13(86GA,SF2219) Petition for Judicial Review. {insert new text}

211.13(1) {*Catchwords* [if any].} The licensee may file a petition for judicial review of the decision of the division of the state fire marshal in accordance with the terms of the Iowa administrative procedure Act, Iowa Code chapter 17A.

These rules are intended to implement 2016 Acts, Senate File 2219 and Iowa Code section 100.35.

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tion systems. Each type of CO detector is listed to a different UL standard depending on whether it is to be used as a stand-alone or interconnected detector (UL 2034) or a detector that is part of a CO detection system (UL 2075). Section 915.4 addresses CO alarms and Section 915.5 addresses CO detection systems.

915.4 Carbon monoxide alarms. Carbon monoxide alarms shall comply with Sections 915.4.1 through 915.4.3.

❖ If the option of using CO alarms is chosen, compliance is required with Sections 915.4.1 through 915.4.3. CO alarms can be stand-alone or interconnected (single- or multiple-station). Section 915 does not address whether such alarms are required to be interconnected.

CO alarms are designed to initiate an audible alarm when the level of CO is below that which can cause a loss of the ability to react to the dangers of CO exposure. UL specifies that CO alarms activate at a level where the CO concentration over a given period of time can achieve 10-percent carboxyhemoglobin (COHb) in the body. Ten-percent COHb will not cause physiological injury, but is a level at which increases in the CO concentration will begin to affect the human body.

915.4.1 Power source. Carbon monoxide alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source, and when primary power is interrupted, shall receive power from a bat-

tery. Wiring shall be permanent and without a disconnecting switch other than that required for overcurrent protection.

Exception: Where installed in buildings without commercial power, battery-powered carbon monoxide alarms shall be an acceptable alternative.

❖ This section is very similar to that required for smoke alarms (i.e., Section 907.2.11.6). The power supply must be provided by the building with battery backup. As with smoke alarms, if commercial power is not available, battery power is acceptable.

915.4.2 Listings. Carbon monoxide alarms shall be listed in accordance with UL 2034.

❖ Single- or multiple-station CO alarms are required to be listed in accordance with UL 2034. This standard is specific to CO alarms that provide both detection and notification.

915.4.3 Combination alarms. Combination carbon monoxide/smoke alarms shall be an acceptable alternative to carbon monoxide alarms. Combination carbon monoxide/smoke alarms shall be listed in accordance with UL 2034 and UL 217.

❖ Since smoke alarms are required in many occupancies, often a single combination alarm is desired. In fact, in some jurisdictions the CO alarms are required to be combined with smoke alarms. To meet this requirement, the combination CO and smoke alarm must be listed to both UL 2034 and UL 217. See

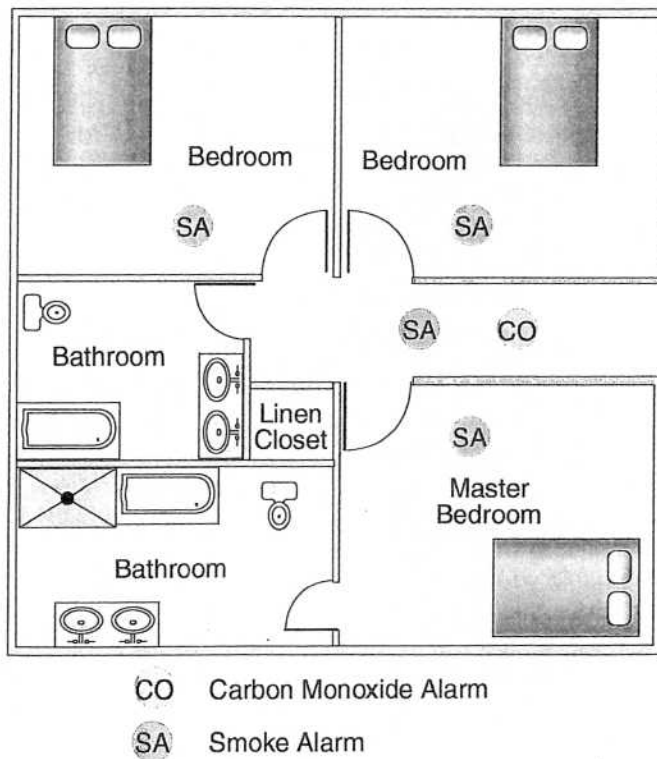


Figure 915.2.1
CARBON MONOXIDE ALARM PLACEMENT VERSUS SMOKE DETECTION PLACEMENT

100.18 Smoke detectors.

1. As used in this section:

- a. "Carbon monoxide alarm" means a device which detects carbon monoxide and which incorporates an alarm-sounding unit operated from a power supply either in the unit or obtained at the point of installation.
- b. "Dormitory" means a residential building or portion of a building at an educational institution which houses students in rooms not individually equipped with cooking facilities.
- c. "Fuel" means coal, kerosene, oil, fuel gases, or other petroleum products or hydrocarbon products such as wood that emit carbon monoxide as a by-product of combustion.
- d. b. "Multiple-unit residential building" means a residential building, an apartment house, or a portion of a building or an apartment house with two or more units, hotel, motel, dormitory, or rooming house.
- e. c. "Smoke detector" means a device which detects visible or invisible particles of combustion and which incorporates control equipment and an alarm-sounding unit operated from a power supply either in the unit or obtained at the point of installation.

2. a. Except as provided in subsection 3, multiple-unit residential buildings and single-family dwellings the construction of which is begun on or after July 1, 1991, shall include the installation of smoke detectors in compliance with the rules established by the state fire marshal under subsection 4.

b. The rules shall require the installation of smoke detectors in existing single-family rental units and multiple-unit residential buildings. Existing single-family dwelling units shall be equipped with approved smoke detectors. A person who files for a homestead credit pursuant to chapter 425 shall certify that the single-family dwelling unit for which the credit is filed has a smoke detector installed in compliance with this section, or that one will be installed within thirty days of the date the filing for the credit is made. The state fire marshal shall adopt rules and establish appropriate procedures to administer this subsection.

c. An owner or an owner's agent of a multiple-unit residential building or single-family dwelling shall supply light-emitting smoke detectors, upon request, for a tenant with a hearing impairment.

2A. a. Multiple-unit residential buildings and single-family dwellings, the construction of which is begun on or after July 1, 2018, and that have a fuel-fired heater or appliance, a fireplace, or an attached garage, shall include the installation of carbon monoxide alarms in compliance with the rules established by the state fire marshal under subsection 4.

b. The rules shall require the installation of carbon monoxide alarms in existing single-family rental units and multiple-unit residential buildings that have a fuel-fired heater or appliance, a fireplace, or an attached garage. Existing single-family dwellings that have a fuel-fired heater or appliance, a fireplace, or an attached garage shall be equipped with approved carbon monoxide alarms. For purposes of this paragraph, "approved carbon monoxide alarm" means a carbon monoxide alarm that meets the standards established by the underwriters' laboratories or is approved by the state fire marshal as established by rule under subsection 4. A person who files for a homestead credit pursuant to chapter 425 shall certify that the single-family dwelling for which the credit is filed and that has a fuel-fired heater or appliance, a fireplace, or an attached garage, has carbon monoxide alarms installed in compliance with this section, or that such alarms will be installed within thirty days of the date the filing for the credit is made. The state fire marshal shall adopt rules and establish appropriate procedures to administer this subsection.

c. An owner of a multiple-unit residential building or a single-family rental unit that has a fuel-fired heater or appliance, a fireplace, or an attached garage, or an owner's agent, shall supply light-emitting carbon monoxide alarms, upon request, for a tenant with a hearing impairment.

d. The owner of a building requiring the installation of carbon monoxide alarms under this subsection shall install a carbon monoxide alarm in a location as specified by rules established by the state fire marshal under subsection 4, taking into account the number and location of all fuel sources in the building.

3. This section does not require the following:

- a. The installation of smoke detectors in multiple-unit residential buildings which, on July 1, 1981, are equipped with heat detection devices or a sprinkler system with alarms approved by the state fire marshal.
- b. The installation of smoke detectors in hotels, motels, and dormitories equipped with an automatic smoke detection system approved by the state fire marshal.

4. The state fire marshal shall enforce the requirements of subsections 2 and 2A and may implement a program of inspections to monitor compliance with the provisions of that subsection those subsections. Upon inspection, the state fire marshal shall issue a written notice to the owner or manager of a multiple-unit residential building or single-family dwelling rental unit informing the owner or manager of compliance or noncompliance with this section. The state fire marshal may contract with any political subdivision without fee assessed to either the state fire marshal or the political subdivision, for the performance of the inspection and notification responsibilities. The inspections authorized under this section are limited to the placement, repair, and operability of smoke detectors and carbon monoxide alarms. Any broader inspection authority is not derived from this section. The state fire marshal shall adopt rules under chapter 17A as necessary to enforce this section including rules concerning the placement of smoke detectors and carbon monoxide alarms and the use of acceptable smoke detectors and carbon monoxide alarms. The smoke detectors and carbon monoxide alarms shall display a label or other identification issued by an approved testing agency or another label specifically approved by the state fire marshal.

5. The inspection of a building or notification of compliance or noncompliance under this section is not the basis for a legal cause of action against the political subdivision, state fire marshal, the fire marshal's subordinates, chiefs of local fire departments, building inspectors, or other fire, building, or safety officials due to a failure to discover a latent defect in the course of the inspection.

6. If a smoke detector or carbon monoxide alarm is found to be inoperable, the owner or manager of the multiple-unit residential building or single-family dwelling rental unit shall correct the situation within thirty days after written notification to the owner or manager by the tenant, guest, roomer, state fire marshal, fire marshal's subordinates, chiefs of local fire departments, building inspectors, or other fire, building, or safety officials. If the owner or manager of a multiple-unit residential building or single-family rental unit fails to correct the situation within the thirty days the tenant, guest, or roomer may cause the smoke detector or carbon monoxide alarm to be repaired or purchase and install a smoke detector or carbon monoxide alarm required under this section and may deduct the repair cost or purchase price from the next rental payment or payments made by the tenant, guest, or roomer. However, a lessor or owner may require a lessee, tenant, guest, or roomer who has a residency of longer than thirty days to provide the battery for a battery operated smoke detector or carbon monoxide alarm.

7. No person may render inoperable a smoke detector, or carbon monoxide alarm which is required to be installed by this section, by tampering.

8. A person who violates a provision of this section or a rule adopted pursuant to this section is guilty of a simple misdemeanor.

[81 Acts, ch 45, §1, 2; 82 Acts, ch 1157, §7]

83 Acts, ch 198, §13; 91 Acts, ch 64, §1 – 6; 94 Acts, ch 1078, §4; 2008 Acts, ch 1032, §17

For future text of subsection 1, paragraphs 0a and 0b, effective July 1, 2018, see 2016 Acts, ch 1092, §1, 4

For future text of subsection 2A, effective July 1, 2018, see 2016 Acts, ch 1092, §2, 4

For future amendments to subsections 4, 6, and 7, effective July 1, 2018, see 2016 Acts, ch 1092, §3, 4

REQUIRING CARBON MONOXIDE ALARMS IN CERTAIN DWELLINGS AND MULTIPLE-UNIT RESIDENTIAL BUILDINGS, MAKING PENALTIES APPLICABLE, AND INCLUDING EFFECTIVE DATE PROVISIONS.

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

Section 1. Section 100.18, subsection 1, Code 2016, is amended by adding the following new paragraphs:

NEW PARAGRAPH. 0a. "Carbon monoxide alarm" means a device which detects carbon monoxide and which incorporates an alarm-sounding unit operated from a power supply either in the unit or obtained at the point of installation.

NEW PARAGRAPH. 0b. "Fuel" means coal, kerosene, oil, fuel gases, or other petroleum products or hydrocarbon products such as wood that emit carbon monoxide as a by-product of combustion.

Sec. 2. Section 100.18, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. a. Multiple-unit residential buildings and single-family dwellings, the construction of which is begun on or after July 1, 2018, and that have a fuel-fired heater or appliance, a fireplace, or an attached garage, shall include the installation of carbon monoxide alarms in compliance with the rules established by the state fire marshal under subsection 4.

b. The rules shall require the installation of carbon monoxide alarms in existing single-family rental units and multiple-unit residential buildings that have a fuel-fired heater or appliance, a fireplace, or an attached garage. Existing single-family dwellings that have a fuel-fired heater or appliance, a fireplace, or an attached garage shall be equipped with approved carbon monoxide alarms. For purposes of this paragraph, "approved carbon monoxide alarm" means a carbon monoxide alarm that meets the standards established by the underwriters' laboratories or is approved by the state fire marshal as established by rule under subsection 4. A person who files for a homestead credit pursuant to chapter 425 shall certify that the single-family dwelling for which the credit is filed and that has a fuel-fired heater or appliance, a fireplace, or an attached garage, has carbon monoxide alarms installed in compliance with this section, or that such alarms will be installed within thirty days of the date the filing for the credit is made. The state fire marshal shall adopt rules and establish appropriate procedures to administer this subsection.

c. An owner of a multiple-unit residential building or a single-family rental unit that has a fuel-fired heater or appliance, a fireplace, or an attached garage, or an owner's agent, shall supply light-emitting carbon monoxide alarms, upon request, for a tenant with a hearing impairment.

d. The owner of a building requiring the installation of carbon monoxide alarms under this subsection shall install a carbon monoxide alarm in a location as specified by rules established by the state fire marshal under subsection 4, taking into account the number and location of all fuel sources in the building.

Sec. 3. Section 100.18, subsections 4, 6, and 7, Code 2016, are amended to read as follows:

4. The state fire marshal shall enforce the requirements of ~~subsection~~ subsections 2 and 2A and may implement a program of inspections to monitor compliance with the provisions of ~~that subsection~~ those subsections. Upon inspection, the state fire marshal shall issue a written notice to the owner or manager of a multiple-unit residential building or single-family ~~dwelling~~ rental unit informing the owner or manager of compliance or noncompliance with this section. The state fire marshal may contract with any political subdivision without fee assessed to either the state fire marshal or the political subdivision, for the performance of the inspection and notification responsibilities. The inspections authorized under this section are limited to the placement, repair, and operability of smoke detectors and carbon monoxide alarms. Any broader inspection authority is not derived from this section. The state fire marshal shall adopt rules under chapter 17A as necessary to enforce this section including rules concerning the placement of smoke detectors and carbon monoxide alarms and the use of acceptable smoke detectors and carbon monoxide alarms. The smoke detectors and carbon monoxide alarms shall display a label or other

identification issued by an approved testing agency or another label specifically approved by the state fire marshal.

6. If a smoke detector or carbon monoxide alarm is found to be inoperable, the owner or manager of the multiple-unit residential building or single-family dwelling rental unit shall correct the situation within ~~fourteen~~ thirty days after written notification to the owner or manager by the tenant, guest, roomer, state fire marshal, fire marshal's subordinates, chiefs of local fire departments, building inspectors, or other fire, building, or safety officials. If the owner or manager of a multiple-unit residential building or single-family rental unit fails to correct the situation within the ~~fourteen~~ thirty days the tenant, guest, or roomer may cause the smoke detector or carbon monoxide alarm to be repaired or purchase and install a smoke detector or carbon monoxide alarm required under this section and may deduct the repair cost or purchase price from the next rental payment or payments made by the tenant, guest, or roomer. However, a lessor or owner may require a lessee, tenant, guest, or roomer who has a residency of longer than thirty days to provide the battery for a battery operated smoke detector or carbon monoxide alarm.

7. No person may render inoperable a smoke detector, or carbon monoxide alarm which is required to be installed by this section, by tampering.

Sec. 4. EFFECTIVE DATE. This Act takes effect July 1, 2018.

PAM JOCHUM

President of the Senate

LINDA UPMEYER

Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2219, Eighty-sixth General Assembly.

MICHAEL E. MARSHALL

Secretary of the Senate

Approved _____, 2016

TERRY E. BRANSTAD

Governor