



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB5284

Introduced 01/25/06, by Rep. Daniel J. Burke

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Carbon Monoxide Alarm Detector Act. Requires that every dwelling unit be equipped with at least one approved carbon monoxide alarm in an operating condition within 15 feet of every room used for sleeping purposes. Provides that 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. Provides that it is the responsibility of the owner of a structure to supply and install all required alarms. Provides that 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. Provides that the willful failure to install or maintain in operating condition any carbon monoxide alarm required by the Act is a Class B misdemeanor. Provides that 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. Provides for exemptions.

LRB094 17775 LCT 53074 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

1 AN ACT concerning safety.

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

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

6 Section 5. Definitions. In this Act:

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

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

17 Section 10. Carbon monoxide detector.

18 (a) Every dwelling unit shall be equipped with at least one  
19 approved carbon monoxide alarm in an operating condition within  
20 15 feet of every room used for sleeping purposes. The carbon  
21 monoxide alarm may be combined with smoke detecting devices  
22 provided that the combined unit complies with the respective  
23 provisions of the administrative code, reference standards,  
24 and departmental rules relating to both smoke detecting devices  
25 and carbon monoxide alarms and provided that the combined unit  
26 emits an alarm in a manner that clearly differentiates the  
27 hazard.

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

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

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

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

23 Section 15. Violation.

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

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

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

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

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