

SB1370



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1370

Introduced 2/6/2023, by Sen. Craig Wilcox

SYNOPSIS AS INTRODUCED:

New Act

Creates the Fuel Gas Detector Act. Provides that a building owner shall install, or cause to be installed, at least one fuel gas detector in every room containing an appliance fueled by propane, natural gas, or liquefied petroleum gas in specified buildings. Contains requirements for residential rental units occupied under the terms of a rental agreement or under a month-to-month tenancy. Provides that a person who, after January 1, 2024, acquires a specified building by sale or exchange shall install fuel gas detectors in the acquired building if fuel gas detectors are not already present. Contains penalties for violations of the Act. Provides that nothing in the Act gives rise to any action against an owner required to comply with the Act if the owner meets certain requirements. Provides that a person may not knowingly interfere with or make inoperative any fuel gas detector required by the Act except under specified circumstances. Contains other provisions. Effective January 1, 2024.

LRB103 24878 CPF 51211 b

A BILL FOR

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 Fuel
5 Gas Detector Act.

6 Section 5. Definitions.

7 As used in this Act:

8 "Dwelling unit" means a room or suite of rooms used for
9 human habitation and includes a single family residence as
10 well as each living unit of a multiple family residence and
11 each living unit in a mixed-use building.

12 "Fuel gas detector" means a device that:

13 (1) has an assembly that incorporates a sensor control
14 component that detects elevated levels of propane, natural
15 gas, or liquefied petroleum gas;

16 (2) sounds a warning alarm when elevated levels of
17 propane, natural gas, or liquefied petroleum gas are
18 detected;

19 (3) is approved or listed by a nationally recognized
20 independent testing laboratory; and

21 (4) is battery-operated, plugged into an electrical
22 outlet, or hardwired.

1 Section 10. Fuel gas detector required. The owner of any
2 of the following buildings shall install, or cause to be
3 installed, in accordance with the manufacturer's requirements,
4 at least one fuel gas detector in every room in the building in
5 which there is located an appliance fueled by propane, natural
6 gas, or liquefied petroleum gas:

7 (1) A structure in which one or more dwelling units
8 are located.

9 (2) A fraternity house, sorority house, or dormitory
10 that is affiliated with an educational facility or entity.

11 (3) A children's home, emergency children's shelter,
12 children's residential care facility, shelter for homeless
13 children, or specialized children's home.

14 (4) A hotel as defined in Section 2 of the Hotel
15 Operators' Occupation Tax Act.

16 Section 15. Residential rental units. The following
17 requirements apply to a residential rental unit occupied under
18 the terms of a rental agreement or under a month-to-month
19 tenancy:

20 (1) At the beginning of each occupancy, the owner of
21 the building shall provide fuel gas detectors in
22 accordance with Section 10 if fuel gas detectors are not
23 already present. Each fuel gas detector must be in working
24 condition. After notification, in writing, by the tenant
25 of any deficiencies in a fuel gas detector, the owner of

1 the building shall repair or replace the fuel gas
2 detector. If the owner does not know and has not been
3 notified of the need to repair or replace a fuel gas
4 detector, the owner's failure to repair or replace the
5 fuel gas detector may not be considered evidence of
6 negligence in a subsequent civil action arising from
7 death, property loss, or personal injury.

8 (2) The tenant shall keep each fuel gas detector
9 within the tenant's unit in working condition by keeping
10 the fuel gas detector connected to the electrical service
11 in the building or keeping charged batteries in a
12 battery-operated fuel gas detector, testing the fuel gas
13 detector periodically, and refraining from disabling the
14 fuel gas detector.

15 Section 20. Transfer of building.

16 (a) A person who, after January 1, 2024, acquires by sale
17 or exchange a building listed in paragraph (1) of Section 10
18 shall install fuel gas detectors in accordance with Section 10
19 in the acquired building within 30 days after the acquisition
20 or occupancy of the building, whichever is later, if fuel gas
21 detectors that satisfy the requirements of Section 10 are not
22 already present, and shall certify at the closing of the
23 transaction that fuel gas detectors will be installed. The
24 certification must be signed and dated by the person acquiring
25 the building. A fuel gas detector must be installed, in

1 accordance with the manufacturer's installation requirements,
2 in each area containing an appliance fueled by propane,
3 natural gas, or liquefied petroleum gas.

4 (b) A person does not have a claim for relief against a
5 property owner, a property purchaser, an authorized agent of a
6 property owner or purchaser, a person in possession of real
7 property, a closing agent, or a lender for any damages
8 resulting from the operation, maintenance, or effectiveness of
9 a fuel gas detector installed in accordance with this Act.

10 (c) Violation of this Section does not create a defect in
11 title.

12 Section 25. Penalties. A person who violates this Act is
13 liable for a civil penalty of not more than \$500 for each
14 violation. The penalties provided for in this Section may be
15 recovered in a civil action brought in the name of the People
16 of the State of Illinois by the State's Attorney of the county
17 in which the violation occurred or by the Attorney General.
18 Any penalties collected by the Attorney General shall be
19 deposited into the General Revenue Fund. A court may waive any
20 civil penalty or cost against a violator upon satisfactory
21 proof that the violation was corrected within 10 days after
22 notice of the violation was first provided.

23 Section 30. Liability. Nothing in this Act gives rise to
24 any action against a building owner required to comply with

1 Sections 10 or 15 if the owner has conducted an inspection of
2 the required fuel gas detectors immediately after their
3 installation and has reinspected the fuel gas detectors prior
4 to occupancy by each new tenant, unless the owner has been
5 given at least 24 hours' actual notice of a defect or failure
6 of a fuel gas detector's proper operation and has failed to
7 take action to correct the defect or failure.

8 Section 35. Noninterference. A person may not knowingly
9 interfere with or make inoperative any fuel gas detector
10 required by this Act, except that the owner or the agent of an
11 owner of a building may temporarily disconnect a fuel gas
12 detector in a dwelling unit or common area only for
13 construction or rehabilitation activities when such activities
14 are likely to activate the fuel gas detector or make it
15 inactive. The fuel gas detector must be immediately
16 reconnected at the cessation of construction or rehabilitation
17 activities each day, regardless of the intent to return to
18 construction or rehabilitation activities on any succeeding
19 day.

20 Section 99. Effective date. This Act takes effect January
21 1, 2024.