

Second Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 08-0945.01 Esther van Mourik

SENATE BILL 08-187

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SENATE SPONSORSHIP

Hagedorn,

HOUSE SPONSORSHIP

Soper,

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Senate Committees  
Health and Human Services

House Committees

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A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT THAT CARBON MONOXIDE ALARMS BE  
102 INSTALLED IN RESIDENTIAL PROPERTIES.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Requires any existing single-family dwelling or dwelling unit of an existing multi-family dwelling offered for sale or transfer on or after July 1, 2008, that has a fuel-burning heater or appliance, a fireplace, or an attached garage to have an operational carbon monoxide alarm installed within a specified distance of each room lawfully used for sleeping purposes.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

Requires any single-family dwelling or dwelling unit of a multi-family dwelling for which a building permit is issued for new construction on or after July 1, 2008, that has a fuel-burning heater or appliance, a fireplace, or an attached garage to have an operational carbon monoxide alarm installed within a specified distance of each room lawfully used for sleeping purposes.

Sets forth the maintenance and installation requirements for carbon monoxide alarms in single-family dwellings and dwelling units in multi-family dwellings that are used for rental purposes.

Specifies that nothing in the act can be construed to limit a municipality, city, home rule city, city and county, county, or other local government entity from adopting or enforcing more stringent requirements for the installation and maintenance of carbon monoxide alarms.

Defines terms.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Title 38, Colorado Revised Statutes, is amended BY  
3 THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 45**

5 **Safety of Real Property**

6 **38-45-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "CARBON MONOXIDE ALARM" MEANS A DEVICE THAT DETECTS  
9 CARBON MONOXIDE AND THAT:

10 (a) PRODUCES A DISTINCT, AUDIBLE ALARM;

11 (b) IS LISTED BY A NATIONALLY RECOGNIZED, INDEPENDENT,  
12 NOT-FOR-PROFIT PRODUCT-SAFETY TESTING AND CERTIFICATION  
13 LABORATORY TO CONFORM TO THE LATEST STANDARDS FOR CARBON  
14 MONOXIDE ALARMS ISSUED BY SUCH LABORATORY OR ANY SUCCESSOR  
15 STANDARDS;

16 (c) IS BATTERY POWERED, PLUGS INTO A DWELLING'S ELECTRICAL  
17 OUTLET AND HAS A BATTERY BACK-UP, OR IS WIRED INTO A DWELLING'S

1 ELECTRICAL SYSTEM AND HAS A BATTERY BACK-UP; AND

2 (d) MAY BE COMBINED WITH SMOKE DETECTING DEVICES IF THE  
3 COMBINED DEVICE COMPLIES WITH APPLICABLE LAW REGARDING BOTH  
4 SMOKE DETECTING DEVICES AND CARBON MONOXIDE ALARMS AND THAT  
5 THE COMBINED UNIT EMITS AN ALARM AND VOICE SIGNAL IN A MANNER  
6 THAT CLEARLY DIFFERENTIATES BETWEEN THE TWO HAZARDS.

7 (2) "DWELLING UNIT" MEANS ANY PORTION OF A BUILDING THAT  
8 INCLUDES PROVISIONS FOR LIVING, SLEEPING, OR LODGING BY ONE OR  
9 MORE PERSONS.

10 (3) "FUEL" MEANS COAL, KEROSENE, OIL, FUEL GASES, OR OTHER  
11 PETROLEUM PRODUCTS OR HYDROCARBON PRODUCTS SUCH AS WOOD THAT  
12 EMIT CARBON MONOXIDE AS A BY-PRODUCT OF COMBUSTION.

13 (4) "INSTALLED" MEANS THAT A CARBON MONOXIDE ALARM IS  
14 INSTALLED IN A DWELLING IN THE FOLLOWING WAYS: WIRED DIRECTLY  
15 INTO THE DWELLING'S ELECTRICAL WIRING, DIRECTLY PLUGGED INTO AN  
16 ELECTRICAL OUTLET WITHOUT A SWITCH OTHER THAN A CIRCUIT BREAKER,  
17 OR, IF THE ALARM IS BATTERY-POWERED, ATTACHED TO THE WALL OR  
18 CEILING OF THE DWELLING IN ACCORDANCE WITH THE NATIONAL FIRE  
19 PROTECTION ASSOCIATION'S STANDARD FOR THE INSTALLATION OF  
20 CARBON MONOXIDE WARNING EQUIPMENT IN DWELLING UNITS OR ANY  
21 SUCCESSOR STANDARD.

22 (5) "MULTI-FAMILY DWELLING" MEANS ANY IMPROVED REAL  
23 PROPERTY USED OR INTENDED TO BE USED AS A RESIDENCE AND CONTAINS  
24 MORE THAN ONE DWELLING UNIT. MULTI-FAMILY DWELLINGS INCLUDE  
25 CONDOMINIUMS OR COOPERATIVES.

26 (6) "OPERATIONAL" MEANS WORKING AND IN SERVICE IN  
27 ACCORDANCE WITH MANUFACTURER INSTRUCTIONS.

1           (7) "SINGLE-FAMILY DWELLING" MEANS ANY IMPROVED REAL  
2 PROPERTY USED OR INTENDED TO BE USED AS A RESIDENCE AND CONTAINS  
3 ONE DWELLING UNIT.

4           **38-45-102. Carbon monoxide alarms in single-family**  
5 **dwelling.** (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,  
6 EVERY EXISTING SINGLE-FAMILY DWELLING OFFERED FOR SALE OR  
7 TRANSFER ON OR AFTER JULY 1, 2008, THAT HAS A FUEL-BURNING HEATER  
8 OR APPLIANCE, A FIREPLACE, OR AN ATTACHED GARAGE SHALL HAVE AN  
9 OPERATIONAL CARBON MONOXIDE ALARM INSTALLED WITHIN TEN FEET OF  
10 THE ENTRANCE TO EACH ROOM LAWFULLY USED FOR SLEEPING PURPOSES.

11           (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EVERY  
12 SINGLE-FAMILY DWELLING FOR WHICH A BUILDING PERMIT IS ISSUED FOR  
13 NEW CONSTRUCTION ON OR AFTER JULY 1, 2008, THAT HAS A  
14 FUEL-BURNING HEATER OR APPLIANCE, A FIREPLACE, OR AN ATTACHED  
15 GARAGE SHALL HAVE AN OPERATIONAL CARBON MONOXIDE ALARM  
16 INSTALLED WITHIN TEN FEET OF THE ENTRANCE TO EACH ROOM LAWFULLY  
17 USED FOR SLEEPING PURPOSES.

18           (3) NO PERSON SHALL REMOVE BATTERIES FROM, OR IN ANY WAY  
19 RENDER INOPERABLE, A CARBON MONOXIDE ALARM, EXCEPT AS PART OF  
20 A PROCESS TO INSPECT, MAINTAIN, REPAIR, OR REPLACE THE ALARM OR  
21 REPLACE THE BATTERIES IN THE ALARM.

22           **38-45-103. Carbon monoxide alarms in multi-family**  
23 **dwelling.** (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,  
24 EVERY DWELLING UNIT OF AN EXISTING MULTI-FAMILY DWELLING OFFERED  
25 FOR SALE OR TRANSFER ON OR AFTER JULY 1, 2008, THAT HAS A  
26 FUEL-BURNING HEATER OR APPLIANCE, A FIREPLACE, OR AN ATTACHED  
27 GARAGE SHALL HAVE AN OPERATIONAL CARBON MONOXIDE ALARM

1 INSTALLED WITHIN TEN FEET OF THE ENTRANCE TO EACH ROOM LAWFULLY  
2 USED FOR SLEEPING PURPOSES.

3 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EVERY  
4 DWELLING UNIT OF A MULTI-FAMILY DWELLING FOR WHICH A BUILDING  
5 PERMIT IS ISSUED FOR NEW CONSTRUCTION ON OR AFTER JULY 1, 2008,  
6 THAT HAS A FUEL-BURNING HEATER OR APPLIANCE, A FIREPLACE, OR AN  
7 ATTACHED GARAGE SHALL HAVE AN OPERATIONAL CARBON MONOXIDE  
8 ALARM INSTALLED WITHIN TEN FEET OF THE ENTRANCE TO EACH ROOM  
9 LAWFULLY USED FOR SLEEPING PURPOSES.

10 (3) NO PERSON SHALL REMOVE BATTERIES FROM, OR IN ANY WAY  
11 RENDER INOPERABLE, A CARBON MONOXIDE ALARM, EXCEPT AS PART OF  
12 A PROCESS TO INSPECT, MAINTAIN, REPAIR, OR REPLACE THE ALARM OR  
13 REPLACE THE BATTERIES IN THE ALARM.

14 **38-45-104. Carbon monoxide alarms in rental properties.**

15 (1) EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION, ANY  
16 SINGLE-FAMILY DWELLING OR DWELLING UNIT IN A MULTI-FAMILY  
17 DWELLING FOR WHICH A BUILDING PERMIT IS ISSUED FOR NEW  
18 CONSTRUCTION ON OR AFTER JULY 1, 2008, THAT IS USED FOR RENTAL  
19 PURPOSES SHALL BE SUBJECT TO THE REQUIREMENTS SPECIFIED IN  
20 SECTIONS 38-45-102 AND 38-45-103.

21 (2) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE  
22 LANDLORD OF ANY RENTAL PROPERTY SPECIFIED IN SUBSECTION (1) OF  
23 THIS SECTION SHALL:

24 (I) PRIOR TO THE COMMENCEMENT OF A NEW TENANT OCCUPANCY,  
25 REPLACE ANY CARBON MONOXIDE ALARM THAT WAS STOLEN, REMOVED,  
26 FOUND MISSING, OR FOUND NOT IN OPERATION AFTER THE PREVIOUS  
27 OCCUPANCY;

1           (II) ENSURE THAT ANY BATTERIES NECESSARY TO MAKE THE  
2 CARBON MONOXIDE ALARM OPERATIONAL ARE PROVIDED TO THE TENANT  
3 AT THE TIME THE TENANT TAKES RESIDENCE IN THE DWELLING UNIT; AND

4           (III) FIX ANY DEFICIENCIES IN A CARBON MONOXIDE ALARM THAT  
5 A TENANT CANNOT CORRECT AS SPECIFIED IN PARAGRAPH (d) OF  
6 SUBSECTION (3) OF THIS SECTION.

7           (b) EXCEPT AS PROVIDED IN PARAGRAPH (a) OF THIS SUBSECTION  
8 (2), THE OWNER OF A SINGLE-FAMILY DWELLING OR DWELLING UNIT IN A  
9 MULTI-FAMILY DWELLING THAT IS USED FOR RENTAL PURPOSES IS NOT  
10 RESPONSIBLE FOR THE MAINTENANCE, REPAIR, OR REPLACEMENT OF A  
11 CARBON MONOXIDE ALARM OR THE CARE AND REPLACEMENT OF  
12 BATTERIES FOR SUCH AN ALARM.

13           (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE  
14 TENANT OF ANY RENTAL PROPERTY SPECIFIED IN SUBSECTION (1) OF THIS  
15 SECTION SHALL:

16           (a) KEEP, TEST, AND MAINTAIN ALL CARBON MONOXIDE ALARMS  
17 IN GOOD REPAIR;

18           (b) REPLACE THE BATTERIES OF ALL CARBON MONOXIDE ALARMS  
19 AS NEEDED;

20           (c) REPLACE ANY CARBON MONOXIDE ALARMS THAT ARE STOLEN,  
21 REMOVED, FOUND MISSING, OR FOUND NOT IN OPERATION DURING THE  
22 TENANT'S OCCUPANCY OF THE SINGLE-FAMILY DWELLING OR DWELLING  
23 UNIT IN THE MULTI-FAMILY DWELLING UNIT; AND

24           (d) NOTIFY, IN WRITING, THE OWNER OF THE SINGLE-FAMILY  
25 DWELLING OR DWELLING UNIT OF A MULTI-FAMILY DWELLING, OR THE  
26 OWNER'S AUTHORIZED AGENT, OF ANY DEFICIENCIES IN ANY CARBON  
27 MONOXIDE ALARMS THAT THE TENANT CANNOT CORRECT.

1           (4) MULTI-FAMILY DWELLINGS USED FOR RENTAL PURPOSES MAY  
2           HAVE OPERATIONAL CARBON MONOXIDE ALARMS INSTALLED WITHIN  
3           TWENTY-FIVE FEET FROM ANY FUEL-BURNING HEATER OR APPLIANCE,  
4           FIREPLACE, OR GARAGE, SO LONG AS THERE IS A CENTRALIZED ALARM  
5           SYSTEM OR OTHER MECHANISM FOR A RESPONSIBLE PERSON TO HEAR THE  
6           ALARM AT ALL TIMES.

7           (5) NO PERSON SHALL REMOVE BATTERIES FROM, OR IN ANY WAY  
8           RENDER INOPERABLE, A CARBON MONOXIDE ALARM, EXCEPT AS PART OF  
9           A PROCESS TO INSPECT, MAINTAIN, REPAIR, OR REPLACE THE ALARM OR  
10          REPLACE THE BATTERIES IN THE ALARM.

11          **38-45-105. Municipal or county ordinances regarding carbon**  
12          **monoxide alarms.** NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO  
13          LIMIT A MUNICIPALITY, CITY, HOME RULE CITY, CITY AND COUNTY,  
14          COUNTY, OR OTHER LOCAL GOVERNMENT ENTITY FROM ADOPTING OR  
15          ENFORCING ANY REQUIREMENTS FOR THE INSTALLATION AND  
16          MAINTENANCE OF CARBON MONOXIDE ALARMS THAT ARE MORE  
17          STRINGENT THAN THE REQUIREMENTS SET FORTH IN THIS ARTICLE.

18          **SECTION 2. Safety clause.** The general assembly hereby finds,  
19          determines, and declares that this act is necessary for the immediate  
20          preservation of the public peace, health, and safety.