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CARBON MONOXIDE ALARMS

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A new law went into effect in Colorado on July 1, 2009, requiring carbon monoxide alarms to be installed in all newly constructed single-family and multi-family dwellings, homes that are offered for sale, and rental dwellings following a change of tenancy. This issue brief describes the requirements of the new law.

What is carbon monoxide and what is a carbon monoxide alarm?

Carbon monoxide is a gas that is produced when certain types of fuels are burned. Exposure to high levels can lead to carbon monoxide poisoning and even death. Since carbon monoxide is odorless and invisible, it is hard to detect. Carbon monoxide alarms are devices that can aid in detecting the presence of carbon monoxide and will produce an alarm when certain levels of carbon monoxide are reached.

Recently, there have been a number of deaths in Colorado caused by carbon monoxide poisoning, including the Lofgren family who died in an Aspen home over Thanksgiving weekend in 2008, and Lauren Johnson, a University of Denver student, who died in January 2009. In response to the recent carbon monoxide fatalities, the General Assembly enacted House Bill 09-1091, the Lofgren and Johnson Families Carbon Monoxide Safety Act.

According to the National Conference of State Legislatures, as of January 2009, the following 19 states have enacted similar carbon monoxide statutes:

Alaska, Connecticut, Florida, Georgia, Illinois, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, North Carolina, Rhode Island, Texas, Utah, Vermont, Virginia, Wisconsin, and West Virginia.

What does House Bill 09-1091 require of homeowners?

Beginning July 1, 2009, the act requires every seller or manufacturer of any single or multi-family dwellings in Colorado to assure that carbon monoxide alarms are installed within 15 feet of the entrance to any bedrooms if the dwelling has:

- a fuel-fired heater or appliance;
- a fireplace; and/or
- an attached garage.

What does House Bill 09-1091 require of landlords and tenants of rental properties?

The act also establishes requirements for the maintenance and installation of alarms in rental properties and requires that prior to renting to a new tenant after July 1, 2009, every landlord must assure that carbon monoxide alarms are installed within 15 feet of the entrance to any bedroom. Additionally, a landlord must:

- replace any carbon monoxide alarm that is stolen, removed, found missing, or not operational;
- ensure that batteries for the carbon monoxide alarms are provided to the tenant; and

- fix any deficiency in any carbon monoxide alarm.

Likewise, the act requires tenants to:

- keep, test, and maintain all carbon monoxide alarms in good repair;
- notify the landlord in writing if the batteries of any carbon monoxide alarm need to be replaced;
- notify the landlord in writing if any carbon monoxide alarm is stolen, removed, found missing, or found not operational; and
- notify the landlord if there is a deficiency in any carbon monoxide alarm that the tenant cannot correct.

The act allows a landlord of any multi-family rental building to install an alarm near the central heating unit in the building so long as the alarm can be heard by a reasonable person at all times.

Can a local government make more stringent laws regarding carbon monoxide alarms?

The act permits local governments to set more stringent requirements for the installation of carbon monoxide alarms.

Can a person be held liable for damages resulting from effectiveness of a carbon monoxide alarm?

The act grants immunity from liability for any damages resulting from the operation, maintenance, or effectiveness of a carbon monoxide alarm to any person who properly installs, according to the manufacturer's published instructions, and maintains a carbon monoxide alarm.

What types of carbon monoxide alarms qualify?

The act defines a carbon monoxide alarm to be a device that detects carbon monoxide and:

- produces an audible alarm;
- is listed by a nationally recognized, independent product-safety testing and

certification laboratory to conform to the standards for carbon monoxide alarms issued by the laboratory;

- is battery powered, plugs into an electrical outlet and has a battery backup, is hardwired with a battery backup, or is connected to an electrical system through an electrical panel; and
- may be combined with a smoke detector as long as the alarm sounds in a manner that clearly differentiates between the two hazards and complies with applicable smoke and carbon monoxide alarm laws.