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BILL ANALYSIS

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House Bill 5341 (Substitute S-1 as reported)
Sponsor: Representative Gary McDowell
House Committee: Regulatory Reform
Senate Committee: Health Policy

CONTENT

The bill would amend the Single State Construction Code Act to allow the Director of the Department of Labor and Economic Growth (DLEG) to provide for the installation of at least one operational and approved carbon monoxide device within a single-family dwelling or within each unit of a multifamily dwelling. The Director could provide for the devices at the time of initial construction of a single-family or multifamily dwelling, or at the time of renovation of any existing single-family dwelling for which a permit is required, or upon the addition or creation of a bedroom. A carbon monoxide device would have to be located in the vicinity of the bedrooms, in areas within the dwelling adjacent to an attached garage, and in areas adjacent to any fuel-burning appliances.

If the DLEG Director adopted the International Residential Code as part of a code adopted after the bill's effective date, those requirements would apply and would have to be followed upon the effective date of the code.

An enforcing agency could not impose a penalty for a person's failure to comply with the bill's requirement until the effective date of the code adopted after the bill took effect that incorporated that requirement.

A licensed residential builder or maintenance and alteration contractor who was in compliance with the bill or rules promulgated under the Code and who installed a carbon monoxide device in accordance with the manufacturer's instructions would have no liability, directly or indirectly, to any person with respect to the operation, maintenance, or effectiveness of the device.

The section added by the bill would be known as the "Overbeck Law". The bill would take effect 90 days after it was enacted.

Proposed MCL 125.1504e

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The Department already has inspection procedures for new buildings; therefore, the cost of adding this new requirement would be minimal, if any.

Date Completed: 9-30-08

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Analysis available @ <http://www.michiganlegislature.org>

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