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House Bill 5341 (Substitute H-4 as passed by the House)
Sponsor: Representative Gary McDowell
House Committee: Regulatory Reform
Senate Committee: Health Policy

Date Completed: 5-20-08

CONTENT

The bill would amend the Single State Construction Code Act to do the following:

- Require the Director of the Department of Labor and Economic Growth (DLEG) to promulgate rules regarding the installation of carbon monoxide alarms in each new residential building or structure.**
- Require the installation of at least one alarm in each new residential building.**
- Require the DLEG Director to include provisions regarding the installation of carbon monoxide alarms in the State Construction Code.**
- Provide immunity for a residential builder or contractor who installed a carbon monoxide detector properly.**

"Carbon monoxide alarm" would mean a device designed to respond to the presence of carbon monoxide and provide an alarm suitable to alert the occupants of carbon monoxide levels below those that cause a loss of ability to react to the dangers of carbon monoxide exposure.

Beginning one year after the bill's effective date and until the rules became effective, the bill would require the installation of at least one alarm in each new residential building or structure.

The DLEG Director would have to promulgate rules that established standards and requirements for the installation of carbon monoxide alarms in a new residential building or structure. The rules would have to provide that at least one alarm be installed in each dwelling unit of a single-family dwelling, one- or two-family detached dwelling, or multiple-family dwelling.

Beginning the code cycle after the rules' effective date, the DLEG Director would have to include in the State Construction Code provisions requiring the installation of carbon monoxide alarms. Under such circumstances, the provisions in the Code would supersede the bill.

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, in accordance with the manufacturer's instructions, a carbon monoxide detector meeting current Underwriters Laboratories standards for that device at the time of installation, would

have no liability, directly or indirectly, to any person with respect to the operation, maintenance, or effectiveness of the detector.

The section that would be added by the bill would be known and could be cited as "the Overbeck Law".

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.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.