

SENATE BILL 969

E4

(3lr2906)

ENROLLED BILL

— *Education, Health, and Environmental Affairs/Environmental Matters* —

Introduced by **Senators Glassman, Dyson, and Mathias**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Fire Protection and Prevention – Residential Smoke Alarms**

3 FOR the purpose of repealing and recodifying certain provisions of law dealing with
4 smoke detection systems; clarifying that the installation of certain smoke
5 alarms is required in certain areas of certain buildings; providing that this Act
6 is applicable statewide; authorizing a local jurisdiction to adopt certain
7 regulations; requiring a minimum number of smoke alarms be installed in
8 certain areas of certain residential occupancies; requiring a certain smoke
9 alarm to activate other smoke alarms in certain circumstances; requiring
10 certain power sources for certain smoke alarms; requiring a certain upgrading
11 of certain smoke alarm placement under certain circumstances; requiring
12 certain existing residential occupancies to be upgraded on or before a certain
13 date; requiring a certain smoke alarm for a sleeping room occupied by a deaf or
14 hard of hearing individual; requiring a landlord to respond to a certain notice in
15 a certain manner; requiring hotels and motels to make a certain minimum

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 number of smoke alarm notification appliances available under certain
 2 circumstances and to post a certain notice; authorizing a hotel or motel to
 3 charge a certain deposit; authorizing a certain landlord to require
 4 reimbursement from a tenant for the cost of a certain ~~fire~~ smoke alarm;
 5 providing for enforcement of and responsibility for installation and maintenance
 6 of smoke alarms; authorizing a smoke alarm to be combined with a carbon
 7 monoxide alarm in certain circumstances; authorizing certain authorities to
 8 issue a certain order; requiring a certain person to respond within a certain
 9 period of time; altering the information about smoke alarms that must be
 10 included in a certain residential property disclosure statement; providing for the
 11 application of certain provisions of this Act; defining certain terms; and
 12 generally relating to residential smoke alarms.

13 BY repealing

14 Article – Public Safety
 15 Section 9–101 through 9–106
 16 Annotated Code of Maryland
 17 (2011 Replacement Volume and 2012 Supplement)

18 BY adding to

19 Article – Public Safety
 20 Section 9–101 through 9–106
 21 Annotated Code of Maryland
 22 (2011 Replacement Volume and 2012 Supplement)

23 BY repealing and reenacting, without amendments,

24 Article – Public Safety
 25 Section 9–107 and 9–109
 26 Annotated Code of Maryland
 27 (2011 Replacement Volume and 2012 Supplement)

28 BY repealing and reenacting, with amendments,

29 Article – Public Safety
 30 Section 9–108
 31 Annotated Code of Maryland
 32 (2011 Replacement Volume and 2012 Supplement)

33 BY repealing and reenacting, with amendments,

34 Article – Real Property
 35 Section 10–702(e)(2)
 36 Annotated Code of Maryland
 37 (2010 Replacement Volume and 2012 Supplement)

38 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 39 MARYLAND, That the Laws of Maryland read as follows:

40 **Article – Public Safety**

1 [9-101.

2 (a) (1) Notwithstanding any other provision of this article, this subtitle
3 applies in Baltimore City.

4 (2) In Baltimore City, the Baltimore City fire department shall enforce
5 this subtitle.

6 (3) In Baltimore City, appeals concerning this subtitle shall be made
7 to the Baltimore City fire board.

8 (b) This subtitle does not affect a public local law or regulation that existed
9 on July 1, 1982, that required smoke detectors in occupancies with less than ten
10 dwelling units.]

11 [9-102.

12 (a) (1) Each sleeping area within each occupancy classified residential, as
13 defined in the most recent edition of the National Fire Protection Association Life
14 Safety Code adopted by the State Fire Prevention Commission, shall be equipped with
15 at least one approved smoke detector that:

16 (i) senses visible or invisible particles of combustion; and

17 (ii) is installed in a manner and location approved by the State
18 Fire Prevention Commission.

19 (2) When activated, the smoke detector shall provide an alarm
20 suitable to warn the occupants.

21 (b) (1) The landlord shall install smoke detectors as required under
22 subsection (a) of this section.

23 (2) On written notification by certified mail by the tenant or on
24 notification in person by the tenant, the landlord shall repair or replace the smoke
25 detector.

26 (3) If the tenant personally notifies the landlord of the failure of a
27 smoke detector, the landlord shall provide a written receipt acknowledging the
28 notification.

29 (4) A tenant may not remove a smoke detector or render a smoke
30 detector inoperative.

1 (5) Except for hotels or motels, a landlord may require a refundable
2 deposit for a smoke detector not exceeding the value of the smoke detector.

3 (6) On written request of a tenant who is deaf or hearing impaired, the
4 landlord shall provide a smoke detector that, when activated, provides a signal that:

5 (i) is approved by a nationally recognized testing laboratory for
6 electrical appliances; and

7 (ii) is sufficient to warn the deaf or hearing impaired tenant.

8 (c) (1) Regardless of the number of units, each hotel or motel shall have
9 available at least one smoke detector for the deaf or hearing impaired for each 50 units
10 or fraction of 50 units.

11 (2) The hotel or motel may require a refundable deposit for a portable
12 smoke detector not exceeding the value of the smoke detector.

13 (3) The hotel or motel shall post in a conspicuous place at the
14 registration desk a permanent sign that states the availability of smoke detectors for
15 the deaf or hearing impaired.

16 (d) On or before July 1, 1982, an occupant of a one, two, or three family
17 residential dwelling constructed before July 1, 1975, shall:

18 (1) equip each occupant's living unit with at least one approved
19 battery or alternating current (AC) primary electric powered smoke detector; and

20 (2) maintain the smoke detector.]

21 [9-103.

22 (a) At least one smoke detector shall be installed on each level, including a
23 basement but excluding an attic, of each new residential dwelling unit:

24 (1) that contains alternating current (AC) electrical service;

25 (2) that is classified residential, as defined in the most recent edition
26 of the National Fire Protection Association Life Safety Code adopted by the State Fire
27 Prevention Commission; and

28 (3) for which a building permit is issued for new construction on or
29 after January 1, 1989.

30 (b) If two or more smoke detectors are required under subsection (a) of this
31 section, the smoke detectors shall be of a type and installed in a manner so that

1 activation of one smoke detector causes activation of all other required smoke
2 detectors in the residential dwelling unit.

3 (c) A smoke detector required under this subtitle shall operate both by
4 battery and on an alternating current (AC) primary source of electric power if the
5 smoke detector is installed in a new residential dwelling unit:

6 (1) that contains alternating current (AC) electrical service;

7 (2) that is designed to be occupied by one or more families; and

8 (3) for which a building permit is issued for new construction on or
9 after July 1, 1990.

10 (d) This section:

11 (1) may be enforced by a county fire chief, fire administrator, or
12 municipal fire chief; and

13 (2) does not prevent a county from enacting more stringent laws that
14 relate to smoke detectors.]

15 [9-104.

16 (a) (1) Except as provided in paragraph (2) of this subsection and §
17 9-102(d) of this subtitle, smoke detection systems shall operate on an alternating
18 current (AC) primary source of electric power.

19 (2) Smoke detection systems may operate on approved power supplies
20 other than an alternating current (AC) primary source of electric power if:

21 (i) the power supply is approved by the State Fire Prevention
22 Commission; and

23 (ii) it is clearly evident that reasonable safety is secured.

24 (b) Each approved smoke detector shall be installed so as not to exceed the
25 lineal or square footage allowances specified for the smoke detector, based on the
26 generally accepted test standards under which the smoke detector was tested and
27 approved.

28 (c) Smoke detection systems, including specialized smoke detectors for the
29 deaf and hearing impaired, shall be approved for the particular system and shall only
30 be used for detection and signaling in the event of fire.

1 (d) Each lease for an existing residential dwelling unit that contains
2 alternating current (AC) electric service shall contain a disclosure in 10–point bold
3 type that states:

4 “This residential dwelling unit contains alternating current (AC) electric
5 service. In the event of a power outage, an alternating current (AC) powered smoke
6 detector will not provide an alarm. Therefore, the occupant should obtain a dual
7 powered smoke detector or a battery powered smoke detector.”]

8 [9–105.

9 A person may sell or install a smoke detection system, smoke detector, smoke
10 alarm, or specialized smoke detectors or smoke alarms for the deaf and hard of
11 hearing only in accordance with the State Fire Prevention Code.]

12 [9–106.

13 (a) If approved by the State Fire Prevention Commission, an approved
14 automatic fire sprinkler system may be installed instead of a smoke detection system.

15 (b) Installing an approved automatic fire sprinkler system does not nullify
16 the other requirements of the State Fire Prevention Code or exempt an occupancy
17 from other requirements that are clearly applicable under the State Fire Prevention
18 Code.]

19 **9–101.**

20 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

22 (B) “SLEEPING AREA” MEANS A SPACE THAT INCLUDES ONE OR MORE
23 SLEEPING ROOMS AND A HALL OR COMMON AREA IMMEDIATELY ADJACENT TO
24 ANY SLEEPING ROOM.

25 (C) “SLEEPING ROOM” MEANS AN ENCLOSED ROOM WITH A BED
26 ARRANGED TO BE USED AS A BEDROOM.

27 ~~(B)~~ (D) “SMOKE ALARM” MEANS A SINGLE OR MULTIPLE STATION
28 DEVICE THAT DETECTS VISIBLE OR INVISIBLE PRODUCTS OF COMBUSTION AND
29 INCLUDES A BUILT–IN INTERNAL ALARM SIGNAL.

30 ~~(C)~~ (E) “SMOKE DETECTOR” MEANS A SYSTEM–CONNECTED SMOKE
31 SENSING DEVICE TIED TO A FIRE ALARM CONTROL PANEL OR A HOUSEHOLD
32 FIRE WARNING PANEL.

1 **9-102.**

2 (A) THIS SUBTITLE APPLIES THROUGHOUT THE STATE, INCLUDING
3 BALTIMORE CITY.

4 (B) AN AUTOMATIC SMOKE ALARM SHALL BE PROVIDED IN EACH
5 SLEEPING AREA WITHIN EACH RESIDENTIAL OCCUPANCY, INCLUDING ONE- AND
6 TWO-FAMILY DWELLINGS, LODGING OR ROOMING HOUSES, HOTELS,
7 DORMITORIES, AND APARTMENT BUILDINGS, AS DEFINED IN NFPA 101: LIFE
8 SAFETY CODE AS ADOPTED BY THE STATE FIRE PREVENTION COMMISSION.

9 (C) SMOKE ALARMS SHALL:

10 (1) BE INSTALLED IN ACCORDANCE WITH NFPA 72: NATIONAL
11 FIRE ALARM CODE AS REFERENCED BY THE STATE FIRE PREVENTION CODE;

12 (2) BE LISTED AND LABELED BY A NATIONALLY RECOGNIZED
13 TESTING LABORATORY TO COMPLY WITH UNDERWRITERS LABORATORIES (UL)
14 217, "STANDARD FOR SAFETY FOR SINGLE AND MULTIPLE STATION SMOKE
15 ALARMS";

16 (3) BE SUITABLE FOR SENSING VISIBLE OR INVISIBLE PRODUCTS
17 OF COMBUSTION; AND

18 (4) SOUND AN ALARM SUITABLE TO WARN THE OCCUPANTS.

19 (D) LOCAL JURISDICTIONS MAY ADOPT SMOKE ALARM REGULATIONS
20 THAT ARE MORE STRINGENT THAN THE PROVISIONS OF THIS SUBTITLE.

21 **9-103.**

22 (A) THIS SECTION APPLIES ONLY TO NEW RESIDENTIAL UNITS
23 CONSTRUCTED ON OR AFTER JULY 1, 2013.

24 ~~(A)~~ (B) AT LEAST ONE SMOKE ALARM SHALL BE INSTALLED IN EACH
25 SLEEPING ROOM, IN THE HALLWAY OR COMMON AREA OUTSIDE OF SLEEPING
26 ROOMS, AND IN THE HALLWAY OR COMMON AREA ON EACH LEVEL WITHIN A
27 ~~NEW~~ RESIDENTIAL DWELLING UNIT ~~CONSTRUCTED AFTER JULY 1, 2013,~~
28 INCLUDING BASEMENTS AND EXCLUDING UNOCCUPIED ATTICS, GARAGES, AND
29 CRAWL SPACES.

30 ~~(B)~~ (C) IF TWO OR MORE SMOKE ALARMS ARE REQUIRED WITHIN A
31 RESIDENTIAL UNIT, THE SMOKE ALARMS SHALL BE ARRANGED SO THAT

1 ACTIVATION OF ANY ONE SMOKE ALARM CAUSES ALARM ACTIVATION OF ALL
2 OTHER REQUIRED SMOKE ALARMS WITHIN THE RESIDENTIAL UNIT.

3 ~~(C)~~ (D) EACH SMOKE ALARM REQUIRED BY THIS SECTION SHALL
4 OPERATE ON AN ALTERNATING CURRENT (AC) PRIMARY SOURCE OF ELECTRIC
5 POWER WITH A BATTERY BACKUP OR AN APPROVED ALTERNATE SECONDARY
6 POWER SOURCE.

7 ~~(D)~~ (E) IN ONE- AND TWO-FAMILY DWELLINGS, A SMOKE DETECTOR
8 INSTALLED AS A PART OF AN APPROVED HOUSEHOLD FIRE ALARM SYSTEM IS AN
9 ACCEPTABLE ALTERNATIVE TO THE AC POWERED-BATTERY BACKUP SMOKE
10 ALARM REQUIRED BY THIS SECTION, IF THE SMOKE DETECTOR IS INSTALLED
11 AND LOCATED AS SPECIFIED IN SUBSECTION ~~(A)~~ (B) OF THIS SECTION.

12 ~~(E)~~ (F) A SMOKE DETECTOR INSTALLED AS A PART OF AN APPROVED
13 FIRE ALARM SYSTEM IS AN ACCEPTABLE ALTERNATIVE TO THE AC
14 POWERED-BATTERY BACKUP SMOKE ALARM REQUIRED BY THIS SECTION, IF
15 THE SMOKE DETECTOR IS INSTALLED AND LOCATED AS SPECIFIED IN
16 SUBSECTION ~~(A)~~ (B) OF THIS SECTION.

17 **9-104.**

18 (A) (1) AT LEAST ONE SMOKE ALARM SHALL BE PROVIDED IN EACH
19 RESIDENTIAL SLEEPING AREA.

20 (2) SMOKE ALARMS REQUIRED IN ONE- AND TWO-FAMILY
21 DWELLINGS CONSTRUCTED BEFORE JULY 1, 1975, SHALL BE BATTERY
22 POWERED OR ALTERNATING CURRENT (AC) PRIMARY ELECTRIC POWERED
23 UNITS.

24 (3) SMOKE ALARMS REQUIRED IN ONE- AND TWO-FAMILY
25 DWELLINGS CONSTRUCTED BETWEEN JULY 1, 1975, AND JUNE 30, 1990, SHALL
26 BE ALTERNATING CURRENT (AC) PRIMARY ELECTRIC POWERED UNITS.

27 (4) SMOKE ALARMS REQUIRED IN MULTIFAMILY RESIDENTIAL
28 OCCUPANCIES INCLUDING APARTMENTS, LODGING OR ROOMING HOUSES,
29 DORMITORIES, AND HOTELS SHALL BE ALTERNATING CURRENT (AC) PRIMARY
30 ELECTRIC POWERED UNITS.

31 (5) SMOKE ALARMS REQUIRED IN A RESIDENTIAL OCCUPANCY
32 CONSTRUCTED ON OR AFTER JULY 1, 1990, SHALL BE ALTERNATING CURRENT
33 (AC) PRIMARY ELECTRIC POWERED UNITS WITH BATTERY BACKUP OR AN
34 APPROVED ALTERNATE SECONDARY POWER SOURCE.

1 **(B) AT LEAST ONE SMOKE ALARM SHALL BE INSTALLED IN EACH LEVEL**
2 **OF A RESIDENTIAL OCCUPANCY CONSTRUCTED ON OR AFTER JANUARY 1, 1989,**
3 **INCLUDING BASEMENTS AND EXCLUDING UNOCCUPIED ATTICS, GARAGES, AND**
4 **CRAWL SPACES.**

5 **(C) IF TWO OR MORE SMOKE ALARMS ARE REQUIRED WITHIN A**
6 **RESIDENTIAL UNIT CONSTRUCTED ON OR AFTER JANUARY 1, 1989, THE SMOKE**
7 **ALARMS SHALL BE ARRANGED SO THAT ACTIVATION OF ANY ONE SMOKE ALARM**
8 **CAUSES ALARM ACTIVATION OF ALL OTHER REQUIRED SMOKE ALARMS WITHIN**
9 **THE RESIDENTIAL UNIT.**

10 **(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, SMOKE**
11 **ALARM PLACEMENT IN A ONE- OR TWO-FAMILY DWELLING SHALL BE**
12 **UPGRADED TO COMPLY WITH PARAGRAPH (3) OF THIS SUBSECTION IN EXISTING**
13 **RESIDENTIAL OCCUPANCIES WHEN ANY ONE OF THE FOLLOWING OCCURS:**

14 **(I) THE EXISTING SMOKE ALARMS EXCEED 10 YEARS FROM**
15 **THE DATE OF MANUFACTURE;**

16 **(II) THE EXISTING SMOKE ALARMS FAIL TO RESPOND TO**
17 **OPERABILITY TESTS OR OTHERWISE MALFUNCTION;**

18 **(III) THERE IS ~~A CHANGE OF OWNERSHIP OR~~ A CHANGE OF**
19 **TENANT IN ~~THE~~ A RESIDENTIAL UNIT AND THE RESIDENTIAL UNIT HAS NOT**
20 **PREVIOUSLY BEEN EQUIPPED IN ACCORDANCE WITH THIS SUBTITLE WITH**
21 **SEALED LONG-LIFE BATTERY SMOKE ALARMS WITH SILENCE/HUSH BUTTON**
22 **FEATURES WITHIN THE 10 YEARS PRECEDING THE ~~CHANGE OF OWNERSHIP OR~~**
23 **CHANGE OF TENANT; OR**

24 **(IV) A BUILDING PERMIT IS ISSUED FOR AN ADDITIONAL**
25 **RESIDENTIAL UNIT OR ALTERATION TO A RESIDENTIAL UNIT.**

26 **(2) SMOKE ALARM PLACEMENT SHALL BE UPGRADED TO COMPLY**
27 **WITH PARAGRAPH (3) OF THIS SUBSECTION IN ALL EXISTING RESIDENTIAL**
28 **OCCUPANCIES ON OR BEFORE JANUARY 1, 2018.**

29 **(3) UPGRADED SMOKE ALARM PLACEMENT SHALL INCLUDE THE**
30 **FOLLOWING:**

31 **(I) A MINIMUM OF ONE SMOKE ALARM ON EACH LEVEL OF**
32 **THE RESIDENTIAL UNIT, INCLUDING BASEMENTS AND EXCLUDING UNOCCUPIED**
33 **ATTICS, GARAGES, AND CRAWL SPACES;**

1 **(II) SMOKE ALARMS SHALL BE ALTERNATING CURRENT**
2 **(AC) PRIMARY POWERED UNITS WITH BATTERY BACKUP, EXCEPT AS FOLLOWS:**

3 **1. SMOKE ALARMS IN ONE- AND TWO-FAMILY**
4 **DWELLINGS CONSTRUCTED BEFORE JULY 1, 1975, MAY BE BATTERY OPERATED;**
5 **AND**

6 **2. SMOKE ALARMS REQUIRED IN NEW LOCATIONS BY**
7 **THIS SECTION, IF SMOKE ALARMS DID NOT PREVIOUSLY EXIST, MAY BE BATTERY**
8 **OPERATED; AND**

9 **(III) IF BATTERY OPERATED SMOKE ALARMS ARE**
10 **PERMITTED, ONLY SEALED, TAMPER RESISTANT UNITS INCORPORATING A**
11 **SILENCE/HUSH BUTTON AND USING LONG-LIFE BATTERIES MAY BE USED.**

12 **(E) IN ONE- AND TWO-FAMILY DWELLINGS, A SMOKE DETECTOR**
13 **INSTALLED AS A PART OF AN APPROVED HOUSEHOLD FIRE ALARM SYSTEM IS AN**
14 **ACCEPTABLE ALTERNATIVE TO THE AC POWERED-BATTERY BACKUP SMOKE**
15 **ALARMS REQUIRED BY THIS SECTION, IF THE SMOKE DETECTORS ARE**
16 **INSTALLED AND LOCATED AS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

17 **(F) A SMOKE DETECTOR INSTALLED AS A PART OF AN APPROVED FIRE**
18 **ALARM SYSTEM IS AN ACCEPTABLE ALTERNATIVE TO THE AC**
19 **POWERED-BATTERY BACKUP SMOKE ALARMS REQUIRED BY THIS SECTION, IF**
20 **THE SMOKE DETECTORS ARE INSTALLED AND LOCATED AS SPECIFIED IN**
21 **SUBSECTION (A) OF THIS SECTION.**

22 **9-105.**

23 **(A) EACH SLEEPING ROOM OCCUPIED BY A DEAF OR HARD OF HEARING**
24 **INDIVIDUAL SHALL BE PROVIDED WITH A SMOKE ALARM SUITABLE TO ALERT**
25 **THE DEAF OR HARD OF HEARING INDIVIDUAL.**

26 **(B) (1) ON WRITTEN REQUEST ON BEHALF OF A TENANT WHO IS DEAF**
27 **OR HARD OF HEARING, A SLEEPING ROOM OCCUPIED BY A DEAF OR HARD OF**
28 **HEARING INDIVIDUAL SHALL BE PROVIDED WITH AN APPROVED NOTIFICATION**
29 **APPLIANCE DESIGNED TO ALERT DEAF OR HARD OF HEARING INDIVIDUALS.**

30 **(2) THE LANDLORD SHALL PROVIDE A NOTIFICATION APPLIANCE**
31 **THAT, WHEN ACTIVATED, PROVIDES A SIGNAL THAT IS SUFFICIENT TO WARN**
32 **THE DEAF OR HARD OF HEARING TENANT IN THOSE SLEEPING ROOMS.**

1 (C) HOTELS AND MOTELS SHALL HAVE AVAILABLE AT LEAST ONE
2 APPROVED NOTIFICATION APPLIANCE FOR THE DEAF OR HARD OF HEARING
3 INDIVIDUAL FOR EACH 50 UNITS OR FRACTION OF 50 UNITS.

4 (D) HOTELS AND MOTELS SHALL POST IN A CONSPICUOUS PLACE AT
5 THE REGISTRATION DESK A PERMANENT SIGN THAT STATES THE AVAILABILITY
6 OF SMOKE ALARM NOTIFICATION APPLIANCES FOR THE DEAF OR HARD OF
7 HEARING INDIVIDUAL.

8 (E) (1) HOTELS, AND MOTELS, ~~AND LANDLORDS~~ MAY REQUIRE A
9 REFUNDABLE DEPOSIT FOR NOTIFICATION APPLIANCES FOR THE DEAF OR
10 HARD OF HEARING INDIVIDUAL.

11 (2) THE AMOUNT OF THE DEPOSIT MAY NOT EXCEED THE VALUE
12 OF THE NOTIFICATION APPLIANCE.

13 (F) A LANDLORD MAY REQUIRE REIMBURSEMENT FROM A TENANT FOR
14 THE COST OF A SMOKE ALARM REQUIRED UNDER THIS ~~SUBTITLE~~ SECTION.

15 **9-106.**

16 (A) SMOKE ALARM REQUIREMENTS SHALL BE ENFORCED BY THE STATE
17 FIRE MARSHAL, A COUNTY OR MUNICIPAL FIRE MARSHAL, A FIRE CHIEF, THE
18 BALTIMORE CITY FIRE DEPARTMENT, OR ANY OTHER DESIGNATED AUTHORITY
19 HAVING JURISDICTION.

20 (B) (1) THE BUILDING PERMIT APPLICANT IS RESPONSIBLE FOR THE
21 PROPER INSTALLATION OF REQUIRED SMOKE ALARMS IN RESIDENTIAL
22 OCCUPANCIES CONSTRUCTED ON OR AFTER JULY 1, 2013.

23 (2) IF A BUILDING PERMIT IS NOT REQUIRED, THE GENERAL
24 CONTRACTOR SHALL BEAR THE RESPONSIBILITY DESCRIBED IN PARAGRAPH (1)
25 OF THIS SUBSECTION.

26 (C) THE LANDLORD OR PROPERTY OWNER IS RESPONSIBLE FOR THE
27 INSTALLATION, REPAIR, MAINTENANCE, AND REPLACEMENT OF SMOKE ALARMS
28 REQUIRED BY THIS SUBTITLE.

29 (D) OCCUPANTS OF A RESIDENTIAL OCCUPANCY MAY NOT REMOVE OR
30 TAMPER WITH A REQUIRED SMOKE ALARM OR OTHERWISE RENDER THE SMOKE
31 ALARM INOPERATIVE.

32 (E) (1) TESTING OF SMOKE ALARMS IS THE RESPONSIBILITY OF THE
33 OCCUPANT OF THE RESIDENTIAL UNIT.

1 (2) (I) A TENANT SHALL NOTIFY THE LANDLORD IN WRITING
 2 OF THE FAILURE OR MALFUNCTION OF A REQUIRED SMOKE ALARM.

3 ~~(3) (I) THE LANDLORD SHALL PROVIDE WRITTEN~~
 4 ~~ACKNOWLEDGMENT OF THE NOTIFICATION AND SHALL REPAIR OR REPLACE~~
 5 ~~THE SMOKE ALARM WITHIN 5 CALENDAR DAYS AFTER THE NOTIFICATION.~~

6 (II) THE WRITTEN NOTIFICATION REQUIRED UNDER
 7 SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE DELIVERED BY CERTIFIED
 8 MAIL, RETURN RECEIPT REQUESTED TO THE LANDLORD, OR BY HAND DELIVERY
 9 TO THE LANDLORD OR THE LANDLORD'S AGENT, AT THE ADDRESS USED FOR
 10 THE PAYMENT OF RENT.

11 (III) IF THE DELIVERY OF THE NOTIFICATION IS MADE BY
 12 HAND AS DESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE
 13 LANDLORD OR THE LANDLORD'S AGENT SHALL PROVIDE TO THE TENANT A
 14 WRITTEN RECEIPT FOR THE DELIVERY.

15 (IV) THE LANDLORD SHALL PROVIDE WRITTEN
 16 ACKNOWLEDGMENT OF THE NOTIFICATION AND SHALL REPAIR OR REPLACE
 17 THE SMOKE ALARM WITHIN 5 CALENDAR DAYS AFTER THE NOTIFICATION.

18 (F) (1) IF A RESIDENTIAL UNIT DOES NOT CONTAIN ALTERNATING
 19 CURRENT (AC) PRIMARY ELECTRIC POWER, BATTERY OPERATED SMOKE
 20 ALARMS OR SMOKE ALARM OPERATION ON AN APPROVED ALTERNATE SOURCE
 21 OF POWER MAY BE PERMITTED.

22 (2) BATTERY OPERATED SMOKE ALARMS SHALL BE SEALED,
 23 TAMPER RESISTANT UNITS INCORPORATING A SILENCE/HUSH BUTTON AND
 24 USING LONG-LIFE BATTERIES.

25 (G) A SMOKE ALARM MAY BE COMBINED WITH A CARBON MONOXIDE
 26 ALARM IF THE DEVICE COMPLIES WITH:

27 (1) THIS SUBTITLE;

28 (2) TITLE 12 OF THIS ARTICLE; AND

29 (3) UNDERWRITERS LABORATORIES (UL) STANDARDS 217 AND
 30 **2034.**

31 9-107.

1 Failure to comply with this subtitle may not be used as a policy defense in the
2 settlement of a property insurance claim.

3 9–108.

4 (a) If [after investigating a fire in a one, two, or three family residential
5 dwelling] the State Fire Marshal or [local investigating] **OTHER DESIGNATED**
6 authority **WITH JURISDICTION** finds the absence of **OPERATING**, required smoke
7 detectors, the State Fire Marshal or [local investigating] **OTHER** authority shall issue
8 [to the occupant] a smoke [detection] **ALARM** installation order **TO THE**
9 **RESPONSIBLE LANDLORD, OWNER, OR OCCUPANT**.

10 (b) [A] **THE RESPONSIBLE** person [may not fail to] **SHALL** comply with a
11 smoke [detection] **ALARM** installation order within [15] **5 CALENDAR** days [of
12 reoccupancy].

13 [(c) (1) A person who violates subsection (b) of this section is guilty of a
14 misdemeanor and on conviction is subject to a fine not exceeding \$50.

15 (2) The penalty provision of § 9–109 of this subtitle does not apply to
16 this section.]

17 9–109.

18 (a) A person may not knowingly violate this subtitle.

19 (b) A person who violates this section is guilty of a misdemeanor and on
20 conviction is subject to imprisonment not exceeding 10 days or a fine not exceeding
21 \$1,000 or both.

22 Article – Real Property

23 10–702.

24 (e) (2) The disclosure form shall include a list of defects, including latent
25 defects, or information of which the vendor has actual knowledge in relation to the
26 following:

27 (i) Water and sewer systems, including the source of household
28 water, water treatment systems, and sprinkler systems;

29 (ii) Insulation;

30 (iii) Structural systems, including the roof, walls, floors,
31 foundation, and any basement;

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- 1 (iv) Plumbing, electrical, heating, and air conditioning systems;
- 2 (v) Infestation of wood-destroying insects;
- 3 (vi) Land use matters;
- 4 (vii) Hazardous or regulated materials, including asbestos,
 5 lead-based paint, radon, underground storage tanks, and licensed landfills;
- 6 (viii) Any other material defects of which the vendor has actual
 7 knowledge;
- 8 (ix) Whether the smoke [detectors] **ALARMS:**
- 9 1. [will] WILL provide an alarm in the event of a power
 10 outage;
- 11 2. **ARE OVER 10 YEARS OLD; AND**
- 12 3. **IF BATTERY OPERATED, ARE SEALED, TAMPER**
 13 **RESISTANT UNITS INCORPORATING A SILENCE/HUSH BUTTON AND USE**
 14 **LONG-LIFE BATTERIES AS REQUIRED IN ALL MARYLAND HOMES BY 2018; and**
- 15 (x) If the property relies on the combustion of a fossil fuel for
 16 heat, ventilation, hot water, or clothes dryer operation, whether a carbon monoxide
 17 alarm is installed on the property.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 19 July 1, 2013.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.