

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2728

By: Inman

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5  
6 AS INTRODUCED

7 An Act relating to carbon monoxide detectors;  
8 providing for the installation of carbon monoxide  
9 detectors; requiring certain persons to install  
10 certain carbon monoxide detectors by time prescribed;  
11 defining term; providing for penalties; prohibiting  
12 municipalities from enacting certain ordinances;  
13 authorizing Commission to promulgate certain rules;  
14 authorizing municipalities to enact certain  
15 ordinances; providing for codification; providing an  
16 effective date; and declaring an emergency.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 324.11d of Title 74, unless  
20 there is created a duplication in numbering, reads as follows:

21 A. Any person, partnership, corporation, organization, the  
22 state, or city, town, county, or other subdivision of this state,  
23 owning a building or structure used as a hospital, church, theater,  
24 hotel, motel, apartment house, rooming house, dormitory, rest home,  
nursing home, day nursery, convalescent home, auditorium, child care  
institution, or other residential structure in which people sleep,  
existing or constructed in the State of Oklahoma, shall install in

1 such building or structure a carbon monoxide detector or detectors  
2 in accordance with the nationally recognized codes, standards, or  
3 practices adopted by the State Fire Marshal Commission.

4 B. Beginning July 1, 2012, all new construction or remodeling  
5 of residential dwellings having a fossil fuel burning heater or  
6 appliance, fireplace, or an attached garage, which require a  
7 building permit, shall include the installment of a carbon monoxide  
8 detector within ten (10) feet of each room used for sleeping  
9 purposes.

10 C. For the purpose of this section, "carbon monoxide detector"  
11 means a device which is:

12 1. Designed to detect the presence of carbon monoxide gas;

13 2. Designed with an alarm audible to the rooms it serves;

14 3. Powered by either battery, alternating current, or other  
15 power source; and

16 4. Tested and listed for use as a carbon monoxide detector by a  
17 recognized testing laboratory.

18 D. Any person who violates any provision of this section or any  
19 person who tampers with, removes, destroys, disconnects or removes  
20 power from any installed carbon monoxide detector, except in the  
21 course of inspection, maintenance or replacement of the detector,  
22 upon conviction, is guilty of a misdemeanor and may be fined not  
23 less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars  
24 (\$100.00).

1 E. Nothing in this section shall be construed to allow any  
2 political subdivision in this state to enact ordinances imposing  
3 upon owners of any dwelling described in subsection A of this  
4 section a greater duty with regard to the installation, testing,  
5 repair and replacement of carbon monoxide detectors than is required  
6 by this section.

7 F. The State Fire Marshal Commission shall prescribe, adopt,  
8 and promulgate the rules necessary to effectuate the provisions of  
9 this section which shall include a practical time table for  
10 compliance with the provisions of this act.

11 G. Municipalities may enact ordinances in order to enforce the  
12 rules of the State Fire Marshal Commission as provided by this  
13 section.

14 SECTION 2. This act shall become effective July 1, 2012.

15 SECTION 3. It being immediately necessary for the preservation  
16 of the public peace, health and safety, an emergency is hereby  
17 declared to exist, by reason whereof this act shall take effect and  
18 be in full force from and after its passage and approval.

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20 53-2-8553 LRB 12/28/11

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