

# SENATE BILL No. 348

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 22-11-18.

**Synopsis:** Carbon monoxide alarms. Requires carbon monoxide alarms in hotels, motels, and dwellings. Defines "carbon monoxide alarm". Makes technical corrections.

**Effective:** July 1, 2016.

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January 7, 2016, read first time and referred to Committee on Commerce & Technology.

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Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

# SENATE BILL No. 348

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 22-11-18-1, AS AMENDED BY P.L.114-2012,  
2 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2016]: Sec. 1. As used in this chapter:

4 "Bodily injury" has the meaning set forth in IC 35-31.5-2-29.  
5 **"Carbon monoxide alarm" means a single or multiple station  
6 carbon monoxide alarm:**

7 **(1) intended for the purpose of detecting carbon monoxide gas  
8 and alerting occupants by a distinct audible signal comprising  
9 an assembly that incorporates a sensor, control components,  
10 and an alarm notification appliance in a single unit operated  
11 from a source either located in the unit or obtained at the  
12 point of installation; and**

13 **(2) that conforms to the minimum standards for type,  
14 components, and maintenance prescribed by the National Fire  
15 Protection Association.**

16 "Dwelling" means a residence with at least one (1) dwelling unit as  
17 set forth in IC 22-12-1-4(a)(1)(B) and IC 22-12-1-5(a)(1).



1 "Hotels and motels" means buildings or structures kept, maintained,  
2 used, advertised, or held out to the public as inns or places where  
3 sleeping accommodations are furnished for hire for transient guests.

4 "Landlord" has the meaning set forth in IC 32-31-3-3.

5 "Owner" means a person having control or custody of any building  
6 covered by this chapter.

7 "Person" means an individual, corporation, partnership, association,  
8 or other legal entity.

9 "Rental premises" has the meaning set forth in IC 32-31-7-3.

10 "Rental unit" has the meaning set forth in IC 32-31-3-8.

11 "Smoke detector" means a device which senses visible or invisible  
12 particles of combustion and conforms to the minimum standards for  
13 type, components, and maintenance prescribed by the National Fire  
14 Protection Association.

15 "Seasonally occupied dwellings" means hotels and motels open to  
16 the public for occupancy by guests only during any period of time  
17 between April 15 and October 15 each year.

18 "Single level dwellings" means all single level (no more than one  
19 (1) level above ground) hotels and motels that have no interior  
20 corridors, and whose individual rooms have exterior exits.

21 "Tenant" has the meaning set forth in IC 32-31-3-10.

22 SECTION 2. IC 22-11-18-2 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) This chapter  
24 applies to all hotels, motels, and dwellings.

25 (b) A totally sprinkled building (conforming to Uniform Building  
26 Code standards at the time of construction) is exempt from the  
27 requirements **concerning smoke detectors contained of in** this  
28 chapter.

29 SECTION 3. IC 22-11-18-3 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) This section only  
31 applies to hotels and motels.

32 (b) All hotels and motels must have functional smoke detectors **and,**  
33 **after June 30, 2016, carbon monoxide alarms.**

34 (c) Except as provided in subsection (f), ~~a detector~~ **smoke detectors**  
35 **and carbon monoxide alarms** must be installed in all interior  
36 corridors adjacent to sleeping rooms and must be spaced no farther  
37 apart than thirty (30) feet on center, or more than fifteen (15) feet from  
38 any wall.

39 (d) The **smoke detectors and carbon monoxide alarms** must be  
40 hard wired into a building's electrical system, except as provided in  
41 subsection (f).

42 (e) The **smoke detectors and carbon monoxide alarms** must be



1 wired in a manner that activates all the devices in a corridor when one  
2 (1) is activated, except as provided in subsection (f).

3 (f) All single level dwellings, all seasonably occupied dwellings,  
4 and all hotels and motels with twelve (12) sleeping rooms or less (and  
5 containing no interior corridors) are exempt from the requirements of  
6 subsections (c), (d), and (e). In all such units:

7 (1) a **smoke detector and a carbon monoxide alarm** must be  
8 installed in each sleeping room; and

9 (2) the **smoke detector and carbon monoxide alarm** may be  
10 battery operated.

11 If a battery operated **smoke detector is and carbon monoxide alarm**  
12 **are** installed, ~~it they~~ must contain a tamper resistant ~~cover covers~~  
13 to protect the batteries. The **state** fire marshal shall adopt rules detailing  
14 the specifications for the tamper resistant ~~cover: covers~~. If a battery  
15 operated **smoke detector is and carbon monoxide alarm are** not  
16 installed, the **smoke detector and carbon monoxide alarm** must be  
17 hard wired into a building's electrical system.

18 SECTION 4. IC 22-11-18-3.5 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.5. (a) This section  
20 only applies to dwellings.

21 (b) A rule or an ordinance is not voided or limited by this section if  
22 the rule or ordinance:

23 (1) applies to an occupied dwelling; and

24 (2) is at least as stringent as the requirements of this section.

25 (c) A dwelling must have at least one (1) functional smoke detector  
26 **and at least one (1) functional carbon monoxide alarm** installed as  
27 follows:

28 (1) According to the manufacturer's instructions.

29 (2) Outside of each sleeping area in the immediate vicinity of the  
30 bedrooms.

31 (3) On the ceiling or a wall not less than four (4) inches or more  
32 than twelve (12) inches from the ceiling. However, a smoke  
33 detector **or a carbon monoxide alarm** may not be recessed into  
34 a ceiling.

35 (4) On each additional story of the dwelling, including basements,  
36 cellars, and habitable attics. Unless there is a door between levels  
37 in dwellings with split levels, a smoke detector **and a carbon**  
38 **monoxide alarm** must be installed only on the upper level if the  
39 lower level is less than one (1) full story below the upper level.

40 (d) All smoke detectors **and carbon monoxide alarms** must be:

41 (1) battery operated or hard wired into the dwelling's electrical  
42 system;



- 1 (2) accessible for servicing and testing; and  
 2 (3) maintained and at least one (1) time every six (6) months  
 3 tested by the occupant to ensure that the smoke detector ~~is~~ **and**  
 4 **carbon monoxide alarm are** in operational condition.

5 (e) Each owner or the manager or rental agent of the owner is  
 6 responsible for:

- 7 (1) the installation of a required smoke detector **and a required**  
 8 **carbon monoxide alarm;** and  
 9 (2) the replacement and repair of a required smoke detector **or a**  
 10 **required carbon monoxide alarm, or both,** within seven (7)  
 11 working days after the owner, manager, or rental agent is given  
 12 written notification of the need to replace or repair the smoke  
 13 detector **or carbon monoxide alarm.**

14 (f) A person may not tamper with or remove a smoke detector **or**  
 15 **carbon monoxide alarm** except when necessary for maintenance  
 16 purposes.

17 (g) A unit (as defined in IC 36-1-2-23) may adopt an ordinance  
 18 concerning dwellings that:

- 19 (1) includes more stringent or detailed requirements than those set  
 20 forth in this chapter; and  
 21 (2) does not conflict with this chapter.

22 SECTION 5. IC 22-11-18-5.5, AS ADDED BY P.L.17-2008,  
 23 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2016]: Sec. 5.5. A landlord who violates section 3.5 of this  
 25 chapter:

- 26 (1) at the time the landlord delivers a rental unit to a tenant; or  
 27 (2) if the smoke detector **or the carbon monoxide alarm** is hard  
 28 wired into the rental unit's electrical system, by failing to repair or  
 29 replace the inoperable smoke detector **or carbon monoxide**  
 30 **alarm** not later than seven (7) days after receiving written notice  
 31 by certified mail, return receipt requested, of the need to repair or  
 32 replace the inoperable smoke detector **or carbon monoxide**  
 33 **alarm** under section 3.5(e)(2) of this chapter;

34 commits a Class B infraction. However, the offense is a Class A  
 35 infraction if the landlord has a prior violation for an offense under this  
 36 section.

37 SECTION 6. IC 22-11-18-6 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) The state fire  
 39 marshal's office shall, as part of its normal inspection process, conduct  
 40 inspections of hotels and motels to determine if ~~the~~ **smoke** detectors  
 41 **and carbon monoxide alarms** are installed and functioning in  
 42 compliance with this chapter.



1           (b) Except for common areas shared by at least three (3) dwellings,  
2 a dwelling may not be inspected solely to determine compliance with  
3 section 3.5 of this chapter unless the owner or occupant of the dwelling  
4 gives permission.

5           (c) Any evidence of a violation of this chapter shall be turned over  
6 to the prosecuting attorney of the county where the violation occurred.

