

Senate Bill 562

By: Senators Butler of the 55th, Reed of the 35th, Stokes of the 43rd, Adelman of the 42nd, Henson of the 41st and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 25 of the Official Code of Georgia Annotated, relating to the  
2 regulation of fire and other hazards to persons and property generally, so as to provide that  
3 after July 1, 2004, each new dwelling or dwelling unit shall be equipped with a carbon  
4 monoxide detector or alarm; to provide for standards; to provide for enforcement; to provide  
5 a penalty; to provide for other related matters; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 2 of Title 25 of the Official Code of Georgia Annotated, relating to the regulation  
10 of fire and other hazards to persons and property generally, is amended by inserting at the  
11 end thereof a new Code Section 25-2-41 to read as follows:

12 "25-2-41.

13 (a) On and after July 1, 2004, every new dwelling and every new dwelling unit within an  
14 apartment building, house, condominium, townhouse, motel, hotel, or dormitory shall be  
15 equipped with a carbon monoxide detector or alarm which bears the label of a nationally  
16 recognized testing laboratory approved by the state fire marshal and which complies with  
17 the most recent Underwriters Laboratories Inc. (UL) Standard 2034 or its equivalent.

18 (b)(1) The provisions of this Code section may be enforced by local building and fire  
19 code officials in the case of residential buildings which are not covered by Code Section  
20 25-2-13; provided, however, that this Code section shall not establish a special duty on  
21 said officials to inspect such residential facilities for compliance with this Code section;  
22 provided, further, that inspections shall not be conducted for the purpose of determining  
23 compliance with this Code section absent reasonable cause to suspect other building or  
24 fire code violations. The jurisdiction enforcing this Code section shall retain any fines  
25 collected pursuant to this subsection.

1 (2) Any occupant who fails to maintain a carbon monoxide detector or alarm in a  
2 dwelling, dwelling unit, or other facility listed in subsection (a) of this Code section in  
3 good working order as required in this Code section shall be subject to a maximum fine  
4 of \$25.00, provided that a warning shall be issued for a first violation.

5 (c) Failure to maintain a carbon monoxide detector in good working order in a dwelling,  
6 dwelling unit, or other facility listed in subsection (a) of this Code section in violation of  
7 this Code section shall not be considered evidence of negligence, shall not be considered  
8 by the court on any question of liability of any person, corporation, or insurer, shall not be  
9 any basis for cancellation of coverage or increase in insurance rates, and shall not diminish  
10 any recovery for damages arising out of the ownership, maintenance, or occupancy of such  
11 dwelling, dwelling unit, or other facility listed in subsection (a) of this Code section."

12 **SECTION 2.**

13 All laws and parts of laws in conflict with this Act are repealed.