

NOT GERMANE

Senator Butler of the 55th offered the following amendment to SB 550:

By inserting between lines 22 and 23 of page 11 the following new section:

"SECTION 9.1

Article 1 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, related buildings and standards of construction, is amended by adding a new section to read as follows:

"8-2-32

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

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

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

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