

Bill as Introduced

HB 317 - AS INTRODUCED

2011 SESSION

11-0807
05/04

HOUSE BILL **317**

AN ACT relative to fire warning devices and carbon monoxide detection devices in dwellings.

SPONSORS: Rep. Gimas, Hills 12; Rep. Infantine, Hills 13; Sen. Boutin, Dist 16; Sen. Carson, Dist 14

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill revises the type and location requirements for automatic fire warning devices and carbon monoxide detection devices in dwellings.

Explanation: Matter added to current law appears in **bold italics**.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT relative to fire warning devices and carbon monoxide detection devices in dwellings.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Fire Protection and Warning Devices in Multi-Family Dwellings. RSA 153:10-a, I-III are
2 repealed and reenacted to read as follows:

3 I. Each multi-unit dwelling and rental unit shall be equipped with electrically powered
4 automatic fire warning devices in accordance with the NFPA 101 Life Safety Code and the NFPA 72
5 National Fire Alarm Code and carbon monoxide detection devices in accordance with the NFPA 720
6 Standard for the Installation of Carbon Monoxide Detection and Warning Equipment in Dwelling
7 Units; provided that a carbon monoxide detection device shall not be required in a multi-unit
8 dwelling or rental unit that does not have an attached garage and does not contain an appliance or
9 device that uses a combustion method of burning solid, liquid, or gas fuel. If a garage or combustion
10 fuel appliance or device is later added to the dwelling or rental unit, a carbon monoxide detection
11 device shall be required.

12 II. Every single family dwelling which is built or substantially rehabilitated after January 1,
13 2010, shall be equipped with an automatic fire warning device and a carbon monoxide detection
14 device; provided that a carbon monoxide detection device shall not be required if the single family
15 dwelling does not have an attached garage and does not contain an appliance or device that uses a
16 combustion method of burning solid, liquid, or gas fuel. If a garage or combustion fuel appliance or
17 device is later added to the dwelling, a carbon monoxide detection device shall be required.

18 II-a. The owner of the rental unit shall be responsible for maintaining the automatic fire
19 warning device and carbon monoxide detection device in a suitable condition.

20 III. The state fire marshal may adopt such rules pursuant to RSA 541-A as necessary to
21 enforce paragraphs I, II, and II-a; provided that under no circumstances shall the rules require the
22 installation of a fire sprinkler system in a one- or 2-family dwelling unit that otherwise meets the
23 requirements of this section. The state fire marshal shall either enforce the provisions of this section
24 or appoint the appropriate municipal authority to enforce the provisions of this section.

25 2 Applicability. The requirements relative to carbon monoxide detectors provided in RSA
26 153:10-a, as amended by section 1 of this act, shall not apply to owners of existing multi-unit
27 dwellings until July 1, 2013.

28 3 Effective Date. This act shall take effect July 1, 2011.

Amendments

Rep. Gimas, Hills. 12
February 16, 2011
2011-0377h
05/03

Amendment to HB 317

1 Amend RSA 153:10-a, I as inserted by section 1 of the bill by replacing it with the following:

2

3 I. Each multi-unit dwelling and rental unit shall be equipped with automatic fire warning
4 devices in accordance with the NFPA 101 Life Safety Code and the NFPA 72 National Fire Alarm
5 and Signaling Code and carbon monoxide detection devices in accordance with the NFPA 720
6 Standard for the Installation of Carbon Monoxide (co) Detection and Warning Equipment; provided
7 that a carbon monoxide detection device shall not be required in a multi-unit dwelling or rental unit
8 that does not have an attached garage and does not contain an appliance or device that uses a
9 combustion method of burning solid, liquid, or gas fuel. If a garage or combustion fuel appliance or
10 device is later added to the dwelling or rental unit, a carbon monoxide detection device shall be
11 required.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 317

BILL TITLE: relative to fire warning devices and carbon monoxide detection devices in dwellings.

DATE: 2-22-11

LOB ROOM: 302 **Time Public Hearing Called to Order:** 1445

Time Adjourned: 1515

(please circle if present)

Committee Members: Reps. Hunt, Coffey, Belanger, Flanders, Quandt, Headd, Nevins, Palfrey, Sullivan, Bergevin, Manuse, Mauro, McGuinness, Rice, Taylor, Meader, Gidge and Schlachman.

Bill Sponsors: Reps. Gimas, Infantine and Sen. Boutin and Carson

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. John Gimas, prime sponsor – Brought bill forward at request of electrical worker; bill requires CO wiring devices in dwellings. We want to change the location of the CO sensor to only have them in multi unit dwellings that use fossil fuels. Not necessary to put them in units that do not use fossil fuel. Amendment replaces paragraph #1; introduced amendment # 0377h.

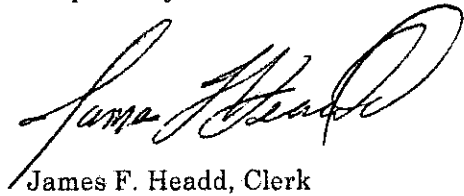
Bill Degnan, State Fire Marshall – Handed out written testimony; supports bill. Says this is a maintenance bill. All new construction smoke alarms are on every floor at every level. Not so with CO detection. So we put a phase-in period of two years. Requests we remove enforcement through RSA 154:2-11 amend paragraph and give such authority to local fire chiefs.

***Richard Ward, NH Fire Prevention Society, Nashua Fire Rescue** – Supports the bill. Submitted written testimony and read from same.

Steven Rancourt, ECBA – Electrical contractor. Supports bill. Says bill is housekeeping and supports amendments.

Henry Szumietz, Electrical Contractors - Supports bill. Bill made needed correction to current statute; also supports amendment.

Respectfully Submitted:

A handwritten signature in cursive script, appearing to read "James F. Headd". The signature is written in black ink and is positioned above the printed name.

James F. Headd, Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 317

BILL TITLE: relative to fire warning devices and carbon monoxide detection devices in dwellings.

DATE: 2-22-11

LOB ROOM: 302

Time Public Hearing Called to Order: 1445

Time Adjourned: 1515

(please circle if present)

Committee Members: Reps. Hunt, Coffey, Belanger, Flanders, Quandt, Headd, Nevins, Palfrey, Sullivan, Bergevin, Manuse, Mauro, McGuinness, Rice, Taylor, Meader, Gidge and Schlachman.

Bill Sponsors: Reps. Gimás, Infantine and Sen. Boutin and Carson

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep John Gimás - Sponsor of HB 317 - Brought Bill forward at Request of Electrical Worker - Bill Requires CO warning devices in dwellings. We want to change the location of the CO sensor to only have them in multi unit dwellings that use Fossil Fuels. Not necessary to put them in units that do not use Fossil Fuel. Amended replaces paragraph #1 - introduces 0377 h → replaces

#2 Bill Desnan - State Fire Marshall
handed out written testimony - supports Bill - says this is a maintenance Bill

P2 2 HB 317

All new construction smoke alarms
are on every floor at every level
Not so with CO detectors -
So we put a phase in period
of two years -

Recounts via Remote enforcement
through RSA 154:2-11 Amended paragraph
and give AUCs to Local fire
chief Authority

#3 Richard Wood - NH Fire prevention
Nashua Fire + Rescue - Support
Bill - had written testimony and
Recd from sum

#4 Steven Ranscourt - Electrical Contractor
Supports Bill - says Bill is Housekeeping
w/ supports Amendment -

#5 Henry Sumner - Electrical Contractor
Supports Bill - Bill ^{MADE} needed
correction to current statute -
Also supports Amendment

SEP Comed

Testimony

Proposed Amendment by NH Fire Prevention Society
Contact: Richard W. Wood, President
NHFPS@nhlgc.org

1 Fire Protection and Warning Devices in Multi-Family Dwellings. RSA 153:10-a, I-III are repealed and reenacted to read as follows:

I. Each multi-unit dwelling *as defined in RSA 153:1, VI* and rental unit *as defined in RSA 153:1, IX-a* shall be equipped with electrically powered automatic fire warning devices in accordance with the NFPA 101 Life Safety Code and the NFPA 72 National Fire Alarm Code and carbon monoxide detection devices in accordance with the NFPA 720 Standard for the Installation of Carbon Monoxide Detection and Warning Equipment in Dwelling Units; provided that a carbon monoxide detection device shall not be required in a multi-unit dwelling or rental unit that does not have an attached garage and does not contain an appliance or device that uses a combustion method of burning solid, liquid, or gas fuel. If a garage or combustion fuel appliance or device is later added to the dwelling or rental unit, a carbon monoxide detection device shall be required.

II. Every single family dwelling which is built or substantially rehabilitated after January 1, 2010, shall be equipped with an automatic fire warning device and a carbon monoxide detection device; provided that a carbon monoxide detection device shall not be required if the single family dwelling does not have an attached garage and does not contain an appliance or device that uses a combustion method of burning solid, liquid, or gas fuel. If a garage or combustion fuel appliance or device is later added to the dwelling, a carbon monoxide detection device shall be required.

II-a. The owner of the rental unit shall be responsible for maintaining the automatic fire warning device and carbon monoxide detection device in a suitable condition.

III. The state fire marshal may adopt such rules pursuant to RSA 541-A as necessary to enforce paragraphs I, II, and II-a; provided that under no circumstances shall the rules require the installation of a fire sprinkler system in a one- or 2-family dwelling unit that otherwise meets the requirements of this section. The state fire marshal shall either enforce the provisions of this section or appoint the appropriate municipal authority to enforce the provisions of this section.

2 Applicability. The requirements relative to carbon monoxide detectors provided in RSA 153:10-a, as amended by section 1 of this act, shall not apply to owners of existing multi-unit dwellings until July 1, 2013 ~~2011~~.

3 Effective Date. This act shall take effect ~~July 1, 2011~~ **60 days after its passage.**



New Hampshire Fire Prevention Society

New Hampshire Chapter of the
International Association of Arson Investigators, Inc.



Marshal Richard Wood, CFM
President
Nashua Fire Rescue
603-589-3465
WoodR@nashuanh.gov

Deputy Michael Hoisington
1st Vice President
Hooksett Fire Department
603-623-7272
mhoisington@hooksettfire.org

Chief Mark Tetreault
2nd Vice President
Barnstead Fire Department
603-435-6691
mwtetreault@metrocast.net

Deputy Thomas Zotti
Secretary/Treasurer
Wolfeboro Fire Department
603-569-1400
wolffiredepchief@metrocast.net

Directors

Deputy Jeff Emanuelson, CFI
Salem Fire Department

Captain Dominick Bellio, CFEI
Rochester Fire Department

Captain Sean Toomey, PE
Concord Fire Department

Ranger Bryan Nowell
DRED, Forest and Lands

Deputy Robert Farley, CFI
NH State Fire Marshal's

Investigator Mitch Cady, CFI
Manchester Fire Department

Investigator Pete Lennon, CFI
Manchester Fire Department

Nathaniel Johnson, PE
Winnepesaukee Associates
Laconia Fire Department (Ret)

February 22, 2011

Honorable Representative Carol McGuire, Chair
House Executive Departments and Administration Committee

Re: In Support of House Bill 317

Thank you for the opportunity to provide comment relative to the proposed House Bill 317.

The New Hampshire Fire Prevention Society was organized in 1984 to perpetuate knowledge and excellence in the field of fire science and the advancement of technology in fire science related matters. Today our organization membership boasts over 200 professionals including Fire Chiefs, Fire Marshals, Fire Inspectors, Fire Investigators, Building Inspectors, and Fire Protection Engineers throughout New Hampshire.

It is our belief the current governing law, RSA 153:10-a is antiquated and inflexible. It has failed to keep pace with the current trends regarding residential smoke alarms and carbon monoxide detection. This bill seeks to correct these failing and will provide greater flexibility for builders and building owners.

The current law does not allow for any exceptions. For example, a building which does not have any fuel burning appliances in the building and lacks the ability to create carbon monoxide, still requires the same detection as a residential property filled with these fuel burning appliances. This creates and unnecessary and often significant initial cost to the builder/building owner as well as an ongoing maintenance cost with minimal added safety value.

The New Hampshire Fire Prevention Society, a statewide membership organization of municipal fire and building officials, believes this bill will allow for reasonable implementation/maintenance of these important safety devices, while recognizing the ever changing technology and research in this area. It will help to alleviate the confusion and inflexibility of the current law and provide reasonable period for implementation.

We therefore request you find this bill ought to pass with our proposed amendment and recommend same to the full House. Thank you for your consideration!

Respectfully,



Richard W. Wood, CFPS CBO CFM
President



STATE OF NEW HAMPSHIRE DEPARTMENT OF SAFETY

John J. Barthelmes, Commissioner

Division of Fire Safety

Office of the State Fire Marshal

J. William Degnan, State Fire Marshal

Office: 110 Smokey Bear Blvd., Concord, NH

Mailing Address: 33 Hazen Drive, Concord, NH 03305

PHONE 603-223-4289, FAX 603-223-4294 or 603-223-4295

TDD Access: Relay NH 1-800-735-2964 ARSON HOTLINE 1-800-400-3526



COMMERCE AND CONSUMER AFFAIRS

HB 317 AN ACT relative to the fire warning devices and carbon monoxide devices in dwellings

Good morning Chairman Hunt and honorable members of the committee. For the record my name is Bill Degnan, State Fire Marshal and Director of the Division of Fire Safety.

The Department of Safety supports this bill with some housekeeping issues that should be corrected; the bill intends to correct deficiencies from two years ago when legislature amended the smoke detector law by adding the Carbon Monoxide alarm requirement. This bill brings the requirement back to the codes that provides the proper guidance to the installer and homeowner on placement and maintenance of the alarms.

Housekeeping items are located in section III:

1. This language that does not belong here as this section of the law is intended for alarms not sprinklers and is already in RSA 153:5. This happened during the last legislative session where there was a rush to judge residential fire sprinklers by homebuilders with the legislature as a detriment to development and not the cost effective life saving devices they really are.

2. This section also has old language that is problematic from an effective enforcement standpoint where it states the State Fire Marshal delegates authority to apply the law when in fact the authority is already determine at the local level pursuant to RSA 154:2 II.

This old language should be removed and replaced with a reference to RSA 154:2 II. The fire chief shall have the authority to enforce any local or state laws or rules pertaining to the control of combustible or hazardous materials, or both, the design of exits, and any other fire safety measures including the state fire code enacted pursuant to RSA 153:5.

Proposed Amendment:

The state fire marshal may enforce the provision of this section or the local fire chief may enforce through the authority granted in RSA 154:2 II.

Voting Sheets

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 317

BILL TITLE: relative to fire warning devices and carbon monoxide detection devices in dwellings.

DATE: 3-9-11

LOB ROOM: 302

Amendments:

Sponsor: Rep. Gimas	OLS Document #:	2011	0377h
Sponsor: Rep.	OLS Document #:		
Sponsor: Rep.	OLS Document #:		

Motions: OTP OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Coffe

Seconded by Rep. Headd

Vote: 16-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Coffey

Seconded by Rep. Headd

Vote: 16-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: Consent or Regular (Circle One)

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Jim Headd, Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 317

BILL TITLE: relative to fire warning devices and carbon monoxide detection devices in dwellings.

DATE: 3-9-11

LOB ROOM: 302

Amendments:

Sponsor: Rep.

03976 OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

~~Retention~~

Motions: OTP OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Coffell

Seconded by Rep.

Headd

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Coffell

Seconded by Rep.

Headd

Vote: 16-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: Consent or Regular (Circle One)

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Jim Headd, Clerk

COMMERCE AND CONSUMER AFFAIRS

Bill #: HB 317 Title: _____

PH Date: 1/1/11

Exec Session Date: 3, 9, 11

Motion: OTP

Amendment #: 0377h

MEMBER	YEAS	NAYS
Hunt, John B, Chairman	/	
Coffey, Jennifer R, V Chairman	/	
Belanger, Ronald J	/	
Flanders, Donald H	/	
Quandt, Matt J	/	
Headd, James F	/	
Nevins, Chris F	/	
Palfrey, David J	/	
Sullivan, James M	/	
Bergevin, Jerry E	/	
Manuse, Andrew J	/	
Mauro, Donna C	/	
McGuinness, Sean M	/	
Rice, Frederick C	/	
Taylor, Kathleen N	/	
Meador, David R	/	
Gidge, Kenneth N	/	
Schlachman, Donna L	/	

14-0

COMMERCE AND CONSUMER AFFAIRS

Bill #: HB 317 Title: _____

PH Date: 1/1

Exec Session Date: 3/9/11

Motion: OT/A

Amendment #: _____

MEMBER	YEAS	NAYS
Hunt, John B, Chairman	/	
Coffey, Jennifer R, V Chairman	✓	
Belanger, Ronald J	/	
Flanders, Donald H	/	
Quandt, Matt J	/	
Headd, James F	/	
Nevins, Chris F	/	
Palfrey, David J	/	
Sullivan, James M	/	
Bergevin, Jerry E	/	
Manuse, Andrew J	/	
Mauro, Donna C	✓	
McGuinness, Sean M	✓	
Rice, Frederick C	/	
Taylor, Kathleen N	/	
Meador, David R	/	
Gidge, Kenneth N	/	
Schlachman, Donna L	/	
	16-0	
TOTAL VOTE:		

Committee Report

CONSENT CALENDAR

March 16, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on COMMERCE AND CONSUMER
AFFAIRS to which was referred HB317,**

**AN ACT relative to fire warning devices and carbon
monoxide detection devices in dwellings. Having
considered the same, report the same with the following
amendment, and the recommendation that the bill
OUGHT TO PASS WITH AMENDMENT.**

Rep. Jennifer R Coffey

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	COMMERCE AND CONSUMER AFFAIRS
Bill Number:	HB317
Title:	relative to fire warning devices and carbon monoxide detection devices in dwellings.
Date:	March 9, 2011
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

This bill revises the type and location requirements for automatic fire warning devices and carbon monoxide detection devices in dwellings. This bill removes the mandate to have carbon monoxide detectors in dwellings that do not have an attached garage or appliance or device that uses a combustion method of burning solid, liquid or gas fuel.

Vote 16-0.

Rep. Jennifer R Coffey
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

COMMERCE AND CONSUMER AFFAIRS

HB317, relative to fire warning devices and carbon monoxide detection devices in dwellings.

OUGHT TO PASS WITH AMENDMENT.

Rep. Jennifer R Coffey for COMMERCE AND CONSUMER AFFAIRS. This bill revises the type and location requirements for automatic fire warning devices and carbon monoxide detection devices in dwellings. This bill removes the mandate to have carbon monoxide detectors in dwellings that do not have an attached garage or appliance or device that uses a combustion method of burning solid, liquid or gas fuel. **Vote 16-0.**

Original: House Clerk

Cc: Committee Bill File

HB 317 OTP/A

16-0 CC

This bill revises the type and location requirements for automatic fire warning devices and carbon monoxide detection devices in dwellings. This bill removes the mandate to have carbon monoxide detectors in dwellings that do not have an attached garage or appliance or device that uses a combustion method of burning solid, liquid, or gas fuels.

Rep. Jenn Coffey

Retained

HB 309

HB 317
Rep. Jenn Coffey
OTP/A
0377h
16-0
CC

This bill revises the type and location requirements for automatic fire warning devices and carbon monoxide detection devices in dwellings. This bill removes the mandate to have carbon monoxide ~~detectors~~ detectors in dwellings that do not have an attached garage or appliance ~~or~~ device ~~or~~ that uses a combustion method of burning solid, liquid or gas fuel.

(BA)