

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 427**

Introduced by Howard, 9.

Read first time January 22, 2013

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to real estate; to adopt the Carbon Monoxide

2 Safety Act.

3 Be it enacted by the people of the State of Nebraska,

1           Section 1. Sections 1 to 7 of this act shall be known and  
2 may be cited as the Carbon Monoxide Safety Act.

3           Sec. 2. For purposes of the Carbon Monoxide Safety Act:

4           (1) Carbon monoxide alarm means a device that detects  
5 carbon monoxide and that:

6           (a) Produces a distinct, audible alarm;

7           (b) Is listed by a nationally recognized, independent  
8 product-safety testing and certification laboratory to conform to the  
9 standards for carbon monoxide alarms issued by such laboratory or any  
10 successor standards as determined by the State Fire Marshal;

11           (c) Is battery powered, plugs into a dwelling's  
12 electrical outlet and has a battery backup, is wired into a  
13 dwelling's electrical system and has a battery backup, or is  
14 connected to an electrical system via an electrical panel; and

15           (d) May be combined with a smoke detecting device if the  
16 combined device complies with applicable law regarding both smoke  
17 detecting devices and carbon monoxide alarms and that the combined  
18 unit produces an alarm, or an alarm and voice signal, in a manner  
19 that clearly differentiates between the two hazards;

20           (2) Dwelling unit means a single unit providing complete  
21 independent living facilities for one or more persons, including  
22 permanent provisions for living, sleeping, eating, cooking, and  
23 sanitation;

24           (3) Fuel means coal, kerosene, oil, fuel gases, or other  
25 petroleum products or hydrocarbon products such as wood that emit

1 carbon monoxide as a byproduct of combustion;

2 (4) Installed means that a carbon monoxide alarm is  
3 installed in a dwelling unit in one of the following ways:

4 (a) Wired directly into the dwelling's electrical system;

5 (b) Directly plugged into an electrical outlet without a  
6 switch other than a circuit breaker; or

7 (c) If the alarm is battery-powered, attached to the wall  
8 or ceiling of the dwelling unit in accordance with the National Fire  
9 Protection Association Standard 720, or any successor standard, for  
10 the operation and installation of carbon monoxide detection and  
11 warning equipment in dwelling units as determined by the State Fire  
12 Marshal;

13 (5) Multifamily dwelling means any improved real property  
14 used or intended to be used as a residence and that contains more  
15 than one dwelling unit. Multifamily dwelling includes a condominium  
16 or cooperative;

17 (6) Operational means working and in service in  
18 accordance with manufacturer instructions; and

19 (7) Single-family dwelling means any improved real  
20 property used or intended to be used as a residence and that contains  
21 one dwelling unit.

22 Sec. 3. (1)(a) The seller of each existing single-family  
23 dwelling offered for sale or transfer on or after September 1, 2014,  
24 that has a fuel-fired heater or appliance, a fireplace, or an  
25 attached garage shall assure that an operational carbon monoxide

1 alarm is installed within fifteen feet of the entrance to each room  
2 lawfully used for sleeping purposes or in a location as specified in  
3 any building code adopted by the state or any political subdivision.

4 (b) By September 1, 2014, the State Real Estate  
5 Commission shall adopt and promulgate rules and regulations to  
6 require each listing contract for residential real property that is  
7 subject to the commission's jurisdiction to disclose the requirements  
8 specified in this subsection.

9 (2) Every single-family dwelling that includes either  
10 fuel-fired appliances or an attached garage where, on or after  
11 September 1, 2014, interior alterations, repairs, fuel-fired  
12 appliance replacements, or additions, any of which require a building  
13 permit, occur or where one or more rooms lawfully used for sleeping  
14 purposes are added shall have an operational carbon monoxide alarm  
15 installed within fifteen feet of the entrance to each room lawfully  
16 used for sleeping purposes or in a location as specified in any  
17 building code adopted by the state or any political subdivision.

18 (3) No person shall remove batteries from, or in any way  
19 render inoperable, a carbon monoxide alarm except as part of a  
20 process to inspect, maintain, repair, or replace the alarm or replace  
21 the batteries in the alarm.

22 Sec. 4. (1)(a) The seller of every dwelling unit of an  
23 existing multifamily dwelling offered for sale or transfer on or  
24 after September 1, 2014, that has a fuel-fired heater or appliance, a  
25 fireplace, or an attached garage shall assure that an operational

1 carbon monoxide alarm is installed within fifteen feet of the  
2 entrance to each room lawfully used for sleeping purposes or in a  
3 location as specified in any building code adopted by the state or  
4 any political subdivision.

5 (b) By September 1, 2014, the State Real Estate  
6 Commission shall adopt and promulgate rules and regulations to  
7 require each listing contract for residential real property that is  
8 subject to the commission's jurisdiction to disclose the requirements  
9 specified in this subsection.

10 (2) Every dwelling unit of a multifamily dwelling that  
11 includes fuel-fired appliances or an attached garage where, on or  
12 after September 1, 2014, interior alterations, repairs, fuel-fired  
13 appliance replacements, or additions, any of which require a building  
14 permit, occurs or where one or more rooms lawfully used for sleeping  
15 purposes are added shall have an operational carbon monoxide alarm  
16 installed within fifteen feet of the entrance to each room lawfully  
17 used for sleeping purposes or in a location as specified in any  
18 building code adopted by the state or any political subdivision.

19 (3) No person shall remove batteries from, or in any way  
20 render inoperable, a carbon monoxide alarm except as part of a  
21 process to inspect, maintain, repair, or replace the alarm or replace  
22 the batteries in the alarm.

23 Sec. 5. (1) Except as provided in subsection (5) of this  
24 section, any single-family dwelling or dwelling unit in a multifamily  
25 dwelling used for rental purposes and that includes fuel-fired

1 appliances or an attached garage where, on or after September 1,  
2 2014, interior alterations, repairs, fuel-fired appliance  
3 replacements, or additions, any of which requires a building permit,  
4 occur or where one or more rooms lawfully used for sleeping purposes  
5 are added shall be subject to the requirements specified in sections  
6 3 and 4 of this act.

7 (2) Except as provided in subsection (5) of this section,  
8 each existing single-family dwelling or existing dwelling unit in a  
9 multifamily dwelling that is used for rental purposes that has a  
10 change in tenant occupancy on or after September 1, 2014, shall be  
11 subject to the requirements specified in sections 3 and 4 of this  
12 act.

13 (3)(a) The owner of any rental property specified in  
14 subsection (1) or (2) of this section shall:

15 (i) Prior to the commencement of a new tenant occupancy,  
16 replace any carbon monoxide alarm that was stolen, removed, found  
17 missing, or found not operational after the previous occupancy;

18 (ii) Ensure that any batteries necessary to make the  
19 carbon monoxide alarm operational are provided to the tenant at the  
20 time the tenant takes residence in the dwelling unit;

21 (iii) Replace any carbon monoxide alarm if notified by a  
22 tenant as specified in subdivision (4)(c) of this section that any  
23 carbon monoxide alarm was stolen, removed, found missing, or found  
24 not operational during the tenant's occupancy; and

25 (iv) Fix any deficiency in a carbon monoxide alarm if

1 notified by a tenant as specified in subdivision (4)(d) of this  
2 section.

3 (b) Except as provided in subdivision (a) of this  
4 subsection, the owner of a single-family dwelling or dwelling unit in  
5 a multifamily dwelling that is used for rental purposes is not  
6 responsible for the maintenance, repair, or replacement of a carbon  
7 monoxide alarm or the care and replacement of batteries for such an  
8 alarm.

9 (4) The tenant of any rental property specified in  
10 subsection (1) or (2) of this section shall:

11 (a) Keep, test, and maintain all carbon monoxide alarms  
12 in good repair;

13 (b) Notify, in writing, the owner of the single-family  
14 dwelling or dwelling unit of a multifamily dwelling, or the owner's  
15 authorized agent, if the batteries of any carbon monoxide alarm need  
16 to be replaced;

17 (c) Notify, in writing, the owner of the single-family  
18 dwelling or dwelling unit of a multifamily dwelling, or the owner's  
19 authorized agent, if any carbon monoxide alarm is stolen, removed,  
20 found missing, or found not operational during the tenant's occupancy  
21 of the single-family dwelling or dwelling unit in the multifamily  
22 dwelling; and

23 (d) Notify, in writing, the owner of the single-family  
24 dwelling or dwelling unit of a multifamily dwelling, or the owner's  
25 authorized agent, of any deficiency in any carbon monoxide alarm that

1 the tenant cannot correct.

2 (5) If there is a centralized alarm system or other  
3 mechanism for a responsible person to hear the alarm at all times in  
4 a multifamily dwelling used for rental purposes, such multifamily  
5 dwelling may have an operational carbon monoxide alarm installed  
6 within twenty-five feet of any fuel-fired heater or appliance,  
7 fireplace, or garage or in a location as specified in any building  
8 code adopted by the state or any political subdivision.

9 (6) No person shall remove batteries from, or in any way  
10 render inoperable, a carbon monoxide alarm except as part of a  
11 process to inspect, maintain, repair, or replace the alarm or replace  
12 the batteries in the alarm.

13 Sec. 6. Nothing in the Carbon Monoxide Safety Act shall  
14 be construed to limit a city, village, or county from adopting or  
15 enforcing any requirements for the installation and maintenance of  
16 carbon monoxide alarms that are more stringent than the requirements  
17 set forth in the act.

18 Sec. 7. (1) No person shall have a claim for relief  
19 against a property owner, an authorized agent of a property owner, a  
20 person in possession of real property, or an installer for any  
21 damages resulting from the operation, maintenance, or effectiveness  
22 of a carbon monoxide alarm if the property owner, authorized agent,  
23 person in possession of real property, or installer installs a carbon  
24 monoxide alarm in accordance with the manufacturer's published  
25 instructions and the Carbon Monoxide Safety Act.



1           (2) A purchaser shall have no claim for relief against  
2 any person licensed by the State Real Estate Commission for any  
3 damages resulting from the operation, maintenance, or effectiveness  
4 of a carbon monoxide alarm if such licensed person complies with  
5 rules and regulations adopted and promulgated pursuant to the Carbon  
6 Monoxide Safety Act. Nothing in this subsection shall affect any  
7 remedy that a purchaser may otherwise have against a seller.