

AMENDED IN SENATE APRIL 26, 2012

AMENDED IN SENATE APRIL 10, 2012

AMENDED IN SENATE MARCH 26, 2012

SENATE BILL

No. 1394

Introduced by Senator Lowenthal

February 24, 2012

An act to amend Sections 13113.7, 13113.8, 13114, and 17926 of the Health and Safety Code, relating to dwelling safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 1394, as amended, Lowenthal. Dwelling safety: carbon monoxide and smoke detectors.

(1) Existing law provides that, subject to exceptions, a smoke detector, approved and listed by the State Fire Marshal, as specified, shall be installed, in accordance with the manufacturer's instructions in each dwelling intended for human occupancy. Existing law requires the owner of each dwelling unit subject to these requirements to supply and install smoke detectors in the locations and in the manner set forth in the manufacturer's instructions, as approved by the State Fire Marshal's regulations, and further requires, in the case of apartment complexes and other multiple-dwelling complexes, that a smoke detector shall be installed in the common stairwells. *Existing law requires, for all dwelling units intended for human occupancy, upon the owner's application on or after January 1, 1985, for a permit for alterations, repairs, or additions, exceeding \$1,000, that a smoke detector be installed. Existing law authorizes the State Fire Marshal to adopt regulations exempting dwellings intended for human occupancy with fire sprinkler systems from these provisions, as specified. Existing law*

requires the owners of hotels, motels, lodging houses, apartment complexes, and other multiple-dwelling complexes to test and maintain smoke detectors, as specified. Existing law provides that a violation of any of these provisions is an infraction.

This bill would, in addition, require that, commencing January 1, 2014, an owner of a single-family dwelling or a multiple-dwelling complex that is rented or leased shall ensure that the smoke detectors for the dwelling are operational at the time that the tenant takes possession, that placement of the smoke detectors is in compliance with current building code standards, and that, if a smoke detectors is solely battery operated, it contains a battery with a minimum 10-year life. provide that, for all dwelling units intended for human occupancy for which a building permit is issued on or after January 1, 2014, for alterations, repairs, or additions exceeding \$1,000, the permit issuer shall not sign off on the completion of work until the permittee demonstrates that all smoke alarms required for the dwelling unit are devices approved and listed by the State Fire Marshal. The bill would provide that a fire alarm system with smoke alarms installed in accordance with the State Fire Marshal's regulations may be installed in lieu of the devices approved and listed by the State Fire Marshal described above, as specified. The bill would delete the authority of the State Fire Marshal to adopt regulations exempting dwellings intended for human occupancy with fire sprinkler systems from the above-described provisions. The bill would expand the definition of "dwelling units intended for human occupancy" for these purposes to include factory-built housing, as defined. The bill would delete the requirement that a smoke detector be installed in the common stairwells of apartment complexes and other multiple-dwelling complexes. The bill would, commencing January 1, 2014, require owners of single-family dwellings that are rented or leased to be responsible for testing and maintaining smoke alarms, as specified.

By expanding the scope of provisions of law, the violation of which is a crime, this bill would impose a state-mandated local program.

(2) Existing law, subject to exceptions, requires that every single-family dwelling and factory-built housing, as defined, which is sold have an operable smoke detector that is approved and listed by the State Fire Marshal and installed in accordance with the State Fire Marshal's regulations.

This bill would additionally require that for all dwelling units intended for human occupancy, upon the owner's application on or after January

1, 2014, for a permit for alterations, repairs, or additions, exceeding \$1,000, all ~~smoke detectors~~ *alarms* required for the dwelling unit shall display the date of manufacture on the device, provide a place on the device where the date of installation can be written, incorporate a “hush” *hush* feature, incorporate an “end-of-life” *end-of-life* feature that provides notice that the device needs to be replaced, and, if battery operated, contain a ~~tamper-resistant~~ *nonreplaceable, nonremovable* battery ~~with a minimum 10-year life that is capable of powering the smoke alarm for a minimum of 10 years.~~

~~(3) Existing law requires, upon the transfer of any real property containing a single-family dwelling, as specified, to deliver to the transferee a written statement indicating that the transferor is in compliance with specified smoke detector requirements.~~

~~This bill would additionally require, commencing January 1, 2014, that if a home inspector makes an inspection of any real property containing a single-family dwelling, the inspector’s report shall provide information to the buyer regarding the age of the smoke detectors in the dwelling, if that fact is known or can be determined with reasonable effort, whether the placement of the smoke detectors is in compliance with current building code standards, and, if the smoke detectors are solely battery operated, if they contain a battery with a minimum 10-year life.~~

~~(4)~~

~~(3) Existing law provides that no person shall market, distribute, offer for sale, or sell any fire alarm system or fire alarm device in this state unless the system or device has been approved and listed by the State Fire Marshal.~~

~~This bill would additionally provide that, commencing January 1, 2014, in order to be approved and listed by the State Fire Marshal, a ~~smoke detector~~ *alarm* shall display the date of manufacture on the device, provide a place on the device where the date of installation can be written, incorporate a hush feature, incorporate an end-of-life feature that provides notice that the device needs to be replaced, and, if battery operated, contain a ~~tamper-resistant~~ *nonreplaceable, nonremovable* battery ~~with a minimum 10-year life that is capable of powering the smoke alarm for a minimum of 10 years.~~~~

~~(5)~~

~~(4) Existing law requires an owner of a dwelling unit intended for human occupancy to install a carbon monoxide device in each existing dwelling, as specified. Existing law requires the installation of carbon~~

monoxide devices in each existing single-family dwelling unit by July 1, 2011, and all other dwelling units by January 1, 2013. The State Housing Law creates standards for buildings used for human habitation. A violation of that law is a crime. Existing law requires an adopting agency or state agency that proposes new building standards to submit those standards for review by the California Building Standards Commission.

This bill would require the installation of carbon monoxide devices in all existing hotel and motel dwelling units *intended for human occupancy* by January 1, 2016. The bill would require the Department of Housing and Community Development to adopt building standards to implement those provisions by July 1, 2014. Because the violation of a building standard is a crime, the bill would impose a state-mandated local program.

(6)

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13113.7 of the Health and Safety Code
 2 is amended to read:
 3 13113.7. (a) (1) Except as otherwise provided in this section,
 4 a smoke-detector alarm, approved and listed by the State Fire
 5 Marshal pursuant to Section 13114 *at the time of installation*, shall
 6 be installed, in accordance with the manufacturer’s instructions in
 7 each dwelling intended for human occupancy ~~within the earliest~~
 8 ~~applicable time period as follows: on or after January 1, 1987.~~
 9 ~~(1) For all dwelling units intended for human occupancy, upon~~
 10 ~~the owner’s application on or after January 1, 1985, for a permit~~
 11 ~~for alterations, repairs, or additions, exceeding one thousand dollars~~
 12 ~~(\$1,000).~~
 13 ~~(2) For all other dwelling units intended for human occupancy~~
 14 ~~on or after January 1, 1987.~~

1 (2) *For all dwelling units intended for human occupancy for*
2 *which a building permit is issued on or after January 1, 2014, for*
3 *alterations, repairs, or additions exceeding one thousand dollars*
4 *(\$1,000), the permit issuer shall not sign off on the completion of*
5 *work until the permittee demonstrates that all smoke alarms*
6 *required for the dwelling unit are devices approved and listed by*
7 *the State Fire Marshal pursuant to Section 13114.*

8 **However,**

9 (3) *However, if any local rule, regulation, or ordinance, adopted*
10 *prior to the compliance dates specified in paragraphs (1) and (2)*
11 *January 1, 1987, requires installation in a dwelling unit intended*
12 *for human occupancy of smoke detectors alarms which receive*
13 *their power from the electrical system of the building and requires*
14 *compliance with the local rule, regulation, or ordinance at a date*
15 *subsequent to the dates specified in this section, the compliance*
16 *date specified in the rule, regulation, or ordinance shall, but only*
17 *with respect to the dwelling units specified in this section, take*
18 *precedence over the dates date specified in this section.*

19 ~~The State Fire Marshal may adopt regulations exempting~~
20 ~~dwelling units intended for human occupancy with fire sprinkler~~
21 ~~systems from the provisions of this section, if he or she determines~~
22 ~~that a smoke detector is not reasonably necessary for fire safety~~
23 ~~in the occupancy.~~

24 **Unless**

25 (4) *Unless prohibited by local rules, regulations, or ordinances,*
26 *a battery-operated smoke detector alarm, which otherwise meets*
27 *met the standards adopted pursuant to Section 13114 for smoke*
28 *detectors alarms at the time of installation, satisfies the*
29 *requirements of this section.*

30 (5) *A fire alarm system with smoke alarms installed in*
31 *accordance with the State Fire Marshal's regulations may be*
32 *installed in lieu of smoke alarms required pursuant to paragraph*
33 *(1) or (2).*

34 (b) *“Dwelling units intended for human occupancy,” as used in*
35 *this section, includes a duplex one- or two-unit dwelling, lodging*
36 *house, apartment complex, hotel, motel, condominium, stock*
37 *cooperative, time-share project, or dwelling unit of a multiple-unit*
38 *dwelling complex, or factory-built housing as defined in Section*
39 *19971. For the purpose of this part, “dwelling units intended for*
40 *human occupancy” does not include manufactured homes as*

1 defined in Section 18007, mobilehomes as defined in Section
2 18008, and commercial coaches as defined in Section 18001.8.

3 (c) ~~(1)~~—The owner of each dwelling unit subject to this section
4 shall supply and install smoke ~~detectors~~ *alarms* required by this
5 section in the locations and in the manner set forth in the
6 manufacturer’s instructions, as approved by the State Fire
7 Marshal’s regulations. ~~In the case of apartment complexes and~~
8 ~~other multiple-dwelling complexes, a smoke detector shall be~~
9 ~~installed in the common stairwells. All fire alarm warning systems~~
10 ~~supplemental to the smoke detector alarm shall also be listed by~~
11 ~~the State Fire Marshal.~~

12 ~~(2) Commencing January 1, 2014, an owner of a single-family~~
13 ~~dwelling that is rented or leased shall ensure that the smoke~~
14 ~~detectors for the dwelling are operational at the time that the tenant~~
15 ~~takes possession, that placement of the smoke detectors is in~~
16 ~~compliance with current building code standards, and that, if the~~
17 ~~smoke detectors are solely battery operated, they contain a battery~~
18 ~~with a minimum 10-year life.~~

19 (d) A high-rise structure, as defined in subdivision (b) of Section
20 13210 and regulated by Chapter 3 (commencing with Section
21 13210), and which is used for purposes other than as dwelling
22 units intended for human occupancy, is exempt from the
23 requirements of this section.

24 (e) (1) The owner shall be responsible for testing and
25 maintaining ~~detectors~~ *alarms* in hotels, motels, lodging houses,
26 ~~and common stairwells of apartment complexes, and other multiple~~
27 ~~dwelling multiple-dwelling complexes in which units are neither~~
28 ~~rented nor leased.~~

29 (2) *The owner of a hotel, motel, lodging house, apartment*
30 *complex, or other multiple-dwelling complex in which units are*
31 *rented or leased, and commencing January 1, 2014, the owner of*
32 *a single-family dwelling that is rented or leased, shall be*
33 *responsible for testing and maintaining alarms required by this*
34 *section as follows:*

35 ~~An~~

36 (A) *An* owner or the owner’s agent may enter any dwelling unit,
37 efficiency dwelling unit, guest room, and suite owned by the owner
38 for the purpose of installing, repairing, testing, and maintaining
39 single station smoke ~~detectors~~ *alarms* required by this section.
40 Except in cases of emergency, the owner or owner’s agent shall

1 give the tenants of each such unit, room, or suite reasonable notice
2 in writing of the intention to enter and shall enter only during
3 normal business hours. Twenty-four hours shall be presumed to
4 be reasonable notice in absence of evidence to the contrary.

5 ~~The smoke detector shall be operable at~~

6 ~~(B) At the time that the tenant takes possession. The owner shall~~
7 ~~ensure that placement of the smoke detectors is a new tenancy is~~
8 ~~created, the owner shall ensure that smoke alarms are operable~~
9 ~~and located in compliance with current building code standards;~~
10 ~~and that, if a smoke detector is solely battery operated, it contains~~
11 ~~a battery with a minimum 10-year life. The apartment complex~~
12 ~~tenant shall be responsible for notifying the manager or owner if~~
13 ~~the tenant becomes aware of an inoperable smoke detector alarm~~
14 ~~within his or her unit. The owner or authorized agent shall correct~~
15 ~~any reported deficiencies in the smoke detector alarm and shall~~
16 ~~not be in violation of this section for a deficient smoke detector~~
17 ~~alarm when he or she has not received notice of the deficiency.~~

18 (f) A violation of this section is an infraction punishable by a
19 maximum fine of two hundred dollars (\$200) for each offense.

20 (g) This section shall not affect any rights which the parties may
21 have under any other provision of law because of the presence or
22 absence of a smoke detector alarm.

23 ~~(h) This section shall not apply to the installation of smoke~~
24 ~~detectors in single-family dwellings or factory-built housing which~~
25 ~~is regulated by Section 13113.8, as added by Assembly Bill No.~~
26 ~~2285 of the 1983-84 Regular Session.~~

27 SEC. 2. Section 13113.8 of the Health and Safety Code is
28 amended to read:

29 13113.8. (a) ~~(1)~~—On and after January 1, 1986, every
30 single-family dwelling and factory-built housing, as defined in
31 Section 19971, which is sold shall have an operable smoke detector.
32 ~~The detector alarm. At the time of installation, the alarm shall be~~
33 ~~approved and listed by the State Fire Marshal and installed in~~
34 ~~accordance with the State Fire Marshal's regulations. Unless~~
35 ~~prohibited by local rules, regulations, or ordinances, a~~
36 ~~battery-operated smoke detector alarm that met the standards~~
37 ~~adopted pursuant to Section 13114 for smoke alarms at the time~~
38 ~~of installation shall be deemed to satisfy the requirements of this~~
39 ~~section.~~

1 ~~(2) For all dwelling units intended for human occupancy, upon~~
2 ~~the owner's application on or after January 1, 2014, for a permit~~
3 ~~for alterations, repairs, or additions, exceeding one thousand dollars~~
4 ~~(\$1,000), all smoke detectors required for the dwelling unit shall~~
5 ~~comply with paragraph (2) of subdivision (b) of Section 13114.~~

6 ~~(b) (1) On and after January 1, 1986, the transferor of any real~~
7 ~~property containing a single-family dwelling, as described in~~
8 ~~subdivision (a), whether the transfer is made by sale, exchange,~~
9 ~~or real property sales contract, as defined in Section 2985 of the~~
10 ~~Civil Code, shall deliver to the transferee a written statement~~
11 ~~indicating that the transferor is in compliance with this section.~~
12 ~~The disclosure statement shall be either included in the receipt for~~
13 ~~deposit in a real estate transaction, an addendum attached thereto,~~
14 ~~or a separate document.~~

15 ~~(2) Commencing January 1, 2014, if a home inspector makes~~
16 ~~an inspection of any real property containing a single-family~~
17 ~~dwelling, the inspector's report shall provide information to the~~
18 ~~buyer regarding the age of the smoke detectors in the dwelling, if~~
19 ~~that fact is known or can be determined with reasonable effort,~~
20 ~~whether the placement of the smoke detectors is in compliance~~
21 ~~with current building code standards, and, if the smoke detectors~~
22 ~~are solely battery operated, whether they contain a battery with a~~
23 ~~minimum 10-year life.~~

24 ~~(c) The transferor shall deliver the statement referred to in~~
25 ~~subdivision (b) as soon as practicable before the transfer of title~~
26 ~~in the case of a sale or exchange, or prior to execution of the~~
27 ~~contract where the transfer is by a real property sales contract, as~~
28 ~~defined in Section 2985. For purposes of this subdivision,~~
29 ~~"delivery" means delivery in person or by mail to the transferee~~
30 ~~or transferor, or to any person authorized to act for him or her in~~
31 ~~the transaction, or to additional transferees who have requested~~
32 ~~delivery from the transferor in writing. Delivery to the spouse of~~
33 ~~a transferee or transferor shall be deemed delivery to a transferee~~
34 ~~or transferor, unless the contract states otherwise.~~

35 ~~(d) This section does not apply to any of the following:~~

36 ~~(1) Transfers which are required to be preceded by the furnishing~~
37 ~~to a prospective transferee of a copy of a public report pursuant to~~
38 ~~Section 11018.1 of the Business and Professions Code.~~

39 ~~(2) Transfers pursuant to court order, including, but not limited~~
40 ~~to, transfers ordered by a probate court in the administration of an~~

1 estate, transfers pursuant to a writ of execution, transfers by a
2 trustee in bankruptcy, transfers by eminent domain, or transfers
3 resulting from a decree for specific performance.

4 (3) Transfers to a mortgagee by a mortgagor in default, transfers
5 to a beneficiary of a deed of trust by a trustor in default, transfers
6 by any foreclosure sale after default, transfers by any foreclosure
7 sale after default in an obligation secured by a mortgage, or
8 transfers by a sale under a power of sale after a default in an
9 obligation secured by a deed of trust or secured by any other
10 instrument containing a power of sale.

11 (4) Transfers by a fiduciary in the course of the administration
12 of a decedent's estate, guardianship, conservatorship, or trust.

13 (5) Transfers from one coowner to one or more coowners.

14 (6) Transfers made to a spouse, or to a person or persons in the
15 lineal line of consanguinity of one or more of the transferors.

16 (7) Transfers between spouses resulting from a decree of
17 dissolution of a marriage, from a decree of legal separation, or
18 from a property settlement agreement incidental to either of those
19 decrees.

20 (8) Transfers by the Controller in the course of administering
21 the Unclaimed Property Law provided for in Chapter 7
22 (commencing with Section 1500) of Title 10 of Part 3 of the Code
23 of Civil Procedure.

24 (9) Transfers under the provisions of Chapter 7 (commencing
25 with Section 3691) or Chapter 8 (commencing with Section 3771)
26 of Part 6 of Division 1 of the Revenue and Taxation Code.

27 (e) No liability shall arise, nor any action be brought or
28 maintained against, any agent of any party to a transfer of title,
29 including any person or entity acting in the capacity of an escrow,
30 for any error, inaccuracy, or omission relating to the disclosure
31 required to be made by a transferor pursuant to this section.
32 However, this subdivision does not apply to a licensee, as defined
33 in Section 10011 of the Business and Professions Code, where the
34 licensee participates in the making of the disclosure required to
35 be made pursuant to this section with actual knowledge of the
36 falsity of the disclosure.

37 (f) Except as otherwise provided in this section, this section
38 shall not be deemed to create or imply a duty upon a licensee, as
39 defined in Section 10011 of the Business and Professions Code,
40 or upon any agent of any party to a transfer of title, including any

1 person or entity acting in the capacity of an escrow, to monitor or
2 ensure compliance with this section.

3 (g) No transfer of title shall be invalidated on the basis of a
4 failure to comply with this section, and the exclusive remedy for
5 the failure to comply with this section is an award of actual
6 damages not to exceed one hundred dollars (\$100), exclusive of
7 any court costs and attorney’s fees.

8 (h) Local ordinances requiring smoke ~~detectors~~ *alarms* in
9 single-family dwellings may be enacted or amended. However,
10 the ordinances shall satisfy the minimum requirements of this
11 section.

12 (i) For the purposes of this section, “single-family dwelling”
13 *includes a one- or two-unit dwelling, but* does not include a
14 manufactured home as defined in Section 18007, a mobilehome
15 as defined in Section 18008, or a commercial coach as defined in
16 Section 18001.8.

17 ~~(j) This section shall not apply to the installation of smoke
18 detectors in dwellings intended for human occupancy, as defined
19 in and regulated by Section 13113.7 of the Health and Safety Code,
20 as added by Senate Bill No. 1448 in the 1983–84 Regular Session.~~

21 SEC. 3. Section 13114 of the Health and Safety Code is
22 amended to read:

23 13114. (a) The State Fire Marshal, with the advice of the State
24 Board of Fire Services, shall adopt regulations and standards as
25 he or she may determine to be necessary to control the quality and
26 installation of fire alarm systems and fire alarm devices marketed,
27 distributed, offered for sale, or sold in this state.

28 (b) (1) No person shall market, distribute, offer for sale, or sell
29 any fire alarm system or fire alarm device in this state unless the
30 system or device has been approved and listed by the State Fire
31 Marshal.

32 (2) Commencing January 1, 2014, in order to be approved and
33 listed by the State Fire Marshal, a smoke ~~detector~~ *alarm* shall
34 display the date of manufacture on the device, provide a place on
35 the device where the date of installation can be written, incorporate
36 a hush feature, incorporate an end-of-life feature that provides
37 notice that the device needs to be replaced, and, if battery operated,
38 contain a ~~tamper-resistant~~ *nonreplaceable, nonremovable* battery
39 ~~with a minimum 10-year life that is capable of powering the smoke~~
40 *alarm for a minimum of 10 years.*

1 (c) (1) The State Fire Marshal shall convene a working group
2 to address the issues specified in paragraph (2), made up of the
3 following representatives to the extent they are willing to
4 participate:

5 (A) Representatives of at least four manufacturers of fire alarm
6 devices or systems whose products are currently listed pursuant
7 to this section and whose names are provided to the State Fire
8 Marshal as manufacturer representatives by the National Electrical
9 Manufacturers Association.

10 (B) A fire protection engineer who is not associated with the
11 State Fire Marshal's Office.

12 (C) Staff from the State Fire Marshal's Office for consultation
13 purposes, as determined by the State Fire Marshal.

14 (D) Representatives of four local fire marshals with experience
15 in building plan checking and code compliance.

16 (E) A representative of a nationally recognized testing
17 laboratory.

18 (F) The State Fire Marshal or his or her designee.

19 (2) (A) Giving due consideration to public safety issues, the
20 working group shall develop a process for listing of fire alarms
21 and safety devices by the State Fire Marshal. Listing shall be
22 approved upon receipt of certification of the fire alarm by a State
23 Fire Marshal approved nationally recognized testing laboratory.
24 All appropriate fees associated with the building materials listing
25 application must be received by the Office of the California State
26 Fire Marshal prior to approval.

27 (B) Implementation of the process developed pursuant to
28 subparagraph (A) of paragraph (2) of subdivision (c) shall be
29 through administrative action or legislative action in the regular
30 session commencing December 4, 2006, and shall go into effect
31 no later than January 1, 2008.

32 (3) (A) The State Fire Marshal shall appoint the members of
33 the working group no later than October 1, 2006, and shall convene
34 the first meeting of the working group no later than November 1,
35 2006.

36 (B) The State Fire Marshal shall approve the revised process
37 no later than March 30, 2007.

38 (C) Nothing in this section shall preclude the State Fire Marshal
39 and members of the fire alarm safety devices from convening in

1 an ad hoc working group in advance of the effective date of this
2 statute.

3 SEC. 4. Section 17926 of the Health and Safety Code is
4 amended to read:

5 17926. (a) An owner of a dwelling unit intended for human
6 occupancy shall install a carbon monoxide device, approved and
7 listed by the State Fire Marshal pursuant to Section 13263, in each
8 existing dwelling unit having a fossil fuel burning heater or
9 appliance, fireplace, or an attached garage, within the earliest
10 applicable time period as follows:

11 (1) For all existing single-family dwelling units intended for
12 human occupancy on or before July 1, 2011.

13 (2) For all existing hotel and motel dwelling units intended for
14 human occupancy on or before January 1, 2016.

15 (3) For all other existing dwelling units intended for human
16 occupancy on or before January 1, 2013.

17 (b) With respect to the number and placement of carbon
18 monoxide devices, an owner shall install the devices in a manner
19 consistent with building standards applicable to new construction
20 for the relevant type of occupancy or with the manufacturer’s
21 instructions, if it is technically feasible to do so.

22 (c) (1) Notwithstanding Section 17995, and except as provided
23 in paragraph (2), a violation of this section is an infraction
24 punishable by a maximum fine of two hundred dollars (\$200) for
25 each offense.

26 (2) Notwithstanding paragraph (1), a property owner shall
27 receive a 30-day notice to correct. If an owner receiving notice
28 fails to correct within that time period, the owner may be assessed
29 the fine pursuant to paragraph (2).

30 (d) No transfer of title shall be invalidated on the basis of a
31 failure to comply with this section, and the exclusive remedy for
32 the failure to comply with this section is an award of actual
33 damages not to exceed one hundred dollars (\$100), exclusive of
34 any court costs and attorney’s fees. This subdivision is not intended
35 to affect any duties, rights, or remedies otherwise available at law.

36 (e) A local ordinance requiring carbon monoxide devices may
37 be enacted or amended if the ordinance is consistent with this
38 chapter.

39 (f) On or before July 1, 2014, the department shall submit for
40 adoption and approval pursuant to Chapter 4 (commencing with

1 Section 18935) of Part 2.5, building standards for the installation
2 of carbon monoxide detectors in hotel and motel dwelling units
3 intended for human occupancy. In developing these standards, the
4 department shall do both of the following:

5 (1) Convene and consult a stakeholder group that includes
6 members with expertise in multifamily dwellings, lodging,
7 maintenance, and construction.

8 (2) Review and consider the most current national codes and
9 standards available related to the installation of carbon monoxide
10 detection.

11 (g) For purposes of this section and Section 17926.1, “dwelling
12 unit intended for human occupancy” has the same meaning as that
13 term is defined in Section 13262.

14 SEC. 5. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.