

# HOUSE BILL No. 1295

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 22-11-18; IC 22-13-2-3.5; IC 32-31.

**Synopsis:** Fire and building safety matters. Requires carbon monoxide alarms in hotels, motels, and dwellings. Defines "carbon monoxide alarm". Prohibits the fire prevention and building safety commission or another state agency from adopting rules requiring the installation of an arc fault circuit interrupter. Prohibits a political subdivision from adopting an ordinance or other regulation requiring the installation of an arc fault circuit interrupter.

**Effective:** July 1, 2020.

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January 14, 2020, read first time and referred to Committee on Veterans Affairs and Public Safety.

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Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

# HOUSE BILL No. 1295

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 22-11-18-1, AS AMENDED BY P.L.114-2012,  
2 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2020]: Sec. 1. As used in this chapter:  
4 "Bodily injury" has the meaning set forth in IC 35-31.5-2-29.  
5 **"Carbon monoxide alarm" means a single or multiple station**  
6 **carbon monoxide alarm:**  
7 **(1) intended for the purpose of detecting carbon monoxide gas**  
8 **and alerting occupants by a distinct audible signal comprising**  
9 **an assembly that incorporates a sensor, control components,**  
10 **and an alarm notification appliance in a single unit operated**  
11 **from a source either located in the unit or obtained at the**  
12 **point of installation; and**  
13 **(2) that conforms to the minimum standards for type,**  
14 **components, and maintenance prescribed by the National Fire**  
15 **Protection Association.**  
16 "Dwelling" means a residence with at least one (1) dwelling unit as  
17 set forth in IC 22-12-1-4(a)(1)(B) and IC 22-12-1-5(a)(1).



1 "Hotels and motels" means buildings or structures kept, maintained,  
 2 used, advertised, or held out to the public as inns or places where  
 3 sleeping accommodations are furnished for hire for transient guests.

4 "Landlord" has the meaning set forth in IC 32-31-3-3.

5 "Owner" means a person having control or custody of any building  
 6 covered by this chapter.

7 "Person" means an individual, corporation, partnership, association,  
 8 or other legal entity.

9 "Rental premises" has the meaning set forth in IC 32-31-7-3.

10 "Rental unit" has the meaning set forth in IC 32-31-3-8.

11 "Smoke detector" means a device which senses visible or invisible  
 12 particles of combustion and conforms to the minimum standards for  
 13 type, components, and maintenance prescribed by the National Fire  
 14 Protection Association.

15 "Seasonally occupied dwellings" means hotels and motels open to  
 16 the public for occupancy by guests only during any period of time  
 17 between April 15 and October 15 each year.

18 "Single level dwellings" means all single level (no more than one  
 19 (1) level above ground) hotels and motels that have no interior  
 20 corridors, and whose individual rooms have exterior exits.

21 "Tenant" has the meaning set forth in IC 32-31-3-10.

22 SECTION 2. IC 22-11-18-2 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) This chapter  
 24 applies to all hotels, motels, and dwellings.

25 (b) A totally sprinkled building (conforming to Uniform Building  
 26 Code standards at the time of construction) is exempt from the  
 27 requirements ~~of~~ **concerning smoke detectors contained in** this  
 28 chapter.

29 SECTION 3. IC 22-11-18-3 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) This section only  
 31 applies to hotels and motels.

32 (b) All hotels and motels must have functional smoke detectors **and**  
 33 **after June 30, 2020, carbon monoxide alarms.**

34 (c) Except as provided in subsection (f), ~~a detector~~ **smoke detectors**  
 35 **and carbon monoxide alarms** must be installed in all interior  
 36 corridors adjacent to sleeping rooms and must be spaced no farther  
 37 apart than thirty (30) feet on center, or more than fifteen (15) feet from  
 38 any wall.

39 (d) The **smoke detectors and carbon monoxide alarms** must be  
 40 hard wired into a building's electrical system, except as provided in  
 41 subsection (f).

42 (e) The **smoke detectors and carbon monoxide alarms** must be



1 wired in a manner that activates all the devices in a corridor when one  
2 (1) is activated, except as provided in subsection (f).

3 (f) All single level dwellings, all seasonably occupied dwellings,  
4 and all hotels and motels with twelve (12) sleeping rooms or less (and  
5 containing no interior corridors) are exempt from the requirements of  
6 subsections (c), (d), and (e). In all such units:

7 (1) a **smoke detector and carbon monoxide alarm** must be  
8 installed in each sleeping room; and

9 (2) the **smoke detector and carbon monoxide alarm** may be  
10 battery operated.

11 If a battery operated **smoke detector and carbon monoxide alarm**  
12 **are** installed, ~~it they~~ must contain a tamper resistant ~~cover covers~~  
13 to protect the batteries. The fire marshal shall adopt rules detailing the  
14 specifications for the tamper resistant ~~cover: covers~~. If a battery  
15 operated **smoke detector and carbon monoxide alarm** are not  
16 installed, the **smoke detector and carbon monoxide alarm** must be  
17 hard wired into a building's electrical system.

18 SECTION 4. IC 22-11-18-3.5 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.5. (a) This section  
20 only applies to dwellings.

21 (b) A rule or an ordinance is not voided or limited by this section if  
22 the rule or ordinance:

23 (1) applies to an occupied dwelling; and

24 (2) is at least as stringent as the requirements of this section.

25 (c) A dwelling must have at least one (1) functional smoke detector  
26 **and at least one (1) functional carbon monoxide alarm** installed as  
27 follows:

28 (1) According to the manufacturer's instructions.

29 (2) Outside of each sleeping area in the immediate vicinity of the  
30 bedrooms.

31 (3) On the ceiling or a wall not less than four (4) inches or more  
32 than twelve (12) inches from the ceiling. However, a smoke  
33 detector **or a carbon monoxide alarm** may not be recessed into  
34 a ceiling.

35 (4) On each additional story of the dwelling, including basements,  
36 cellars, and habitable attics. Unless there is a door between levels  
37 in dwellings with split levels, a smoke detector **and a carbon**  
38 **monoxide alarm** must be installed only on the upper level if the  
39 lower level is less than one (1) full story below the upper level.

40 (d) All smoke detectors **and carbon monoxide alarms** must be:

41 (1) battery operated or hard wired into the dwelling's electrical  
42 system;



- 1 (2) accessible for servicing and testing; and  
 2 (3) maintained and at least one (1) time every six (6) months  
 3 tested by the occupant to ensure that the smoke detector is in  
 4 operational condition.
- 5 (e) Each owner or the manager or rental agent of the owner is  
 6 responsible for:
- 7 (1) the installation of a required smoke detector **and a required**  
 8 **carbon monoxide alarm;** and  
 9 (2) the replacement and repair of a required smoke detector **or a**  
 10 **required carbon monoxide alarm, or both,** within seven (7)  
 11 working days after the owner, manager, or rental agent is given  
 12 written notification of the need to replace or repair the smoke  
 13 detector **or carbon monoxide alarm.**
- 14 (f) A person may not tamper with or remove a smoke detector **or**  
 15 **carbon monoxide alarm** except when necessary for maintenance  
 16 purposes.
- 17 (g) A unit (as defined in IC 36-1-2-23) may adopt an ordinance  
 18 concerning dwellings that:
- 19 (1) includes more stringent or detailed requirements than those set  
 20 forth in this chapter; and  
 21 (2) does not conflict with this chapter.
- 22 SECTION 5. IC 22-11-18-5.5, AS ADDED BY P.L.17-2008,  
 23 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2020]: Sec. 5.5. A landlord who violates section 3.5 of this  
 25 chapter:
- 26 (1) at the time the landlord delivers a rental unit to a tenant; or  
 27 (2) if the smoke detector **or carbon monoxide alarm** is hard  
 28 wired into the rental unit's electrical system, by failing to repair or  
 29 replace the inoperable smoke detector **or carbon monoxide**  
 30 **alarm** not later than seven (7) days after receiving written notice  
 31 by certified mail, return receipt requested, of the need to repair or  
 32 replace the inoperable smoke detector **or carbon monoxide**  
 33 **alarm** under section 3.5(e)(2) of this chapter;  
 34 commits a Class B infraction. However, the offense is a Class A  
 35 infraction if the landlord has a prior violation for an offense under this  
 36 section.
- 37 SECTION 6. IC 22-11-18-6 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) The state fire  
 39 marshal's office shall, as part of its normal inspection process, conduct  
 40 inspections of hotels and motels to determine if ~~the~~ **smoke** detectors  
 41 **and carbon monoxide alarms** are installed and functioning in  
 42 compliance with this chapter.



1 (b) Except for common areas shared by at least three (3) dwellings,  
 2 a dwelling may not be inspected solely to determine compliance with  
 3 section 3.5 of this chapter unless the owner or occupant of the dwelling  
 4 gives permission.

5 (c) Any evidence of a violation of this chapter shall be turned over  
 6 to the prosecuting attorney of the county where the violation occurred.

7 SECTION 7. IC 22-13-2-3.5, AS ADDED BY P.L.104-2018,  
 8 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2020]: Sec. 3.5. (a) The **commission or another state agency**  
 10 **following** may not adopt rules requiring the installation of **the**  
 11 **following**:

12 (1) An automatic fire sprinkler system in a Class 2 structure.

13 ~~(1) The commission.~~

14 ~~(2) Another state agency.~~

15 (2) **An arc fault circuit interrupter.**

16 (b) A political subdivision may not adopt an ordinance or other  
 17 regulation requiring the installation of **the following**:

18 (1) An automatic fire sprinkler system in a Class 2 structure.

19 (2) **An arc fault circuit interrupter.**

20 SECTION 8. IC 32-31-5-7, AS ADDED BY P.L.17-2008,  
 21 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2020]: Sec. 7. (a) At the time a landlord delivers a rental unit  
 23 to a tenant, the landlord shall require the tenant to acknowledge in  
 24 writing that the rental unit is equipped with a functional smoke detector  
 25 **and carbon monoxide alarm.**

26 (b) A landlord and a tenant may not waive, in a rental agreement or  
 27 a separate writing, the requirements under IC 22-11-18-3.5 concerning  
 28 smoke detectors **and carbon monoxide alarms.**

29 SECTION 9. IC 32-31-7-5, AS AMENDED BY P.L.17-2008,  
 30 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2020]: Sec. 5. A tenant shall do the following:

32 (1) Comply with all obligations imposed primarily on a tenant by  
 33 applicable provisions of health and housing codes.

34 (2) Keep the areas of the rental premises occupied or used by the  
 35 tenant reasonably clean.

36 (3) Use the following in a reasonable manner:

37 (A) Electrical systems.

38 (B) Plumbing.

39 (C) Sanitary systems.

40 (D) Heating, ventilating, and air conditioning systems.

41 (E) Elevators, if provided.

42 (F) Facilities and appliances of the rental premises.



- 1 (4) Refrain from defacing, damaging, destroying, impairing, or  
2 removing any part of the rental premises.
- 3 (5) Comply with all reasonable rules and regulations in existence  
4 at the time a rental agreement is entered into. A tenant shall also  
5 comply with amended rules and regulations as provided in the  
6 rental agreement.
- 7 (6) Ensure that each smoke detector **and carbon monoxide**  
8 **alarm** installed in the tenant's rental unit remains functional and  
9 is not disabled. If the smoke detector **or carbon monoxide alarm**  
10 is battery operated, the tenant shall replace batteries in the smoke  
11 detector **or carbon monoxide alarm** as necessary. If the smoke  
12 detector **or carbon monoxide alarm** is hard wired into the rental  
13 unit's electrical system, and the tenant believes that the smoke  
14 detector **or carbon monoxide alarm** is not functional, the tenant  
15 shall provide notice to the landlord under IC 22-11-18-3.5(e)(2).  
16 This section may not be construed to limit a landlord's obligations  
17 under this chapter or IC 32-31-8.

