

**HOUSE . . . . . No. 2155**

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The Commonwealth of Massachusetts

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PRESENTED BY:

*John D. Keenan*

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the installation of approved smoke detectors in certain residential buildings and structures .

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PETITION OF:

NAME:

*John D. Keenan*

*James B. Eldridge*

DISTRICT/ADDRESS:

*7th Essex*

*Middlesex and Worcester*

**HOUSE . . . . . No. 2155**

By Mr. Keenan of Salem, a petition (accompanied by bill, House, No. 2155) of John D. Keenan and James B. Eldridge relative to the installation of approved smoke detectors in certain residential buildings and structures. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE

□ HOUSE  
□ , NO. 648 OF 2011-2012.]

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act relative to the installation of approved smoke detectors in certain residential buildings and structures .

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Be it enacted by the Senate and House of Representatives in General Court assembled,  
2 And by the authority of the same, as follows:

3 SECTION 1. Chapter 148 of the General Laws is hereby amended by striking out section  
4 26D, as appearing in the 2008 Official Edition, and inserting in place thereof the following  
5 section:

6 Section 26D. For purposes of this section, the following terms shall have the following  
7 meanings: Approved smoke detector□, shall mean a monitored battery power smoke detector  
8 device, fire warning system, primary power system, or combination appliance. Fire warning  
9 system□, shall mean a low voltage or wireless fire warning system as defined in Section 1 of  
10 Chapter 141 of the General Laws in compliance with NFPA and installed in accordance with  
11 said chapter. Monitored battery power smoke detector device□, shall be a smoke detector which  
12 is activated by a battery power source provided that the battery is monitored to assure that the  
13 following conditions are met: (i) a distinctive audible trouble signal is given before the battery is  
14 incapable of operating the device for alarm purposes, and that such audible trouble signal is

15 produced at least once every minute for seven consecutive days, and (ii) the unit is capable of  
16 producing an alarm signal for at least four continuous minutes at the battery voltage at which a  
17 trouble signal is normally obtained followed by seven days of trouble signal operation, and (iii)  
18 the monitored batteries meeting these specifications are clearly identified on the unit near the  
19 battery compartment.

20 Monitored□ shall mean the capability of the device to self monitor battery power  
21 sufficient to deliver the necessary power to transmit its signal or audible alarm when necessary  
22 and notify when the battery needs replacement.

23 Primary power system□ shall mean an alternating current (ac) plug-in with battery back  
24 up or ac primary power source with battery back up in compliance with NFPA and installed in  
25 accordance with Chapter 141 of the General Laws. (a) Notwithstanding any general or special  
26 law to the contrary every existing 1 or 2 family building or structure and every existing building  
27 or structure containing more than 1, but fewer than 6 dwelling units, occupied in whole or in part  
28 for residential purposes shall, upon sale or transfer of such building or structure, be equipped by  
29 the seller with approved smoke detectors in accordance with the rules and regulations of the  
30 board of fire prevention regulations. The head of the fire department shall inspect such building  
31 or structure at the time of sale or transfer for compliance with this section. (b) The rules and  
32 regulations of the Board of Fire Prevention Regulations, established in accordance with this  
33 section, may require the upgrade, installation or replacement of smoke detector devices based  
34 upon advances in smoke detection technology; provided, however that, in any building or  
35 dwelling unit constructed prior to January 1, 1975 which has not undergone an alteration or  
36 change of use since January 1, 1975 which would require it to comply with the smoke detector  
37 provisions of the State Building Code, the installation of an approved smoke detector shall be  
38 allowed; and, provided further, that the relocation or addition of any smoke detector device, or  
39 the relocation or addition of any power supply wire associated with such smoke detector, if such  
40 location, or wire location was installed in accordance with the requirements of the State Building  
41 Code in effect as of the date of such installation, shall not be required. (c) The head of the fire  
42 department shall enforce this section and to uniformly implement rules and regulations of the  
43 Board of Fire Prevention Regulations, established in accordance with this section, the Fire  
44 Marshall shall provide education and training to fire department heads or their designee(s). (d)  
45 Nothing in this section shall abrogate the authority of the state board of building regulations and  
46 standards to regulate smoke detector requirements for the construction of new buildings and for  
47 existing buildings undergoing repair, alteration, addition or change of use. Notwithstanding  
48 anything to the contrary contained herein, no city or town may enact any ordinance or order  
49 relating to a requirement for the installation of, or specification for, approved smoke detectors or  
50 their standards.

51 SECTION 2. Section 10A of said chapter 148, as so appearing, is hereby amended by  
52 striking out, in line 15, the figure 26Fâ€□ and inserting in place thereof the following figure:  
53 26D.

54           SECTION 3. Sections 26E and 26F of chapter 148 of the General Laws are hereby  
55 repealed.