

1 **dwelling.** (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,  
2 EVERY DWELLING UNIT OF AN EXISTING MULTI-FAMILY DWELLING OFFERED  
3 FOR SALE OR TRANSFER ON OR AFTER JULY 1, 2009, THAT HAS A  
4 FUEL-BURNING HEATER OR APPLIANCE, A FIREPLACE, OR AN ATTACHED  
5 GARAGE SHALL HAVE AN OPERATIONAL CARBON MONOXIDE ALARM  
6 INSTALLED WITHIN TEN FEET OF THE ENTRANCE TO EACH ROOM LAWFULLY  
7 USED FOR SLEEPING PURPOSES.

8 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EVERY  
9 DWELLING UNIT OF A MULTI-FAMILY DWELLING FOR WHICH A BUILDING  
10 PERMIT IS ISSUED FOR NEW CONSTRUCTION ON OR AFTER JULY 1, 2009,  
11 THAT HAS A FUEL-BURNING HEATER OR APPLIANCE, A FIREPLACE, OR AN  
12 ATTACHED GARAGE SHALL HAVE AN OPERATIONAL CARBON MONOXIDE  
13 ALARM INSTALLED WITHIN TEN FEET OF THE ENTRANCE TO EACH ROOM  
14 LAWFULLY USED FOR SLEEPING PURPOSES.

15 (3) NO PERSON SHALL REMOVE BATTERIES FROM, OR IN ANY WAY  
16 RENDER INOPERABLE, A CARBON MONOXIDE ALARM, EXCEPT AS PART OF  
17 A PROCESS TO INSPECT, MAINTAIN, REPAIR, OR REPLACE THE ALARM OR  
18 REPLACE THE BATTERIES IN THE ALARM.

19 **38-45-104. Carbon monoxide alarms in rental properties.**

20 (1) EXCEPT AS PROVIDED IN SUBSECTION (5) OF THIS SECTION, ANY  
21 SINGLE-FAMILY DWELLING OR DWELLING UNIT IN A MULTI-FAMILY  
22 DWELLING FOR WHICH A BUILDING PERMIT IS ISSUED FOR NEW  
23 CONSTRUCTION ON OR AFTER JULY 1, 2009, THAT IS USED FOR RENTAL  
24 PURPOSES SHALL BE SUBJECT TO THE REQUIREMENTS SPECIFIED IN  
25 SECTIONS 38-45-102 AND 38-45-103.

26 (2) EXCEPT AS PROVIDED IN SUBSECTION (5) OF THIS SECTION,  
27 EACH EXISTING SINGLE-FAMILY DWELLING OR EXISTING DWELLING UNIT IN

1 A MULTI-FAMILY DWELLING THAT IS USED FOR RENTAL PURPOSES THAT  
2 HAS A CHANGE IN TENANT OCCUPANCY ON OR AFTER JULY 1, 2009, SHALL  
3 BE SUBJECT TO THE REQUIREMENTS SPECIFIED IN SECTIONS 38-45-102 AND  
4 38-45-103.

5 (3) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE  
6 OWNER OF ANY RENTAL PROPERTY SPECIFIED IN SUBSECTIONS (1) AND (2)  
7 OF THIS SECTION SHALL:

8 (I) PRIOR TO THE COMMENCEMENT OF A NEW TENANT OCCUPANCY,  
9 REPLACE ANY CARBON MONOXIDE ALARM THAT WAS STOLEN, REMOVED,  
10 FOUND MISSING, OR FOUND NOT OPERATIONAL AFTER THE PREVIOUS  
11 OCCUPANCY;

12 (II) ENSURE THAT ANY BATTERIES NECESSARY TO MAKE THE  
13 CARBON MONOXIDE ALARM OPERATIONAL ARE PROVIDED TO THE TENANT  
14 AT THE TIME THE TENANT TAKES RESIDENCE IN THE DWELLING UNIT;

15 (III) REPLACE ANY CARBON MONOXIDE ALARM IF NOTIFIED BY A  
16 TENANT AS SPECIFIED IN PARAGRAPH (c) OF SUBSECTION (4) OF THIS  
17 SECTION THAT ANY CARBON MONOXIDE ALARM WAS STOLEN, REMOVED,  
18 FOUND MISSING, OR FOUND NOT OPERATIONAL DURING THE TENANT'S  
19 OCCUPANCY; AND

20 (IV) FIX ANY DEFICIENCY IN A CARBON MONOXIDE ALARM IF  
21 NOTIFIED BY A TENANT AS SPECIFIED IN PARAGRAPH (d) OF SUBSECTION (4)  
22 OF THIS SECTION.

23 (b) EXCEPT AS PROVIDED IN PARAGRAPH (a) OF THIS SUBSECTION  
24 (3), THE OWNER OF A SINGLE-FAMILY DWELLING OR DWELLING UNIT IN A  
25 MULTI-FAMILY DWELLING THAT IS USED FOR RENTAL PURPOSES IS NOT  
26 RESPONSIBLE FOR THE MAINTENANCE, REPAIR, OR REPLACEMENT OF A  
27 CARBON MONOXIDE ALARM OR THE CARE AND REPLACEMENT OF

1 BATTERIES FOR SUCH AN ALARM.

2 (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE  
3 TENANT OF ANY RENTAL PROPERTY SPECIFIED IN SUBSECTIONS (1) AND (2)  
4 OF THIS SECTION SHALL:

5 (a) KEEP, TEST, AND MAINTAIN ALL CARBON MONOXIDE ALARMS  
6 IN GOOD REPAIR;

7 (b) NOTIFY, IN WRITING, THE OWNER OF THE SINGLE-FAMILY  
8 DWELLING OR DWELLING UNIT OF A MULTI-FAMILY DWELLING, OR THE  
9 OWNER'S AUTHORIZED AGENT, IF THE BATTERIES OF ANY CARBON  
10 MONOXIDE ALARM NEED TO BE REPLACED;

11 (c) NOTIFY, IN WRITING, THE OWNER OF THE SINGLE-FAMILY  
12 DWELLING OR DWELLING UNIT OF A MULTI-FAMILY DWELLING, OR THE  
13 OWNER'S AUTHORIZED AGENT, IF ANY CARBON MONOXIDE ALARM IS  
14 STOLEN, REMOVED, FOUND MISSING, OR FOUND NOT OPERATIONAL DURING  
15 THE TENANT'S OCCUPANCY OF THE SINGLE-FAMILY DWELLING OR  
16 DWELLING UNIT IN THE MULTI-FAMILY DWELLING; AND

17 (d) NOTIFY, IN WRITING, THE OWNER OF THE SINGLE-FAMILY  
18 DWELLING OR DWELLING UNIT OF A MULTI-FAMILY DWELLING, OR THE  
19 OWNER'S AUTHORIZED AGENT, OF ANY DEFICIENCY IN ANY CARBON  
20 MONOXIDE ALARM THAT THE TENANT CANNOT CORRECT.

21 (5) NOTWITHSTANDING THE REQUIREMENTS OF SECTION 38-45-103  
22 (1) AND (2), SO LONG AS THERE IS A CENTRALIZED ALARM SYSTEM OR  
23 OTHER MECHANISM FOR A RESPONSIBLE PERSON TO HEAR THE ALARM AT  
24 ALL TIMES IN A MULTI-FAMILY DWELLING USED FOR RENTAL PURPOSES,  
25 SUCH MULTI-FAMILY DWELLING MAY HAVE AN OPERATIONAL CARBON  
26 MONOXIDE ALARM INSTALLED WITHIN TWENTY-FIVE FEET OF ANY  
27 FUEL-BURNING HEATER OR APPLIANCE, FIREPLACE, OR GARAGE.