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No

P.L. 2003, CHAPTER 44, *approved April 16, 2003*  
Senate Committee Substitute for  
Senate, Nos. 2069 and 2048

1 **AN ACT** concerning carbon monoxide detectors in certain single-  
2 family and two-family homes, amending P.L.1975, c.217 and  
3 amending and supplementing P.L.1999, c.15.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7

8 1. Section 1 of P.L.1999, c.15 (C.52:27D-133.3) is amended to  
9 read as follows:

10 1. a. In any case in which a change of occupancy of any dwelling  
11 unit in a building with fewer than three dwelling units is subject to a  
12 municipal ordinance requiring the issuance of a certificate of  
13 occupancy, certificate of inspection or other documentary certification  
14 of compliance with laws and regulations relating to the safety,  
15 healthfulness and upkeep of the premises, no such certificate shall  
16 issue until the officer or agency responsible for its issuance has  
17 determined that: (1) the dwelling unit is equipped with one or more  
18 carbon monoxide sensor devices, or (2) that there is no potential  
19 carbon monoxide hazard in the dwelling unit. Any such determination  
20 shall be made in accordance with rules adopted by the Commissioner  
21 of Community Affairs.

22 b. In the case of an initial occupancy or a change of occupancy of  
23 any dwelling unit in a building with fewer than three dwelling units to  
24 which the provisions of subsection a. of this section do not apply, no  
25 owner shall sell, lease or otherwise permit occupancy for residential  
26 purposes of that dwelling unit without first obtaining from the relevant  
27 enforcing agency under the "Uniform Fire Safety Act," P.L.1983,  
28 c.383 (C.52:27D-192 et seq.) a certificate indicating: (1) that the  
29 dwelling unit is equipped with one or more carbon monoxide sensor  
30 devices, or (2) that there is no potential carbon monoxide hazard in the  
31 dwelling unit. Any such determination shall be made in accordance  
32 with rules adopted by the Commissioner of Community Affairs.

33 c. The local governing body having jurisdiction over the enforcing  
34 agency or, where the Division of Fire Safety is the enforcing agency,  
35 the Commissioner of Community Affairs, may establish a fee which  
36 covers the cost of inspection and of issuance of the certificate;  
37 however, if an inspection is being made and a certificate is being issued  
38 evidencing compliance with section 2 of P.L.1991, c.92  
39 (C.52:27D-198.2), the fee authorized therein shall cover the costs of  
40 complying with this section.

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 d. For the purposes of this section:

2 "Carbon monoxide sensor device" means a carbon monoxide alarm  
3 or detector that bears the label of a nationally recognized testing  
4 laboratory, and has been tested and listed as complying with the most  
5 recent Underwriters Laboratories standard 2034 or its equivalent.

6 "Dwelling unit" means a structure, or a room or group of rooms  
7 within a structure, used or intended for use, in whole or in part, for  
8 residential purposes.

9 e An owner who sells, leases or otherwise permits occupancy of  
10 a dwelling unit without complying with the provisions of this section  
11 shall be subject to a fine of not more than \$100, which may be  
12 collected and enforced by the local enforcing agency by summary  
13 proceedings pursuant to "the penalty enforcement law," N.J.S.2A:58-1  
14 et seq.

15 f. This section shall [be inoperative until such time as the  
16 Commissioner of Community Affairs determines that this section, or  
17 any part thereof, shall] become operative [consistent with section 5  
18 of P.L.1999, c.15] on the 61st day after enactment of P.L. \_\_\_\_\_, c.  
19 (C. \_\_\_\_\_) (pending before the Legislature as this bill).  
20 (cf: P.L.1999, c.15, s.1)

21

22 2. Section 6 of P.L.1975, c.217 (C.52:27D-124) is amended to  
23 read as follows:

24 6. The commissioner shall have all the powers necessary or  
25 convenient to effectuate the purposes of this act, including, but not  
26 limited to, the following powers in addition to all others granted by  
27 this act:

28 a. To adopt, amend and repeal, after consultation with the code  
29 advisory board, rules: (1) relating to the administration and  
30 enforcement of this act and (2) the qualifications or licensing, or both,  
31 of all persons employed by enforcing agencies of the State to enforce  
32 this act or the code, except that, plumbing inspectors shall be subject  
33 to the rules adopted by the commissioner only insofar as such rules are  
34 compatible with such rules and regulations, regarding health and  
35 plumbing for public and private buildings, as may be promulgated by  
36 the Public Health Council in accordance with Title 26 of the Revised  
37 Statutes.

38 b. To enter into agreements with federal and State of New Jersey  
39 agencies, after consultation with the code advisory board, to provide  
40 insofar as practicable (1) single-agency review of construction plans  
41 and inspection of construction and (2) intergovernmental acceptance  
42 of such review and inspection to avoid unnecessary duplication of  
43 effort and fees. The commissioner shall have the power to enter into  
44 such agreements although the federal standards are not identical with  
45 State standards; provided that the same basic objectives are met. The  
46 commissioner shall have the power through such agreements to bind

1 the State of New Jersey and all governmental entities deriving  
2 authority therefrom.

3 c. To take testimony and hold hearings relating to any aspect of  
4 or matter relating to the administration or enforcement of this act,  
5 including but not limited to prospective interpretation of the code so  
6 as to resolve inconsistent or conflicting code interpretations, and, in  
7 connection therewith, issue subpoena to compel the attendance of  
8 witnesses and the production of evidence. The commissioner may  
9 designate one or more hearing examiners to hold public hearings and  
10 report on such hearings to the commissioner.

11 d. To encourage, support or conduct, after consultation with the  
12 code advisory board, educational and training programs for employees,  
13 agents and inspectors of enforcing agencies, either through the  
14 Department of Community Affairs or in cooperation with other  
15 departments of State government, enforcing agencies, educational  
16 institutions, or associations of code officials.

17 e. To study the effect of this act and the code to ascertain their  
18 effect upon the cost of building construction and maintenance, and the  
19 effectiveness of their provisions for insuring the health, safety, and  
20 welfare of the people of the State of New Jersey.

21 f. To make, establish and amend, after consultation with the code  
22 advisory board, such rules as may be necessary, desirable or proper to  
23 carry out his powers and duties under this act.

24 g. To adopt, amend, and repeal rules and regulations providing for  
25 the charging of and setting the amount of fees for the following code  
26 enforcement services, licenses or approvals performed or issued by the  
27 department, pursuant to the "State Uniform Construction Code Act:"

28 (1) Plan review, construction permits, certificates of occupancy,  
29 demolition permits, moving of building permits, elevator permits and  
30 sign permits; and

31 (2) Review of applications for and the issuance of licenses  
32 certifying an individual's qualifications to act as a construction code  
33 official, subcode official or assistant under this act.

34 (3) (Deleted by amendment, P.L.1983, c.338).

35 h. To adopt, amend and repeal rules and regulations providing for  
36 the charging of and setting the amount of construction permit  
37 surcharge fees to be collected by the enforcing agency and remitted to  
38 the department to support those activities which may be undertaken  
39 with moneys credited to the Uniform Construction Code Revolving  
40 Fund.

41 i. To adopt, amend and repeal rules and regulations providing for:

42 (1) Setting the amount of and the charging of fees to be paid to  
43 the department by a private agency for the review of applications for  
44 and the issuance of approvals authorizing a private agency to act as an  
45 on-site inspection and plan review agency or an in-plant inspection  
46 agency;

1 (2) The setting of the amounts of fees to be charged by a private  
2 agency for inspection and plan review services; provided, however,  
3 that such fees shall not be more than those adopted and charged by the  
4 department when it serves as a local enforcement agency pursuant to  
5 section 10 of P.L.1975, c.217 (C.52:27D-128); and

6 (3) The formulation of standards to be observed by a municipality  
7 in the evaluation of a proposal submitted by a private agency to  
8 provide inspection or plan review services within a municipality.

9 j. To enforce and administer the provisions of the "State Uniform  
10 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and  
11 the code promulgated thereunder, and to prosecute or cause to be  
12 prosecuted violators of the provisions of that act or the code  
13 promulgated thereunder in administrative hearings and in civil  
14 proceedings in State and local courts.

15 k. To monitor the compliance of local enforcing agencies with the  
16 provisions of the "State Uniform Construction Code Act," P.L.1975,  
17 c.217 (C.52:27D-119 et seq.), to order corrective action as may be  
18 necessary where a local enforcing agency is found to be failing to carry  
19 out its responsibilities under that act, to supplant or replace the local  
20 enforcing agency for a specific project, and to order it dissolved and  
21 replaced by the department where the local enforcing agency  
22 repeatedly or habitually fails to enforce the provisions of the "State  
23 Uniform Construction Code Act."

24 l. To adopt, amend and repeal rules and regulations implementing  
25 the provisions of P.L.1999, c.15 and P.L. , c. (pending before the  
26 Legislature as this bill concerning the installation and maintenance of  
27 carbon monoxide sensors.  
28 (cf: P.L.1999, c.15, s.4)

29  
30 3. (New section) Notwithstanding any provision of law, rule or  
31 regulation to the contrary, within two months of the effective date of  
32 P.L. , c. (C. ) (pending before the Legislature as this bill) the  
33 Commissioner of Community Affairs shall promulgate pursuant to the  
34 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)  
35 the rules and regulations necessary to effectuate this act.

36  
37 4. This act shall take effect immediately.  
38  
39  
40 \_\_\_\_\_  
41

42 Requires installation of carbon monoxide detectors in single and two-  
43 family homes upon initial occupancy or change of occupancy.

# SENATE, No. 2069

## STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED NOVEMBER 14, 2002

**Sponsored by:**

**Senator JOSEPH A. PALAIA**

**District 11 (Monmouth)**

**Senator BARBARA BUONO**

**District 18 (Middlesex)**

**Co-Sponsored by:**

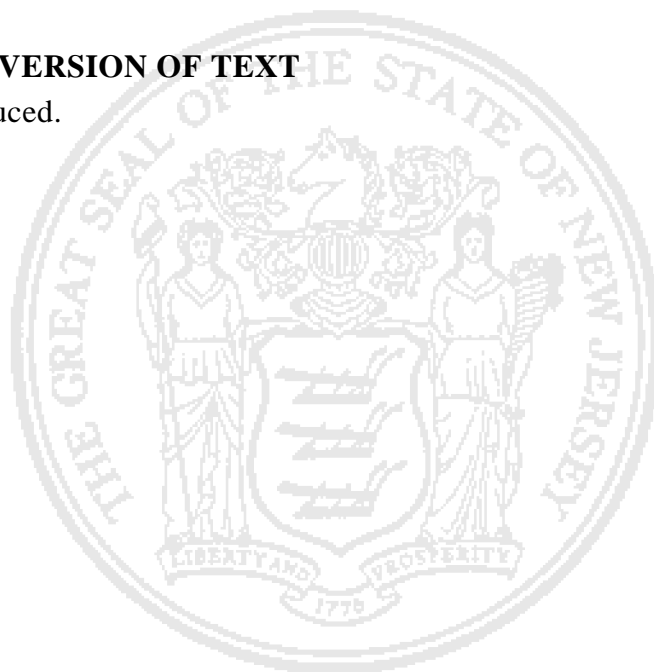
**Senators Matheussen, Bucco, Allen, Singer, McNamara, Kavanaugh,  
Cardinale, Lance, Connors and Cafiero**

**SYNOPSIS**

Requires installation of carbon monoxide detectors in single and two-family homes upon initial occupancy or change of occupancy.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning carbon monoxide detectors in certain single-  
2 family and two-family homes, amending P.L.1975, c.217 and  
3 amending and supplementing P.L.1999, c.15.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. Section 1 of P.L.1999, c.15 (C.52:27D-133.3) is amended to  
9 read as follows:

10 1. a. In any case in which a change of occupancy of any dwelling  
11 unit in a building with fewer than three dwelling units is subject to a  
12 municipal ordinance requiring the issuance of a certificate of  
13 occupancy, certificate of inspection or other documentary certification  
14 of compliance with laws and regulations relating to the safety,  
15 healthfulness and upkeep of the premises, no such certificate shall  
16 issue until the officer or agency responsible for its issuance has  
17 determined that: (1) the dwelling unit is equipped with one or more  
18 carbon monoxide sensor devices, or (2) that there is no potential  
19 carbon monoxide hazard in the dwelling unit. Any such determination  
20 shall be made in accordance with rules adopted by the Commissioner  
21 of Community Affairs.

22 b. In the case of an initial occupancy or a change of occupancy of  
23 any dwelling unit in a building with fewer than three dwelling units to  
24 which the provisions of subsection a. of this section do not apply, no  
25 owner shall sell, lease or otherwise permit occupancy for residential  
26 purposes of that dwelling unit without first obtaining from the relevant  
27 enforcing agency under the "Uniform Fire Safety Act," P.L.1983,  
28 c.383 (C.52:27D-192 et seq.) a certificate indicating: (1) that the  
29 dwelling unit is equipped with one or more carbon monoxide sensor  
30 devices, or (2) that there is no potential carbon monoxide hazard in the  
31 dwelling unit. Any such determination shall be made in accordance  
32 with rules adopted by the Commissioner of Community Affairs.

33 c. The local governing body having jurisdiction over the enforcing  
34 agency or, where the Division of Fire Safety is the enforcing agency,  
35 the Commissioner of Community Affairs, may establish a fee which  
36 covers the cost of inspection and of issuance of the certificate;  
37 however, if an inspection is being made and a certificate is being issued  
38 evidencing compliance with section 2 of P.L.1991, c.92  
39 (C.52:27D-198.2), the fee authorized therein shall cover the costs of  
40 complying with this section.

41 d. For the purposes of this section:

42 "Carbon monoxide sensor device" means a carbon monoxide alarm  
43 or detector that bears the label of a nationally recognized testing

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**Matter underlined thus is new matter.**



1 laboratory, and has been tested and listed as complying with the most  
2 recent Underwriters Laboratories standard 2034 or its equivalent.

3 "Dwelling unit" means a structure, or a room or group of rooms  
4 within a structure, used or intended for use, in whole or in part, for  
5 residential purposes.

6 e An owner who sells, leases or otherwise permits occupancy of  
7 a dwelling unit without complying with the provisions of this section  
8 shall be subject to a fine of not more than \$100, which may be  
9 collected and enforced by the local enforcing agency by summary  
10 proceedings pursuant to "the penalty enforcement law," N.J.S.2A:58-1  
11 et seq.

12 f. This section shall [be inoperative until such time as the  
13 Commissioner of Community Affairs determines that this section, or  
14 any part thereof, shall] become operative [consistent with section 5  
15 of P.L.1999, c.15] on the 61st day after enactment of P.L. \_\_\_\_\_, c.  
16 (C. \_\_\_\_\_) (pending before the Legislature as this bill).  
17 (cf: P.L.1999, c.15, s.1)

18  
19 2. Section 6 of P.L.1975, c.217 (C.52:27D-124) is amended to  
20 read as follows:

21 6. The commissioner shall have all the powers necessary or  
22 convenient to effectuate the purposes of this act, including, but not  
23 limited to, the following powers in addition to all others granted by  
24 this act:

25 a. To adopt, amend and repeal, after consultation with the code  
26 advisory board, rules: (1) relating to the administration and  
27 enforcement of this act and (2) the qualifications or licensing, or both,  
28 of all persons employed by enforcing agencies of the State to enforce  
29 this act or the code, except that, plumbing inspectors shall be subject  
30 to the rules adopted by the commissioner only insofar as such rules are  
31 compatible with such rules and regulations, regarding health and  
32 plumbing for public and private buildings, as may be promulgated by  
33 the Public Health Council in accordance with Title 26 of the Revised  
34 Statutes.

35 b. To enter into agreements with federal and State of New Jersey  
36 agencies, after consultation with the code advisory board, to provide  
37 insofar as practicable (1) single-agency review of construction plans  
38 and inspection of construction and (2) intergovernmental acceptance  
39 of such review and inspection to avoid unnecessary duplication of  
40 effort and fees. The commissioner shall have the power to enter into  
41 such agreements although the federal standards are not identical with  
42 State standards; provided that the same basic objectives are met. The  
43 commissioner shall have the power through such agreements to bind  
44 the State of New Jersey and all governmental entities deriving  
45 authority therefrom.

46 c. To take testimony and hold hearings relating to any aspect of or

1 matter relating to the administration or enforcement of this act,  
2 including but not limited to prospective interpretation of the code so  
3 as to resolve inconsistent or conflicting code interpretations, and, in  
4 connection therewith, issue subpoena to compel the attendance of  
5 witnesses and the production of evidence. The commissioner may  
6 designate one or more hearing examiners to hold public hearings and  
7 report on such hearings to the commissioner.

8 d. To encourage, support or conduct, after consultation with the  
9 code advisory board, educational and training programs for employees,  
10 agents and inspectors of enforcing agencies, either through the  
11 Department of Community Affairs or in cooperation with other  
12 departments of State government, enforcing agencies, educational  
13 institutions, or associations of code officials.

14 e. To study the effect of this act and the code to ascertain their  
15 effect upon the cost of building construction and maintenance, and the  
16 effectiveness of their provisions for insuring the health, safety, and  
17 welfare of the people of the State of New Jersey.

18 f. To make, establish and amend, after consultation with the code  
19 advisory board, such rules as may be necessary, desirable or proper to  
20 carry out his powers and duties under this act.

21 g. To adopt, amend, and repeal rules and regulations providing for  
22 the charging of and setting the amount of fees for the following code  
23 enforcement services, licenses or approvals performed or issued by the  
24 department, pursuant to the "State Uniform Construction Code Act:"

25 (1) Plan review, construction permits, certificates of occupancy,  
26 demolition permits, moving of building permits, elevator permits and  
27 sign permits; and

28 (2) Review of applications for and the issuance of licenses  
29 certifying an individual's qualifications to act as a construction code  
30 official, subcode official or assistant under this act.

31 (3) (Deleted by amendment, P.L.1983, c.338).

32 h. To adopt, amend and repeal rules and regulations providing for  
33 the charging of and setting the amount of construction permit  
34 surcharge fees to be collected by the enforcing agency and remitted to  
35 the department to support those activities which may be undertaken  
36 with moneys credited to the Uniform Construction Code Revolving  
37 Fund.

38 i. To adopt, amend and repeal rules and regulations providing for:

39 (1) Setting the amount of and the charging of fees to be paid to the  
40 department by a private agency for the review of applications for and  
41 the issuance of approvals authorizing a private agency to act as an  
42 on-site inspection and plan review agency or an in-plant inspection  
43 agency;

44 (2) The setting of the amounts of fees to be charged by a private  
45 agency for inspection and plan review services; provided, however,  
46 that such fees shall not be more than those adopted and charged by the

1 department when it serves as a local enforcement agency pursuant to  
2 section 10 of P.L.1975, c.217 (C.52:27D-128); and

3 (3) The formulation of standards to be observed by a municipality  
4 in the evaluation of a proposal submitted by a private agency to  
5 provide inspection or plan review services within a municipality.

6 j. To enforce and administer the provisions of the "State Uniform  
7 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and  
8 the code promulgated thereunder, and to prosecute or cause to be  
9 prosecuted violators of the provisions of that act or the code  
10 promulgated thereunder in administrative hearings and in civil  
11 proceedings in State and local courts.

12 k. To monitor the compliance of local enforcing agencies with the  
13 provisions of the "State Uniform Construction Code Act," P.L.1975,  
14 c.217 (C.52:27D-119 et seq.), to order corrective action as may be  
15 necessary where a local enforcing agency is found to be failing to carry  
16 out its responsibilities under that act, to supplant or replace the local  
17 enforcing agency for a specific project, and to order it dissolved and  
18 replaced by the department where the local enforcing agency  
19 repeatedly or habitually fails to enforce the provisions of the "State  
20 Uniform Construction Code Act."

21 1. To adopt, amend and repeal rules and regulations implementing  
22 the provisions of P.L.1999, c.15 and P.L. , c. (pending before the  
23 Legislature as this bill concerning the installation and maintenance of  
24 carbon monoxide sensors.

25 (cf: P.L.1999, c.15, s.4)

26

27 3. (New section) Notwithstanding any provision of law, rule or  
28 regulation to the contrary, within two months of the effective date of  
29 P.L. , c. (C. ) (pending before the Legislature as this bill) the  
30 Commissioner of Community Affairs shall promulgate pursuant to the  
31 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)  
32 the rules and regulations necessary to effectuate this act.

33

34 4. This act shall take effect immediately.

35

36

37

#### STATEMENT

38

39 This bill would make operative section 1 of P.L.1999, c.15,  
40 (C.52:27D-133.3), a provision of law that would require the  
41 installation of carbon monoxide sensor devices in single-family and  
42 two-family homes upon a change of occupancy or the initial occupancy  
43 of such homes. While P.L.1999, c.15 required that every unit of  
44 dwelling space in hotels, multiple dwellings and rooming and boarding  
45 houses which presented a potential carbon monoxide hazard be  
46 equipped with carbon monoxide sensor devices, the provision of law

**S2069 PALAIA, BUONO**

6

1 that would have extended this requirement to single-family and two-  
2 family homes has been held inoperative until such time as the  
3 Commissioner of Community Affairs determines that it should be made  
4 operative.

**SENATE, No. 2048**

**STATE OF NEW JERSEY**  
**210th LEGISLATURE**

INTRODUCED NOVEMBER 14, 2002

**Sponsored by:**

**Senator GARRY J. FURNARI**

**District 36 (Bergen, Essex and Passaic)**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Co-Sponsored by:**

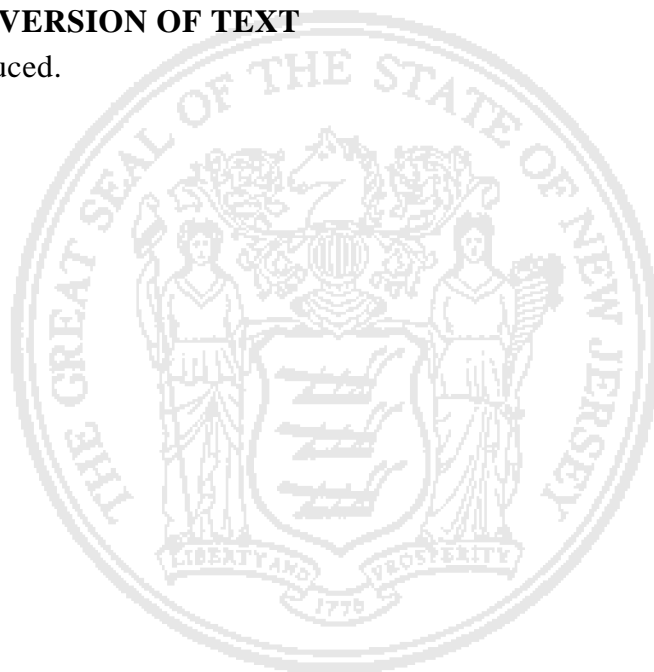
**Senator James**

**SYNOPSIS**

Requires carbon monoxide detectors in single- and two-family dwellings units.

**CURRENT VERSION OF TEXT**

As introduced.



S2048 FURNARI, VITALE

2

1 AN ACT requiring carbon monoxide detectors in certain dwelling  
2 units, and amending P.L.1999, c.15 and P.L.1975, c.217.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. Section 1 of P.L.1999, c.15 (C.52:27D-133.3) is amended to  
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11 municipal ordinance requiring the issuance of a certificate of  
12 occupancy, certificate of inspection or other documentary certification  
13 of compliance with laws and regulations relating to the safety,  
14 healthfulness and upkeep of the premises, no such certificate shall  
15 issue until the officer or agency responsible for its issuance has  
16 determined that: (1) the dwelling unit is equipped with one or more  
17 carbon monoxide sensor devices, or (2) that there is no potential  
18 carbon monoxide hazard in the dwelling unit. Any such determination  
19 shall be made in accordance with rules adopted by the Commissioner  
20 of Community Affairs.

21 b. In the case of an initial occupancy or a change of occupancy of  
22 any dwelling unit in a building with fewer than three dwelling units to  
23 which the provisions of subsection a. of this section do not apply, no  
24 owner shall sell, lease or otherwise permit occupancy for residential  
25 purposes of that dwelling unit without first obtaining from the relevant  
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28 dwelling unit is equipped with one or more carbon monoxide sensor  
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30 dwelling unit. Any such determination shall be made in accordance  
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32 c. The local governing body having jurisdiction over the enforcing  
33 agency or, where the Division of Fire Safety is the enforcing agency,  
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39 complying with this section.

40 d. For the purposes of this section:

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42 or detector that bears the label of a nationally recognized testing  
43 laboratory, and has been tested and listed as complying with the most

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 recent Underwriters Laboratories standard 2034 or its equivalent.

2 "Dwelling unit" means a structure, or a room or group of rooms  
3 within a structure, used or intended for use, in whole or in part, for  
4 residential purposes.

5 e. An owner who sells, leases or otherwise permits occupancy of  
6 a dwelling unit without complying with the provisions of this section  
7 shall be subject to a fine of not more than \$100, which may be  
8 collected and enforced by the local enforcing agency by summary  
9 proceedings pursuant to "the penalty enforcement law," N.J.S.2A:58-1  
10 et seq.

11 f. [This section shall be inoperative until such time as the  
12 Commissioner of Community Affairs determines that this section, or  
13 any part thereof, shall become operative consistent with section 5 of  
14 P.L.1999, c.15.] (Deleted by amendment, P.L.\_\_\_\_, c.\_\_\_\_)  
15 (cf: P.L.1999, c.15, s.1)

16

17 2. Section 6 of P.L.1975, c.217 (C.52:27D-124) is amended to  
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19 6. The commissioner shall have all the powers necessary or  
20 convenient to effectuate the purposes of this act, including, but not  
21 limited to, the following powers in addition to all others granted by  
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26 of all persons employed by enforcing agencies of the State to enforce  
27 this act or the code, except that, plumbing inspectors shall be subject  
28 to the rules adopted by the commissioner only insofar as such rules are  
29 compatible with such rules and regulations, regarding health and  
30 plumbing for public and private buildings, as may be promulgated by  
31 the Public Health Council in accordance with Title 26 of the Revised  
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33 b. To enter into agreements with federal and State of New Jersey  
34 agencies, after consultation with the code advisory board, to provide  
35 insofar as practicable (1) single-agency review of construction plans  
36 and inspection of construction and (2) intergovernmental acceptance  
37 of such review and inspection to avoid unnecessary duplication of  
38 effort and fees. The commissioner shall have the power to enter into  
39 such agreements although the federal standards are not identical with  
40 State standards; provided that the same basic objectives are met. The  
41 commissioner shall have the power through such agreements to bind  
42 the State of New Jersey and all governmental entities deriving  
43 authority therefrom.

44 c. To take testimony and hold hearings relating to any aspect of or  
45 matter relating to the administration or enforcement of this act,  
46 including but not limited to prospective interpretation of the code so

1 as to resolve inconsistent or conflicting code interpretations, and, in  
2 connection therewith, issue subpoena to compel the attendance of  
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4 designate one or more hearing examiners to hold public hearings and  
5 report on such hearings to the commissioner.

6 d. To encourage, support or conduct, after consultation with the  
7 code advisory board, educational and training programs for employees,  
8 agents and inspectors of enforcing agencies, either through the  
9 Department of Community Affairs or in cooperation with other  
10 departments of State government, enforcing agencies, educational  
11 institutions, or associations of code officials.

12 e. To study the effect of this act and the code to ascertain their  
13 effect upon the cost of building construction and maintenance, and the  
14 effectiveness of their provisions for insuring the health, safety, and  
15 welfare of the people of the State of New Jersey.

16 f. To make, establish and amend, after consultation with the code  
17 advisory board, such rules as may be necessary, desirable or proper to  
18 carry out his powers and duties under this act.

19 g. To adopt, amend, and repeal rules and regulations providing for  
20 the charging of and setting the amount of fees for the following code  
21 enforcement services, licenses or approvals performed or issued by the  
22 department, pursuant to the "State Uniform Construction Code Act:"

23 (1) Plan review, construction permits, certificates of occupancy,  
24 demolition permits, moving of building permits, elevator permits and  
25 sign permits; and

26 (2) Review of applications for and the issuance of licenses  
27 certifying an individual's qualifications to act as a construction code  
28 official, subcode official or assistant under this act.

29 (3) (Deleted by amendment, P.L.1983, c.338).

30 h. To adopt, amend and repeal rules and regulations providing for  
31 the charging of and setting the amount of construction permit  
32 surcharge fees to be collected by the enforcing agency and remitted to  
33 the department to support those activities which may be undertaken  
34 with moneys credited to the Uniform Construction Code Revolving  
35 Fund.

36 i. To adopt, amend and repeal rules and regulations providing for:  
37 (1) Setting the amount of and the charging of fees to be paid to the  
38 department by a private agency for the review of applications for and  
39 the issuance of approvals authorizing a private agency to act as an  
40 on-site inspection and plan review agency or an in-plant inspection  
41 agency;

42 (2) The setting of the amounts of fees to be charged by a private  
43 agency for inspection and plan review services; provided, however,  
44 that such fees shall not be more than those adopted and charged by the  
45 department when it serves as a local enforcement agency pursuant to  
46 section 10 of P.L.1975, c.217 (C.52:27D-128); and



1 (3) The formulation of standards to be observed by a municipality  
2 in the evaluation of a proposal submitted by a private agency to  
3 provide inspection or plan review services within a municipality.

4 j. To enforce and administer the provisions of the "State Uniform  
5 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and  
6 the code promulgated thereunder, and to prosecute or cause to be  
7 prosecuted violators of the provisions of that act or the code  
8 promulgated thereunder in administrative hearings and in civil  
9 proceedings in State and local courts.

10 k. To monitor the compliance of local enforcing agencies with the  
11 provisions of the "State Uniform Construction Code Act," P.L.1975,  
12 c.217 (C.52:27D-119 et seq.), to order corrective action as may be  
13 necessary where a local enforcing agency is found to be failing to carry  
14 out its responsibilities under that act, to supplant or replace the local  
15 enforcing agency for a specific project, and to order it dissolved and  
16 replaced by the department where the local enforcing agency  
17 repeatedly or habitually fails to enforce the provisions of the "State  
18 Uniform Construction Code Act."

19 l. To adopt, amend and repeal rules and regulations implementing  
20 the provisions of P.L.1999, c.15 and P.L. , c. (pending before the  
21 Legislature as this bill) concerning the installation and maintenance of  
22 carbon monoxide sensors.

23 (cf: P.L.1999, c.15, s.4)

24  
25 3. Notwithstanding the provisions of section 5 of P.L.1999, c.15,  
26 within 90 days of the effective date of P.L. , c. (pending before the  
27 Legislature as this bill), the Commissioner of Community Affairs,  
28 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
29 (C.52:14B-1 et seq.), shall promulgate rules and regulations necessary  
30 to effectuate section 1 of P.L.1999, c.15 (C.52:27D-133.3) as that  
31 section is amended by section 5 of P.L. , c. (pending before the  
32 Legislature as this bill).

33  
34 4. This act shall take effect immediately.

35  
36  
37 STATEMENT

38  
39 This bill would require the Commissioner of Community Affairs to  
40 promulgate regulations to effectuate the provisions of section 1 of  
41 P.L.1999, c.15, (C.52:27D-133.3), which requires single and two-  
42 family dwellings to be equipped with carbon monoxide detectors. This  
43 section of law has not been implemented because the law gave the  
44 Commissioner of Community Affairs the power to determine whether  
45 it should become operative, pursuant to the recommendations of a  
46 report by the Commissioner.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT  
COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 2069 and 2048**

**STATE OF NEW JERSEY**

DATED: FEBRUARY 3, 2003

The Assembly Housing and Local Government Committee reports favorably the Senate Bill Nos. 2069 and 2048 (SCS).

This committee substitute would make operative section 1 of P.L.1999, c.15, (C.52:27D-133.3), a provision of law that would require the installation of carbon monoxide sensor devices in single-family and two-family homes upon a change of occupancy or the initial occupancy of such homes. While P.L.1999, c.15 required that every unit of dwelling space in hotels, multiple dwellings and rooming and boarding houses which presented a potential carbon monoxide hazard be equipped with carbon monoxide sensor devices, the provision of law that would have extended this requirement to single-family and two-family homes has been held inoperative until such time as the Commissioner of Community Affairs determines that it should be made operative.

The Commissioner of Community Affairs has issued a rule proposal dated December 16, 2002, 34 N.J.R. 4277(a), which would make operative the installation requirement in new and existing single-family and two-family homes.

This substitute bill is identical to Assembly Committee Substitute for Assembly, Nos. 2998 and 3001, also reported by the committee on February 5, 2003.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, Nos. 2069 and 2048**

**STATE OF NEW JERSEY**

DATED: NOVEMBER 25, 2002

The Senate Community and Urban Affairs Committee reports favorably a Senate Committee Substitute for Senate Bill Nos. 2069 and 2048.

This committee substitute would make operative section 1 of P.L.1999, c.15, (C.52:27D-133.3), a provision of law that would require the installation of carbon monoxide sensor devices in single-family and two-family homes upon a change of occupancy or the initial occupancy of such homes. While P.L.1999, c.15 required that every unit of dwelling space in hotels, multiple dwellings and rooming and boarding houses which presented a potential carbon monoxide hazard be equipped with carbon monoxide sensor devices, the provision of law that would have extended this requirement to single-family and two-family homes has been held inoperative until such time as the Commissioner of Community Affairs determines that it should be made operative.

# ASSEMBLY, No. 2998

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## STATE OF NEW JERSEY

### 211th LEGISLATURE

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INTRODUCED JUNE 7, 2004

**Sponsored by:**

**Assemblyman FREDERICK SCALERA**

**District 36 (Bergen, Essex and Passaic)**

**Assemblyman JEFF VAN DREW**

**District 1 (Cape May, Atlantic and Cumberland)**

**Co-Sponsored by:**

**Assemblyman Wisniewski**

**SYNOPSIS**

Permits certain lights and horns on emergency service volunteers' vehicles.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 9/28/2004)**

A2998 SCALERA, VAN DREW

2

1 AN ACT concerning emergency warning lights and sirens of fire and  
2 first aid or rescue squad volunteers, amending P.L.1977, c.223 and  
3 P.L.1985, c.171.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7

8 1. Section 1 of P.L.1977, c.223 (C.39:3-54.7) is amended to read  
9 as follows:

10 1. An active member in good standing of a volunteer fire company  
11 or a volunteer first aid or rescue squad recognized by and rendering  
12 service in any municipality may display on any motor vehicle driven by  
13 him an emergency warning light or lights or an electronic horn,  
14 approved by the director, or both light or lights and electronic horn as  
15 provided in this act. The Director of Motor Vehicles shall not require  
16 the member to specify on which motor vehicles the emergency warning  
17 light or lights or the electronic horn may be mounted.

18 "Electronic horn" means a non-pneumatic, non-wavering electronic,  
19 audible warning device.

20 (cf: P.L.1995, c.37, s.1)

21

22 2. Section 2 of P.L.1977, c.223 (C.39:3-54.8) is amended to read  
23 as follows:

24 2. Emergency warning lights or an electronic horn may be operated  
25 only while the vehicle is being used in answering a fire or emergency  
26 call. Electronic horns shall be mounted and operated according to  
27 guidelines established by the director after consultation with the Office  
28 of Emergency Medical Services in the Department of Health and  
29 Senior Services and the Division of Fire Safety in the Department of  
30 Community Affairs.

31 (cf: P.L.1977, c.223, s.2)

32

33 3. Section 3 of P.L.1977, c.223 (C.39:3-54.9) is amended to read  
34 as follows:

35 3. Emergency warning lights shall be temporarily or permanently  
36 attached, removable lights of the flashing or revolving type, [ not more  
37 than 7 1/2 inches in diameter,] equipped with a blue lens and [a lamp  
38 of not more than 51 candlepower and shall be] controlled by a switch  
39 installed inside the vehicle or shall be blue of the light bar type, in  
40 accordance with the specifications prescribed by the director.

41 (cf: P.L.1979, c.71, s.2)

42

43 4. Section 4 of P.L.1977, c.223 (C.39:3-54.10) is amended to read

**EXPLANATION** - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 as follows:

2 4. No more than two emergency warning lights shall be installed on  
3 a vehicle. If one light is used it shall be installed in the center of the  
4 roof of the car, or on the left windshield column in a position where a  
5 spotlight is normally located, or on the front of the vehicle so that the  
6 top of the emergency warning light is no higher than the top of the  
7 vehicle's headlights, or in the center of the dashboard. It may be a low  
8 profile light bar of the strobe, halogen or incandescent type, or a  
9 combination thereof. If two lights are used they may be placed on the  
10 windshield columns on each side of the vehicle where spotlights are  
11 normally mounted, or on either side of the roof at the front of the  
12 vehicle directly back of the top of the windshield. Under no  
13 circumstances may one light be placed on the roof and one on the  
14 windshield column in the spotlight position.

15 (cf: P.L.1979, c.71, s.3)

16

17 5. Section 5 of P.L. 1977, c.223 (C.39:3-54.11) is amended to read  
18 as follows:

19 5. The Director of Motor Vehicles shall prepare suitable  
20 identification cards bearing the signature of the director which, upon  
21 the request of the mayor or chief executive officer of any municipality  
22 recognizing and being served by a volunteer fire company or a  
23 volunteer first aid or rescue squad on a form and in a manner  
24 prescribed by the director, shall be forwarded to the mayor or chief  
25 executive officer, to be countersigned and issued by the mayor or chief  
26 executive officer to the members in good standing of the volunteer fire  
27 company or first aid or rescue squad. Identification cards issued  
28 pursuant to this section shall be considered permits to display and  
29 operate emergency warning lights and electronic horns as provided for  
30 in this [act] article and shall apply to any motor vehicle driven by the  
31 member of a volunteer fire company or a volunteer first aid or rescue  
32 squad. Emergency warning lights and electronic horns shall not be  
33 mounted prior to the issuance of the identification cards. Each  
34 member of a volunteer fire company or a volunteer first aid or rescue  
35 squad must carry the identification card while an emergency warning  
36 light or lights and electronic horn are displayed on his vehicle.

37 (cf: P.L.1995, c.37, s.2)

38

39 6. Section 6 of P.L. 1977, c.223 (C.39:3-54.12) is amended to read  
40 as follows:

41 6. Nothing contained herein is intended to grant to any member of  
42 a volunteer fire company or a volunteer first aid or rescue squad any  
43 privileges or exemptions denied to the drivers of other vehicles, and  
44 such members displaying emergency warning lights and electronic  
45 horns shall drive with due regard for the safety of all persons and shall  
46 obey all the traffic laws of this State including R.S.39:4-81, provided,

1 however, that the drivers of non-emergency vehicles upon any highway  
2 shall yield the right of way to the vehicle of any member of a volunteer  
3 fire company or a volunteer first aid or rescue squad displaying  
4 emergency warning lights or an electronic horn in the same manner as  
5 is provided for authorized emergency vehicles pursuant to  
6 R.S.39:4-92.

7 (cf: P.L.1977, c.223, s.6)

8

9 7. Section 7 of P.L.1977, c.223 (C.39:3-54.13) is amended to read  
10 as follows:

11 7. Any person authorized to display emergency warning lights or  
12 an electronic horn pursuant to this act who wilfully displays or uses  
13 such emergency warning lights or an electronic horn in violation of the  
14 provisions of this act shall be liable to a penalty of not more than  
15 \$50.00 and his privilege to display such emergency warning lights or  
16 an electronic horn may be suspended or revoked by the Director of  
17 Motor Vehicles. A person who is not authorized to display emergency  
18 warning lights or an electronic horn who wilfully displays or uses such  
19 emergency warning lights or an electronic horn shall be liable to a  
20 penalty of not more than \$100.00.

21 (cf: P.L.1995, c.37, s.3)

22

23 8. Section 1 of P.L.1985, c.171 (C:39:3-54.15) is amended to read  
24 as follows:

25 1. An active chief or first assistant chief of a volunteer fire  
26 company, or the chief officer of a first aid squad, recognized by and  
27 rendering service in any municipality may display on a motor vehicle  
28 owned by him and registered in his name a red emergency warning  
29 light or lights, a siren, or both, as prescribed in [this act] P.L.1985,  
30 c.171 (C.39:3-54.15 et seq.). The size and type of lights and siren,  
31 and the location of their controls, shall be determined by the Director  
32 of the Division of Motor Vehicles.

33 (cf: P.L.1985, c.171, s.1)

34

35 9. This act shall take effect on the first day of the seventh month  
36 after enactment.

37

38

39

#### STATEMENT

40

41 This bill permits volunteer firefighters and members of first aid and  
42 rescue squads to install contemporary light bars and electronic horns  
43 on their vehicles. It would amend several sections of Title 39 to  
44 enable these volunteers to use blue light bars and "electronic horns"  
45 (non-pneumatic, non-wavering electronic audible warning devices) to  
46 better alert other motorists and pedestrians of their presence. The bill

1 removes the maximum diameter and candlepower limitations currently  
2 in the law.

3 The Director of the Division of Motor Vehicles (DMV) would be  
4 responsible for issuing specifications for the equipment. As is now the  
5 case with chiefs and first assistant chiefs, volunteers, including the  
6 chief officer of a first aid squad, could use the emergency warning  
7 lights or horns or both lights and horns. Lamps could be placed, for  
8 the first time, on the dashboard. Both the lights and horns could only  
9 be operated when the volunteer is answering a fire or emergency call  
10 and may not be used to go through red lights.

11 Identification cards prepared by DMV permitting the usage of this  
12 equipment would be issued to the volunteers by their mayor or other  
13 local chief executive officer. The newly authorized equipment could  
14 not be mounted until a volunteer received his identification card.

15 The existing penalty for displays or usage in violation of the act by  
16 those authorized to display such equipment is a \$50 fine and  
17 suspension or revocation of display privileges. Motorists displaying  
18 this equipment who are not so authorized would be fined up to \$100.



# ASSEMBLY, No. 3001

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## STATE OF NEW JERSEY

### 211th LEGISLATURE

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INTRODUCED JUNE 7, 2004

**Sponsored by:**

**Assemblyman JOSEPH AZZOLINA**

**District 13 (Middlesex and Monmouth)**

**SYNOPSIS**

Prohibits certain public officials from employing or advocating for employment of relatives in certain positions.

**CURRENT VERSION OF TEXT**

As introduced.



A3001 AZZOLINA

2

1 AN ACT concerning the employment of relatives of certain public  
2 officials and supplementing P.L.1991, c.29 (C.40A:9-22.1 et seq.)  
3 and Title 52 of the Revised Statutes.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7

8 1. a. As used in this section:

9 "Relative" means an elected official's spouse or domestic partner,  
10 or the official's or spouse's or domestic partner's parent, child, brother,  
11 sister, aunt, uncle, niece, nephew, grandparent, grandchild, son-in-law,  
12 daughter-in-law, brother-in-law, sister-in-law, first cousin, stepparent,  
13 stepchild, stepbrother, stepsister, half brother or half sister, whether  
14 the relative is related to the elected official or the official's spouse or  
15 domestic partner by blood, marriage or adoption.

16 b. (1) A county or municipal elected official shall not appoint,  
17 employ, promote, or advance, or advocate for the appointment,  
18 employment, promotion, or advancement, in or to a position in the  
19 office in which the county or municipal elected official is serving any  
20 individual who is a relative of the county or municipal elected official.  
21 An individual shall not be appointed, employed, promoted, or  
22 advanced in or to a position in an office if such appointment,  
23 employment, promotion, or advancement has been advocated by a  
24 county or municipal elected official, serving in that office, who is a  
25 relative of the individual.

26 (2) An individual appointed, employed, promoted, or advanced in  
27 violation of this section shall not be entitled to compensation or  
28 benefits, and public funds shall not be expended to provide an  
29 individual so appointed, employed, promoted, or advanced with  
30 compensation or benefits.

31 (3) Any relative of a county or municipal elected official who is  
32 employed as of the effective date of P.L. , c. (C. ) (now  
33 pending before the Legislature as this bill), but whose employment is  
34 prohibited by this section shall be released from employment within  
35 one year after the effective date of P.L. , c. (C. ) (now  
36 pending before the Legislature as this bill).

37 (4) The prohibitions in this section shall not apply to unpaid  
38 internships or volunteer work.

39

40 2. a. (1) A relative of the Governor shall not be employed in an  
41 office or position in the unclassified service of the civil service of the  
42 State in the Executive Branch of State Government.

43 (2) A relative of the commissioner or head of a principal department  
44 in the Executive Branch of State Government shall not be employed  
45 in an office or position in the unclassified service of the civil service of  
46 the State in the principal department over which the commissioner or

A3001 AZZOLINA

1 head of the principal department exercises authority, supervision, or  
2 control.

3 (3) A relative of an assistant or deputy commissioner or head of a  
4 principal department in the Executive Branch of State Government  
5 who is employed in an office or position in the unclassified service of  
6 the civil service of the State may be employed in the principal  
7 department in which the assistant or deputy commissioner or head  
8 serves, but shall not be assigned to a position over which the assistant  
9 or deputy commissioner or head exercises authority, supervision, or  
10 control.

11 (4) A relative of a head or assistant head of a division of a principal  
12 department in the Executive Branch of State government who is  
13 employed in an office or position in the unclassified service of the civil  
14 service of the State may be employed in the principal department in  
15 which the head or assistant head of a division serves, but shall not be  
16 assigned to a position over which the head or assistant head exercises  
17 authority, supervision, or control.

18 b. (1) A relative of an appointed member of a governing or  
19 advisory body of an independent authority, board, commission, agency  
20 or instrumentality of the State shall not be employed in an office or  
21 position in that independent authority, board, commission, agency or  
22 instrumentality.

23 (2) A relative of an appointed New Jersey member of a governing  
24 body of bi-state or multi-state agency shall not be employed in an  
25 office or position in that bi-state or multi-state agency, to the extent  
26 permitted by law.

27 c. As used in this section, "relative" means an individual's spouse  
28 or domestic partner, or the individual's or spouse's or domestic  
29 partner's parent, child, brother, sister, aunt, uncle, niece, nephew,  
30 grandparent, grandchild, son-in-law, daughter-in-law, brother-in-law,  
31 sister-in-law, first cousin, stepparent, stepchild, stepbrother, stepsister,  
32 half brother or half sister, whether the relative is related to the  
33 individual or the individual's spouse or domestic partner by blood,  
34 marriage or adoption.

35 d. An individual employed in violation of this section shall not be  
36 entitled to compensation or benefits, and public funds shall not be  
37 expended to provide an individual so employed with compensation or  
38 benefits.

39 e. Any relative who is employed as of the effective date of  
40 P.L. , c. (C. ) (now pending before the Legislature as this  
41 bill) but whose employment is prohibited by this section shall be  
42 released from employment within one year after the effective date of  
43 P.L. , c. (C. ) (now pending before the Legislature as this  
44 bill).

45 f. The prohibitions in this section shall not apply to unpaid  
46 internships or volunteer work.

1       3. This act shall take effect immediately.

2

3

4

STATEMENT

5

6       This bill would prohibit county and municipal elected officials from  
7 appointing, employing, promoting, or advancing, or advocating for the  
8 appointment, employment, promotion, or advancement, of a relative  
9 in or to a position in the office in which the county or municipal  
10 elected official is serving. The prohibitions in the bill do not apply to  
11 unpaid internships or volunteer work.

12       The bill would also prohibit certain individuals from being employed  
13 in certain positions in the unclassified service of the civil service. In  
14 a position in the unclassified service, a relative of the Governor may  
15 not be employed in the Executive Branch, a relative of a head of a  
16 principal department may not be employed in that department, and a  
17 relative of an assistant or deputy head or commissioner, or of a head  
18 or assistant head of a division, in a principal department may not be  
19 assigned to a position where he or she would be under the authority,  
20 supervision or control of the assistant or deputy head or commissioner,  
21 or head or assistant head of a division.

22       The bill also prohibits the employment of a relative of an appointed  
23 member of a governing body of an independent authority, board,  
24 commission, agency or instrumentality by that entity, as well as the  
25 employment of a relative of an appointed New Jersey member of a  
26 governing body of a bi-state or multi-state agency by that agency, to  
27 the extent permitted by law.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT  
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 2998 and 3001**

**STATE OF NEW JERSEY**

DATED: FEBRUARY 3, 2003

The Assembly Housing and Local Government Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 2998 and 3001.

This committee substitute would make operative section 1 of P.L.1999, c.15, (C.52:27D-133.3), a provision of law that would require the installation of carbon monoxide sensor devices in single-family and two-family homes upon a change of occupancy or the initial occupancy of such homes. While P.L.1999, c.15 required that every unit of dwelling space in hotels, multiple dwellings and rooming and boarding houses which presented a potential carbon monoxide hazard be equipped with carbon monoxide sensor devices, the provision of law that would have extended this requirement to single-family and two-family homes has been held inoperative until such time as the Commissioner of Community Affairs determines that it should be made operative.

The Commissioner of Community Affairs has issued a rule proposal dated December 16, 2002, 34 N.J.R. 4277(a), which would make operative the installation requirement in new and existing single-family and two-family homes.

This substitute bill is identical to Senate Committee Substitute for Senate Bill Nos. 2069 and 2048, also reported by the committee on February 3, 2003.