

LEGISLATIVE HISTORY CHECKLIST

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LAWS of 1999

CHAPTER: 14

NJSA:2C:29-3.1

(Injuring, killing law enforcement animals -- increase penalties)

BILL NO:A2196 (Substituted for S1269 - 1st Reprint)

SPONSOR(S):Corodemus and Talarico

DATE INTRODUCED: June 15, 1998

COMMITTEE:

*ASSEMBLY:*Law & Public Safety

SENATE:~~~~

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE:

*ASSEMBLY:*December 17, 1998

SENATE: January 12, 1999

DATE OF APPROVAL:February 3, 1999

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: *Yes*1st Reprint enacted

(Amendments during passage denoted by superscript numbers)

A511

SPONSORS STATEMENT: *Yes*

COMMITTEE STATEMENT:

*ASSEMBLY:**Yes*

*SENATE:**No*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

S1269

SPONSORS STATEMENT: *Yes*

COMMITTEE STATEMENT:

ASSEMBLY: *No*

SENATE: *Yes*

FLOOR AMENDMENT STATEMENTS:*No*

LEGISLATIVE FISCAL ESTIMATE: *No*

1st REPRINT (Final version):*Yes*

GOVERNOR'S ACTIONS

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *No*

THE FOLLOWING WERE PRINTED:

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REPORTS: *No*

HEARINGS: *No*

NEWSPAPER ARTICLES: *No*

P.L. 1999, CHAPTER 14, *approved February 3, 1999*
Assembly, No. 2196 (*First Reprint*)

1 AN ACT concerning the killing and injuring of animals used by law
2 enforcement agencies and amending P.L.1983, c.261.

3

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

6

7 1. Section 1 of P.L.1983, c.261 (C.2C:29-3.1) is amended to read
8 as follows:

9 1. Any person who purposely kills **[,]** a dog, horse or other
10 animal owned or used by a law enforcement agency shall be guilty of
11 a crime of the ¹**[second]** third¹ degree. Any person who purposely
12 maims or otherwise inflicts harm upon a dog, horse or other animal
13 owned or used by a law enforcement agency **[or]** shall be guilty of a
14 crime of the ¹**[third]** fourth¹ degree. Any person who interferes with
15 any law enforcement officer using an animal in the performance of his
16 official duties commits a disorderly persons offense, subject to a
17 sentence of six **[months']** months imprisonment, some or all of which
18 may be community service, restitution and a \$1,000.00 fine.
19 (cf: P.L.1983, c.261, s.1)

20

21 2. This act shall take effect immediately.

22

23

24

25

26 Upgrades penalties for killing or injuring animals used by law
27 enforcement agencies.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ALP committee amendments adopted September 14, 1998.

ASSEMBLY, No. 2196

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED JUNE 15, 1998

Sponsored by:

Assemblyman STEVE CORODEMUS

District 11 (Monmouth)

Assemblyman GUY F. TALARICO

District 38 (Bergen)

Co-Sponsored by:

**Assemblyman Arnone, Assemblywoman Farragher, Assemblymen
Thompson, Azzolina, T. Smith and Geist**

SYNOPSIS

Upgrades penalties for killing or injuring animals used by law enforcement agencies.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/30/1998)

A2196 CORODEMUS, TALARICO

2

1 AN ACT concerning the killing and injuring of animals used by law
2 enforcement agencies and amending P.L.1983, c.261.

3

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

6

7 1. Section 1 of P.L.1983, c.261 (C.2C:29-3.1) is amended to read
8 as follows:

9 1. Any person who purposely kills **[,]** a dog, horse or other
10 animal owned or used by a law enforcement agency shall be guilty of
11 a crime of the second degree. Any person who purposely maims or
12 otherwise inflicts harm upon a dog, horse or other animal owned or
13 used by a law enforcement agency **[or]** shall be guilty of a crime of
14 the third degree. Any person who interferes with any law enforcement
15 officer using an animal in the performance of his official duties
16 commits a disorderly persons offense, subject to a sentence of six
17 **[months']** months imprisonment, some or all of which may be
18 community service, restitution and a \$1,000.00 fine.

19 (cf: P.L.1983, c.261, s.1)

20

21 2. This act shall take effect immediately.

22

23

24

STATEMENT

25

26 This bill would upgrade the penalties for killing or injuring a dog,
27 horse or other animal owned or used by a law enforcement agency.

28 Under the provisions of the bill, any person who kills an animal
29 owned or used by a law enforcement agency is guilty of a crime of the
30 second degree. A crime of the second degree is punishable by a fine
31 of up to \$150,000, imprisonment for a term of five to 10 years, or
32 both.

33 A person who maims or inflicts harm on an animal owned or used
34 by a law enforcement agency would be guilty of a crime of the third
35 degree. A crime of the third degree is punishable by a fine of up to
36 \$15,000, imprisonment for a term of three to five years, or both.

37 Currently, a person who kills, maims or otherwise inflicts harm on
38 a law enforcement animal would be guilty of a disorderly persons
39 offense. A disorderly persons offense is punishable by a fine of up to
40 \$1,000, imprisonment for a term of up to six months (community
41 service may be substituted for some or all of the term of
42 imprisonment) and restitution.

43 The bill does not amend the provisions of the statute that apply to

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.

A2196 CORODEMUS, TALARICO

3

1 a person who interferes with a law enforcement officer who is using
2 an animal in the performance of his official duties. A person violating
3 this provision would continue to be guilty of a disorderly persons
4 offense.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2196

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 14, 1998

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 2196.

As amended by the committee, Assembly Bill No. 2196 upgrades the penalties for killing or injuring a dog, horse or other animal owned or used by a law enforcement agency.

Under the provisions of the bill as amended, any person who kills an animal owned or used by a law enforcement agency is guilty of a crime of the third degree. A third-degree crime is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both. A person who maims or inflicts harm on an animal owned or used by a law enforcement agency is guilty of a crime of the fourth degree. A fourth-degree crime is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both.

Currently, a person who kills, maims or otherwise inflicts harm on a law enforcement animal is guilty of a disorderly persons offense. A disorderly persons offense is punishable by a fine of up to \$1,000, a term of imprisonment of up to six months (community service may be substituted for some or all of the term of imprisonment) and restitution.

The bill does not amend the provisions of section 1 of P.L.1983, c.261 (C.2C:29-3.1) that apply to a person who interferes with a law enforcement officer who is using an animal in the performance of his official duties. A person violating this provision would continue to be guilty of a disorderly persons offense.

SENATE, No. 1269

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED JUNE 29, 1998

Sponsored by:

Senator JOSEPH A. PALAIA

District 11 (Monmouth)

Senator JOHN O. BENNETT

District 12 (Monmouth)

Co-Sponsored by:

Senators Ciesla, Matheussen, Martin, Kyrillos and Allen

SYNOPSIS

Upgrades penalties for killing or injuring animals used by law enforcement agencies.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/25/1998)

1 AN ACT concerning the killing and injuring of animals used by law
2 enforcement agencies and amending P.L.1983, c.261.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 1 of P.L.1983, c.261 (C.2C:29-3.1) is amended to read
8 as follows:

9 1. Any person who purposely kills **[,]** a dog, horse or other animal
10 owned or used by a law enforcement agency shall be guilty of a crime
11 of the second degree. Any person who purposely maims or otherwise
12 inflicts harm upon a dog, horse or other animal owned or used by a
13 law enforcement agency **[or]** shall be guilty of a crime of the third
14 degree. Any person who interferes with any law enforcement officer
15 using an animal in the performance of his official duties commits a
16 disorderly persons offense, subject to a sentence of six **[months']**
17 months imprisonment, some or all of which may be community service,
18 restitution and a \$1,000.00 fine.
19 (cf: P.L.1983, c.261, s.1)

20

21 2. This act shall take effect immediately.

22

23

24

STATEMENT

25

26 This bill would upgrade the penalties for killing or injuring a dog,
27 horse or other animal owned or used by a law enforcement agency.

28 Under the provisions of the bill, any person who kills an animal
29 owned or used by a law enforcement agency is guilty of a crime of the
30 second degree. A crime of the second degree is punishable by a fine
31 of up to \$150,000, imprisonment for a term of five to 10 years, or both.

32 A person who maims or inflicts harm on an animal owned or used
33 by a law enforcement agency would be guilty of a crime of the third
34 degree. A crime of the third degree is punishable by a fine of up to
35 \$15,000, imprisonment for a term of three to five years, or both.

36 Currently, a person who kills, maims or otherwise inflicts harm on
37 a law enforcement animal would be guilty of a disorderly persons
38 offense. A disorderly persons offense is punishable by a fine of up to
39 \$1,000, imprisonment for a term of up to six months (community
40 service may be substituted for some or all of the term of imprisonment)
41 and restitution.

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.

S1269 PALAIA, BENNETT

3

1 The bill does not amend the provisions of the statute that apply to
2 a person who interferes with a law enforcement officer who is using an
3 animal in the performance of his official duties. A person violating this
4 provision would continue to be guilty of a disorderly persons offense.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1269

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 23, 1998

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 1269.

As amended and released by the committee, this bill upgrades the penalties for killing or injuring a dog, horse or other animal owned or used by a law enforcement agency.

Under the provisions of the bill as amended, any person who kills an animal owned or used by a law enforcement agency is guilty of a crime of the third degree. A third-degree crime is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both. A person who maims or inflicts harm on an animal owned or used by a law enforcement agency is guilty of a crime of the fourth degree. A fourth-degree crime is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both.

Currently, a person who kills, maims or otherwise inflicts harm on a law enforcement animal is guilty of a disorderly persons offense. A disorderly persons offense is punishable by a fine of up to \$1,000, a term of imprisonment of up to six months (community service may be substituted for some or all of the term of imprisonment) and restitution.

The bill does not amend the provisions of section 1 of P.L.1983, c.261 (C.2C:29-3.1) that apply to a person who interferes with a law enforcement officer who is using an animal in the performance of his official duties. A person violating this provision would continue to be guilty of a disorderly persons offense.

As amended, this bill is identical to Assembly Bill No.2196 (1R).

[First Reprint]

SENATE, No. 1269

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED JUNE 29, 1998

Sponsored by:

Senator JOSEPH A. PALAIA

District 11 (Monmouth)

Senator JOHN O. BENNETT

District 12 (Monmouth)

Co-Sponsored by:

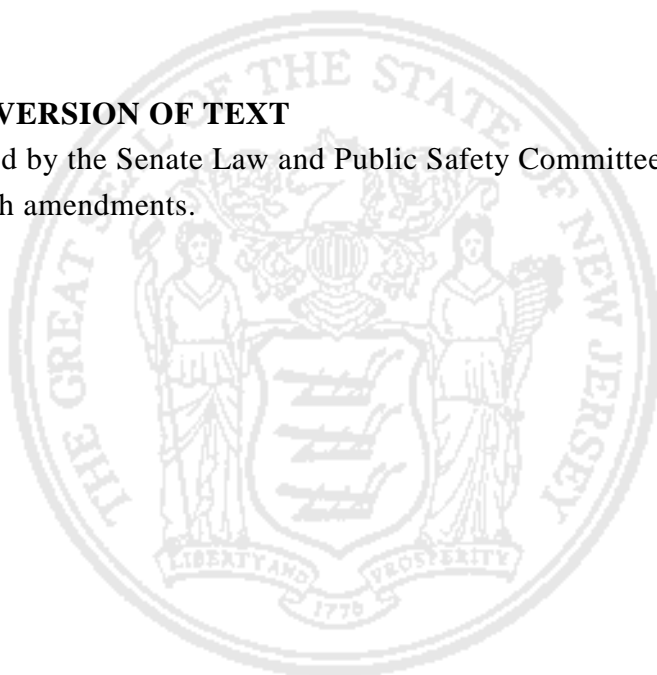
Senators Ciesla, Matheussen, Martin, Kyrillos, Allen, Sinagra, Singer and Bucco

SYNOPSIS

Upgrades penalties for killing or injuring animals used by law enforcement agencies.

CURRENT VERSION OF TEXT

As reported by the Senate Law and Public Safety Committee on November 23, 1998, with amendments.



(Sponsorship Updated As Of: 1/13/1999)

1 AN ACT concerning the killing and injuring of animals used by law
2 enforcement agencies and amending P.L.1983, c.261.

3

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

6

7 1. Section 1 of P.L.1983, c.261 (C.2C:29-3.1) is amended to read
8 as follows:

9 1. Any person who purposely kills **[,]** a dog, horse or other
10 animal owned or used by a law enforcement agency shall be guilty of
11 a crime of the ¹**[second]** ¹third¹ degree. Any person who purposely
12 maims or otherwise inflicts harm upon a dog, horse or other animal
13 owned or used by a law enforcement agency **[or]** shall be guilty of a
14 crime of the ¹**[third]** ¹fourth¹ degree. Any person who interferes with
15 any law enforcement officer using an animal in the performance of his
16 official duties commits a disorderly persons offense, subject to a
17 sentence of six **[months']** ¹months¹ imprisonment, some or all of which
18 may be community service, restitution and a \$1,000.00 fine.
19 (cf: P.L.1983, c.261, s.1)

20

21 2. This act shall take effect immediately.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SLP committee amendments adopted November 23, 1998.

§1 C. 52:27D-133.3
§2 C. 55:13A-7.17
§3 C. 55:13B-6.1
§5 T & E & Note To
§§1,2,3,6
§6 C. 52:27D-133.4

P.L. 1999, CHAPTER 15, *approved February 8, 1999*
Senate, No. 88 (*Second Reprint*)

1 AN ACT concerning carbon monoxide detectors in residential
2 structures and supplementing ²and amending² P.L.1975, c.217
3 (C.52:27D-119 et seq.) ²and supplementing P.L.1967, c.76
4 (C.55:13A-1 et seq.) and P.L.1979, c.496 (C.55:13B-1 et seq.)².

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

8
9 1. (New section) a. In any case in which a change of occupancy
10 of any dwelling unit ²in a building with fewer than three dwelling
11 units² is subject to a municipal ordinance requiring the issuance of a
12 certificate of occupancy, certificate of inspection or other documentary
13 certification of compliance with laws and regulations relating to the
14 safety, healthfulness and upkeep of the premises, no such certificate
15 shall issue until the ²[municipal]² officer or agency responsible for its
16 issuance has determined that ²:(1)² the ¹dwelling¹ unit is equipped
17 with ²[a]one or more² carbon monoxide sensor ²[device] devices, or
18 (2) that there is no potential carbon monoxide hazard in the dwelling
19 unit. Any such determination shall be made in accordance with rules
20 adopted by the Commissioner of Community Affairs² .

21 b. In the case of an initial occupancy or a change of occupancy of
22 any dwelling unit ²in a building with fewer than three dwelling units²
23 to which the provisions of subsection a. of this section do not apply,
24 no owner shall sell, lease or otherwise permit occupancy for residential
25 purposes of that dwelling unit without first obtaining from the relevant
26 enforcing agency under ²[the "State Uniform Construction Code Act,"
27 P.L.1975, c.217 (C.52:27D-119 et seq.) or]² the "Uniform Fire Safety
28 Act," P.L.1983, c.383 (C.52:27D-192 et seq.) ²[, as appropriate,]² a
29 certificate indicating ²:(1)² that the ¹dwelling¹ unit is equipped with
30 ²[a] one or more² carbon monoxide sensor ²[device] devices, or (2)
31 that there is no potential carbon monoxide hazard in the dwelling unit.
32 Any such determination shall be made in accordance with rules
33 adopted by the Commissioner of Community Affairs² .

34 c. The local governing body having jurisdiction over the enforcing

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate floor amendments adopted February 26, 1998.

² Senate amendments adopted in accordance with Governor's recommendations September 28, 1998.

1 agency or, where the Division of ²~~Codes and Standards~~ Fire Safety²
2 is the enforcing agency, the Commissioner of Community Affairs,
3 ¹~~shall~~ may¹ establish a fee which covers the cost of inspection and
4 of issuance of the certificate ¹~~unless~~ ; however, if¹ an inspection is
5 being made and a certificate is being issued evidencing compliance
6 with section 2 of P.L.1991, c.92 (C.52:27D-198.2), ¹~~in which case~~¹
7 the fee authorized therein shall cover the costs of complying with this
8 section.

9 d. For the purposes of this section:

10 "Carbon monoxide sensor device" means a ¹~~device~~ carbon
11 monoxide alarm or detector¹ that bears the label of a nationally
12 recognized testing laboratory, ¹~~and~~¹ has been tested and listed as
13 complying with the ¹~~standard UL~~ most recent Underwriters
14 Laboratories standard¹ 2034 or its equivalent¹, and has been
15 approved by the Division of Codes and Standards after consultation
16 with the Division of Fire Safety¹.

17 "Dwelling unit" means a structure, or a ²~~unit in~~room or group of
18 rooms within² a structure, used or intended for use, in whole or in
19 part, for residential purposes ²~~but shall not include:~~ ².

20 ²~~(1)~~ a dwelling unit that does not rely, in whole or in part, on the
21 combustion of wood or fossil fuel for heat, cooking, ventilation or hot
22 water, and is not sufficiently close to any ventilated source of carbon
23 monoxide, as determined in accordance with rules adopted by the
24 Department of Community Affairs, to receive carbon monoxide from
25 that source; or

26 (2) a dwelling unit that (a) is heated by steam, hot water or electric
27 heat, and (b) is not connected by ductwork or ventilation shafts to any
28 room containing a wood or fossil fuel-burning boiler or heater, and (c)
29 is not sufficiently close to any ventilated source of carbon monoxide,
30 as determined in accordance with rules adopted by the Department of
31 Community Affairs, to receive carbon monoxide from that source.

32 ¹~~"Equipped"~~ means centrally located outside of each separate
33 sleeping area in the immediate vicinity of the bedrooms.¹

34 "Ventilated source of carbon monoxide" includes, but is not limited
35 to, non-electric space heaters, ¹~~fire places~~ fireplaces¹, wood burning
36 stoves and attached garages.²

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

43 ²~~f.~~ This section shall be inoperative until such time as the
44 Commissioner of Community Affairs determines that this section, or
45 any part thereof, shall become operative consistent with section 5 of

1 P.L. , c. (C.) (pending before the Legislature as this bill).²

2

3 ²2. (New section) Every unit of dwelling space in a hotel and
4 multiple dwelling shall be equipped with one or more carbon monoxide
5 sensor devices that bear the label of a nationally recognized testing
6 laboratory and have been tested and listed as complying with the most
7 recent Underwriters Laboratories standard 2034, or its equivalent,
8 unless it is determined that no potential carbon monoxide hazard exists
9 for that unit. Any such installation or determination shall be made in
10 accordance with the rules promulgated by the Commissioner of
11 Community Affairs.²

12

13 ²3. (New section) Every unit of dwelling space in a rooming or
14 boarding house shall be equipped with one or more carbon monoxide
15 sensor devices that bear the label of a nationally recognized testing
16 laboratory and have been tested and listed as complying with the most
17 recent Underwriters Laboratories standard 2034, or its equivalent,
18 unless it is determined that no potential carbon monoxide hazard exists
19 for that unit. Any such installation or determination shall be made in
20 accordance with the rules promulgated by the Commissioner of
21 Community Affairs.²

22

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

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

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

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

1 commissioner shall have the power through such agreements to bind
2 the State of New Jersey and all governmental entities deriving
3 authority therefrom.

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

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

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

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

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

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

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

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

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

42 i. To adopt, amend and repeal rules and regulations providing for:
43 (1) Setting the amount of and the charging of fees to be paid to the
44 department by a private agency for the review of applications for and
45 the issuance of approvals authorizing a private agency to act as an
46 on-site inspection and plan review agency or an in-plant inspection

1 agency;

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

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

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

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

25 l. To adopt, amend and repeal rules and regulations concerning the
26 installation and maintenance of carbon monoxide sensors.²
27 (cf: P.L.1993, c.47)

28
29 ²5. (New section) a. During the first 18 months following the
30 adoption of regulations pursuant to section 6 of P.L. , c. (C.)
31 (pending before the Legislature as this bill), the Commissioner of
32 Community Affairs shall conduct a study to determine the impact of
33 sections 2 and 3 of P.L. , c. (C.) (pending before the Legislature
34 as this bill) and issue a report pursuant to subsection b. of this section.
35 The study shall consider public health needs, cost issues, the
36 effectiveness of current technology and such other issues as the
37 Commissioner deems appropriate to evaluate the effectiveness of
38 carbon monoxide devices used in hotels, multiple dwellings, and
39 rooming and boarding houses.

40 b. A report of the study's findings and determinations, including
41 whether section 1 of P.L. , c. (C.) (pending before the
42 Legislature as this bill), or any part thereof, shall become operative,
43 shall be submitted to the Governor, President of the Senate and
44 Speaker of the General Assembly upon the completion of the study
45 and report period established in subsection a. of this section.

46 c. Upon submission of the report to the Governor and the

1 Legislature, the Commissioner shall promulgate pursuant to the
 2 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)
 3 the rules and regulations necessary to effectuate the determinations
 4 contained in the report.²

5
 6 ²[2.] 6.² (New section) ¹[The] Within six months of the effective
 7 date of P.L. , c. (C.)(pending before the Legislature as this bill),
 8 the¹ Commissioner of Community Affairs shall promulgate pursuant
 9 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
 10 et seq.) the rules and regulations necessary to effectuate²sections 2
 11 and 3 of² ¹[this act] P.L. , c. (C.)(pending before the Legislature
 12 as this bill) which shall substantially comport with National Fire
 13 Protection Association 720, Recommended Practice for the
 14 Installation of Household Carbon Monoxide (CO) Warning
 15 Equipment¹.

16
 17 ²[3.] 7.² This act shall take effect ²[on the first day of the sixth
 18 month following enactment, except that section 2 shall take effect]²
 19 immediately.

20
 21
 22 _____
 23
 24 Requires carbon monoxide detectors to be installed in certain
 25 residential properties.

SENATE, No. 88

STATE OF NEW JERSEY 208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Senator JOSEPH A. PALAIA

District 11 (Monmouth)

Senator SHIRLEY K. TURNER

District 15 (Mercer)

SYNOPSIS

Requires carbon monoxide detectors to be installed in certain residential properties.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/11/1998)

1 AN ACT concerning carbon monoxide detectors in residential
2 structures and supplementing P.L.1975, c.217. (C.52:27D-119 et
3 seq.).

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

7
8 1. a. In any case in which a change of occupancy of any dwelling
9 unit is subject to a municipal ordinance requiring the issuance of a
10 certificate of occupancy, certificate of inspection or other documentary
11 certification of compliance with laws and regulations relating to the
12 safety, healthfulness and upkeep of the premises, no such certificate
13 shall issue until the municipal officer or agency responsible for its
14 issuance has determined that the unit is equipped with a carbon
15 monoxide sensor device .

16 b. In the case of an initial occupancy or a change of occupancy of
17 any dwelling unit to which the provisions of subsection a. of this
18 section do not apply, no owner shall sell, lease or otherwise permit
19 occupancy for residential purposes of that dwelling unit without first
20 obtaining from the relevant enforcing agency under the "State Uniform
21 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) or
22 the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et
23 seq.), as appropriate, a certificate indicating that the unit is equipped
24 with a carbon monoxide sensor device.

25 c. The local governing body having jurisdiction over the enforcing
26 agency or, where the Division of Codes and Standards is the enforcing
27 agency, the Commissioner of Community Affairs, shall establish a fee
28 which covers the cost of inspection and of issuance of the certificate
29 unless an inspection is being made and a certificate is being issued
30 evidencing compliance with section 2 of P.L.1991, c.92 (C.52:27D-
31 198.2), in which case the fee authorized therein shall cover the costs
32 of complying with this section.

33 d. For the purposes of this section:

34 "Carbon monoxide sensor device" means a device that bears the
35 label of a nationally recognized testing laboratory, has been tested and
36 listed as complying with the standard UL 2034 or its equivalent, and
37 has been approved by the Division of Codes and Standards after
38 consultation with the Division of Fire Safety.

39 "Dwelling unit" means a structure, or a unit in a structure, used or
40 intended for use, in whole or in part, for residential purposes but shall
41 not include:

42 (1) a dwelling unit that does not rely, in whole or in part, on the
43 combustion of wood or fossil fuel for heat, cooking, ventilation or hot
44 water, and is not sufficiently close to any ventilated source of carbon
45 monoxide, as determined in accordance with rules adopted by the
46 Department of Community Affairs, to receive carbon monoxide from

1 that source; or

2 (2) a dwelling unit that (a) is heated by steam, hot water or electric
3 heat, and (b) is not connected by ductwork or ventilation shafts to any
4 room containing a wood or fossil fuel-burning boiler or heater, and (c)
5 is not sufficiently close to any ventilated source of carbon monoxide,
6 as determined in accordance with rules adopted by the Department of
7 Community Affairs, to receive carbon monoxide from that source.

8 "Ventilated source of carbon monoxide" includes, but is not limited
9 to, non-electric space heaters, fire places, wood burning stoves and
10 attached garages.

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

17

18 2. The Commissioner of Community Affairs shall promulgate
19 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
20 (C.52:14B-1 et seq.) the rules and regulations necessary to effectuate
21 this act.

22

23 3. This act shall take effect on the first day of the sixth month
24 following enactment, except that section 2 shall take effect
25 immediately.

26

27

28

STATEMENT

29

30 This bill requires carbon monoxide sensor devices in certain
31 dwelling units. It requires that no municipal certificate of occupancy,
32 in the case of a change of occupancy of a dwelling unit, shall be issued
33 until the local officer or agency has determined that a carbon
34 monoxide sensor device is located in the unit. The bill also requires
35 that in the case of an initial occupancy or change of occupancy where
36 no certificate of occupancy is required, the owner of a dwelling unit
37 shall not sell, lease or otherwise permit occupancy for residential
38 purposes in that dwelling unit without first obtaining from the relevant
39 enforcing agency under the "State Uniform Construction Code Act,"
40 P.L.1975, c.217 (C.52:27D-119 et seq.) or the "Uniform Fire Safety
41 Act," P.L.1983, c.383 (C.52:27D-192 et seq.) a certificate indicating
42 that the unit is equipped with a carbon monoxide sensor device.

43

44 The enforcing agency is required by the bill to establish a fee to
cover the inspection cost and issuance of any required certification.

ASSEMBLY LOCAL GOVERNMENT AND HOUSING
COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. No. 88

STATE OF NEW JERSEY

DATED: JUNE 1, 1998

The Assembly Local Government and Housing committee reports favorably Senate Bill No. 88 (1R).

The bill would require the installation of a carbon monoxide sensor device upon a change of occupancy or the initial occupancy of certain dwelling units. The bill would apply to a dwelling unit unless it has no ventilated source of carbon monoxide.

The bill would effectively add the requirement that a dwelling unit must be equipped with a carbon monoxide sensor device as a condition prior to the issuance of a certificate of continued occupancy. In the case of the initial occupancy of a dwelling unit or the change of occupancy of a dwelling unit in a municipality that does not provide for a certificate of continued occupancy, the bill would prohibit the owner of a dwelling unit from selling, leasing or otherwise permitting occupancy for residential purposes in that dwelling unit without first obtaining from the relevant enforcing agency under the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) or the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.) a certificate indicating that the unit is equipped with a carbon monoxide sensor device.

The bill would define "carbon monoxide sensor device" as a device that bears the label of a nationally recognized testing laboratory and has been tested and listed as complying with the standard UL 2034 or its equivalent.

The bill would provide the enforcing agency with the authority to establish a fee to cover the inspection cost and issuance of any required certification. The bill would establish a fine of no more than \$100 to be imposed upon an owner who fails to comply with the bill's provisions.

The bill also requires the Commissioner of Community Affairs to promulgate pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) the rules and regulations necessary to effectuate the provisions of the bill, and requires that those regulations shall substantially comport with National Fire Protection Association

720, "Recommended Practice for the Installation of Household Carbon Monoxide (CO) Warning Equipment."

Senate Bill No. 88 (1R) is identical to the Assembly Committee Substitute for Assembly, Nos. 1684 and 1175, also reported by this committee on June 1, 1998.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 88

STATE OF NEW JERSEY

DATED: FEBRUARY 10, 1998

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 88.

This bill would require the installation of a carbon monoxide sensor device upon a change of occupancy or the initial occupancy of certain dwelling units. The bill would apply to a dwelling unit unless it has no ventilated source of carbon monoxide.

The bill would effectively add the requirement that a dwelling unit must be equipped with a carbon monoxide sensor device as a condition prior to the issuance of a certificate of continued occupancy. In the case of the initial occupancy of a dwelling unit or the change of occupancy of a dwelling unit in a municipality that does not provide for a certificate of continued occupancy, the bill would prohibit the owner of a dwelling unit from selling, leasing or otherwise permitting occupancy for residential purposes in that dwelling unit without first obtaining from the relevant enforcing agency under the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) or the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.) a certificate indicating that the unit is equipped with a carbon monoxide sensor device.

The bill would define "carbon monoxide sensor device" as a device that bears the label of a nationally recognized testing laboratory, has been tested and listed as complying with the standard UL 2034 or its equivalent, and has been approved for usage in this State by the Department of Community Affairs

The bill would provide the enforcing agency with the authority to establish a fee to cover the inspection cost and issuance of any required certification. The bill would establish a fine of no more than \$100 to be imposed upon an owner who fails to comply with the bill's provisions.

This bill was prefiled for introduction in the 1998 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

STATEMENT TO

SENATE, No. 88

with Senate Floor Amendments
(Proposed By Senator PALAIA)

ADOPTED: FEBRUARY 26, 1998

These amendments would clarify the provisions of the bill in order to better articulate the sponsor's intentions and to incorporate the most recent developments in the field of carbon monoxide detectors.

The amendments recognize that there have been changes to the UL 2034 standard for carbon monoxide detectors since the standard was originally adopted. While older detector models are still satisfactory to alert occupants of the presence of carbon monoxide, older models have been criticized for sounding before potentially life-threatening levels of carbon monoxide are reached, thus causing what may be perceived as unnecessary responses by rescue teams. Revisions to the UL 2034 standard contain stricter standards that a detector must meet before it can sound. Reference to the most recent UL 2034 standard in this amendment is intended to protect occupants from carbon monoxide while reducing the number of false alarms.

The amendments also recognize the issuance of a "Recommended Practice for the Installation of Household Carbon Monoxide (CO) Warning Equipment" by the National Fire Protection Association, NFPA 720 and require DCA rules and regulations to be based thereon. The amendments clarify that carbon monoxide sensor devices are to be located outside of each separate sleeping area in the immediate vicinity of the bedrooms, as recommended by NFPA 720. The amendments also require DCA to promulgate rules and regulations within six months of the bill's effective date.

[First Reprint]
SENATE, No. 88

STATE OF NEW JERSEY
208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Senator JOSEPH A. PALAIA

District 11 (Monmouth)

Senator SHIRLEY K. TURNER

District 15 (Mercer)

Co-Sponsored by:

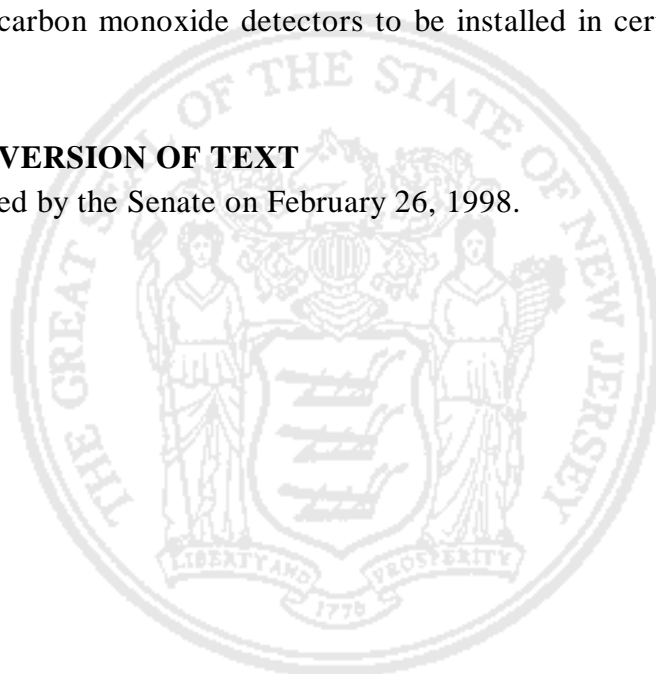
Assemblymen Biondi, Bateman, Assemblywomen Pou and Weinberg

SYNOPSIS

Requires carbon monoxide detectors to be installed in certain residential properties.

CURRENT VERSION OF TEXT

As amended by the Senate on February 26, 1998.



(Sponsorship Updated As Of: 6/26/1998)

1 AN ACT concerning carbon monoxide detectors in residential
2 structures and supplementing P.L.1975, c.217. (C.52:27D-119 et
3 seq.).

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

7
8 1. a. In any case in which a change of occupancy of any dwelling
9 unit is subject to a municipal ordinance requiring the issuance of a
10 certificate of occupancy, certificate of inspection or other documentary
11 certification of compliance with laws and regulations relating to the
12 safety, healthfulness and upkeep of the premises, no such certificate
13 shall issue until the municipal officer or agency responsible for its
14 issuance has determined that the ¹dwelling¹ unit is equipped with a
15 carbon monoxide sensor device .

16 b. In the case of an initial occupancy or a change of occupancy of
17 any dwelling unit to which the provisions of subsection a. of this
18 section do not apply, no owner shall sell, lease or otherwise permit
19 occupancy for residential purposes of that dwelling unit without first
20 obtaining from the relevant enforcing agency under the "State Uniform
21 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) or
22 the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et
23 seq.), as appropriate, a certificate indicating that the ¹dwelling¹ unit
24 is equipped with a carbon monoxide sensor device.

25 c. The local governing body having jurisdiction over the enforcing
26 agency or, where the Division of Codes and Standards is the enforcing
27 agency, the Commissioner of Community Affairs, ¹~~shall~~ may¹
28 establish a fee which covers the cost of inspection and of issuance of
29 the certificate ¹~~unless~~ : however, if¹ an inspection is being made and
30 a certificate is being issued evidencing compliance with section 2 of
31 P.L.1991, c.92 (C.52:27D-198.2), ¹~~in which case~~¹ the fee
32 authorized therein shall cover the costs of complying with this section.

33 d. For the purposes of this section:

34 "Carbon monoxide sensor device" means a ¹~~device~~ carbon
35 monoxide alarm or detector¹ that bears the label of a nationally
36 recognized testing laboratory, ¹~~and~~¹ has been tested and listed as
37 complying with the ¹~~standard UL~~ most recent Underwriters
38 Laboratories standard¹ 2034 or its equivalent¹, and has been
39 approved by the Division of Codes and Standards after consultation
40 with the Division of Fire Safety¹.

41 "Dwelling unit" means a structure, or a unit in a structure, used or

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate floor amendments adopted February 26, 1998.

1 intended for use, in whole or in part, for residential purposes but shall
2 not include:

3 (1) a dwelling unit that does not rely, in whole or in part, on the
4 combustion of wood or fossil fuel for heat, cooking, ventilation or hot
5 water, and is not sufficiently close to any ventilated source of carbon
6 monoxide, as determined in accordance with rules adopted by the
7 Department of Community Affairs, to receive carbon monoxide from
8 that source; or

9 (2) a dwelling unit that (a) is heated by steam, hot water or electric
10 heat, and (b) is not connected by ductwork or ventilation shafts to any
11 room containing a wood or fossil fuel-burning boiler or heater, and (c)
12 is not sufficiently close to any ventilated source of carbon monoxide,
13 as determined in accordance with rules adopted by the Department of
14 Community Affairs, to receive carbon monoxide from that source.

15 ¹"Equipped" means centrally located outside of each separate
16 sleeping area in the immediate vicinity of the bedrooms.¹

17 "Ventilated source of carbon monoxide" includes, but is not limited
18 to, non-electric space heaters, ¹**[fire places]** fireplaces¹, wood burning
19 stoves and attached garages.

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

26
27 2. ¹**[The]** Within six months of the effective date of P.L. , c.
28 (C.)(pending before the Legislature as this bill), the¹ Commissioner
29 of Community Affairs shall promulgate pursuant to the
30 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)
31 the rules and regulations necessary to effectuate ¹**[this act]** P.L. , c.
32 (C.)(pending before the Legislature as this bill) which shall
33 substantially comport with National Fire Protection Association 720,
34 Recommended Practice for the Installation of Household Carbon
35 Monoxide (CO) Warning Equipment¹.

36
37 3. This act shall take effect on the first day of the sixth month
38 following enactment, except that section 2 shall take effect
39 immediately.

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 1684 and 1175

STATE OF NEW JERSEY
208th LEGISLATURE

ADOPTED JUNE 1, 1998

Sponsored by:

Assemblyman PETER J. BIONDI

District 16 (Morris and Somerset)

Assemblyman CHRISTOPHER "KIP" BATEMAN

District 16 (Morris and Somerset)

Assemblywoman NELLIE POU

District 35 (Passaic)

Co-Sponsored by:

Assemblywoman Weinberg

SYNOPSIS

Requires carbon monoxide detectors to be installed in certain residential properties.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Local Government and Housing Committee.



1 AN ACT concerning carbon monoxide detectors in residential
2 structures and supplementing P.L.1975, c.217. (C.52:27D-119 et
3 seq.).

4

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

7

8 1. a. In any case in which a change of occupancy of any dwelling
9 unit is subject to a municipal ordinance requiring the issuance of a
10 certificate of occupancy, certificate of inspection or other documentary
11 certification of compliance with laws and regulations relating to the
12 safety, healthfulness and upkeep of the premises, no such certificate
13 shall issue until the municipal officer or agency responsible for its
14 issuance has determined that the dwelling unit is equipped with a
15 carbon monoxide sensor device .

16 b. In the case of an initial occupancy or a change of occupancy of
17 any dwelling unit to which the provisions of subsection a. of this
18 section do not apply, no owner shall sell, lease or otherwise permit
19 occupancy for residential purposes of that dwelling unit without first
20 obtaining from the relevant enforcing agency under the "State Uniform
21 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) or
22 the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et
23 seq.), as appropriate, a certificate indicating that the dwelling unit is
24 equipped with a carbon monoxide sensor device.

25 c. The local governing body having jurisdiction over the enforcing
26 agency or, where the Division of Codes and Standards is the enforcing
27 agency, the Commissioner of Community Affairs, may establish a fee
28 which covers the cost of inspection and of issuance of the certificate;
29 however, if an inspection is being made and a certificate is being issued
30 evidencing compliance with section 2 of P.L.1991, c.92 (C.52:27D-
31 198.2), the fee authorized therein shall cover the costs of complying
32 with this section.

33 d. For the purposes of this section:

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

38 "Dwelling unit" means a structure, or a unit in a structure, used or
39 intended for use, in whole or in part, for residential purposes but shall
40 not include:

41 (1) a dwelling unit that does not rely, in whole or in part, on the
42 combustion of wood or fossil fuel for heat, cooking, ventilation or hot
43 water, and is not sufficiently close to any ventilated source of carbon
44 monoxide, as determined in accordance with rules adopted by the
45 Department of Community Affairs, to receive carbon monoxide from
46 that source; or

1 (2) a dwelling unit that (a) is heated by steam, hot water or
2 electric heat, and (b) is not connected by ductwork or ventilation
3 shafts to any room containing a wood or fossil fuel-burning boiler or
4 heater, and (c) is not sufficiently close to any ventilated source of
5 carbon monoxide, as determined in accordance with rules adopted by
6 the Department of Community Affairs, to receive carbon monoxide
7 from that source.

8 "Equipped" means centrally located outside of each separate
9 sleeping area in the immediate vicinity of the bedrooms.

10 "Ventilated source of carbon monoxide" includes, but is not
11 limited to, non-electric space heaters, fire places fireplaces, wood
12 burning stoves and attached garages.

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

19

20 2. Within six months of the effective date of P.L. , c. (C.)
21 (pending before the Legislature as this bill), the Commissioner of
22 Community Affairs shall promulgate pursuant to the "Administrative
23 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) the rules and
24 regulations necessary to effectuate P.L. , c. (C.)(pending before
25 the Legislature as this bill) which shall substantially comport with
26 National Fire Protection Association 720, Recommended Practice for
27 the Installation of Household Carbon Monoxide (CO) Warning
28 Equipment.

29

30 3. This act shall take effect on the first day of the sixth month
31 following enactment, except that section 2 shall take effect
32 immediately.

ASSEMBLY LOCAL GOVERNMENT AND HOUSING
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 1684 and 1175

STATE OF NEW JERSEY

DATED: JUNE 1, 1998

The Assembly Local Government and Housing Committee reports favorably a Committee Substitute for Assembly Bill Nos. 1684 and 1175.

The Assembly Committee Substitute for Assembly, Nos. 1684 and 1175 would require the installation of a carbon monoxide sensor device upon a change of occupancy or the initial occupancy of certain dwelling units. The substitute would apply to a dwelling unit unless it has no ventilated source of carbon monoxide.

The substitute would effectively add the requirement that a dwelling unit must be equipped with a carbon monoxide sensor device as a condition prior to the issuance of a certificate of continued occupancy. In the case of the initial occupancy of a dwelling unit or the change of occupancy of a dwelling unit in a municipality that does not provide for a certificate of continued occupancy, the substitute would prohibit the owner of a dwelling unit from selling, leasing or otherwise permitting occupancy for residential purposes in that dwelling unit without first obtaining from the relevant enforcing agency under the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) or the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.) a certificate indicating that the unit is equipped with a carbon monoxide sensor device.

The substitute would define "carbon monoxide sensor device" as a device that bears the label of a nationally recognized testing laboratory and has been tested and listed as complying with the standard UL 2034 or its equivalent.

The substitute would provide the enforcing agency with the authority to establish a fee to cover the inspection cost and issuance of any required certification. The substitute would establish a fine of no more than \$100 to be imposed upon an owner who fails to comply with the substitute's provisions.

The substitute also requires the Commissioner of Community Affairs to promulgate pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) the rules and regulations

necessary to effectuate the provisions of the substitute, and requires that those regulations shall substantially comport with National Fire Protection Association 720, "Recommended Practice for the Installation of Household Carbon Monoxide (CO) Warning Equipment."

The substitute bill is identical to Senate Bill No. 88 (1R), also reported by this committee on June 1, 1998.