HOUSE DOCKET, NO. 628 FILED ON: 1/18/2011

HOUSE . . . . . No. 648

The Commonwealth of Massachusetts

PRESENTED BY:

John D. Keenan

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

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

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John D. Keenan	*7th Essex*
Colleen M. Garry	*36th Middlesex*
Denise Provost	*27th Middlesex*

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By Mr. Keenan of Salem, a petition (accompanied by bill, House, No. 648) of John D. Keenan, Colleen M. Garry and Denise Provost relative to the installation of approved smoke detectors in certain residential buildings and structures. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

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

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

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

Section 26D. For purposes of this section, the following terms shall have the following meanings:

"Approved smoke detector", shall mean a monitored battery power smoke detector device, fire warning system, primary power system, or combination appliance.

"Fire warning system", shall mean a low voltage or wireless fire warning system as defined in Section 1 of Chapter 141 of the General Laws in compliance with NFPA and installed in accordance with said chapter.

"Monitored battery power smoke detector device", shall be a smoke detector which is activated by a battery power source provided that the battery is monitored to assure that the following conditions are met:

(i) a distinctive audible trouble signal is given before the battery is incapable of operating the device for alarm purposes, and that such audible trouble signal is produced at least once every minute for seven consecutive days, and

(ii) the unit is capable of producing an alarm signal for at least four continuous minutes at the battery voltage at which a trouble signal is normally obtained followed by seven days of trouble signal operation, and

20 (iii) the monitored batteries meeting these specifications are clearly identified on the unit
21 near the battery compartment.

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

25 "Primary power system" shall mean an alternating current (ac) plug-in with battery back
26 up or ac primary power source with battery back up in compliance with NFPA and installed in
27 accordance with Chapter 141 of the General Laws.

28 (a) Notwithstanding any general or special law to the contrary and without regard to the
29 date of construction, every existing 1 or 2 family building or structure and every existing
30 building or structure containing more than 1, but fewer than 6 dwelling units, occupied in whole
31 or in part for residential purposes shall, upon sale or transfer of such building or structure, be
32 equipped by the seller with approved smoke detectors in accordance with the rules and
33 regulations of the board of fire prevention regulations. The head of the fire department shall
34 inspect such building or structure at the time of sale or transfer for compliance with this section.

35 (b) The rules and regulations of the Board of Fire Prevention Regulations, established
36 in accordance with this section, may require the upgrade, installation or replacement of smoke
37 detector devices based upon advances in smoke detection technology; provided, however that, in
38 any building or dwelling unit constructed prior to January 1, 1975 which has not undergone an
39 alteration or change of use since January 1, 1975 which would require it to comply with the
40 smoke detector provisions of the State Building Code, the installation of an approved smoke
41 detector shall be allowed; and, provided further, that the relocation or addition of any smoke
42 detector device, or the relocation or addition of any power supply wire associated with such
43 smoke detector, if such location, or wire location was installed in accordance with the
44 requirements of the State Building Code in effect as of the date of such installation, shall not be
45 required.

46 (c) The head of the fire department shall enforce this section and to uniformly implement
47 rules and regulations of the Board of Fire Prevention Regulations, established in accordance with
48 this section, the Fire Marshall shall provide education and training to fire department heads or
49 their designee(s).

50 (d) Nothing in this section shall abrogate the authority of the state board of building
51 regulations and standards to regulate smoke detector requirements for the construction of new
52 buildings and for existing buildings undergoing repair, alteration, addition or change of use.
53 Notwithstanding anything to the contrary contained herein, no city or town may enact any
54 ordinance or order relating to a requirement for the installation of, or specification for, approved
55 smoke detectors or their standards.

56 SECTION 2. Section 10A of said chapter 148, as so appearing, is hereby amended by
57 striking out, in line 15, the figure “26F” and inserting in place thereof the following figure: 26D.

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