

SENATE No. 01251

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

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

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

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

PETITION OF:

NAME:

James E. Timilty

DISTRICT/ADDRESS:

Bristol and Norfolk

SENATE No. 01251

By Mr. Timilty, petition (accompanied by bill, Senate, No. 1251) of Timilty for legislation relative to the installation of approved smoke detectors in certain residential buildings and structures [Joint Committee on Public Safety and Homeland Security].

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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

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

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

4 Section 26D. (a) Notwithstanding any general or special law to the contrary and
5 without regard to the date of construction, every existing 1 or 2 family building or structure and
6 every existing building or structure containing more than 1, but fewer than 6 dwelling units,
7 occupied in whole or in part for residential purposes shall, upon sale or transfer of such building
8 or structure, be equipped by the seller with approved smoke detectors in accordance with the
9 rules and regulations of the board of fire prevention regulations. The head of the fire department
10 shall inspect such building or structure at the time of sale or transfer for compliance with this
11 section.

12 (b) The rules and regulations of the Board of Fire Prevention Regulations, established
13 in accordance with this section, may require the upgrade, installation or replacement of smoke
14 detector devices based upon advances in smoke detection technology; provided, however that, in
15 any building or dwelling unit constructed prior to January 1, 1975 which has not undergone an
16 alteration or change of use since January 1, 1975 which would require it to comply with the
17 smoke detector provisions of the State Building Code, the installation of approved monitored
18 battery power smoke detectors shall be allowed; and, provided further, that the relocation or
19 addition of any smoke detector device or the relocation or addition of any power supply wire
20 associated with such smoke detector device, if such device location or wire location was installed
21 in accordance with the requirements of the State Building Code in effect as of the date of such
22 installation, shall not be required.

23 For purposes of this section, "Approved monitored battery power smoke detector",
24 shall be a smoke detector which is activated by a battery power source provided that the battery
25 is monitored to assure that the following conditions are met:

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

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

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

34 (c) The head of the fire department shall enforce this section.

35 (d) Nothing in this section shall abrogate the authority of the state board of building
36 regulations and standards to regulate smoke detector requirements for the construction of new
37 buildings and for existing buildings undergoing repair, alteration, addition or change of use.

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

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