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*** Effective Immediately: Smoke and CO Detectors Law Change**

EFFECTIVE IMMEDIATELY - SMOKE AND CO DETECTORS LAW CHANGE: Governor Baldacci has signed into law LD 1497 as amended by Committee amendment "A" and House amendment "A". It is an emergency enactment, so it goes into effect immediately. It amends the smoke and carbon monoxide detector law which passed last year as Public Law 162, and which went into effect as to part on September 12, 2009 and part (impacting closings) on October 31, 2009.

There are numerous changes to the prior law and more information will be coming from the State Fire Marshall's office in the near future. There is a new certification form [link posted at <http://mainerealtors.com>], and a new FAQ document [not yet finalized]. Since the law is now in effect the most compelling change for our members is that unless previously required to be there, smoke and carbon monoxide detectors do not need to be placed in the home being purchased by the buyer before closing. Previously required detectors would be both types (smoke and CO) in multi family buildings, and smoke detectors for any homes built since 1981 (or with a rehab adding bedrooms or a conversion to a residence since 1985), and carbon monoxide detectors for any homes built or converted or rehabbed and adding bedrooms since September 12, 2009. In these previously required instances, the seller should already have the appropriate detectors in place.

The new law requires the purchaser to sign a certification at closing which states that the appropriate detectors will be installed by them within 30 days of acquisition or occupancy of the dwelling, whichever is later. The language from the statute is as follows:

"10. Transfer of dwelling. A person who, after October 31, 2009, acquires by sale or exchange a single-family dwelling or a multiapartment building shall install smoke detectors in the acquired dwelling within 30 days of acquisition or occupancy of the dwelling, whichever is later, if smoke detectors are not already present, and shall certify at the closing of the transaction that the purchaser will make the proper installation. This certification must be signed and dated by the purchaser. The smoke detectors must be installed in accordance with the manufacturer's requirements at the time of installation. The smoke detectors must be powered by the electrical service in the building or by battery. A person may not have a claim for relief against a property owner, a property purchaser, an authorized agent of a property owner or purchaser, a person in possession of real property, a closing agent or a lender for any damages resulting from the operation, maintenance or effectiveness of a smoke detector. Violation of this subsection does not create a defect in title."

For carbon monoxide detectors, the language is almost the same, although the location of the detectors is specified, and the detector must be powered both by the electrical service (plug-in is ok) and by battery back-up. The language from the statute is as follows:

"6. Transfer of dwelling. A person who, after October 31, 2009, acquires by sale or exchange a single-family dwelling or a multiapartment building shall install carbon monoxide detectors in the acquired dwelling within 30 days of acquisition or occupancy of the dwelling, whichever is later, if carbon monoxide detectors are not already present, and shall certify at the closing of the transaction that the purchaser will make the proper installation. This certification must be signed and dated by the purchaser. The carbon monoxide detectors must be installed in accordance with the manufacturer's requirements at the time of installation in each area within, or giving access to, bedrooms and must be powered both by the electrical service in the dwelling or building and by battery. A person may not have a claim for relief against a property owner, a property purchaser, an authorized agent of a property owner or purchaser, a person in possession of real property, a closing agent, or a lender for any damages resulting from the operation, maintenance or effectiveness of a carbon monoxide detector. Violation of this subsection does not create a defect in title."