

**SENATE . . . . . No. 1251**

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**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 adoption 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:

**SENATE . . . . . No. 1251**

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

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**The Commonwealth of Massachusetts**

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

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

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

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

32 (iii) the monitored batteries meeting these specifications are clearly  
33 identified on the 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  
36 building regulations and standards to regulate smoke detector requirements for the construction  
37 of new buildings and for existing buildings undergoing repair, alteration, addition or change of  
38 use.

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

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