

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1115 Session of  
2024

INTRODUCED BY MUTH, BREWSTER, FONTANA, HAYWOOD, SCHWANK AND  
COSTA, MARCH 28, 2024

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, MARCH 28, 2024

AN ACT

1 Amending Title 58 (Oil and Gas) of the Pennsylvania Consolidated  
2 Statutes, in utilization, providing for combustible gas  
3 detectors; and imposing a penalty.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 58 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 37

9 COMBUSTIBLE GAS DETECTORS

10 Sec.

11 3701. Scope of chapter.

12 3702. Definitions.

13 3703. Fuel gas detector required.

14 3704. Residential rental units.

15 3705. Transfer of building.

16 3706. Noninterference.

17 3707. Construction.

18 3708. Enforcement.

1 § 3701. Scope of chapter.

2 This chapter relates to combustible gas detectors.

3 § 3702. Definitions.

4 The following words and phrases when used in this chapter  
5 shall have the meanings given to them in this section unless the  
6 context clearly indicates otherwise:

7 "Assembly occupancy." An assembly occupancy classification  
8 consistent with the provisions of the Uniform Construction Code.

9 "Business occupancy." The business occupancy classification  
10 consistent with the provisions of the Uniform Construction Code.

11 "Child care." Care in lieu of parental care given for part  
12 of the day to a child under 16 years of age away from the  
13 child's own home. The term does not include child care furnished  
14 in a place of worship during religious services.

15 "Child-care facility." Any of the following:

16 (1) A premises in which child care is provided for a  
17 period exceeding 24 hours for a child under 16 years of age  
18 who is not a relative of the operator and is not accompanied  
19 by a parent, individual standing in loco parentis or legal  
20 guardian. The term does not include a premises selected for  
21 care of a child by a parent, loco parentis or legal guardian  
22 for a period of 30 days or less or a facility operated under  
23 social service auspices.

24 (2) A premises in which child care is provided  
25 simultaneously for seven or more children who are not  
26 relatives of the operator, except a facility operated under  
27 social service auspices.

28 (3) A home where child care is provided at any time to  
29 no less than four children and no more than six children who  
30 are not relatives of the caregiver.

1       (4) A nursery school that is licensed and regulated by  
2       the Commonwealth.

3       "Dormitory." A building that contains one or more housing  
4       units owned or leased by an institution of higher education and  
5       is used as a residence by the students of that institution.

6       "Fuel gas detector." A device that meets all of the  
7       following requirements:

8           (1) Has an assembly that incorporates a sensor control  
9           component and an alarm notification that detects elevations  
10          in propane, natural gas or any liquefied petroleum gas.

11          (2) Sounds a warning alarm.

12          (3) Is approved or listed for the purpose specified in  
13          paragraph (2) by a nationally recognized independent testing  
14          laboratory.

15       "Housing unit." A room or suite of two or more rooms  
16       occupied, leased for occupation or intended or designed to be  
17       occupied as a residence by the students of an institution of  
18       higher education.

19       "Install." To attach a fuel gas detector to a wall or  
20       ceiling and:

21           (1) hard-wire the fuel gas detector into electrical  
22           wiring;

23           (2) directly plug the fuel gas detector into an  
24           electrical outlet without a switch, other than a circuit  
25           breaker; or

26           (3) if the fuel gas detector is battery-powered, place  
27           fully charged batteries into the fuel gas detector.

28       "Lodging establishment." As follows:

29           (1) Any of the following:

30           (i) A hotel, motel, inn, guest house or other

1 structure held out by any means, including advertising,  
2 license, registration with an innkeepers' group,  
3 convention listing association, travel publication or  
4 similar association or with a government agency, as being  
5 available to provide overnight lodging or use of facility  
6 space for consideration to persons seeking temporary  
7 accommodation.

8 (ii) A place that advertises beds, sanitary  
9 facilities or other space for a temporary period to  
10 members of the public at large.

11 (iii) A place recognized as a hostelry.

12 (2) The term includes any portion of a facility devoted  
13 to a person who pays consideration to occupy one or more  
14 units as an established permanent residence.

15 "Mercantile occupancy." The mercantile occupancy  
16 classification consistent with the provisions of the Uniform  
17 Construction Code.

18 "Multifamily dwelling." A house or building, or a portion of  
19 a house or building, intended or designed to be occupied or  
20 leased for occupation, or occupied as a home or residence for  
21 three or more households living and cooking in separate  
22 apartments.

23 "Residential building." Detached one-family and two-family  
24 dwellings and multiple single-family dwellings not more than  
25 three stories in height with a separate means of egress,  
26 including accessory structures.

27 "Uniform Construction Code." The Uniform Construction Code  
28 adopted at 34 Pa. Code § 403.21 (relating to uniform  
29 construction code) under the authority granted in the act of  
30 November 10, 1999 (P.L.491, No.45), known as the Pennsylvania

1 Construction Code Act.

2 § 3703. Fuel gas detector required.

3 (a) Duty of owner to install.--

4 (1) An owner of any of the following buildings shall  
5 install, or cause to be installed, in accordance with the  
6 manufacturer's requirements, at least one approved fuel gas  
7 detector in every room containing an appliance fueled by  
8 propane, natural gas or any liquefied petroleum gas:

9 (i) A residential building.

10 (ii) Each unit in a multifamily dwelling.

11 (iii) A dormitory.

12 (iv) A child-care facility.

13 (v) A lodging establishment.

14 (vi) A mixed-use occupancy building containing a  
15 dwelling unit.

16 (2) Beginning January 1, 2025, an owner of a building  
17 with any of the following occupancy classifications shall  
18 install, or cause to be installed, in accordance with the  
19 manufacturer's requirements, at least one approved fuel gas  
20 detector in every room containing an appliance fueled by  
21 propane, natural gas or any liquefied petroleum gas:

22 (i) Assembly occupancy.

23 (ii) Business occupancy.

24 (iii) Mercantile occupancy.

25 (b) (Reserved).

26 § 3704. Residential rental units.

27 (a) Duties of landlord.--A landlord of a residential unit  
28 occupied under the terms of a rental agreement or under a month-  
29 to-month tenancy shall:

30 (1) Provide fuel gas detectors, if fuel gas detectors

1 are not already present.

2 (2) Maintain each fuel gas detector in working  
3 condition.

4 (3) After notification, in writing, by the tenant of a  
5 deficiency in a fuel gas detector, repair or replace the fuel  
6 gas detector, if deficient.

7 (b) Annual inspection.--The landlord shall conduct a yearly  
8 inspection of the fuel gas detector to ensure that it is in  
9 working condition and shall certify at the end of each  
10 inspection that a proper inspection occurred.

11 (c) Limitations.--If the landlord complied with the duty to  
12 maintain the fuel detectors in accordance with this chapter and  
13 did not know or had not been notified of the need to repair or  
14 replace a fuel gas detector, the landlord's failure to repair or  
15 replace the fuel gas detector may not be considered evidence of  
16 negligence in a subsequent civil action arising from death,  
17 property loss or personal injury.

18 (d) Duties of tenant.--

19 (1) A tenant may not disconnect or disable a fuel gas  
20 detector in the unit occupied by the tenant from the  
21 electrical service in the building.

22 (2) The tenant shall periodically test the fuel gas  
23 detectors in a battery-powered fuel gas detector.

24 (3) The tenant shall promptly communicate any deficiency  
25 of the fuel detector to the landlord.

26 § 3705. Transfer of building.

27 (a) General rule.--A person that, after January 1, 2025,  
28 acquires by sale or exchange a building listed in section  
29 3703(a)(1) (relating to fuel gas detector required) shall:

30 (1) Install fuel gas detectors in the building in

1 accordance with section 3703 within 30 days of acquisition or  
2 occupancy of the building, whichever is later, if fuel gas  
3 detectors are not already present.

4 (2) Certify at the closing of the transaction that fuel  
5 gas detectors will be installed.

6 (b) Method of installation.--The person shall install a fuel  
7 gas detector in accordance with the manufacturer's requirements  
8 at the time of installation in each area containing an appliance  
9 fueled by propane, natural gas or liquefied petroleum gas.

10 (c) Immunity.--A person may not have a claim for relief  
11 against a property owner, a property purchaser, an authorized  
12 agent of a property owner or purchaser, a person in possession  
13 of real property, a closing agent or a lender for any damages  
14 resulting from the operation, maintenance or effectiveness of a  
15 fuel gas detector.

16 (d) Title unaffected by violation.--A violation of this  
17 section does not create a defect in title to the property.  
18 § 3706. Noninterference.

19 (a) General rule.--A person may not knowingly interfere with  
20 or make inoperative a fuel gas detector required under this  
21 chapter.

22 (b) Exception.--Subsection (a) does not apply to an owner or  
23 agent of an owner of a building who temporarily disconnects a  
24 fuel gas detector in a dwelling unit or common area if:

25 (1) The fuel gas detector is disconnected only for  
26 construction or rehabilitation activities when the activities  
27 are likely to activate the fuel gas detector or make it  
28 inactive.

29 (2) The fuel gas detector is immediately reconnected at  
30 the cessation of construction or rehabilitation activities

each day, regardless of the intent to return to construction or rehabilitation activities on succeeding days.

§ 3707. Construction.

Nothing in this chapter shall be construed to create a cause of action against an owner required to comply with section 3703 (relating to fuel gas detector required) or 3704 (relating to residential rental units) if the owner has conducted an inspection of the required fuel gas detectors immediately after installation and has reinspected the fuel gas detectors prior to occupancy by each new tenant, unless the owner was given at least 24 hours' actual notice of a defect or failure of the fuel gas detector to operate properly and failed to take action to correct the defect or failure.

§ 3708. Enforcement.

(a) Complaint.--A person that is aggrieved by a violation of this chapter may bring a civil action against an owner who fails to comply with this chapter.

(b) Penalty.--An owner who violates this chapter shall be subject to a civil fine of not more than \$500 for each violation. The court may waive any penalty or cost against a violator upon satisfactory proof that the violation was corrected within 10 days of the service of a complaint.

Section 2. This act shall take effect in 90 days.