

# House Bill 2079

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Presession filed (at the request of Governor John A. Kitzhaber for Oregon State Police)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires that smoke alarm or smoke detector in transferred property having dwelling unit or lodging house, and installation of alarm or detector, be in conformance with State Fire Marshal rules. Specifies that alarm or detector comply with state building code applicable on installation date.

Clarifies reference to requirements established by smoke alarm feature statute. Removes exemption of used manufactured dwelling equipped with ionization smoke alarm from alarm feature requirement.

## A BILL FOR AN ACT

1  
2 Relating to smoke alerting devices; creating new provisions; and amending ORS 479.260 and 479.297.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 479.260 is amended to read:

5 479.260. (1) A person may not convey fee title to any real property that includes a dwelling unit  
6 or lodging house, or transfer possession of any dwelling unit or lodging house pursuant to a land  
7 sale contract, unless there is installed in the dwelling unit or lodging house a smoke detector or the  
8 required number of approved smoke alarms, installed in accordance with the state building code  
9 **[and] that was applicable on the installation date and with** rules of the State Fire Marshal  
10 adopted under ORS 479.295. *[The smoke alarms required by this subsection must meet the requirements*  
11 *of ORS 479.297.]* **If a smoke alarm required by this subsection is an ionization smoke alarm,**  
12 **the alarm must meet the requirements of ORS 479.297 (1) and (2).**

13 (2)(a) A person may not convey ownership or transfer possession of any manufactured dwelling,  
14 as defined in ORS 446.003, unless there is installed in the manufactured dwelling the required num-  
15 ber of approved smoke alarms or smoke detectors, installed in accordance with the state building  
16 code or with the federal manufactured dwelling construction and safety standards adopted under  
17 ORS 446.155.

18 (b) A smoke alarm installed in a manufactured dwelling that is resold by a person other than  
19 the manufacturer or authorized dealer must meet the requirements of ORS 479.297.

20 **SECTION 2.** ORS 479.297 is amended to read:

21 479.297. (1) All ionization smoke alarms sold **or installed** in this state that are solely battery-  
22 operated shall be packaged with a 10-year battery.

23 (2) All ionization smoke alarms sold **or installed** in this state shall include a "hush" mechanism  
24 that allows a person to temporarily disengage the alarm for a period of not more than 15 minutes.

25 (3) The provisions of this section do not apply to:

26 (a) Smoke alarms specifically designed for persons who are hard of hearing;

27 (b) Smoke alarms sold in this state for shipment out of state; or

28 (c) Smoke alarms sold for installation in, **or installed in**, recreational vehicles, commercial ve-

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 hicles, railroad equipment, aircraft, marine vessels or **new** manufactured dwellings.

2 (4) The sale of a recreational vehicle, commercial vehicle, railroad equipment, aircraft, marine  
3 vessel or new manufactured dwelling containing a smoke alarm does not constitute sale of a smoke  
4 alarm.

5 **SECTION 3.** The amendments to ORS 479.260 by section 1 of this 2011 Act apply to  
6 transfers of title filed with a county clerk on or after the effective date of this 2011 Act.

7 **SECTION 4.** The amendments to ORS 479.297 by section 2 of this 2011 Act apply to smoke  
8 alarms sold or installed on or after the effective date of this 2011 Act.

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