

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the adoption of NEW) NOTICE OF PUBLIC HEARING ON
RULE I pertaining to the carbon) PROPOSED ADOPTION
monoxide detector standard)

TO: All Concerned Persons

1. On May 24, 2010, at 10:00 a.m., a public hearing will be held in room B-07, 301 South Park Avenue, Helena, Montana to consider the proposed adoption of the above-stated rule.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., on May 19, 2010, to advise us of the nature of the accommodation that you need. Please contact Dave Cook, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2053; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2050; e-mail dcook@mt.gov.

3. The proposed new rule provides as follows:

NEW RULE I CARBON MONOXIDE DETECTOR STANDARD (1) The department provides the following standard for the location, number, and type of approved carbon monoxide detectors required to be installed in dwelling units as provided by 70-20-113 and 70-24-303, MCA, of the Landlord Tenant Act:

(a) In dwelling units containing fuel-fired appliances or having attached garages, a carbon monoxide detector must be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms.

(b) Single station carbon monoxide detectors must comply with Underwriters Laboratory (UL) 2034 and be installed in accordance with the manufacturers' installation instructions.

(2) Rules adopted under this subchapter may not be construed as part of the state building code provided in 50-60-203, MCA, and may only be enforced as provided in Title 70, chapter 24, part 4.

AUTH: 70-24-303, MCA
IMP: 70-20-113, 70-24-303, MCA

REASON: The 2009 Montana Legislature enacted Chapter 43, Laws of 2009 (Senate Bill 161), an act requiring a carbon monoxide detector in dwelling units rented by a landlord. The bill was signed by the Governor on March 20, 2009, became effective on October 1, 2009, and is codified at 70-24-303(1)(h), MCA.

The department determined it is reasonable and necessary to adopt New Rule I to implement the recent legislation which requires the department to define approved carbon monoxide detectors in dwelling units, under a landlord's control.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the department, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2050, or by e-mail to cwhite@mt.gov, and must be received no later than 5:00 p.m., June 1, 2010.

5. An electronic copy of this Notice of Public Hearing is available through the department's site on the World Wide Web at www.buildingcodes.mt.gov. The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program or areas of law the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be sent or delivered to the department, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2050, e-mailed to cwhite@mt.gov, or made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted on February 23, 2010, by electronic mail.

8. Colleen White, attorney, has been designated to preside over and conduct this hearing.

/s/ DARCEE L. MOE
Darcee L. Moe
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State April 19, 2010