

HOUSE BILL NO. 863

2/16 Introduced
2/16 Referred to Business & labor
2/21 Hearing
2/22 Adverse Committee Report
2/23 Bill Killed

1 HOUSE BILL NO. 863
 2 INTRODUCED BY Steve Jand Hansen
 3 Connelly Kadon Simon Harold Marko James Moore

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REGULATE THE
 5 TEMPERATURE SETTING FOR WATER HEATERS IN RESIDENTIAL
 6 DWELLINGS; TO REQUIRE PUBLIC UTILITIES AND MANUFACTURERS TO
 7 PROVIDE PUBLIC INFORMATION RELATING TO THE TEMPERATURE
 8 SETTING OF WATER HEATERS; AND TO PROVIDE FOR ENFORCEMENT OF
 9 SUCH REGULATION."

11 WHEREAS, the Legislature recognizes that unnecessarily
 12 hot tap or bath water presents an extreme risk of severe
 13 burns, especially to the elderly, children, and the mentally
 14 or physically handicapped; and

15 WHEREAS, annually numerous persons suffer severe scald
 16 burns, some of which result in death, from tap or bath water
 17 that is inordinately hot; and

18 WHEREAS, excessive temperatures of tap and bath water
 19 in residential usages is unnecessary for sanitary purposes;
 20 and

21 WHEREAS, regulation of the setting of water
 22 temperatures for water heaters can virtually eliminate
 23 incidents of dangerous scalding; and

24 WHEREAS, the Legislature finds that projected shortages
 25 of energy in the state could be reduced or prevented by the

1 efficient utilization of existing energy; and
 2 WHEREAS, reducing the temperature settings on water
 3 heater thermostats to 120 degrees F (49 degrees C) would
 4 save energy that is now unnecessarily consumed, reduce
 5 average residential utility costs, and promote home safety
 6 without any loss of comfort or health.
 7 THEREFORE, the Legislature of the State of Montana
 8 finds it appropriate to enact a law to regulate the
 9 temperature setting for water heaters in homes and other
 10 residences.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Title. [This act] may be cited as the "Tap
 14 Water Scald Burn Prevention Act".

15 Section 2. Definitions. As used in [this act], the
 16 following definitions apply:

- 17 (1) "Public utility" means any utility defined under
- 18 69-3-101 that provides electricity or natural gas for any
- 19 water heater in a residential dwelling.
- 20 (2) "Residential dwelling" means any building or
- 21 structure used for residential occupancy that has a system
- 22 for water heating that uses energy supplied by a public
- 23 utility.
- 24 (3) (a) "Residential occupancy" means occupancy or use
- 25 of a building or structure, or portion thereof, maintained

1 as a household by any person residing therein.

2 (b) Residential occupancy includes but is not limited
3 to occupancy in:

- 4 (i) an apartment;
- 5 (ii) a single-family residence;
- 6 (iii) a multi-family dwelling; and
- 7 (iv) any private dwelling unit as defined in
8 15-24-1304 and 70-24-103.

9 (c) The term does not include residence at a public or
10 private institution incidental to detention or to the
11 provision of medical, geriatric, educational, counseling,
12 religious, or similar services.

13 (4) "Water heater" means an appliance designed
14 primarily to supply hot water and that is equipped with
15 automatic controls limiting water temperature to a maximum
16 of 210 degrees F (98.9 degrees C).

17 Section 3. Water heater -- temperature regulation. (1)
18 The manufacturer or supplier of a new water heater offered
19 for sale or lease for use in a residential dwelling shall
20 preset the thermostat of such water heater no higher than
21 120 degrees F (49 degrees C) or to the minimum setting on
22 any water heater that cannot be set as low as that
23 temperature.

24 (2) A water heater may have a higher reservoir
25 temperature if it is equipped with a mixing valve set or

1 designed to restrict the temperature of the water to 120
2 degrees F.

3 (3) Upon occupancy of a new tenant in a residential
4 dwelling that is leased or rented, the owner or his agent
5 shall set the water heater at a temperature not higher than
6 120 degrees F (49 degrees C) or the minimum setting for such
7 water heater if it cannot be set as low as that temperature.
8 The owner or his agent may maintain a higher reservoir
9 temperature for a water heater if it is equipped with a
10 mixing valve set or designed to restrict the temperature of
11 the water to 120 degrees F.

12 (4) Nothing in this section prohibits an owner of an
13 owner-occupied residential dwelling or a tenant of a leased
14 or rented residential dwelling from readjusting the
15 temperature setting after assuming occupancy. Any
16 readjustment of the temperature setting by a resident
17 relieves the owner of a residential dwelling or his agent
18 and the manufacturer of the water heater from any liability
19 for damages attributed to the readjustment by the resident.

20 Section 4. Public utility information statement. A
21 public utility providing energy for a water heater under
22 [section 3] shall, at least once a year, include in its
23 regular residential customer billing a statement:

24 (1) recommending that water heaters be set no higher
25 than 120 degrees F or the minimum setting on a water heater

1 that cannot be set as low as that temperature, to prevent
2 severe burns and reduce excessive energy consumption; and

3 (2) stating that, upon occupancy of a new tenant, the
4 thermostat of a water heater furnished in a leased or rented
5 residential dwelling must be set no higher than 120 degrees
6 F or the minimum setting on a water heater that cannot be
7 set as low as that temperature, pursuant to [section 3].

8 Section 5. Manufacturer's product tag. The
9 manufacturer of a water heater offered for sale or installed
10 after [the effective date of this act] shall attach a tag to
11 the thermostat access plate or immediately adjacent to the
12 exposed thermostat. The tag must state that thermostat
13 settings above the preset temperature may cause severe burns
14 and consume excessive energy.

15 Section 6. Administration and enforcement. The
16 department of administration shall administer and enforce
17 the provisions of [this act]. However, nothing contained in
18 [this act] requires any inspection other than those provided
19 for in 50-60-510 or other applicable laws.

20 Section 7. Codification instruction. Sections 1
21 through 6 are intended to be codified as an integral part of
22 Title 50, chapter 60, part 5.

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