17.0343.03009

Sixty-fifth
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1201

Introduced by

Representatives Sukut, Guggisberg, Hatlestad, Trottier

Senators Bekkedahl, Kreun

A BILL for an Act to create and enact a new subsection to section 47-16-13.1 of the North Dakota Century Code, relating to landlord responsibilities regarding carbon monoxide detection devices; to amend and reenact section 23-13-15~~, subdivision d of subsection 1 of section 47-16-13.1,~~ and subsection 4 of section 54-21.3-03 of the North Dakota Century Code, relating to the installation of carbon monoxide and smoke detection ~~devices~~alarms; to provide a penalty; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 23-13-15 of the North Dakota Century Code is amended and reenacted as follows:

23-13-15. Smoke and carbon monoxide detection ~~systems~~~~devices~~alarms for residential rental property - Penalty.

1. All residential rental property that includes a wood or other fuel-fired fireplace, heater, or appliance or an attached garage, with the exception of property covered by section 23-09-02.1 or unless exempted by state and local building and fire codes, must be equipped with ~~smoke and~~ carbon monoxide detection ~~systems~~~~devices~~alarms or other approved alarm systems~~devices~~ for the protection of occupants of the property. ~~Systems~~~~Devices must be installed and maintained in compliance with applicable national fire protection standards as defined by rules adopted by the state fire marshal~~The installation and maintenance must be in accordance with state and local building and fire codes. All residential rental property, with the exception of property covered by section 23-09-02.1, must be equipped with smoke detection alarms or other approved alarm systems for the protection of occupants of the property. The state fire marshal and local fire departments shall provide information concerning the installation of smoke and carbon monoxide detection ~~systems~~~~devices~~alarms to owners

of residential rental properties. ~~A system~~~~Devices~~Alarms installed in a single-family rental dwelling must be maintained and inspected by the tenant occupying the single-family rental dwelling. In other dwellings, the landlord is responsible for installation and ensuring the proper operation of the ~~system~~~~devices~~alarms upon the occupancy of each new tenant. The tenant is responsible for maintaining the ~~system~~~~devices~~alarms during the tenant's occupancy.

2. The landlord of a residential dwelling ~~unit~~ shall provide an approved visual smoke and carbon monoxide detection ~~system~~~~device~~alarm or other visual alarm system~~device~~ for fire and carbon monoxide if requested in writing by a tenant who is deaf. A landlord is not subject to this subsection if the rental property of that landlord does not exceed one building and that building does not exceed four residential ~~dwelling units~~dwellings.

3. Nothing in this section may be construed to alter the provisions of chapter 54-21.3 regarding smoke detection and carbon monoxide ~~systems or alarm systems~~~~detection devices~~alarms for newly constructed residences.

4. Any property owner who willfully fails to install a ~~system~~~~device~~smoke detection alarm as required by this section is guilty of a class B misdemeanor~~an infraction~~.

5. A landlord may charge a tenant for damages equivalent to three times the cost associated with replacing an alarm that was damaged during the time the tenant occupied the property.

6. A landlord may not be held liable for injury or damages caused as the result of an inoperable carbon monoxide alarm.

~~**SECTION 2. AMENDMENT.** Subdivision d of subsection 1 of section 47-16-13.1 of the North Dakota Century Code is amended and reenacted as follows:~~

~~d. Maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating, air-conditioning, carbon monoxide and smoke detection devices, and other facilities and appliances, including elevators, supplied or required to be supplied by the landlord.~~

SECTION 2. A new subsection to section 47-16-13.1 of the North Dakota Century Code is created and enacted as follows:

Notwithstanding subsection 2 and section 47-16-13, if a carbon monoxide detection device is found to be inoperable, the landlord of a residential dwelling unit shall correct

the situation within thirty days after receiving written notification from the tenant, state fire marshal, fire chief, building inspector, or other fire, building, or safety official. If the landlord fails to correct the situation within the thirty days, the tenant may repair the carbon monoxide detection device or purchase and install a carbon monoxide detection device and may deduct the repair cost or purchase price from the next rental payment made by the tenant. A landlord may require a tenant who has a residency of longer than thirty days to provide the battery for a battery-operated carbon monoxide detection device.

SECTION 3. AMENDMENT. Subsection 4 of section 54-21.3-03 of the North Dakota Century Code is amended and reenacted as follows:

4. a. The state building code or a building code adopted by a city, township, or county may not include a requirement that fire sprinklers be installed in a ~~single-family~~single-family dwelling or a residential building that contains no more than two dwelling units.

   b. The state building code, plumbing code, electrical code, or an equivalent code adopted by a ~~political subdivision~~city, township, or county must provide that a building designed for and used as a school portable classroom may be constructed and inspected as a temporary structure as defined by the state building code or may be permitted as a permanent school portable classroom. The foundation system of such a structure must comply with the recommendations of the manufacturer's engineering report for a pre-engineered unit or a structural engineer's report. Frost-free footings may not be required for a temporary structure that meets the requirements of the state building code unless required by an engineering report. Temporary electrical and plumbing installations may be allowed for any structure by the governmental entities governing those areas of construction or the applicable codes.

SECTION 4. EFFECTIVE DATE. This Act becomes effective on January 1, ~~2018~~2019.