

Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1201

Introduced by

Representatives Sukut, Guggisberg, Hatlestad, Trottier

Senators Bekkedahl, Kreun

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

8 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

11 ~~—~~ **23-13-15. Smoke and carbon monoxide detection systems devices for residential**
12 **rental property -- Penalty.**

13 ~~—~~ 1. ~~All residential rental property with the exception of property covered by section-~~
14 ~~23-09-02.1 must be equipped with smoke and carbon monoxide detection-~~
15 ~~systems devices or other approved alarm systems devices for the protection of~~
16 ~~occupants of the property. Systems Devices must be installed and maintained in~~
17 ~~compliance with applicable national fire protection standards as defined by rules-~~
18 ~~adopted by the state fire marshal. The state fire marshal and local fire departments~~
19 ~~shall provide information concerning the installation of smoke and carbon monoxide~~
20 ~~detection systems devices to owners of residential rental properties. A system Devices~~
21 ~~installed in a single family rental dwelling must be maintained and inspected by the~~
22 ~~tenant occupying the single family rental dwelling. In other dwellings, the landlord is~~
23 ~~responsible for installation and ensuring the proper operation of the system devices.~~

1 upon the occupancy of each new tenant. The tenant is responsible for maintaining the
2 ~~system devices~~ during the tenant's occupancy.

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

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

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

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

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

19 ~~**SECTION 3.** A new subsection to section 47-16-13.1 of the North Dakota Century Code is~~
20 ~~created and enacted as follows:~~

21 ~~Notwithstanding subsection 2 and section 47-16-13, if a carbon monoxide detection~~
22 ~~device is found to be inoperable, the landlord of a residential dwelling unit shall correct~~
23 ~~the situation within thirty days after receiving written notification from the tenant, state~~
24 ~~fire marshal, fire chief, building inspector, or other fire, building, or safety official. If the~~
25 ~~landlord fails to correct the situation within the thirty days, the tenant may repair the~~
26 ~~carbon monoxide detection device or purchase and install a carbon monoxide~~
27 ~~detection device and may deduct the repair cost or purchase price from the next rental~~
28 ~~payment made by the tenant. A landlord may require a tenant who has a residency of~~
29 ~~longer than thirty days to provide the battery for a battery-operated carbon monoxide~~
30 ~~detection device.~~

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

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

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

19 ~~SECTION 5. EFFECTIVE DATE.~~ This Act becomes effective on January 1, 2018.

20 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - CARBON MONOXIDE ALARMS.**

21 During the 2017-18 interim, the legislative management shall consider studying the fire code
22 and how the existing regulations apply to carbon monoxide alarms, the need for residential
23 rental property to be equipped with carbon monoxide alarms, and the costs associated with
24 installing carbon monoxide alarms in residential rental property. The study must include the
25 types of education and outreach being used by local fire departments to educate communities
26 and school children about the dangers of carbon monoxide poisoning. The legislative
27 management shall report its findings and recommendations, together with any legislation
28 required to implement the recommendations, to the sixty-sixth legislative assembly.