

**FIRST ENGROSSMENT
with Conference Committee Amendments
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 and subsection 4 of section 54-21.3-03 of the
4 North Dakota Century Code, relating to the installation of carbon monoxide and smoke
5 detection alarms; to provide a penalty; and to provide an effective date.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

9 **23-13-15. Smoke and carbon monoxide detection systemsalarms for residential rental**
10 **property - Penalty.**

11 1. All residential rental property that includes a wood or other fuel-fired fireplace, heater,
12 or appliance or an attached garage, with the exception of property covered by section
13 23-09-02.1 or unless exempted by state and local building and fire codes, must be
14 equipped with ~~smoke~~ carbon monoxide detection ~~systems~~alarms or other approved
15 alarm systems for the protection of occupants of the property. ~~Systems must be~~
16 ~~installed and maintained in compliance with applicable national fire protection~~
17 ~~standards as defined by rules adopted by the state fire marshal~~The installation and
18 maintenance must be in accordance with state and local building and fire codes. All
19 residential rental property, with the exception of property covered by section
20 23-09-02.1, must be equipped with smoke detection alarms or other approved alarm
21 systems for the protection of occupants of the property. The state fire marshal and
22 local fire departments shall provide information concerning the installation of smoke
23 and carbon monoxide detection ~~systems~~alarms to owners of residential rental
24 properties. ~~A system~~Alarms installed in a single-family rental dwelling must be

1 maintained and inspected by the tenant occupying the single-family rental dwelling. In
2 other dwellings, the landlord is responsible for installation and ensuring the proper
3 operation of the systemalarms upon the occupancy of each new tenant. The tenant is
4 responsible for maintaining the systemalarms during the tenant's occupancy.

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

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

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

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

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

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

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

1 **SECTION 3. 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 4. EFFECTIVE DATE.** This Act becomes effective on January 1, 2019.