

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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HOUSE BILL 2471*

Short Title: Require Carbon Monoxide Detectors. (Public)

Sponsors: Representatives Weiss, Glazier, Carney (Primary Sponsors); and Harrison.

Referred to: Insurance, if favorable, Judiciary II.

May 26, 2008

A BILL TO BE ENTITLED

1
2 AN ACT TO AUTHORIZE THE NORTH CAROLINA BUILDING CODE COUNCIL
3 TO ADOPT PROVISIONS IN THE BUILDING CODE PERTAINING TO THE
4 INSTALLATION OF CARBON MONOXIDE DETECTORS IN CERTAIN
5 SINGLE-FAMILY OR MULTIFAMILY DWELLINGS; TO REQUIRE THE
6 INSTALLATION OF OPERATIONAL CARBON MONOXIDE DETECTORS IN
7 CERTAIN RESIDENTIAL RENTAL PROPERTY AND TO PROVIDE FOR
8 MUTUAL OBLIGATIONS BETWEEN LANDLORDS AND TENANTS
9 REGARDING THE INSTALLATION AND UPKEEP OF CARBON MONOXIDE
10 DETECTORS, AS RECOMMENDED BY THE NORTH CAROLINA CHILD
11 FATALITY TASK FORCE.

12 The General Assembly of North Carolina enacts:

13 **SECTION 1.** G.S. 143-138(b) reads as rewritten:

14 "(b) Contents of the Code. – The North Carolina State Building Code, as adopted
15 by the Building Code Council, may include reasonable and suitable classifications of
16 buildings and structures, both as to use and occupancy; general building restrictions as
17 to location, height, and floor areas; rules for the lighting and ventilation of buildings and
18 structures; requirements concerning means of egress from buildings and structures;
19 requirements concerning means of ingress in buildings and structures; rules governing
20 construction and precautions to be taken during construction; rules as to permissible
21 materials, loads, and stresses; rules governing chimneys, heating appliances, elevators,
22 and other facilities connected with the buildings and structures; rules governing
23 plumbing, heating, air conditioning for the purpose of comfort cooling by the lowering
24 of temperature, and electrical systems; and such other reasonable rules pertaining to the
25 construction of buildings and structures and the installation of particular facilities
26 therein as may be found reasonably necessary for the protection of the occupants of the
27 building or structure, its neighbors, and members of the public at large.

28 In addition, the Code may regulate activities and conditions in buildings, structures,
29 and premises that pose dangers of fire, explosion, or related hazards. Such fire

1 prevention code provisions shall be considered the minimum standards necessary to
2 preserve and protect public health and safety, subject to approval by the Council of
3 more stringent provisions proposed by a municipality or county as provided in
4 G.S. 143-138(e). These provisions may include regulations requiring the installation of
5 either battery-operated or electrical smoke detectors in every dwelling unit used as
6 rental property, regardless of the date of construction of the rental property. For
7 dwelling units used as rental property constructed prior to 1975, smoke detectors shall
8 have an Underwriters' Laboratories, Inc., listing or other equivalent national testing
9 laboratory approval, and shall be installed in accordance with either the standard of the
10 National Fire Protection Association or the minimum protection designated in the
11 manufacturer's instructions, which the property owner shall retain or provide as proof of
12 compliance.

13 The Code may contain provisions requiring the installation of either battery-operated
14 or electrical carbon monoxide detectors in every dwelling unit having a fossil-fuel
15 burning heater or appliance, fireplace, or an attached garage, regardless of the date of
16 construction of the dwelling unit. Carbon monoxide detectors shall be those listed by a
17 nationally recognized testing laboratory that is OSHA-approved to test and certify to
18 American National Standards Institute/Underwriters Laboratories Standards
19 ANSI/UL2034 or ANSI/US2075 and shall be installed in accordance with either the
20 standard of the National Fire Protection Association or the minimum protection
21 designated in the manufacturer's instructions, which the property owner shall retain or
22 provide as proof of compliance. A carbon monoxide detector may be combined with
23 smoke detectors if the combined detector does both of the following: (i) complies with
24 ANSI/UL2034 for carbon monoxide alarms and ANSI/UL217 for smoke detectors; and
25 (ii) emits an alarm in a manner that clearly differentiates between detecting the presence
26 of carbon monoxide and the presence of smoke.

27 The Code may contain provisions regulating every type of building or structure,
28 wherever it might be situated in the State.

29 Provided further, that nothing in this Article shall be construed to make any building
30 rules applicable to farm buildings located outside the building-rules jurisdiction of any
31 municipality.

32 Provided further, that no building permit shall be required under the Code or any
33 local variance thereof approved under subsection (e) for any construction, installation,
34 repair, replacement, or alteration costing five thousand dollars (\$5,000) or less in any
35 single family residence or farm building unless the work involves: the addition, repair,
36 or replacement of load bearing structures; the addition (excluding replacement of same
37 size and capacity) or change in the design of plumbing; the addition, replacement or
38 change in the design of heating, air conditioning, or electrical wiring, devices,
39 appliances, or equipment, the use of materials not permitted by the North Carolina
40 Uniform Residential Building Code; or the addition (excluding replacement of like
41 grade of fire resistance) of roofing.

42 Provided further, that no building permit shall be required under such Code from any
43 State agency for the construction of any building or structure, the total cost of which is
44 less than twenty thousand dollars (\$20,000), except public or institutional buildings.

1 For the information of users thereof, the Code shall include as appendices [the
2 following:]

- 3 (1) Any rules governing boilers adopted by the Board of Boiler and
4 Pressure Vessels Rules,
- 5 (2) Any rules relating to the safe operation of elevators adopted by the
6 Commissioner of Labor, and
- 7 (3) Any rules relating to sanitation adopted by the Commission for Public
8 Health which the Building Code Council believes pertinent.

9 In addition, the Code may include references to such other rules of special types,
10 such as those of the Medical Care Commission and the Department of Public Instruction
11 as may be useful to persons using the Code. No rule issued by any agency other than the
12 Building Code Council shall be construed as a part of the Code, nor supersede that
13 Code, it being intended that they be presented with the Code for information only.

14 Nothing in this Article shall extend to or be construed as being applicable to the
15 regulation of the design, construction, location, installation, or operation of (1)
16 equipment for storing, handling, transporting, and utilizing liquefied petroleum gases
17 for fuel purposes or anhydrous ammonia or other liquid fertilizers, except for liquefied
18 petroleum gas from the outlet of the first stage pressure regulator to and including each
19 liquefied petroleum gas utilization device within a building or structure covered by the
20 Code, or (2) equipment or facilities, other than buildings, of a public utility, as defined
21 in G.S. 62-3, or an electric or telephone membership corporation, including without
22 limitation poles, towers, and other structures supporting electric or communication
23 lines.

24 Nothing in this Article shall extend to or be construed as being applicable to the
25 regulation of the design, construction, location, installation, or operation of industrial
26 machinery. However, if during the building code inspection process, an electrical
27 inspector has any concerns about the electrical safety of a piece of industrial machinery,
28 the electrical inspector may refer that concern to the Occupational Safety and Health
29 Division in the North Carolina Department of Labor but shall not withhold the
30 certificate of occupancy nor mandate third-party testing of the industrial machinery
31 based solely on this concern. For the purposes of this paragraph, "industrial machinery"
32 means equipment and machinery used in a system of operations for the explicit purpose
33 of producing a product. The term does not include equipment that is permanently
34 attached to or a component part of a building and related to general building services
35 such as ventilation, heating and cooling, plumbing, fire suppression or prevention, and
36 general electrical transmission.

37 In addition, the Code may contain rules concerning minimum efficiency
38 requirements for replacement water heaters, which shall consider reasonable availability
39 from manufacturers to meet installation space requirements and may contain rules
40 concerning energy efficiency that require all hot water plumbing pipes that are larger
41 than one-fourth of an inch to be insulated.

42 No State, county, or local building code or regulation shall prohibit the use of special
43 locking mechanisms for seclusion rooms in the public schools approved under
44 G.S. 115C-391.1(e)(1)e., provided that the special locking mechanism shall be

1 constructed so that it will engage only when a key, knob, handle, button, or other similar
 2 device is being held in position by a person, and provided further that, if the mechanism
 3 is electrically or electronically controlled, it automatically disengages when the
 4 building's fire alarm is activated. Upon release of the locking mechanism by a
 5 supervising adult, the door must be able to be opened readily."

6 **SECTION 2.** G.S. 42-42(a) is amended by adding the following new
 7 subdivision to read:

8 "(a) The landlord shall:

9 ...

10 (7) Provide operable carbon monoxide detectors, either battery-operated
 11 or electrical, having an Underwriters Laboratories, Inc., listing or other
 12 equivalent national testing laboratory approval, and install the carbon
 13 monoxide detectors in accordance with either the standards of the
 14 National Fire Protection Association or the minimum protection
 15 designated in the manufacturer's instructions, which the landlord shall
 16 retain or provide as proof of compliance. The landlord shall replace or
 17 repair the carbon monoxide detectors within 15 days of receipt of
 18 notification if the landlord is notified of needed replacement or repairs
 19 in writing by the tenant. The landlord shall ensure that a carbon
 20 monoxide detector is operable and in good repair at the beginning of
 21 each tenancy. Unless the landlord and the tenant have a written
 22 agreement to the contrary, the landlord shall place new batteries in a
 23 battery-operated carbon monoxide detector at the beginning of a
 24 tenancy, and the tenant shall replace the batteries as needed during the
 25 tenancy. Failure of the tenant to replace the batteries as needed shall
 26 not be considered as negligence on the part of the tenant or the
 27 landlord. This subdivision applies only to dwelling units having a
 28 fossil-fuel burning heater or appliance, fireplace, or an attached
 29 garage.

30"

31 **SECTION 3.** G.S. 42-43(a)(4) and (a)(7) read as rewritten:

32 "**§ 42-43. Tenant to maintain dwelling unit.**

33 (a) The tenant shall:

34 ...

35 (4) Not deliberately or negligently destroy, deface, damage, or remove any
 36 part of the premises, nor render inoperable the smoke detector or
 37 carbon monoxide detector provided by the landlord, or knowingly
 38 permit any person to do so.

39 ...

40 (7) Notify the landlord, in writing, of the need for replacement of or
 41 repairs to a smoke ~~detector~~ detector or carbon monoxide detector. The
 42 landlord shall ensure that a smoke detector ~~is~~ and carbon monoxide
 43 detector are operable and in good repair at the beginning of each
 44 tenancy. Unless the landlord and the tenant have a written agreement

1 to the contrary, the landlord shall place new batteries in a
2 battery-operated smoke detector and battery-operated carbon
3 monoxide detector at the beginning of a tenancy and the tenant shall
4 replace the batteries as needed during the tenancy. Failure of the tenant
5 to replace the batteries as needed shall not be considered as negligence
6 on the part of the tenant or the landlord."

7 **SECTION 4.** The amendment to G.S. 143-138(b) contained in Section 1 of
8 this act shall not be construed to imply that the Building Code Council not possess the
9 authority contained in that amendment prior to the effective date of Section 1 of this act.

10 **SECTION 5.** Sections 2 and 3 of this act become effective January 1, 2009,
11 and apply to residential rental agreements in effect on and after that date. The
12 remainder of this act is effective when it becomes law.