

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~~alarms; ~~to provide a penalty;~~
6 and to provide an effective date.

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

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

10 **23-13-15. Smoke and carbon monoxide detection systems**devicesalarms **for**
11 **residential rental property** ~~--Penalty.~~

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

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

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

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

15 4. ~~Any property owner who willfully fails to install a system device as required by this~~
16 ~~section is guilty of a class B misdemeanor or an infraction~~ A landlord may charge a tenant
17 for damages equivalent to three times the cost associated with replacing an alarm that
18 was damaged during the time the tenant occupied the property.

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

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

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

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

29 Notwithstanding subsection 2 and section 47-16-13, if a carbon monoxide detection
30 device is found to be inoperable, the landlord of a residential dwelling unit shall correct
31 the situation within thirty days after receiving written notification from the tenant, state

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

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

- 10 4. a. The state building code or a building code adopted by a city, township, or county
11 may not include a requirement that fire sprinklers be installed in a ~~single-~~
12 ~~family~~single-family dwelling or a residential building that contains no more than
13 two dwelling units.
- 14 b. The state building code, plumbing code, electrical code, or an equivalent code
15 adopted by a ~~political subdivision~~city, township, or county must provide that a
16 building designed for and used as a school portable classroom may be
17 constructed and inspected as a temporary structure as defined by the state
18 building code or may be permitted as a permanent school portable classroom.
19 The foundation system of such a structure must comply with the
20 recommendations of the manufacturer's engineering report for a pre-engineered
21 unit or a structural engineer's report. Frost-free footings may not be required for a
22 temporary structure that meets the requirements of the state building code unless
23 required by an engineering report. Temporary electrical and plumbing installations
24 may be allowed for any structure by the governmental entities governing those
25 areas of construction or the applicable codes.

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