

May 22, 2008

**H 2471. REQUIRE CARBON MONOXIDE DETECTORS.** Filed 5/21/08. *TO AUTHORIZE THE NORTH CAROLINA BUILDING CODE COUNCIL TO ADOPT PROVISIONS IN THE BUILDING CODE PERTAINING TO THE INSTALLATION OF CARBON MONOXIDE DETECTORS IN CERTAIN SINGLE-FAMILY OR MULTIFAMILY DWELLINGS; TO REQUIRE THE INSTALLATION OF OPERATIONAL CARBON MONOXIDE DETECTORS IN CERTAIN RESIDENTIAL RENTAL PROPERTY AND TO PROVIDE FOR MUTUAL OBLIGATIONS BETWEEN LANDLORDS AND TENANTS REGARDING THE INSTALLATION AND UPKEEP OF CARBON MONOXIDE DETECTORS, AS RECOMMENDED BY THE NORTH CAROLINA CHILD FATALITY TASK FORCE.*

Amends GS 143-138(b) to allow for the Building Code to contain provisions requiring the installation of OSHA-approved national laboratory-tested battery-operated or electrical carbon-monoxide detectors in every dwelling unit having a fossil fuel burning heater or appliance, fireplace, or an attached garage, regardless of the date of the construction of the dwelling. Requires the property owner to retain, or provide as proof of compliance, the manufacturer's instructions to ensure proper installation. Allows for use of combined carbon monoxide and smoke detectors that meet certain standards. Provides that this amendment should not be construed to mean that the Building Code Council does not have existing authority to make these changes prior to enactment.

Amends GS 42-42(a) (landlord to provide fit premises), effective January 1, 2009, for residential agreements in effect on or after that date, by adding a new subdivision to require landlords to provide and install operable national laboratory-tested and approved carbon monoxide detectors and retain, or provide as proof of compliance, the manufacturer's instructions to ensure proper installation. Provides that if a tenant requests in writing that the landlord replace or repair the detector, the landlord must comply within 15 days of notification. Requires that the landlord ensure that an operable detector is in place at the beginning of each new tenancy and replace batteries at that time, with the tenant responsible for replacing batteries throughout the tenancy, unless otherwise provided for by written agreement. Provides that failure of the tenant to replace batteries during the tenancy will not constitute tenant or landlord negligence. Applies only to dwelling units having a fossil fuel burning heater or appliance, fireplace, or an attached garage. Makes conforming changes to GS 42-43(a)(4) and (a)(7).

**Intro. by Weiss.**

GS 143, 42

June 19, 2008

**H 2471. REQUIRE CARBON MONOXIDE DETECTORS.** Filed 5/21/08. House committee substitute makes the following changes to 1st edition. Amends GS 42-42(a) to clarify that a landlord must supply a minimum of one operable carbon monoxide detector per level of each rental unit (was, provide operable carbon monoxide detectors). Specifies that the carbon monoxide detector must be listed by a nationally recognized testing laboratory that is OSHA-approved to test and certify to American National Standards Institute/Underwriters Laboratories Standards ANSI/UL2034 or ANSI/UL2075 (was, detector having an Underwriters Laboratories, Inc., listing or other equivalent national testing laboratory approval).

Provides that a landlord who installs one carbon monoxide detector per level of each rental unit is in compliance with the standards covering the location and number of detectors.

Permits a carbon monoxide detector to be combined with a smoke detector providing that the combined detector: (1) complies with ANSI/UL2034 or ANSI/UL2075 for carbon monoxide detectors and ANSI/UL217 for smoke detectors; and (2) the alarm emits distinctly different sounds for detecting the presence of carbon monoxide or the presence of smoke.

Amends GS 42-44 to provide that a landlord who fails to provide, install, replace, or repair a carbon monoxide detector is subject to the same penalties, provided for failing to provide, install, replace, or repair a smoke detector. Also provides the same general remedies and limitations as relevant to the landlord's responsibilities with regard to smoke detectors under GS 42-44.

Provides that any operable carbon monoxide detector installed before January 1, 2010, is in compliance with proposed new GS 42-42(a)(7).

Directs the Building Code Council to study the needs and benefits of carbon monoxide detectors and report the results to the General Assembly by July 1, 2009, effective when the act becomes law.

Unless otherwise indicated, effective January 1, 2010 (changes to GS 42-42(a) and GS 42-43 were effective January 1, 2009). Makes technical corrections and conforming title changes.