

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 1140*
PROPOSED COMMITTEE SUBSTITUTE H1140-PCS30768-TP-70

Short Title: Amend Hotel Carbon Monoxide Alarm Requirement.

(Public)

Sponsors:

Referred to:

May 21, 2014

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE REQUIREMENTS FOR CARBON MONOXIDE ALARMS IN
3 HOTELS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW
4 COMMISSION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Section 19(c) of S.L. 2013-413 is repealed.

7 **SECTION 2.** Section 19(e) of S.L. 2013-413 reads as rewritten:

8 "**SECTION 19.(e)** This section is effective when it becomes law, except that ~~(i)~~ subsection
9 (b) of this section becomes effective October 1, ~~2013~~2013, and expires ~~October 1, 2014~~; and
10 ~~(ii) subsection (c) of this section becomes effective October 1, 2014.~~"

11 **SECTION 3.** G.S. 143-138(b2) reads as rewritten:

12 "(b2) Carbon Monoxide ~~Alarms~~Detectors. – The Code (i) may contain provisions
13 requiring the installation of either battery-operated or electrical carbon monoxide
14 ~~alarms~~detectors in every dwelling unit having a ~~combustion~~fossil fuel ~~burning~~
15 appliance, or fireplace, and in any dwelling unit having an attached garage and (ii) shall contain
16 provisions requiring the installation of electrical carbon monoxide ~~alarms~~detectors at a lodging
17 establishment. Violations of this subsection and rules adopted pursuant to this subsection shall
18 be punishable in accordance with subsection (h) of this section and G.S. 143-139. In particular,
19 the rules shall provide:

20 (1) For dwelling units, carbon monoxide ~~alarms~~detectors shall be those listed by
21 a nationally recognized testing laboratory that is OSHA-approved to test and
22 certify to American National Standards Institute/Underwriters Laboratories
23 Standards ANSI/UL2034 or ANSI/UL2075 and shall be installed in
24 accordance with either the standard of the National Fire Protection
25 Association or the minimum protection designated in the manufacturer's
26 instructions, which the property owner shall retain or provide as proof of
27 compliance. A carbon monoxide ~~alarm~~detector may be combined with
28 smoke detectors if the combined ~~alarm~~detector does both of the following:
29 (i) complies with ANSI/UL2034 or ANSI/UL2075 for carbon monoxide
30 alarms and ANSI/UL217 for smoke detectors; and (ii) emits an alarm in a
31 manner that clearly differentiates between detecting the presence of carbon
32 monoxide and the presence of smoke.

33 (2) For lodging establishments, including tourist homes that provide
34 accommodations for seven or more continuous days (extended stay
35 establishments), and bed and breakfasts inns and bed and breakfast homes as
36 defined in G.S. 130A-247, carbon monoxide ~~alarms~~detectors shall be



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1 installed in every dwelling unit or sleeping unit~~enclosed space~~ having a
2 combustion~~fossil fuel burning~~ heater, appliance, or fireplace and in every
3 dwelling unit or sleeping unit~~any enclosed space, including a sleeping room,~~
4 that shares a common wall, floor, or ceiling with a room~~with an enclosed~~
5 space having a combustion~~fossil fuel burning~~ heater, appliance, or fireplace.
6 Carbon monoxide alarms~~detectors~~ shall be (i) listed by a nationally
7 recognized testing laboratory that is approved~~OSHA-approved~~ to test and
8 certify to American National Standards Institute/Underwriters Laboratories
9 (ANSI/UL) Standards ANSI/UL2034 or ANSI/UL2075, (ii) installed in
10 accordance with either the standard of the National Fire Protection
11 Association (NFPA) or the minimum protection designated in the
12 manufacturer's instructions, which the lodging establishment shall retain or
13 provide as proof of compliance, (iii) receive primary power from the
14 building's wiring, where such wiring is served from a commercial source,
15 and (iv) receive power from a battery when primary power is interrupted. A
16 carbon monoxide alarm~~detector~~ may be combined with smoke detectors if
17 the combined alarm~~detector~~ complies with the requirements of this
18 subdivision for carbon monoxide alarms and ANSI/UL217 for smoke
19 alarms~~detectors~~. In lieu of the carbon monoxide alarms required by this
20 subsection, a carbon monoxide detection system, which includes carbon
21 monoxide detectors and audible notification appliances installed and
22 maintained in accordance with NFPA 720, shall be permitted. The carbon
23 monoxide detectors shall be listed as complying with ANSI/UL2075. For
24 purposes of this subsection, "lodging establishment" means any hotel, motel,
25 tourist home, or other establishment permitted under authority of
26 G.S. 130A-248 to provide lodging accommodations for pay to the
27 public~~public~~, and "combustion heater, appliance, or fireplace" means any
28 heater, appliance, or fireplace that burns combustion fuels, including, but not
29 limited to, natural or liquefied petroleum gas, fuel oil, kerosene, wood, or
30 coal, for heating, cooking, drying, or decorative purposes, including, but not
31 limited to, space heaters, wall and ceiling heaters, ranges, ovens, stoves,
32 furnaces, fireplaces, water heaters, and clothes dryers. For purposes of this
33 subsection, candles and canned fuels are not considered to be combustion
34 appliances.

- 35 (3) The Building Code Council shall modify the NC State Building Code (Fire
36 Prevention) to regulate the provisions of this subsection in new and existing
37 lodging establishments, including hotels, motels, tourist homes that provide
38 accommodations for seven or more continuous days (extended stay
39 establishments), and bed and breakfast inns and bed and breakfast homes as
40 defined in G.S. 130A-247; provided nothing in this subsection shall prevent
41 the Building Code Council from establishing more stringent rules regulating
42 carbon monoxide alarms or detectors for new lodging establishments,
43 including hotels, motels, tourist homes that provide accommodations for
44 seven or more continuous days (extended stay establishments), and bed and
45 breakfast inns and bed and breakfast homes as defined in G.S. 130A-247.
46 The Building Code Council shall modify the NC State Building Code (Fire
47 Prevention) minimum inspection schedule to include annual inspections of
48 new and existing lodging establishments, including hotels, motels, and
49 tourist homes that provide accommodations for seven or more continuous
50 days (extended stay establishments), and bed and breakfast inns and bed and

1 breakfast homes as defined in G.S. 130A-247 for the purpose of compliance
2 with this subsection.

3 (4) Upon discovery of a violation of this subsection that poses an imminent
4 hazard and that is not corrected during an inspection of a lodging
5 establishment subject to the provisions of G.S. 130A-248, the code official
6 responsible for enforcing the NC State Building Code (Fire Prevention) shall
7 immediately notify the local health director for the county in which the
8 violation was discovered or his designee by verbal contact and shall also
9 submit a written report documenting the violation of this subsection to the
10 local health director for the county in which the violation was discovered or
11 his designee on the next working day following the discovery of the
12 violation. Within one working day of receipt of the written report
13 documenting a violation of this subsection, the local health director for the
14 county in which the violation was discovered or his designee shall
15 investigate and take appropriate action regarding the permit for the lodging
16 establishment, as provided in G.S. 130A-248. Lodging establishments
17 having five or more rooms that are exempted from the requirements of
18 G.S. 130A-248 by G.S. 130A-250 shall be subject to the penalties set forth
19 in the NC State Building Code (Fire Prevention).

20 (5) Upon discovery of a violation of this subsection that does not pose an
21 imminent hazard and that is not corrected during an inspection of a lodging
22 establishment subject to the provisions of G.S. 130A-248, the owner or
23 operator of the lodging establishment shall have a correction period of three
24 working days following the discovery of the violation to notify the code
25 official responsible for enforcing the NC State Building Code (Fire
26 Prevention) verbally or in writing that the violation has been corrected. If the
27 code official receives such notification, the code official may reinspect the
28 portions of the lodging establishment that contained violations, but any fees
29 for reinspection shall not exceed the fee charged for the initial inspection. If
30 the code official receives no such notification, or if a reinspection discovers
31 that previous violations were not corrected, the code official shall submit a
32 written report documenting the violation of this subsection to the local health
33 director for the county in which the violation was discovered or his designee
34 within three working days following the termination of the correction period
35 or the reinspection, whichever is later. The local health director shall
36 investigate and may take appropriate action regarding the permit for the
37 lodging establishment, as provided in G.S. 130A-248. Lodging
38 establishments having five or more rooms that are exempted from the
39 requirements of G.S. 130A-248 by G.S. 130A-250 shall be subject to the
40 penalties set forth in the NC State Building Code (Fire Prevention).

41 (6) The requirements of subdivisions (2) through (5) of this subsection shall not
42 apply to properties subject to the provisions of either G.S. 42-42 or
43 G.S. 42A-31."

44 **SECTION 4.** G.S. 130A-248 reads as rewritten:

45 **"§ 130A-248. Regulation of food and lodging establishments.**

46 ...
47 (b) No establishment shall commence or continue operation without a permit or
48 transitional permit issued by the Department. The permit or transitional permit shall be issued
49 to the owner or operator of the establishment and shall not be transferable. If the establishment
50 is leased, the permit or transitional permit shall be issued to the lessee and shall not be
51 transferable. If the location of an establishment changes, a new permit shall be obtained for the

1 establishment. A permit shall be issued only when the establishment satisfies all of the
2 requirements of the ~~rules, rules and the requirements of subsection (g) of this section.~~ The
3 Commission shall adopt rules establishing the requirements that must be met before a
4 transitional permit may be issued, and the period for which a transitional permit may be issued.
5 The Department may also impose conditions on the issuance of a permit or transitional permit
6 in accordance with rules adopted by the Commission. A permit or transitional permit shall be
7 immediately revoked in accordance with G.S. 130A-23(d) for failure of the establishment to
8 maintain a minimum grade of C. A permit or transitional permit may otherwise be suspended or
9 revoked in accordance with G.S. 130A-23.

10 ...

11 (g) All hotels, motels, tourist homes, and other establishments that provide lodging for
12 pay shall comply with the requirements of G.S. 143-138(b2)(2). Upon notification of a
13 violation of G.S. 143-138(b2)(2) by the code official responsible for enforcing the NC State
14 Building Code (Fire Prevention) in accordance with G.S. 143-138(b2)(4), the local health
15 department is authorized to suspend a permit issued pursuant to this section in accordance with
16 G.S. 130A-23.~~install either a battery operated or electrical carbon monoxide detector in every~~
17 ~~enclosed space having a fossil fuel burning heater, appliance, or fireplace and in any enclosed~~
18 ~~space, including a sleeping room, that shares a common wall, floor, or ceiling with an enclosed~~
19 ~~space having a fossil fuel burning heater, appliance, or fireplace. Carbon monoxide detectors~~
20 ~~shall be listed by a nationally recognized testing laboratory that is OSHA approved to test and~~
21 ~~certify to American National Standards Institute/Underwriters Laboratories Standards~~
22 ~~ANSI/UL2034 or ANSI/UL2075, and installed in accordance with either the standard of the~~
23 ~~National Fire Protection Association or the minimum protection designated in the~~
24 ~~manufacturer's instructions, which the establishment shall retain or provide as proof of~~
25 ~~compliance. A carbon monoxide detector may be combined with smoke detectors if the~~
26 ~~combined detector complies with the requirements of this subdivision for carbon monoxide~~
27 ~~alarms and ANSI/UL217 for smoke detectors."~~

28 **SECTION 5.** This act is effective when it becomes law.