

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10610-NSfa-6

Short Title: Fuel Gas Safety Act.

(Public)

Sponsors: Representative Reives.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE INSTALLATION AND MAINTENANCE OF FUEL GAS
3 DETECTORS IN ROOMS OR AREAS CONTAINING AN APPLIANCE FUELED BY
4 PROPANE, NATURAL GAS, OR ANY LIQUIFIED PETROLEUM GAS FOR CERTAIN
5 RESIDENTIAL, COMMERCIAL, AND PUBLIC HIGHER EDUCATION BUILDINGS.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 42-40 reads as rewritten:

8 "§ 42-40. Definitions.

9 For the purpose of this Article, the following definitions shall apply:

- 10 (1) ~~"Action" includes recoupment, Action.~~ – A recoupment, counterclaim,
11 defense, setoff, and any other proceeding including an action for possession.
- 12 (1a) Fuel gas detector. – A device that (i) has an assembly that incorporates a
13 sensor and an alarm that detects elevations in propane, natural gas, or a
14 liquified petroleum gas, (ii) sounds a warning alarm, (iii) is battery-operated,
15 plugged into an electrical outlet, or hardwired, and (iv) is approved by a
16 nationally recognized independent testing laboratory.
- 17 (1b) Landlord. – Any owner and any rental management company, rental agency,
18 or any other person having the actual or apparent authority of an agent to
19 perform the duties imposed by this Article.
- 20 (2) ~~"Premises" means a Premises.~~ – A dwelling unit, including mobile homes or
21 mobile home spaces, and the structure of which it is a part and facilities and
22 appurtenances therein and grounds, areas, and facilities normally held out for
23 the use of residential tenants.
- 24 (3) ~~"Landlord" means any owner and any rental management company, rental
25 agency, or any other person having the actual or apparent authority of an agent
26 to perform the duties imposed by this Article.~~
- 27 (4) ~~"Protected tenant" means a tenant or household member who is a victim of
28 domestic violence under Chapter 50B of the General Statutes or sexual assault
29 or stalking under Chapter 14 of the General Statutes.~~
- 30 (3) Protected tenant. – A tenant or household member who is a victim of domestic
31 violence under Chapter 50B of the General Statutes or sexual assault or
32 stalking under Chapter 14 of the General Statutes."

33 SECTION 2. G.S. 42-42 reads as rewritten:

34 "§ 42-42. Landlord to provide fit premises.

- 35 (a) The landlord shall:

36 ...



- 1 (7a) Install a minimum of one operable fuel gas detector in every room of the
 2 premises containing an appliance fueled by propane, natural gas, or a liquified
 3 petroleum gas. The landlord who acquires the premises shall install fuel gas
 4 detectors within 30 days of acquisition if compliant fuel gas detectors are not
 5 already installed. At the beginning of each tenancy, the landlord shall ensure
 6 that each fuel gas detector is in working order and unless the landlord and the
 7 tenant have a written agreement to the contrary, the landlord shall place new
 8 batteries in a battery-operated fuel gas detector. The landlord shall keep each
 9 fuel gas detector within the tenant's unit in working condition by keeping the
 10 fuel gas detector connected to the electrical service in the building or keeping
 11 charged batteries in a battery-operated fuel gas detector, testing the fuel gas
 12 detector periodically, and refraining from disabling the fuel gas detector. The
 13 landlord shall immediately replace or repair the fuel gas detector upon receipt
 14 of written notice of a deficiency with a fuel gas detector. If the landlord does
 15 not have actual knowledge or has not been notified in writing of the need to
 16 repair or replace a fuel gas detector, then the landlord's failure to repair or
 17 replace the fuel gas detector must not be considered evidence of negligence in
 18 a subsequent civil action arising from death, property loss, or personal injury.
 19 (7b) A device that functions as both a carbon monoxide alarm and a fuel gas
 20 detector may be used to comply with subdivisions (7) and (7a) of this
 21 subsection if the device satisfies the applicable requirements of those
 22 subdivisions.

23 "

24 **SECTION 3.** G.S. 42-43(a) reads as rewritten:

25 **"§ 42-43. Tenant to maintain dwelling unit.**

26 (a) The tenant shall:

27 ...

28 (4) Not deliberately or negligently destroy, deface, damage, or remove any part
 29 of the premises, nor render inoperable the smoke ~~alarm or alarm,~~ carbon
 30 monoxide ~~alarm-alarm,~~ or fuel gas detector provided by the landlord, or
 31 knowingly permit any person to do so.

32 ...

33 (7) Notify the landlord, in writing, of the need for replacement of or repairs to a
 34 smoke ~~alarm or alarm,~~ carbon monoxide ~~alarm-alarm,~~ or fuel gas detector.
 35 The landlord shall ensure that a smoke ~~alarm and alarm,~~ carbon monoxide
 36 ~~alarm-alarm,~~ and fuel gas detector are operable and in good repair at the
 37 beginning of each tenancy. Unless the landlord and the tenant have a written
 38 agreement to the contrary, the landlord shall place new batteries in a
 39 battery-operated smoke alarm battery-operated carbon monoxide alarm at the
 40 beginning of a tenancy and the tenant shall replace the batteries as needed
 41 during the tenancy, except where the smoke alarm is a tamper-resistant,
 42 10-year lithium battery smoke alarm as required by G.S. 42-42(a)(5a). Failure
 43 of the tenant to replace the batteries as needed shall not be considered as
 44 negligence on the part of the tenant or the landlord."

45 **SECTION 4.** G.S. 42-44 is amended by adding a new subsection to read:

46 "(a3) If the landlord fails to provide, install, replace, or repair a fuel gas detector under the
 47 provisions of this Article, the landlord shall be subject to a civil penalty of not more than five
 48 hundred dollars (\$500.00) per violation. The State Fire Marshal may (i) assess a civil penalty for
 49 each violation under this subsection and (ii) waive a civil penalty against a violator upon
 50 satisfactory proof that the violation was corrected within 10 days after the issuance of a complaint

1 of violation. The clear proceeds of a civil penalty under this subsection shall be remitted to the
2 Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

3 **SECTION 5.** G.S. 42-51(a) reads as rewritten:

4 "**§ 42-51. Permitted uses of the deposit.**

5 (a) Security deposits for residential dwelling units shall be permitted only for the
6 following:

7 ...

8 (2) Damage to the premises, including damage to or destruction of smoke ~~alarms~~
9 ~~or alarms~~, carbon monoxide ~~alarms~~, or fuel gas detectors.

10"

11 **SECTION 6.** G.S. 143-138 is amended by adding a new subsection to read:

12 "(b25) Fuel Gas Detectors. – The Code shall contain provisions requiring a building owner
13 to install and maintain at least one fuel gas detector, in accordance with the manufacturer's
14 instructions and as otherwise required by the Code, in each room or area containing an appliance
15 fueled by propane, natural gas, or liquified petroleum gas in (i) buildings and structures subject
16 to the North Carolina Residential Code, (ii) multifamily residential occupancies in buildings and
17 structures not subject to the North Carolina Residential Code, (iii) commercial occupancies,
18 including factories, offices, and warehouses, and (iv) public higher education facilities. For
19 commercial occupancies, the Code may also require installation in other areas susceptible to a
20 propane, natural gas, or liquified petroleum gas leak. For purposes of this subsection, a "fuel gas
21 detector" is a device listed by a nationally recognized testing laboratory that incorporates a sensor
22 and an alarm and that detects elevations in propane, natural gas, or liquified petroleum gas and
23 sounds a warning alarm. For purposes of this subsection, "public higher education facility" means
24 a building or structure owned, leased, or operated for use by a constituent institution of The
25 University of North Carolina or an institution of the North Carolina Community College System.
26 Compliance with G.S. 116-11(3d) or G.S. 115D-6.3, as applicable, satisfies the requirements of
27 this subsection for public higher education facilities to the extent the applicable policy requires
28 fuel gas detectors or other technologies that meet or exceed performance requirements for fuel
29 gas detection. Violations of this subsection and rules adopted pursuant to this subsection shall be
30 punishable in accordance with subsection (h) of this section and G.S. 143-139."

31 **SECTION 7.(a)** G.S. 143-139 is amended by adding a new subsection to read:

32 "(b2) Fuel Gas Detector Civil Penalty. – In jurisdictions where a county, city, or other
33 political subdivision provides inspection services under Article 11 of Chapter 160D of the
34 General Statutes and is authorized to enforce the North Carolina State Building Code within its
35 jurisdiction, the local government may enforce G.S. 143-138(b25), inspect buildings and
36 structures subject to G.S. 143-138(b25), and assess a civil penalty of not more than five hundred
37 dollars (\$500.00) per violation of G.S. 143-138(b25), rules adopted pursuant to
38 G.S. 143-138(b25), or, as applicable to public higher education facilities, policies adopted
39 pursuant to G.S. 116-11(3d) or G.S. 115D-6.3. A local government or State official assessing a
40 civil penalty under this subsection may waive the civil penalty upon satisfactory proof that the
41 violation was corrected within 10 days after notice of the violation. If a local government fails to
42 provide inspection services or ceases to exercise jurisdiction, the State Fire Marshal or other State
43 official with responsibility under this section may enforce G.S. 143-138(b25), inspect buildings
44 and structures subject to G.S. 143-138(b25), and assess the same civil penalty. This subsection
45 does not apply where a landlord is subject to a civil penalty under G.S. 42-44(a3) for the same
46 violation. A civil penalty imposed under this subsection may be recovered in a civil action in the
47 nature of debt if the offender does not pay the penalty within a prescribed period after citation or
48 notice of violation. If the State Fire Marshal or other State official institutes an action or
49 proceeding under this subsection, a county, city, or other political subdivision shall not institute
50 a civil action under this subsection based upon the same violation. Notwithstanding the last
51 sentence of subsection (b1) of this section, appeals from the imposition of a civil penalty under

1 this subsection by a county, city, or other political subdivision shall be as provided in
2 G.S. 160D-1127, and appeals from the imposition of a civil penalty under this subsection by the
3 State Fire Marshal or other State official shall be as provided in G.S. 143-140 and G.S. 143-141.
4 The clear proceeds of civil penalties collected under this subsection shall be remitted to the Civil
5 Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

6 **SECTION 7.(b)** G.S. 143-139(e) reads as rewritten:

7 "(e) State Buildings. – With respect to State buildings, the Department of Administration
8 shall have general supervision, through the Office of State Construction, of the administration
9 and enforcement of all sections of the North Carolina State Building Code pertaining to
10 plumbing, electrical systems, general building restrictions and regulations, heating and air
11 conditioning, fire protection, and the construction of buildings generally, except those sections
12 of the Code the enforcement of which is specifically allocated to other agencies by subsections
13 (c) and (d) of this section, and shall also exercise all remedies as provided in ~~subsection (b1)~~
14 subsections (b1) and (b2) of this section. The Department of Administration shall be the only
15 agency with the authority to seek remedies pursuant to this section with respect to State buildings.
16 Except as provided herein, nothing in this subsection shall be construed to abrogate the authority
17 of the State Fire Marshal under G.S. 58-31-41 or any other provision of law. For the purposes of
18 this subsection, "State buildings" does not include buildings, facilities, or projects located on
19 State lands that are (i) privately owned or privately leased and (ii) located within the North
20 Carolina Global TransPark."

21 **SECTION 8.** G.S. 116-11 is amended by adding a new subdivision to read:

22 "(3d) Fuel gas safety policy. – The Board of Governors shall adopt a policy to be
23 applied uniformly throughout The University of North Carolina for buildings
24 and structures owned, leased, or operated by constituent institutions. The
25 policy shall do all of the following:

- 26 a. Address the identification, evaluation, and mitigation of risks
27 associated with fuel gas systems and fuel-gas-burning appliances or
28 equipment.
29 b. Require the installation or retrofitting, where appropriate, of fuel gas
30 detectors in accordance with manufacturer's instructions and
31 applicable nationally recognized standards.
32 c. Provide that installation or retrofitting is not required in a location
33 where centralized monitoring systems, networked detection systems,
34 or other technologies are already in use that meet or exceed
35 performance requirements for fuel gas detection."

36 **SECTION 9.** Article 1 of Chapter 115D of the General Statutes is amended by
37 adding a new section to read:

38 "**§ 115D-6.3. Fuel gas safety policy.**

39 The State Board of Community Colleges shall adopt a policy to be applied uniformly
40 throughout the Community College System for buildings and structures owned, leased, or
41 operated by community colleges. The policy shall do all of the following:

- 42 (1) Address the identification, evaluation, and mitigation of risks associated with
43 fuel gas systems and fuel-gas-burning appliances or equipment.
44 (2) Require the installation or retrofitting, where appropriate, of fuel gas detectors
45 in accordance with manufacturer's instructions and applicable nationally
46 recognized standards.
47 (3) Provide that installation or retrofitting is not required in a location where
48 centralized monitoring systems, networked detection systems, or other
49 technologies are already in use that meet or exceed performance requirements
50 for fuel gas detection."

1 **SECTION 10.(a)** The Board of Governors of The University of North Carolina shall
2 adopt the policy required by G.S. 116-11(3d), as enacted by this act, no later than July 1, 2027.
3 Each constituent institution subject to that policy shall implement the policy no later than July 1,
4 2030.

5 **SECTION 10.(b)** The State Board of Community Colleges shall adopt the policy
6 required by G.S. 115D-6.3, as enacted by this act, no later than July 1, 2027. Each community
7 college subject to that policy shall implement the policy no later than July 1, 2030.

8 **SECTION 10.(c)** Notwithstanding G.S. 143-138(b25), as enacted by Section 6 of
9 this act, a public higher education facility shall not be required to comply with the public higher
10 education provisions of that subsection until the date by which the applicable institution must
11 implement the policy adopted pursuant to G.S. 116-11(3d) or G.S. 115D-6.3. After that date,
12 compliance with the applicable policy shall satisfy G.S. 143-138(b25) to the extent provided in
13 that subsection.

14 **SECTION 11.** There is appropriated from the General Fund to the Office of the State
15 Fire Marshal the sum of three hundred thousand dollars (\$300,000) in nonrecurring funds for the
16 2026-2027 fiscal year to be used to implement the provisions of this act.

17 **SECTION 12.** This act is effective when it becomes law.