

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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BILL DRAFT 2013-TPz-9 [v.7] (03/04)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

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Short Title: Amend Hotel Carbon Monoxide Alarm Requirement.

(Public)

Sponsors: (Primary Sponsor).

Referred to:

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

The General Assembly of North Carolina enacts:

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 Section 19.(c) of S.L. 2013-413 is repealed.

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

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

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

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

(1) For dwelling units, carbon monoxide ~~alarms~~~~detectors~~ shall be those 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 and shall be installed in
accordance with either the standard of the National Fire Protection
Association or the minimum protection designated in the manufacturer's
instructions, which the property owner shall retain or provide as proof of
compliance. A carbon monoxide ~~alarm~~~~detector~~ may be combined with
smoke detectors if the combined ~~alarm~~~~detector~~ does both of the following:
(i) complies with ANSI/UL2034 or ANSI/UL2075 for carbon monoxide
alarms and ANSI/UL217 for smoke detectors; and (ii) emits an alarm in a
manner that clearly differentiates between detecting the presence of carbon
monoxide and the presence of smoke.

(2) For lodging establishments, including tourist homes that provide
accommodations for seven or more continuous days (extended stay



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establishments), and bed and breakfast inns and bed and breakfast homes as defined in G.S. 130A-247, carbon monoxide ~~alarms~~~~detectors~~ shall be installed in every dwelling unit or sleeping unit~~enclosed space~~ having a ~~combustion~~~~fossil fuel burning~~ heater, appliance, or fireplace and in every dwelling unit or sleeping unit~~any enclosed space, including a sleeping room,~~ that shares a common wall, floor, or ceiling ~~with a room~~~~with an enclosed space~~ having a ~~combustion~~~~fossil fuel burning~~ heater, appliance, or fireplace. Carbon monoxide ~~alarms~~~~detectors~~ shall be (i) listed by a nationally recognized testing laboratory that is ~~approved~~~~OSHA approved~~ to test and certify to American National Standards Institute/Underwriters Laboratories (ANSI/UL) Standards ANSI/UL2034 or ANSI/UL2075, (ii) installed in accordance with either the standard of the National Fire Protection Association (NFPA) or the minimum protection designated in the manufacturer's instructions, which the lodging establishment shall retain or provide as proof of compliance, (iii) receive primary power from the building's wiring, where such wiring is served from a commercial source, and (iv) receive power from a battery when primary power is interrupted. A carbon monoxide ~~alarm~~~~detector~~ may be combined with smoke detectors if the combined ~~alarm~~~~detector~~ complies with the requirements of this subdivision for carbon monoxide alarms and ANSI/UL217 for smoke ~~alarms~~~~detectors~~. In lieu of the carbon monoxide alarms required by this subsection, a carbon monoxide detection system, which includes carbon monoxide detectors and audible notification appliances installed and maintained in accordance with NFPA 720 shall be permitted. The carbon monoxide detectors shall be listed as complying with ANSI/UL2075. For purposes of this subsection, "lodging establishment" means any hotel, motel, tourist home, or other establishment permitted under authority of G.S. 130A-248 to provide lodging accommodations for pay to the public, public, and "combustion heater, appliance, or fireplace" means any heater, appliance, or fireplace that burns combustion fuels, including but not limited to natural or liquefied petroleum gas, fuel oil, kerosene, wood, or coal, for heating, cooking, drying, or decorative purposes, including but not limited to space heaters, wall and ceiling heaters, ranges, ovens, stoves, furnaces, fireplaces, water heaters, and clothes dryers. For purposes of this subsection, candles and canned fuels are not considered to be combustion appliances.

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

days (extended stay establishments), and bed and breakfast inns and bed and breakfast homes as defined in G.S. 130A-247 for the purpose of compliance with this subsection.

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

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

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

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

...

(b) No establishment shall commence or continue operation without a permit or transitional permit issued by the Department. The permit or transitional permit shall be issued to the owner or operator of the establishment and shall not be transferable. If the establishment is leased, the permit or transitional permit shall be issued to the lessee and shall not be transferable. If the location of an establishment changes, a new permit shall be obtained for the establishment. A permit shall be issued only when the establishment satisfies all of the requirements of the ~~rules, rules and the requirements of subsection (g) of this section.~~ The

Commission shall adopt rules establishing the requirements that must be met before a transitional permit may be issued, and the period for which a transitional permit may be issued. The Department may also impose conditions on the issuance of a permit or transitional permit in accordance with rules adopted by the Commission. A permit or transitional permit shall be immediately revoked in accordance with G.S. 130A-23(d) for failure of the establishment to maintain a minimum grade of C. A permit or transitional permit may otherwise be suspended or revoked in accordance with G.S. 130A-23.

...

(g) All hotels, motels, tourist homes, and other establishments that provide lodging for pay shall comply with the requirements of G.S. 143-138(b2)(2). Upon notification of a violation of G.S. 143-138(b2)(2) by the code official responsible for enforcing the NC State Building Code (Fire Prevention) in accordance with G.S. 143-138(b2)(4), the local health department is authorized to suspend a permit issued pursuant to this section in accordance with G.S. 130A-23.~~install either a battery operated or electrical carbon monoxide detector in every enclosed space having a fossil fuel burning heater, appliance, or fireplace and in any enclosed space, including a sleeping room, that shares a common wall, floor, or ceiling with an enclosed space having a fossil fuel burning heater, appliance, or fireplace. Carbon monoxide detectors shall 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, and installed in accordance with either the standard of the National Fire Protection Association or the minimum protection designated in the manufacturer's instructions, which the establishment shall retain or provide as proof of compliance. A carbon monoxide detector may be combined with smoke detectors if the combined detector complies with the requirements of this subdivision for carbon monoxide alarms and ANSI/UL217 for smoke detectors."~~

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