

**FIRST ENGROSSMENT
with Senate Amendments
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 alarms; 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 alarms; and to provide an effective
6 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 systemsalarms for residential rental**
11 **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, must be equipped with smøkecarbon monoxide detection systemsalarms
15 or other approved alarm systems for the protection of occupants of the property.
16 ~~Systems must be installed and maintained in compliance with applicable national fire-~~
17 ~~protection standards as defined by rules adopted by the state fire marshal~~All
18 residential rental property, with the exception of property covered by section
19 23-09-02.1, must be equipped with smoke detection alarms or other approved alarm
20 systems for the protection of occupants of the property. The state fire marshal and
21 local fire departments shall provide information concerning the installation of smoke
22 and carbon monoxide detection systemsalarms to owners of residential rental
23 properties. ~~A system~~Alarms installed in a single-family rental dwelling must be
24 maintained and inspected by the tenant occupying the single-family rental dwelling. In

- 1 other dwellings, the landlord is responsible for installation and ensuring the proper
2 operation of the ~~systemalarms~~ upon the occupancy of each new tenant. The tenant is
3 responsible for maintaining the ~~systemalarms~~ during the tenant's occupancy.
- 4 2. The landlord of a residential dwelling ~~unit~~ shall provide an approved visual smoke and
5 carbon monoxide detection ~~systemalarm~~ or other visual alarm system for fire and
6 carbon monoxide if requested in writing by a tenant who is deaf. A landlord is not
7 subject to this subsection if the rental property of that landlord does not exceed one
8 building and that building does not exceed four residential ~~dwellings~~dwellings.
- 9 3. Nothing in this section may be construed to alter the provisions of chapter 54-21.3
10 regarding smoke detection and carbon monoxide ~~systems or alarm systems~~alarms for
11 newly constructed residences.
- 12 4. ~~Any property owner who willfully fails to install a system as required by this section is~~
13 ~~guilty of a class B misdemeanor~~

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

- 16 d. Maintain in good and safe working order and condition all electrical, plumbing,
17 sanitary, heating, ventilating, air-conditioning, carbon monoxide and smoke
18 detection alarms, and other facilities and appliances, including elevators,
19 supplied or required to be supplied by the landlord.

20 **SECTION 3.** A new subsection to section 47-16-13.1 of the North Dakota Century Code is
21 created and enacted as follows:

22 Notwithstanding subsection 2 and section 47-16-13, if a carbon monoxide detection
23 alarm is found to be inoperable, the landlord of a residential dwelling shall correct the
24 situation within thirty days after receiving written notification from the tenant, state fire
25 marshal, fire chief, building inspector, or other fire, building, or safety official. If the
26 landlord fails to correct the situation within the thirty days, the tenant may repair the
27 carbon monoxide detection alarm or purchase and install a carbon monoxide detection
28 alarm and may deduct the repair cost or purchase price from the next rental payment
29 made by the tenant. A landlord may require a tenant who has a residency of longer
30 than thirty days to provide the battery for a battery-operated carbon monoxide
31 detection alarm.

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

3 4. a. The state building code or a building code adopted by a city, township, or county
4 may not include a requirement that fire sprinklers be installed in a ~~single-~~
5 ~~family~~single-family dwelling or a residential building that contains no more than
6 two dwelling units.

7 b. The state building code, plumbing code, electrical code, or an equivalent code
8 adopted by a ~~political subdivision~~city, township, or county must provide that a
9 building designed for and used as a school portable classroom may be
10 constructed and inspected as a temporary structure as defined by the state
11 building code or may be permitted as a permanent school portable classroom.
12 The foundation system of such a structure must comply with the
13 recommendations of the manufacturer's engineering report for a pre-engineered
14 unit or a structural engineer's report. Frost-free footings may not be required for a
15 temporary structure that meets the requirements of the state building code unless
16 required by an engineering report. Temporary electrical and plumbing installations
17 may be allowed for any structure by the governmental entities governing those
18 areas of construction or the applicable codes.

19 **SECTION 5. EFFECTIVE DATE.** This Act becomes effective on January 1, 2018.