

**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 alarms; to  
3 amend and reenact section 23-13-15, subdivision d of subsection 1 of section 47-16-13.1, and  
4 subsection 4 of section 54-21.3-03 of the North Dakota Century Code, relating to the installation  
5 of carbon monoxide alarms and smoke detection devices; and to provide an effective date.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 23-13-15 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **23-13-15. Smoke and carbon monoxide detection systems for residential rental**  
10 **property - Penalty.**

- 11 1. All residential rental property with the exception of property covered by section  
12 23-09-02.1 must be equipped with smoke and carbon monoxide detection systems or  
13 other approved alarm systems for the protection of occupants of the property. Systems  
14 must be installed and maintained in compliance with applicable national fire protection  
15 standards as defined by rules adopted by the state fire marshal. The state fire marshal  
16 and local fire departments shall provide information concerning the installation of  
17 smoke and carbon monoxide detection systems to owners of residential rental  
18 properties. ~~A system~~Systems installed in a single-family rental dwelling must be  
19 maintained and inspected by the tenant occupying the single-family rental dwelling. In  
20 other dwellings, the landlord is responsible for installation and ensuring the proper  
21 operation of the ~~systems~~systems upon the occupancy of each new tenant. The tenant  
22 is responsible for maintaining the ~~systems~~systems during the tenant's occupancy.
- 23 2. The landlord of a residential dwelling unit shall provide an approved visual smoke and  
24 carbon monoxide detection system or other visual alarm system for fire and carbon

1            monoxide if requested in writing by a tenant who is deaf. A landlord is not subject to  
2            this subsection if the rental property of that landlord does not exceed one building and  
3            that building does not exceed four residential dwelling units.

4            3. Nothing in this section may be construed to alter the provisions of chapter 54-21.3  
5            regarding smoke detection and carbon monoxide systems or alarm systems for newly  
6            constructed residences.

7            4. Any property owner who willfully fails to install a system as required by this section is  
8            guilty of a class B misdemeanor.

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

11            d. Maintain in good and safe working order and condition all electrical, plumbing,  
12            sanitary, heating, ventilating, air-conditioning, carbon monoxide and smoke  
13            detection devices, and other facilities and appliances, including elevators,  
14            supplied or required to be supplied by the landlord.

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

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

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

29            4. a. The state building code or a building code adopted by a city, township, or county  
30            may not include a requirement that fire sprinklers be installed in a ~~single~~

1           ~~family~~single-family dwelling or a residential building that contains no more than  
2           two dwelling units.

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

15          c. The state building code and any building code adopted by a city, township, or  
16          county must require carbon monoxide detection alarms and smoke detection  
17          devices be installed in any structure that includes a wood or other fuel-fired  
18          fireplace, heater, or appliance or an attached garage if the structure is a  
19          single-family dwelling or a multiple-unit building that includes residential dwellings  
20          which is sold or for which ownership of the property is otherwise transferred after  
21          December 31, 2017, or includes a residential dwelling unit that is leased or  
22          rented.

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