

Sixty-fifth  
Legislative Assembly  
of North Dakota

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

1 and inspected by the tenant occupying the single-family rental dwelling. In other  
2 dwellings, the landlord is responsible for installation and ensuring the proper operation  
3 of the ~~system~~devicesalarms upon the occupancy of each new tenant. The tenant is  
4 responsible for maintaining the ~~system~~devicesalarms during the tenant's occupancy.

5 2. The landlord of a residential dwelling ~~unit~~ shall provide an approved visual smoke and  
6 carbon monoxide detection ~~system~~devicealarm or other visual alarm ~~system~~device for  
7 fire and carbon monoxide if requested in writing by a tenant who is deaf. A landlord is  
8 not subject to this subsection if the rental property of that landlord does not exceed  
9 one building and that building does not exceed four residential ~~dwelling-units~~dwellings.

10 3. Nothing in this section may be construed to alter the provisions of chapter 54-21.3  
11 regarding smoke detection and carbon monoxide ~~systems or alarm systems~~detection-  
12 devicesalarms for newly constructed residences.

13 ~~4. Any property owner who willfully fails to install a systemdevice as required by this~~  
14 ~~section is guilty of a class B misdemeanor or an infraction.~~

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

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

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

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

1           has a residency of longer than thirty days to provide the battery for a battery-operated  
2           carbon monoxide detection ~~device~~alarm.

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

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

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

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