

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. ~~SystemsDevicesAlarms~~ 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. The state fire marshal and local fire departments
19 shall provide information concerning the installation of smoke and carbon monoxide
20 detection systems~~devicesalarms~~ to owners of residential rental properties. A-
21 system~~DevicesAlarms~~ installed in a single-family rental dwelling must be maintained
22 and inspected by the tenant occupying the single-family rental dwelling. In other
23 dwellings, the landlord is responsible for installation and ensuring the proper operation

- 1 of the system devicesalarms upon the occupancy of each new tenant. The tenant is
2 responsible for maintaining the system devicesalarms during the tenant's occupancy.
- 3 2. The landlord of a residential dwelling unit shall provide an approved visual smoke and
4 carbon monoxide detection system devicealarm or other visual alarm system device for
5 fire and carbon monoxide if requested in writing by a tenant who is deaf. A landlord is
6 not subject to this subsection if the rental property of that landlord does not exceed
7 one building and that building does not exceed four residential dwelling-unitsdwellings.
- 8 3. Nothing in this section may be construed to alter the provisions of chapter 54-21.3
9 regarding smoke detection and carbon monoxide systems or alarm systems detection-
10 devicesalarms for newly constructed residences.

11 ~~4. Any property owner who willfully fails to install a system device as required by this~~
12 ~~section is guilty of a class B misdemeanor or an infraction.~~

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

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

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

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

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.