

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 764

Short Title: Smoke Detectors Required.

(Public)

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Sponsors: Representatives DeVane; and Bowman.

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Referred to: Judiciary III.

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April 6, 1993

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE INSTALLATION OF SMOKE DETECTORS IN ALL DWELLINGS IN NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. Chapter 58 of the General Statutes is amended by adding a new section to read:

**"§ 58-79-21. Smoke detectors required.**

(a) Prior to recording the deed of transfer on any existing one or two family dwelling, multifamily dwelling, townhouse or condominium, each dwelling unit shall be equipped with an approved and properly functioning smoke detector which is installed in accordance with National Fire Protection Association (NFPA) Standard 74, entitled Household Fire Warning Equipment, with the North Carolina Building Code, Volume IV, and with G.S. 143-138. A battery operated smoke detector meeting the requirements of NFPA 74 is permitted in existing dwellings that were constructed prior to January 1, 1974.

(b) The dwellings required to have smoke detectors in subsection (a) of this section shall be inspected by the fire prevention inspection agency, or the fire department in whose jurisdiction the dwelling unit is located, or by a third-party inspection agency approved by the local governing body to ascertain that each dwelling unit is equipped with the required smoke detector.

(c) The fire prevention inspection agency, the fire department, or the approved third-party inspection agency shall verify in writing, on a form provided by the fire department or fire prevention inspection agency, that the dwelling unit has been

1 inspected and at the time of the inspection was equipped with a properly installed and  
2 functioning smoke detector.

3 (d) The fire prevention inspection agency, the fire department, or the approved  
4 third-party inspection agency may assess a reasonable inspection fee per dwelling unit  
5 to be paid by the seller or seller's agent prior to conducting the inspection. Third-party  
6 inspection agency fees shall be established by the local governing body.

7 (e) It shall be the responsibility of the seller or seller's agent to see that all  
8 necessary inspections are made by the fire prevention inspection agency, the fire  
9 department, or the third-party inspection agency, and that proper and completed forms  
10 have been to the register of deeds in the county in which the transaction occurs, prior to  
11 recording the transfer of the deed.

12 (f) The seller, seller's agent, or purchaser shall not be held liable for damage,  
13 injury, or death resulting from the mechanical failure of a smoke detector required by  
14 this section unless the failure is caused by their improper installation or maintenance of  
15 the smoke detector.

16 (g) No person shall remove or tamper with a properly functioning smoke detector  
17 required by or installed pursuant to this section.

18 (h) All smoke detectors required by or installed pursuant to this section shall be  
19 maintained in accordance with NFPA 74.

20 (i) Any person violating the provisions of this section shall be guilty of a  
21 misdemeanor and upon conviction shall be fined not less than fifty dollars (\$50.00) nor  
22 more than five hundred dollars (\$500.00). A second or subsequent conviction for  
23 violating any provision of this section shall also subject the person to a jail term of up to  
24 30 days at the discretion of the sentencing court."

25 Sec. 2. This act becomes effective January 1, 1994.