

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL DRS15309-NK-67

Short Title: Fuel Gas Detector Act.

(Public)

Sponsors: Senators Murdock and Salvador (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE INSTALLATION AND MAINTENANCE OF FUEL GAS
3 DETECTORS IN ROOMS CONTAINING AN APPLIANCE FUELED BY PROPANE,
4 NATURAL GAS, OR ANY LIQUIFIED PETROLEUM GAS FOR CERTAIN
5 RESIDENTIAL BUILDINGS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 42-40 reads as rewritten:

8 "**§ 42-40. Definitions.**

9 For the purpose of this Article, the following definitions shall apply:

- 10 (1) ~~"Action" includes recoupment, Action.~~ – A recoupment, counterclaim,
11 defense, setoff, and any other proceeding including an action for possession.
- 12 (1a) Fuel gas detector. – A device that (i) has an assembly that incorporates a
13 sensor and an alarm that detects elevations in propane, natural gas, or a
14 liquified petroleum gas, (ii) sounds a warning alarm, (iii) is battery-operated,
15 plugged into an electrical outlet, or hardwired, and (iv) is approved by a
16 nationally recognized independent testing laboratory.
- 17 (1b) Landlord. – Any owner and any rental management company, rental agency,
18 or any other person having the actual or apparent authority of an agent to
19 perform the duties imposed by this Article.
- 20 (2) ~~"Premises" means a Premises.~~ – A dwelling unit, including mobile homes or
21 mobile home spaces, and the structure of which it is a part and facilities and
22 appurtenances therein and grounds, areas, and facilities normally held out for
23 the use of residential tenants.
- 24 (3) ~~"Landlord" means any owner and any rental management company, rental~~
25 ~~agency, or any other person having the actual or apparent authority of an agent~~
26 ~~to perform the duties imposed by this Article.~~
- 27 (4) ~~"Protected tenant" means a tenant or household member who is a victim of~~
28 ~~domestic violence under Chapter 50B of the General Statutes or sexual assault~~
29 ~~or stalking under Chapter 14 of the General Statutes.~~
- 30 (3) Protected tenant. – A tenant or household member who is a victim of domestic
31 violence under Chapter 50B of the General Statutes or sexual assault or
32 stalking under Chapter 14 of the General Statutes."

33 **SECTION 2.** G.S. 42-42 reads as rewritten:

34 "**§ 42-42. Landlord to provide fit premises.**

35 (a) The landlord shall:

36 ...



1 (7a) Install a minimum of one operable fuel gas detector in every room of the
 2 premises containing an appliance fueled by propane, natural gas, or a liquified
 3 petroleum gas. The landlord who acquires the premises shall install fuel gas
 4 detectors within 30 days of acquisition if compliant fuel detectors are not
 5 already installed. At the beginning of each tenancy, the landlord shall ensure
 6 that each fuel gas detector is in working order. The landlord shall immediately
 7 replace or repair the fuel gas detector upon receipt of written notice of a
 8 deficiency with a fuel gas detector. If the landlord does not have actual
 9 knowledge or has not been notified in writing of the need to repair or replace
 10 a fuel gas detector, then the landlord's failure to repair or replace the fuel gas
 11 detector must not be considered evidence of negligence in a subsequent civil
 12 action arising from death, property loss, or personal injury.

13 "

14 **SECTION 3.** G.S. 42-43(a) reads as rewritten:

15 "**§ 42-43. Tenant to maintain dwelling unit.**

16 (a) The tenant shall:

17 ...

18 (4) Not deliberately or negligently destroy, deface, damage, or remove any part
 19 of the premises, nor render inoperable the smoke ~~alarm or alarm,~~ carbon
 20 monoxide ~~alarm-alarm,~~ or fuel gas detector provided by the landlord, or
 21 knowingly permit any person to do so.

22 ...

23 (7) Notify the landlord, in writing, of the need for replacement of or repairs to a
 24 smoke ~~alarm or alarm,~~ carbon monoxide ~~alarm-alarm,~~ or fuel gas detector.
 25 The landlord shall ensure that a smoke ~~alarm and alarm,~~ carbon monoxide
 26 ~~alarm-alarm,~~ and fuel gas detector are operable and in good repair at the
 27 beginning of each tenancy. Unless the landlord and the tenant have a written
 28 agreement to the contrary, the landlord shall place new batteries in a
 29 battery-operated smoke alarm and battery-operated carbon monoxide alarm at
 30 the beginning of a tenancy and the tenant shall replace the batteries as needed
 31 during the tenancy, except where the smoke alarm is a tamper-resistant,
 32 10-year lithium battery smoke alarm as required by G.S. 42-42(a)(5a). Failure
 33 of the tenant to replace the batteries as needed shall not be considered as
 34 negligence on the part of the tenant or the landlord. A tenant shall keep each
 35 fuel gas detector within the tenant's unit in working condition by keeping the
 36 fuel gas detector connected to the electrical service in the building or keeping
 37 charged batteries in a battery-operated fuel gas detector, testing the fuel gas
 38 detector periodically, and refraining from disabling the fuel gas detector. A
 39 person does not have a claim for relief against a property owner, a property
 40 purchaser, an authorized agent of a property owner or purchaser, a person in
 41 possession of real property, a closing agent, or a lender for damages resulting
 42 from the operation, maintenance, or effectiveness of a fuel gas detector
 43 installed in accordance with this Article."

44 **SECTION 4.** G.S. 42-44 is amended by adding a new subsection to read:

45 "(a3) If the landlord fails to provide, install, replace, or repair a fuel gas detector under the
 46 provisions of this Article, the landlord shall be subject to a civil penalty. The clear proceeds of
 47 which shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with
 48 G.S. 115C-457.2.

49 (1) For residential properties intended for single-family use, a person is subject to
 50 a civil penalty in the following amounts:

- 1 a. For a first offense or a subsequent offense committed more than 90
- 2 days after the previous offense, two hundred fifty dollars (\$250.00).
- 3 b. For a second offense committed within 90 days of an offense described
- 4 in sub-subdivision a. of this subdivision, five hundred dollars
- 5 (\$500.00).
- 6 c. For a third or subsequent offense committed within 90 days of an
- 7 offense described in sub-subdivision a. of this subdivision, one
- 8 thousand dollars (\$1,000).
- 9 (2) For buildings of multifamily use, a person is subject to a civil penalty in the
- 10 following amounts:
- 11 a. For a first offense or a subsequent offense committed more than 90
- 12 days after the previous offense, one thousand dollars (\$1,000).
- 13 b. For a second offense committed within 90 days of an offense described
- 14 in sub-subdivision a. of this subdivision, two thousand dollars
- 15 (\$2,000).
- 16 c. For a third or subsequent offense committed within 90 days of an
- 17 offense described in sub-subdivision a. of this subdivision, five
- 18 thousand dollars (\$5,000).
- 19 (3) The State Fire Marshal may (i) assess a civil penalty for each violation as
- 20 specified in this part and (ii) waive a civil penalty against a violator upon
- 21 satisfactory proof that the violation was corrected within 10 days after the
- 22 issuance of a complaint of violation."

SECTION 5. G.S. 42-51(a) reads as rewritten:

"§ 42-51. Permitted uses of the deposit.

(a) Security deposits for residential dwelling units shall be permitted only for the following:

- 27 ...
- 28 (2) Damage to the premises, including damage to or destruction of smoke ~~alarms~~
- 29 ~~or alarms,~~ carbon monoxide ~~alarms-alarms,~~ or fuel gas detectors.
- 30 "

SECTION 6. G.S. 143-138 is amended by adding a new subsection to read:

"(b23) Fuel Gas Detectors. – The Code shall contain provisions requiring a building owner to install, in accordance with a fuel gas detector's manufacturer requirements, at least one fuel gas detector in every room containing an appliance fueled by propane, natural gas, or a liquified petroleum gas in (i) all multifamily residential buildings and (ii) all single-family residential properties.

For purposes of this subsection, a "fuel gas detector" is a device that (i) has an assembly that incorporates a sensor and an alarm that detects elevations in propane, natural gas, or a liquified petroleum gas, (ii) sounds a warning alarm, (iii) is battery-operated, plugged into an electrical outlet, or hardwired, and (iv) is approved by a nationally recognized independent testing laboratory. Violations of this subsection and rules adopted pursuant to this subsection shall be punishable in accordance with subsection (h) of this section and G.S. 143-139."

SECTION 7. This act is effective when it becomes law.