RECENTED

99 FEB 21 M 3: 28

GITUL C. 1014

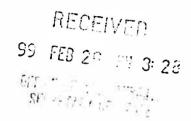
STORETH TO THE STORETH

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1999

ENROLLED

SENATE	BILL NO
(By Senato	r <u>Wooton, ET AL</u>)
PASSED In Effect	<u> </u>



ENROLLED

Senate Bill No. 240

(By Senators Wooton, Ball, Dittmar, Fanning, Hunter, Kessler, McCabe, Minard, Mitchell, Oliverio, Redd, Ross, Schoonover, Snyder and Deem)

[Passed February 19, 1999; in effect from passage.]

AN ACT to amend and reenact section sixteen-a, article three, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to smoke detector requirements; carbon monoxide detector requirements; notice to occupants; offenses; and penalties.

Be it enacted by the Legislature of West Virginia:

That section sixteen-a, article three, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 3. FIRE PREVENTION AND CONTROL ACT.

- §29-3-16a. Smoke detectors in one- and two-family dwellings; carbon monoxide detectors in residential units; penalty.
 - 1 (a) On or before the first day of July, one thousand nine
 - 2 hundred ninety-one, an operational smoke detector shall
 - 3 be installed in the immediate vicinity of each sleeping area

- within all one- and two-family dwellings, including any "manufactured home" as that term is defined in subsection (i), section two, article nine, chapter twenty-one of this 6 7 code. Such smoke detector shall be capable of sensing 8 visible or invisible particles of combustion and shall meet the specifications and be installed as provided for in the National Fire Protection Association Standard 74, 10 11 "Standard for the Installation, Maintenance and Use of Household Fire Warning Equipment", 1989 edition, and in 12 13 the manufacturer's specifications. When activated, the smoke detector shall provide an alarm suitable to warn the 14 15 occupants of the danger of fire.
- 16 (b) The owner of each dwelling described in subsection (a) of this section shall provide, install and replace the 17 operational smoke detectors required by this section. So 18 19 as to assure that the smoke detector continues to be operational, in each dwelling described in subsection (a) of 20 this section which is not occupied by the owner thereof, 21 22 the tenant in any such dwelling shall perform routine 23 maintenance on the smoke detectors within such dwelling.
- (c) Where a dwelling is not occupied by the owner and is occupied by an individual who is deaf or hearing impaired, the owner shall, upon written request by or on behalf of such individual, provide and install a smoke detector with a light signal sufficient to warn the deaf or hearing-impaired individual of the danger of fire.
- (d) An automatic fire sprinkler system installed in
 accordance with the National Fire Protection Association
 Standard 13D, "Standard for the Installation of Sprinkler
 Systems in Residential Occupancies", 1989 edition, may be
 provided in lieu of smoke detectors.
- 35 (e) After investigating a fire in any dwelling described in 36 subsection (a) of this section, the local investigating 37 authority shall issue to the owner a smoke detector 38 installation order in the absence of the required smoke 39 detectors.
- 40 (f) After the first day of July, one thousand nine hundred 41 ninety-eight, an operational carbon monoxide detector

- with a suitable alarm shall be installed in accordance with the manufacturer's direction:
- 44 (1) In any newly constructed residential unit which has 45 a fuel-burning heating or cooking source, including, but 46 not limited to, an oil or gas furnace or stove; and
- 47 (2) In any residential unit which is connected to a newly 48 constructed building, including, but not limited to, a 49 garage, storage shed or bar, which has a fuel-burning 50 heating or cooking source, including, but not limited to, an 51 oil or gas furnace or stove.
- 52 (g) Any person installing a carbon monoxide detector in 53 a residential unit shall inform the owner, lessor, occupant 54 or occupants of the residential unit of the dangers of 55 carbon monoxide poisoning and instructions on the 56 operation of the carbon monoxide detector installed.
- 57 (h) When repair or maintenance work is undertaken on 58 a fuel-burning heating or cooking source or a venting 59 system in an existing residential unit, the person making 60 the repair or performing the maintenance shall inform the owner, lessor, occupant or occupants of the unit being 61 62 served by the fuel-burning heating or cooking source or venting system of the dangers of carbon monoxide poisoning and recommend the installation of a carbon monoxide 64 65 detector.
- (i) Any person who violates any provision of this section
 is guilty of a misdemeanor and, upon conviction thereof,
 shall be fined not less than fifty dollars nor more than one
 hundred dollars.
- 70 (j) A violation of this section shall not be deemed by 71 virtue of such violation to constitute evidence of negli-72 gence or contributory negligence or comparative negli-73 gence in any civil action or proceeding for damages.
- 74 (k) A violation of this section shall not constitute a 75 defense in any civil action or proceeding involving any 76 insurance policy.
- 77 (l) Nothing in this section shall be construed to limit the 78 rights of any political subdivision in this state to enact

- 79 laws imposing upon owners of any dwelling or other
- 80 building described in subsection (a) or (f) of this section a
- 81 greater duty with regard to the installation, repair and
- 82 replacement of the smoke detectors or carbon monoxide
- 83 detectors than is required by this section.

`	,	[Em. C. D. 210
That Joint Committee on En		eby certifies that
the foregoing bill is correctly en	nrolled.	
Mil Schoo	roll	-
Chairman Senate Commi	ttee /	/
••9	Jef. Su	th
	Chairman Hou	se Committee
Originating in the Senate.		
In effect from passage.		
A prelled los	nes	
Clerk of the Senate		
Bry h Say		
Clerk of the House	of Delegates	
Calk	an Tome	elm
Preside	ent of the Senat	e
•		

The within Jewishis the Day of 1999

Governor

⊕ GCIU 326-C

Speaker House of Delegates

PRESENTED TO THE

GOVERNO

Time.