WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 2000

ENROLLED

SENATE BILL NO. 214

(By Senator Ball)

PASSED March 9, 2000
In Effect from Passage
Senate Bill No. 216

(By Senator Ball)

[Passed March 9, 2000; 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 clarifying to whom notice is to be given upon installation, repair or maintenance of a carbon monoxide detector.

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 hundred ninety-one, an operational smoke detector shall
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
(j), section two, article nine, chapter twenty-one of this
code. Such smoke detector shall be capable of sensing
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,
"Standard for the Installation, Maintenance and Use of
Household Fire Warning Equipment", 1989 edition, and in
the manufacturer's specifications. When activated, the
smoke detector shall provide an alarm suitable to warn the
occupants of the danger of fire.

(b) The owner of each dwelling described in subsection
(a) of this section shall provide, install and replace the
operational smoke detectors required by this section. So
as to assure that the smoke detector continues to be
operational, in each dwelling described in subsection (a) of
this section which is not occupied by the owner thereof,
the tenant in any such dwelling shall perform routine
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 hear-
ing-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.

(e) After investigating a fire in any dwelling described in
subsection (a) of this section, the local investigating
authority shall issue to the owner a smoke detector installation order in the absence of the required smoke detectors.

(f) After the first day of July, one thousand nine hundred ninety-eight, an operational carbon monoxide detector with a suitable alarm shall be installed in accordance with the manufacturer’s direction:

(1) In any newly constructed residential unit which has a fuel-burning heating or cooking source, including, but not limited to, an oil or gas furnace or stove; and

(2) In any residential unit which is connected to a newly constructed building, including, but not limited to, a garage, storage shed or bar, which has a fuel-burning heating or cooking source, including, but not limited to, an oil or gas furnace or stove.

(g) Any person installing a carbon monoxide detector in a residential unit shall inform the owner, lessor or the occupant or occupants of the residential unit of the dangers of carbon monoxide poisoning and instructions on the operation of the carbon monoxide detector installed.

(h) When repair or maintenance work is undertaken on a fuel-burning heating or cooking source or a venting system in an existing residential unit, the person making the repair or performing the maintenance shall inform the owner, lessor or the occupant or occupants of the unit being 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 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.
(j) A violation of this section shall not be deemed by virtue of such violation to constitute evidence of negligence or contributory negligence or comparative negligence in any civil action or proceeding for damages.

(k) A violation of this section shall not constitute a defense in any civil action or proceeding involving any insurance policy.

(l) Nothing in this section shall be construed to limit the rights of any political subdivision in this state to enact laws imposing upon owners of any dwelling or other building described in subsection (a) or (f) of this section a greater duty with regard to the installation, repair and replacement of the smoke detectors or carbon monoxide detectors than is required by this section.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within... approved... this the 2nd

Day of... 2000

Governor