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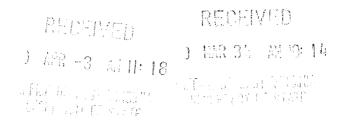
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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2000

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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
 - 2 hundred ninety-one, an operational smoke detector shall

- 3 be installed in the immediate vicinity of each sleeping area
- 4 within all one- and two-family dwellings, including any
- 5 "manufactured home" as that term is defined in subsection
- 6 (j), section two, article nine, chapter twenty-one of this
- 7 code. Such smoke detector shall be capable of sensing
- 8 visible or invisible particles of combustion and shall meet
- 9 the specifications and be installed as provided for in the
- 10 National Fire Protection Association Standard 74,
- 11 "Standard for the Installation, Maintenance and Use of
- 12 Household Fire Warning Equipment", 1989 edition, and in
- 13 the manufacturer's specifications. When activated, the
- 14 smoke detector shall provide an alarm suitable to warn the
- 15 occupants of the danger of fire.
- 16 (b) The owner of each dwelling described in subsection
- 17 (a) of this section shall provide, install and replace the
- 18 operational smoke detectors required by this section. So
- 19 as to assure that the smoke detector continues to be
- 20 operational, in each dwelling described in subsection (a) of
- 21 this section which is not occupied by the owner thereof,
- 22 the tenant in any such dwelling shall perform routine
- 23 maintenance on the smoke detectors within such dwelling.
- 24 (c) Where a dwelling is not occupied by the owner and is
- 25 occupied by an individual who is deaf or hearing impaired,
- 26 the owner shall, upon written request by or on behalf of
- 27 such individual, provide and install a smoke detector with
- 28 a light signal sufficient to warn the deaf or hear-
- 29 ing-impaired individual of the danger of fire.
- 30 (d) An automatic fire sprinkler system installed in
- 31 accordance with the National Fire Protection Association
- 32 Standard 13D, "Standard for the Installation of Sprinkler
- 33 Systems in Residential Occupancies", 1989 edition, may be
- 34 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
- 42 with a suitable alarm shall be installed in accordance with
- 43 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 or the
- 54 occupant or occupants of the residential unit of the
- 55 dangers of carbon monoxide poisoning and instructions on
- 56 the 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
- 61 owner, lessor or the occupant or occupants of the unit
- $62 \quad \text{being served by the fuel-burning heating or cooking source} \\$
- 63 or venting system of the dangers of carbon monoxide
- 64 poisoning and recommend the installation of a carbon
- 65 monoxide detector.
- 66 (i) Any person who violates any provision of this section
- 67 is guilty of a misdemeanor and, upon conviction thereof,
- 68 shall be fined not less than fifty dollars nor more than one
- 69 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.

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