

SD 488

FILED

2002 MAR 27 P 3:48

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**

*Regular Session, 2002*



**ENROLLED**

SENATE BILL NO. 488

(By Senator Wooten, et al)



PASSED MARCH 9, 2002

In Effect 90 days from Passage

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

ENROLLED

## Senate Bill No. 488

(BY SENATORS WOOTON, BURNETTE, FANNING, HUNTER,  
KESSLER, MINARD, MITCHELL, OLIVERIO, REDD, ROSS,  
ROWE, SNYDER, DEEM AND FACEMYER)

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[Passed March 9, 2002; in effect ninety days from passage.]

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AN ACT to amend and reenact sections twelve, twelve-b and sixteen-a, article three, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to fire prevention and control; clarifying the powers and duties of state fire marshal, deputies or assistants and certain other persons deputized by state fire marshal; providing for confiscation of contraband; authorizing state fire marshal, deputies or assistants and certain other persons deputized by state fire marshal to assist other law-enforcement agencies when requested; clarifying inspection powers of state fire marshal; providing for entry upon property or into structures; authorizing state fire marshal to investigate explosions or attempts to cause explosions; authorizing certain persons deputized by state fire marshal to arrest and to apply for and execute arrest and search warrants; expanding state fire marshal's authority to

issue permits, documents and licenses; authorizing state fire marshal to require persons who apply for permits to use explosives to be fingerprinted and to consent to state and national criminal records checks; requiring certain persons deputized by state fire marshal to submit citations to state fire marshal on a monthly basis; increasing criminal penalties for violation of the fire and life safety code; establishing one-year permit for explosives; authorizing state fire marshal to set fees by legislative rule; and correcting and updating reference to the national fire protection standards.

*Be it enacted by the Legislature of West Virginia:*

That sections twelve, twelve-b and 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, all to read as follows:

**ARTICLE 3. FIRE PREVENTION AND CONTROL ACT.**

**§29-3-12. Powers and duties of state fire marshal.**

- 1 (a) *Enforcement of laws.* – The state fire marshal and
- 2 any other person authorized to enforce the provisions of
- 3 this article under the supervision and direction of the state
- 4 fire marshal has the authority to enforce all laws of the
- 5 state having to do with:
  - 6 (1) Prevention of fire;
  - 7 (2) The storage, sale and use of any explosive, combusti-
  - 8 ble or other dangerous article or articles in solid, flamma-
  - 9 ble liquid or gas form;
  - 10 (3) The installation and maintenance of equipment of
  - 11 all sorts intended to extinguish, detect and control fires;
  - 12 (4) The means and adequacy of exit, in case of fire, from
  - 13 buildings and all other places in which persons work, live
  - 14 or congregate, from time to time, for any purpose, except
  - 15 buildings used wholly as dwelling houses for no more than
  - 16 two families;

17 (5) The suppression of arson; and

18 (6) Any other thing necessary to carry into effect the  
19 provisions of this article including, but not limited to,  
20 confiscating any materials, chemicals, items, or personal  
21 property owned, possessed or used in direct violation of  
22 the state fire code.

23 (b) *Assistance upon request.* – Upon request, the state  
24 fire marshal shall assist any chief of any recognized fire  
25 company or department. Upon the request of any federal  
26 law-enforcement officer, state police officer, conservation  
27 officer or any county or municipal law-enforcement  
28 officer, the state fire marshal, any deputy state fire  
29 marshal or assistant state fire marshal employed pursuant  
30 to section eleven of this article and any person deputized  
31 pursuant to subsection (j) of this section may assist in the  
32 lawful execution of the requesting officer's official duties:  
33 *Provided*, That the state fire marshal or other person  
34 authorized to act under this subsection shall at all times  
35 work under the direct supervision of the requesting officer.

36 (c) *Enforcement of rules.* – The state fire marshal shall  
37 enforce the rules promulgated by the state fire commission  
38 as authorized by this article.

39 (d) *Inspections generally.* – The state fire marshal shall  
40 inspect all structures and facilities, other than one- and  
41 two-family dwelling houses, subject to the state fire code  
42 and this article, including, but not limited to, state, county  
43 and municipally owned institutions, all public and private  
44 schools, health care facilities, theaters, churches and other  
45 places of public assembly to determine whether the  
46 structures or facilities are in compliance with the state fire  
47 code.

48 (e) *Right of entry.* – The state fire marshal may, at all  
49 reasonable hours, enter any building or premises, other  
50 than dwelling houses, for the purpose of making an  
51 inspection which he or she may consider necessary under

52 the provisions of this article. The state fire marshal and  
53 any deputy state fire marshal or assistant state fire  
54 marshal approved by the state fire marshal may enter  
55 upon any property, or enter any building, structure or  
56 premises, including dwelling houses during construction  
57 and prior to occupancy, for the purpose of ascertaining  
58 compliance with the conditions set forth in any permit or  
59 license issued by the office of the state fire marshal  
60 pursuant to subdivision (1), subsection a, section twelve-b  
61 of this article or of article three-b of this chapter.

62 (f) *Investigations.* – The state fire marshal may, at any  
63 time, investigate as to the origin or circumstances of any  
64 fire or explosion or attempt to cause fire or explosion  
65 occurring in the state. The state fire marshal has the  
66 authority at all times of the day or night, in performance  
67 of the duties imposed by the provisions of this article, to  
68 investigate where any fires or explosions or attempt to  
69 cause fires or explosions may have occurred, or which at  
70 the time may be burning. Notwithstanding the above  
71 provisions of this subsection, prior to entering any build-  
72 ing or premises for the purposes of such investigation, the  
73 state fire marshal shall obtain a proper search warrant:  
74 *Provided,* That a search warrant is not necessary where  
75 there is permissive waiver or the state fire marshal is an  
76 invitee of the individual having legal custody and control  
77 of the property, building or premises to be searched.

78 (g) *Testimony.* – The state fire marshal, in making an  
79 inspection or investigation when in his or her judgment  
80 such proceedings are necessary, may take the statements  
81 or testimony under oath of all persons who may be cogni-  
82 zant of any facts or have any knowledge about the matter  
83 to be examined and inquired into and may have the  
84 statements or testimony reduced to writing; and shall  
85 transmit a copy of such statements or testimony so taken  
86 to the prosecuting attorney for the county wherein the fire  
87 or explosion or attempt to cause a fire or explosion  
88 occurred. Notwithstanding the above, no person may be

89 compelled to testify or give any such statement under this  
90 subsection.

91 (h) *Arrests; warrants.* – The state fire marshal, any full-  
92 time deputy fire marshal or any full-time assistant fire  
93 marshal employed by the state fire marshal pursuant to  
94 section eleven of this article is hereby authorized and  
95 empowered and any person deputized pursuant to subsec-  
96 tion (j) of this section may be authorized and empowered  
97 by the state fire marshal:

98 (1) To arrest any person anywhere within the confines  
99 of the state of West Virginia, or have him or her arrested,  
100 for any violation of the arson-related offenses of article  
101 three, chapter sixty-one of this code or of the explosives-  
102 related offenses of article three-e of said chapter: *Pro-*  
103 *vided*, That any and all persons so arrested shall be  
104 forthwith brought before the magistrate or circuit court.

105 (2) To make complaint in writing before any court or  
106 officer having jurisdiction and obtain, serve and execute  
107 an arrest warrant when knowing or having reason to  
108 believe that anyone has committed an offense under any  
109 provision of this article, of the arson-related offenses of  
110 article three, chapter sixty-one of this code or of the  
111 explosives-related offenses of article three-e of said  
112 chapter. Proper return shall be made on all arrest war-  
113 rants before the tribunal having jurisdiction over such  
114 violation.

115 (3) To make complaint in writing before any court or  
116 officer having jurisdiction and obtain, serve and execute  
117 a warrant for the search of any premises that may possess  
118 evidence or unlawful contraband relating to violations of  
119 this article, of the arson-related offenses of article three,  
120 chapter sixty-one of this code or of the explosives-related  
121 offenses of article three-e of said chapter. Proper return  
122 shall be made on all search warrants before the tribunal  
123 having jurisdiction over such violation.

124 (i) *Witnesses and oaths.* – The state fire marshal is  
125 empowered and authorized to issue subpoenas and subpoe-  
126 nas duces tecum to compel the attendance of persons  
127 before him to testify in relation to any matter which is, by  
128 the provision of this article, a subject of inquiry and  
129 investigation by the state fire marshal and cause to be  
130 produced before him or her such papers as he or she may  
131 require in making such examination. The state fire  
132 marshal is hereby authorized to administer oaths and  
133 affirmations to persons appearing as witnesses before him  
134 or her. False swearing in any matter or proceeding  
135 aforesaid shall be considered perjury and shall be punish-  
136 able as such.

137 (j) *Deputizing members of fire departments in this state.*  
138 – The state fire marshal may deputize a member of any fire  
139 department, duly organized and operating in this state,  
140 who is approved by the chief of his or her department and  
141 who is properly qualified to act as his or her assistant for  
142 the purpose of making inspections with the consent of the  
143 property owner or the person in control of the property  
144 and such investigations as may be directed by the state fire  
145 marshal, and the carrying out of such orders as may be  
146 prescribed by him or her, to enforce and make effective the  
147 provisions of this article and any and all rules promul-  
148 gated by the state fire commission under authority of this  
149 article: *Provided*, That in the case of a volunteer fire  
150 department, only the chief thereof or his or her single  
151 designated assistant may be so deputized.

152 (k) *Written report of examinations.* – The state fire  
153 marshal shall, at the request of the county commission of  
154 any county or the municipal authorities of any incorpo-  
155 rated municipality in this state, make to them a written  
156 report of the examination made by him or her regarding  
157 any fire happening within their respective jurisdictions.

158 (l) *Report of losses by insurance companies.* – It is the  
159 duty of each fire insurance company or association doing  
160 business in this state, within ten days after the adjustment

161 of any loss sustained by it that exceeds fifteen hundred  
162 dollars, to report to the state fire marshal information  
163 regarding the amount of insurance, the value of the  
164 property insured and the amount of claim as adjusted.  
165 This report is in addition to any such information required  
166 by the state insurance commissioner. Upon the request of  
167 the owner or insurer of any property destroyed or injured  
168 by fire or explosion, or in which an attempt to cause a fire  
169 or explosion may have occurred, the state fire marshal  
170 shall report in writing to the owner or insurer the result of  
171 the examination regarding the property.

172 (m) *Issuance of permits and licenses.* – The state fire  
173 marshal is authorized to issue permits, documents and  
174 licenses in accordance with the provisions of this article or  
175 of article three-b of this chapter. The state fire marshal  
176 may require any person who applies for a permit to use  
177 explosives, other than an applicant for a license to be a  
178 pyrotechnic operator under section twenty-four of this  
179 article, to be fingerprinted and to authorize the state fire  
180 marshal to conduct a criminal records check through the  
181 criminal identification bureau of the West Virginia state  
182 police and a national criminal history check through the  
183 federal bureau of investigation. The results of any crimi-  
184 nal records or criminal history check shall be sent to the  
185 state fire marshal.

186 (n) *Issuance of citations for fire and life safety viola-*  
187 *tions.* – The state fire marshal, any deputy fire marshal  
188 and any assistant fire marshal employed pursuant to  
189 section eleven of this article are hereby authorized, and  
190 any person deputized pursuant to subsection (j) of this  
191 section may be authorized by the state fire marshal to  
192 issue citations, in his or her jurisdiction, for fire and life  
193 safety violations of the state fire code and as provided for  
194 by the rules promulgated by the state fire commission in  
195 accordance with article three, chapter twenty-nine-a of  
196 this code: *Provided*, That a summary report of all citations  
197 issued pursuant to this section by persons deputized under



198 subsection (j) of this section shall be forwarded monthly to  
199 the state fire marshal in such form and containing infor-  
200 mation as he or she may by rule require, including the  
201 violation for which the citation was issued, the date of  
202 issuance, the name of the person issuing the citation and  
203 the person to whom the citation was issued. The state fire  
204 marshal may at any time revoke the authorization of a  
205 person deputized pursuant to subsection (j) of this section  
206 to issue citations, if in the opinion of the state fire marshal,  
207 the exercise of authority by the person is inappropriate.

208 Violations for which citations may be issued include,  
209 but are not limited to:

210 (1) Overcrowding places of public assembly;

211 (2) Locked or blocked exits in public areas;

212 (3) Failure to abate a fire hazard;

213 (4) Blocking of fire lanes or fire department connec-  
214 tions; and

215 (5) Tampering with, or rendering inoperable except  
216 during necessary maintenance or repairs, on-premise  
217 firefighting equipment, fire detection equipment and fire  
218 alarm systems.

219 (o) *Required training; liability coverage.* – No person  
220 deputized pursuant to subsection (j) of this section may be  
221 authorized to issue a citation unless that person has  
222 satisfactorily completed a law-enforcement officer train-  
223 ing course designed specifically for fire marshals. The  
224 course shall be approved by the law-enforcement training  
225 subcommittee of the governor's committee on criminal  
226 justice and highway safety and the state fire commission.  
227 In addition, no person deputized pursuant to subsection (j)  
228 of this section may be authorized to issue a citation until  
229 evidence of liability coverage of such person has been  
230 provided, in the case of a paid municipal fire department  
231 by the municipality wherein the fire department is located,

232 or in the case of a volunteer fire department, by the county  
233 commission of the county wherein the fire department is  
234 located or by the municipality served by the volunteer fire  
235 department and that evidence of liability coverage has  
236 been filed with the state fire marshal.

237 (p) *Penalties for violations.* – Any person who violates  
238 any fire and life safety rule of the state fire code is guilty  
239 of a misdemeanor and, upon conviction thereof, shall be  
240 fined not less than one hundred dollars nor more than one  
241 thousand dollars or imprisoned in the county or regional  
242 jail not more than ninety days, or both fined and impris-  
243 oned.

244 Each and every day during which any violation of the  
245 provisions of this article continues after knowledge or  
246 official notice that same is illegal is a separate offense.

**§29-3-12b. Fees.**

1 (a) The state fire marshal may establish fees in accor-  
2 dance with the following:

3 (1) *For blasting.* – Any person storing, selling or using  
4 explosives shall first obtain a permit from the state fire  
5 marshal. The permit shall be valid for one year. The state  
6 fire marshal may charge a fee for the permit.

7 (2) *For inspections of schools or day care facilities.* –The  
8 state fire marshal may charge a fee of up to twenty-five  
9 dollars per annual inspection for inspection of schools or  
10 day care facilities: *Provided*, That only one such fee may  
11 be charged per year for any building in which a school and  
12 a day care facility are co-located: *Provided, however*, That  
13 any school or day care facility may not be charged for an  
14 inspection more than one time per twelve-month period.

15 (3) *For inspections of hospitals or nursing homes.* –The  
16 state fire marshal may charge an inspection fee of up to  
17 one hundred dollars per annual inspection of hospitals or  
18 nursing homes:

19 *Provided*, That any hospital or nursing home may not be  
20 charged for an inspection more than one time per  
21 twelve-month period.

22 (4) *For inspections of personal care homes or board and*  
23 *care facilities.* – The state fire marshal may charge an  
24 inspection fee of up to fifty dollars per annual inspection  
25 for inspections of personal care homes or board and care  
26 facilities: *Provided*, That any personal care home or board  
27 and care facility may not be charged for an inspection  
28 more than one time per twelve-month period.

29 (5) *For inspections of residential occupancies.* – The state  
30 fire marshal may charge an inspection fee of up to one  
31 hundred dollars for each inspection of a residential  
32 occupancy. For purposes of this subdivision, “residential  
33 occupancies” are those buildings in which sleeping  
34 accommodations are provided for normal residential  
35 purposes.

36 (6) *For inspections of mercantile occupancies.* – The state  
37 fire marshal may charge an inspection fee of up to one  
38 hundred dollars for inspections of mercantile occupancies:  
39 *Provided*, That if the inspection is in response to a com-  
40 plaint made by a member of the public, the state fire  
41 marshal shall obtain from the complainant an advance  
42 inspection fee of twenty-five dollars. This fee shall be  
43 returned to the complainant if, after the state fire marshal  
44 has made the inspection, he or she finds that the complaint  
45 was accurate and justified, and he or she shall thereafter  
46 collect an inspection fee of up to one hundred dollars from  
47 the mercantile occupancy. If, after the inspection has been  
48 performed, it appears to the state fire marshal that the  
49 complaint was not accurate or justified, the state fire  
50 marshal shall keep the twenty-five dollar advance inspec-  
51 tion fee obtained from the complainant and may not  
52 collect any fees from the mercantile occupant. For pur-  
53 poses of this section, “mercantile occupancy” includes  
54 stores, markets and other rooms, buildings or structures  
55 for the display and sale of merchandise.

56 (7) *For business occupancies.* – The state fire marshal  
57 may charge an inspection fee of up to one hundred dollars  
58 for inspections of business occupancies: *Provided*, That the  
59 provisions in subdivision (6) of this section shall apply  
60 regarding complaints by members of the public. For  
61 purposes of this section, “business occupancies” are those  
62 buildings used for the transaction of business, other than  
63 mercantile occupancies, for the keeping of accounts and  
64 records and similar purposes.

65 (8) *For inspections of assembly occupancies.* – The state  
66 fire marshal may charge an inspection fee not more than  
67 one time per twelve-month period for the inspection of  
68 assembly occupancies. The inspection fee shall be assessed  
69 as follows: For Class C assembly facilities, an inspection  
70 fee not to exceed fifty dollars; for Class B assembly  
71 facilities, an inspection fee not to exceed seventy-five  
72 dollars; and for Class A facilities, an inspection fee not to  
73 exceed one hundred dollars.

74 For purposes of this subdivision, an “assembly occu-  
75 pancy” includes, but is not limited to, all buildings or  
76 portions of buildings used for gathering together fifty or  
77 more persons for such purposes as deliberation, worship,  
78 entertainment, eating, drinking, amusement or awaiting  
79 transportation. For purposes of this section, a “Class C  
80 assembly facility” is one that accommodates fifty to three  
81 hundred persons; a “Class B facility” is one which accom-  
82 modates more than three hundred persons but less than  
83 one thousand persons; and a “Class A facility” is one  
84 which accommodates more than one thousand persons.

85 (b) The state fire marshal may collect fees for the fire  
86 safety review of plans and specifications for new and  
87 existing construction. Fees shall be paid by the party or  
88 parties receiving the review.

89 (1) *Structural barriers and fire safety plans review.* – The  
90 fee is one dollar for each one thousand dollars of construc-  
91 tion cost up to the first one million dollars. Thereafter, the

92 fee is forty cents for each one thousand dollars of con-  
93 struction cost.

94 (2) *Sprinkler system review.* –The fee charged for the  
95 review of an individual sprinkler system is as follows:  
96 Number of heads: One to two hundred – eighty-five  
97 dollars; two hundred one to three hundred – one hundred  
98 dollars; three hundred one to seven hundred fifty – one  
99 hundred twenty dollars; over seven hundred fifty – one  
100 hundred twenty dollars plus ten cents per head over seven  
101 hundred fifty.

102 (3) *Fire alarm systems review.* –The fee charged for the  
103 review of a fire alarm system is fifty dollars for each ten  
104 thousand square feet of space with a fifty dollar minimum  
105 charge.

106 (4) *Range hood extinguishment system review.* –The fee  
107 is twenty-five dollars per individual system reviewed.

108 (5) *Carpet specifications.* –The fee for carpet review and  
109 approval is twenty dollars per installation.

110 (c) All fees authorized and collected pursuant to this  
111 article and article three-b of this chapter shall be paid to  
112 the state fire marshal and thereafter deposited into a  
113 special account to be appropriated by the Legislature for  
114 the operation of the state fire commission in administering  
115 this article and article three-b of this chapter. Beginning  
116 on the first day of July, one thousand nine hundred  
117 ninety-two, and every fiscal year thereafter, at the end of  
118 each fiscal year there shall be transferred from the special  
119 account, to the general revenue fund of the state, ten  
120 percent of all money collected by the fire marshal during  
121 the year: *Provided*, That any balance remaining in the  
122 special account at the end of any fiscal year, after the  
123 transfer of the ten percent, shall be reappropriated to the  
124 next fiscal year: *Provided, however*, That in addition to  
125 said ten percent, amounts collected which are found from  
126 time to time to exceed the funds needed for purposes for

127 which the fees are collected may be transferred to other  
128 accounts or redesignated for other purposes by appropria-  
129 tion of the Legislature.

130 (d) If the owner or occupant of any occupancy arranges  
131 a time and place for an inspection with the state fire  
132 marshal and is not ready for the occupancy to be inspected  
133 at the appointed time and place, the owner or occupant  
134 thereof shall be charged the inspection fee provided in this  
135 section unless at least forty-eight hours prior to the  
136 scheduled inspection the owner or occupant requests the  
137 state fire marshal to reschedule the inspection. In the  
138 event a second inspection is required by the state fire  
139 marshal as a result of the owner or occupant failing to be  
140 ready for the inspection when the state fire marshal  
141 arrives, the state fire marshal shall charge the owner or  
142 occupant of the occupancy the inspection fees set forth  
143 above for each inspection trip required.

144 (e) The fees provided for in this section shall remain in  
145 effect until such time as the Legislature has approved rules  
146 promulgated by the state fire marshal, in accordance with  
147 the provisions of article three, chapter twenty-nine-a of  
148 this code, establishing a schedule of fees for services.

**§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. The 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 in the  
10 national fire protection association standard 72, "Stan-  
11 dard for the Installation, Maintenance and Use of House-

12 hold Fire Warning Equipment”, 1996 edition, and in the  
13 manufacturer’s specifications. When activated, the smoke  
14 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 dwelling shall perform routine mainte-  
23 nance on the smoke detectors within the 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 the 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 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 may not be considered by  
71 virtue of the violation to constitute evidence of negligence  
72 or contributory negligence or comparative negligence in  
73 any civil action or proceeding for damages.

74 (k) A violation of this section may 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.



The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*[Signature]*  
.....  
Chairman Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*[Signature]*  
.....  
Clerk of the Senate

*[Signature]*  
.....  
Clerk of the House of Delegates

*[Signature]*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within is approved this the 27<sup>th</sup>  
Day of March, 2002.

*[Signature]*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/23/12

Time 11:20 am