

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 311*

Short Title: Smoke Detector Penalties.

(Public)

Sponsors: Senator Martin of Guilford.

Referred to: Judiciary.

March 5, 1997

A BILL TO BE ENTITLED

AN ACT TO IMPOSE A CIVIL PENALTY AND TO MAKE IT A CLASS 3 MISDEMEANOR IF A LANDLORD FAILS TO PROVIDE, INSTALL, REPLACE, OR REPAIR A SMOKE DETECTOR IN A RESIDENTIAL RENTAL DWELLING.

The General Assembly of North Carolina enacts:

Section 1. G.S. 42-44 reads as rewritten:

"§ 42-44. General ~~remedies~~ remedies; penalties, and limitations.

(a) Any right or obligation declared by this Chapter is enforceable by civil action, in addition to other remedies of law and in equity.

(a1) A court may impose a civil penalty of not less than five hundred dollars (\$500.00) if a landlord fails to provide, install, replace, or repair a smoke detector as required by G.S. 42-42(a)(5).

(a2) A landlord who fails to provide, install, replace, or repair a smoke detector as required by G.S. 42-42(a)(5) shall be guilty of a Class 3 misdemeanor.

(b) Repealed by Session Laws 1979, c. 820, s. 8.

(c) The tenant may not unilaterally withhold rent prior to a judicial determination of a right to do so.

(d) A violation of this Article shall not constitute negligence per se."

Section 2. This act is effective when it becomes law.