

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 234\*

Short Title: Smoke Detector Penalties.

(Public)

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Sponsors: Representatives Easterling; and Adams.

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Referred to: Judiciary II.

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February 17, 1997

A BILL TO BE ENTITLED

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

4 The General Assembly of North Carolina enacts:

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

6 "**§ 42-44. General ~~remedies~~ remedies; penalties, and limitations.**

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

9 (a1) A court may impose a civil penalty of not less than five hundred dollars  
10 (\$500.00) if a landlord fails to provide, install, replace, or repair a smoke detector as  
11 required by G.S. 42-42(a)(5).

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

14 (b) Repealed by Session Laws 1979, c. 820, s. 8.

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

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

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