

2018 -- S 2752

LC005332

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO HEALTH AND SAFETY - NEW HOME BUYERS FIRE PROTECTION ACT

Introduced By: Senator Walter S. Felag

Date Introduced: March 27, 2018

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby  
2 amended by adding thereto the following chapter:

3 CHAPTER 28.40

4 NEW HOME BUYERS FIRE PROTECTION ACT

5 **23-28.40-1. Short title.**

6 This act shall be known and may be cited as the "New Home Buyers Fire Protection  
7 Act".

8 **23-28.40-2. Definitions.**

9 As used in this chapter:

10 (1) "Builder" means any individual, trustee, partnership, corporation, or other legal entity  
11 contracting with an owner for the construction of a new dwelling.

12 (2) "Buyer" means any individual, trustee, partnership, corporation, or other legal entity  
13 purchasing any estate or interest in a new dwelling.

14 (3) "New dwelling" means a new one or two (2) family residential dwelling, not  
15 previously occupied, and constructed for residential use.

16 **23-28.40-3. Disclosure of automatic fire sprinkler system information.**

17 At the time of or prior to agreeing to final pricing for construction of a new dwelling with  
18 a buyer, a builder shall provide the buyer with a copy of written materials prepared and  
19 promulgated by the office of the state fire marshal which detail the benefits of an automatic fire

1 sprinkler system. At the same time, a builder shall provide written materials including the costs  
2 associated with the installation and maintenance of an automatic fire sprinkler system or other fire  
3 suppression system. The buyer shall acknowledge receipt of the written materials in writing.  
4 Upon request of the buyer, the builder shall, at the buyer's expense, install an automatic fire  
5 sprinkler system or other requested fire suppression system.

6 **23-28.40-4. Remedies and penalties.**

7 (a) In addition to any remedies the buyer may have at law or in equity, whenever it  
8 appears to the attorney general or the state fire marshal that a person has engaged in, is engaging  
9 in or is about to engage in any act or omission in violation of this chapter, the attorney general or  
10 state fire marshal may institute a court proceeding or administrative proceeding. Upon a finding  
11 that any person has willfully violated this chapter, the person shall pay for the first offense a civil  
12 penalty not less than seventy-five dollars (\$75.00) nor more than one hundred fifty dollars (\$150),  
13 and for each subsequent offense, a civil penalty not less than one hundred dollars (\$100) nor more  
14 than two hundred fifty dollars (\$250). For purposes of this chapter, a willful violation occurs  
15 when the person committing the violation knew or should have known that the conduct was of the  
16 nature prohibited by this chapter.

17 (b) The remedies and penalties provided for in this section are not exclusive, and shall be  
18 in addition to any other procedures, rights, or remedies which exist with respect to any other  
19 provision of law including, but not limited to, criminal prosecutions and actions brought by  
20 private parties under common or statutory law, or both; provided, there shall be no liability or  
21 cause of action against a licensed real estate agent or real estate brokerage arising out of or related  
22 to a builder failing to provide the information required by this chapter, or for the content of the  
23 information. Additionally, there shall be no liability or cause of action against any nonprofit  
24 builder using zero percent (0%) financing to the buyer.

25 **23-28.40-5. New construction form.**

26 (a) The office of the state fire marshal shall develop a standard form or forms to be used  
27 for new construction that shall include the following:

28 (1) "An automatic fire sprinkler system or other fire suppression systems may be  
29 available. For further information, visit [www.statefiremarshal.RI.gov](http://www.statefiremarshal.RI.gov)."

30 (b) The form or forms shall also include the results of the radon test or tests required for  
31 the new construction and the certification of working smoke detection devices within the single or  
32 two (2) family residential dwelling.

33 SECTION 2. This act shall take effect upon passage, and shall apply to any contract for  
34 the construction of a new dwelling entered into on or after January 1, 2019.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO HEALTH AND SAFETY - NEW HOME BUYERS FIRE PROTECTION ACT

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1           This act would mandate that builders of new one or two (2) family residential dwellings  
2 provide the home buyer with written information regarding the installation of an automatic fire  
3 sprinkler system subject to civil penalties for violations enforced by the attorney general or state  
4 fire marshal along with the results of radon tests and certify that smoke detector devices are in  
5 working order.

6           This act would take effect upon passage and would apply to any contract for the  
7 construction of a new dwelling entered into on or after January 1, 2019.

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