

SENATE BILL 1188

By Lamar

AN ACT to amend Tennessee Code Annotated, Title 47;
Title 49; Title 66 and Title 68, relative to building
safety.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 120, is amended by adding
the following as a new part:

68-120-601.

This part is known and may be cited as the "Fuel Gas Detector Act."

68-120-602.

As used in this part:

(1) "Actual notice" means knowledge in fact from a source;

(2) "Building of multi-family occupancy" means a residential building,
where the inhabitants are under a lease agreement, and where multiple separate
housing units for residential inhabitants are contained within one (1) building or
several buildings within one (1) complex, including:

(A) An apartment building, condominium building, or townhouse;

or

(B) A fraternity house, sorority house, or dormitory facility for an
institution of higher education;

(3) "Fuel gas detector" means a device that:

(A) Has an assembly that incorporates a sensor control
component and an alarm notification that detects elevations in propane,
natural gas, or a liquefied petroleum gas;

- (B) Sounds a warning alarm;
 - (C) Is battery-operated, plugged into an electrical outlet, or hardwired; and
 - (D) Is approved by a nationally recognized independent testing laboratory; and
- (4) "Person" means a natural person or a business entity.

68-120-603.

A building owner shall install or cause to be installed, in accordance with a fuel gas detector's manufacturer requirements, at least one (1) fuel gas detector in every room containing an appliance fueled by propane, natural gas, or a liquefied petroleum gas in the following:

- (1) Each unit in a building of multi-family occupancy; and
- (2) A residential property under a lease agreement and intended for single-family use.

68-120-604.

This part applies to:

- (1) All residential properties under a lease agreement and intended for single-family use, built or renovated on or after July 1, 2023; and
- (2) All buildings of multi-family occupancy, regardless of when the structure was built or renovated. A landlord or property owner of a multi-family unit shall comply with this part on or before December 31, 2023.

68-120-605.

A person shall not knowingly interfere with or make inoperative a fuel gas detector the installation of which is required by this part, except that the owner or an agent of an owner of a building may temporarily disconnect a fuel gas detector only for

construction, maintenance, repair, or rehabilitation activities when such activities are likely to activate the fuel gas detector alarm or make the fuel gas detector inoperable or unsafe. The fuel gas detector must be immediately reconnected at the cessation of construction, maintenance, repair, or rehabilitation activities.

68-120-606.

(a) A person who, on or after January 1, 2024, acquires by sale or exchange a building described under § 68-120-603, shall install fuel gas detectors in accordance with this part within thirty (30) days of acquisition or occupancy of the building, whichever is later, if compliant fuel gas detectors are not already installed in accordance with this part.

(b) A person does not have a claim for relief against a property owner, a property purchaser, an authorized agent of a property owner or purchaser, a person in possession of real property, a closing agent, or a lender for damages resulting from the operation, maintenance, or effectiveness of a fuel gas detector installed in accordance with this part.

68-120-607.

This part does not create a cause of action against a building owner who is required to comply with this act if the owner has conducted an inspection of the required fuel gas detectors immediately after installation and has reinspected the fuel gas detectors prior to occupancy by each new tenant, unless the owner has been given at least twenty-four (24) hours' actual notice of a defect or failure of a fuel gas detector to operate properly and has failed to take action to correct the defect or failure.

68-120-608.

(a) For a residential property intended for single-family use, a person who violates this part is subject to a civil penalty in the following amounts:

(1) For a first offense, or a subsequent offense committed more than ninety (90) days after a previous offense, two hundred fifty dollars (\$250);

(2) For a second offense within ninety (90) days of an offense described in subdivision (a)(1), five hundred dollars (\$500); and

(3) For a third or subsequent offense within ninety (90) days of an offense described in subdivision (a)(1), one thousand dollars (\$1,000).

(b) For a building of multi-family occupancy, or a hotel, motel, or inn, a person who violates this part is subject to a civil penalty, per building found in violation, in the following amounts:

(1) For a first offense, or a subsequent offense committed more than ninety (90) days after a previous offense, one thousand dollars (\$1,000);

(2) For a second offense within ninety (90) days of an offense described in subdivision (b)(1), two thousand dollars (\$2,000); and

(3) For a third or subsequent offense within ninety (90) days of an offense described in subdivision (b)(1), five thousand dollars (\$5,000).

(c) The state fire marshal may:

(1) Assess a civil penalty for each violation as specified in this part; and

(2) Waive a civil penalty against a violator upon satisfactory proof that the violation was corrected within ten (10) days after the issuance of a complaint of violation.

SECTION 2. Tennessee Code Annotated, Title 66, Chapter 7, is amended by adding the following as a new section:

(a) This section applies to:

(1) All residential properties intended for single-family use built or renovated on or after July 1, 2023; and

(2) All buildings of multi-family occupancy, as defined under § 68-120-602. A landlord or property owner of a multi-family unit shall comply with this section on or before December 31, 2023.

(b) At the time of each occupancy, the landlord shall ensure that each fuel gas detector is in working condition.

(c)

(1) If a landlord receives, in writing, notice of a deficiency in a fuel gas detector, then the landlord shall immediately repair or replace the fuel gas detector.

(2) If the landlord does not have actual knowledge or has not been notified in writing of the need to repair or replace a fuel gas detector, then the landlord's failure to repair or replace the fuel gas detector must not be considered evidence of negligence in a subsequent civil action arising from death, property loss, or personal injury.

(d) A person shall not knowingly interfere with or make inoperative a fuel gas detector the installation of which is required by this section, except that the owner or an agent of an owner of a building may temporarily disconnect a fuel gas detector only for construction, maintenance, repair, or rehabilitation activities when such activities are likely to activate the fuel gas detector alarm or make the fuel gas detector inoperable or unsafe. The fuel gas detector must be immediately reconnected at the cessation of construction, maintenance, repair, or rehabilitation activities.

(e) This section does not create a cause of action against a landlord who is required to comply with this act if the landlord has conducted an inspection of the required fuel gas detectors immediately after installation and has reinspected the fuel gas detectors prior to occupancy by each new tenant, unless the landlord has been

given at least twenty-four (24) hours' actual notice of a defect or failure of a fuel gas detector to operate properly and has failed to take action to correct the defect or failure.

As used in this subsection (e), "actual notice" means knowledge in fact from a source.

(f)

(1) For a residential property intended for single-family use, a person who violates this section is subject to a civil penalty in the following amounts:

(A) For a first offense, or a subsequent offense committed more than ninety (90) days after a previous offense, two hundred fifty dollars (\$250);

(B) For a second offense within ninety (90) days of an offense described in subdivision (f)(1)(A), five hundred dollars (\$500); and

(C) For a third or subsequent offense within ninety (90) days of an offense described in subdivision (f)(1)(A), one thousand dollars (\$1,000).

(2) For a building of multi-family occupancy, or a hotel, motel, or inn, a person who violates this section is subject to a civil penalty, per building found in violation, in the following amounts:

(A) For a first offense, or a subsequent offense committed more than ninety (90) days after a previous offense, one thousand dollars (\$1,000);

(B) For a second offense within ninety (90) days of an offense described in subdivision (f)(2)(A), two thousand dollars (\$2,000); and

(C) For a third or subsequent offense within ninety (90) days of an offense described in subdivision (f)(2)(A), five thousand dollars (\$5,000).

(g) The state fire marshal may:

(1) Assess a civil penalty for each violation as specified in this section;
and

(2) Waive a civil penalty against a violator upon satisfactory proof that the violation was corrected within ten (10) days after the issuance of a complaint of violation.

SECTION 3. Tennessee Code Annotated, Title 66, Chapter 28, Part 3, is amended by adding the following as a new section:

(a) This section applies to:

(1) All residential properties intended for single-family use built or renovated on or after July 1, 2023; and

(2) All buildings of multi-family occupancy, as defined under § 68-120-602. A landlord of a multi-family unit shall comply with this section on or before December 31, 2023.

(b) At the time of each occupancy, the landlord shall provide fuel gas detectors, as defined under § 68-120-602, if fuel gas detectors are not already present. Each fuel gas detector must be in working condition.

(c)

(1) If a landlord receives, in writing, notice of a deficiency in a fuel gas detector, then the landlord shall immediately repair or replace the fuel gas detector.

(2) If the landlord does not have actual knowledge or has not been notified in writing of the need to repair or replace a fuel gas detector, the landlord's failure to repair or replace the fuel gas detector must not be considered evidence of negligence in a subsequent civil action arising from death, property loss, or personal injury.

(d) A person shall not knowingly interfere with or make inoperative a fuel gas detector the installation of which is required by this section, except that the owner or an agent of an owner of a building may temporarily disconnect a fuel gas detector only for construction, maintenance, repair, or rehabilitation activities when such activities are likely to activate the fuel gas detector alarm or make the fuel gas detector inoperable or unsafe. The fuel gas detector must be immediately reconnected at the cessation of construction, maintenance, repair, or rehabilitation activities.

(e) This section does not create a cause of action against a building owner who is required to comply with this section if the owner has conducted an inspection of the required fuel gas detectors immediately after installation and has reinspected the fuel gas detectors prior to occupancy by each new tenant, unless the owner has been given at least twenty-four (24) hours' actual notice of a defect or failure of a fuel gas detector to operate properly and has failed to take action to correct the defect or failure. As used in this subsection (e), "actual notice" means knowledge in fact from a source.

(f)

(1) For a residential property intended for single-family use, a person who violates this section is subject to a civil penalty in the following amounts:

(A) For a first offense, or a subsequent offense committed more than ninety (90) days after a previous offense, two hundred fifty dollars (\$250);

(B) For a second offense within ninety (90) days of an offense described in subdivision (f)(1)(A), five hundred dollars (\$500); and

(C) For a third or subsequent offense within ninety (90) days of an offense described in subdivision (f)(1)(A), one thousand dollars (\$1,000).

(2) For a building of multi-family occupancy, or a hotel, motel, or inn, a person who violates this section is subject to a civil penalty, per building found in violation, in the following amounts:

(A) For a first offense, or a subsequent offense committed more than ninety (90) days after a previous offense, one thousand dollars (\$1,000);

(B) For a second offense within ninety (90) days of an offense described in subdivision (f)(2)(A), two thousand dollars (\$2,000); and

(C) For a third or subsequent offense within ninety (90) days of an offense described in subdivision (f)(2)(A), five thousand dollars (\$5,000).

(g) The state fire marshal may:

(1) Assess a civil penalty for each violation as specified in this section; and

(2) Waive a civil penalty against a violator upon satisfactory proof that the violation was corrected within ten (10) days after the issuance of a complaint of violation.

SECTION 4. Tennessee Code Annotated, Title 66, Chapter 28, Part 4, is amended by adding the following as a new section:

(a) This section applies to:

(1) All residential properties intended for single-family use built or renovated on or after July 1, 2023; and

(2) All buildings of multi-family occupancy, as defined under § 68-120-602, regardless of when built or renovated.

(b) A tenant shall keep each fuel gas detector within the tenant's unit in working condition by keeping the fuel gas detector connected to the electrical service in the

building or keeping charged batteries in a battery-operated fuel gas detector, testing the fuel gas detector periodically, and refraining from disabling the fuel gas detector.

SECTION 5. This act takes effect July 1, 2023, the public welfare requiring it.