**A** **BILL**

TO AMEND SECTION 5‑25‑1310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SMOKE DETECTOR REQUIREMENTS FOR ONE‑FAMILY AND TWO‑FAMILY DWELLINGS, SO AS TO RECHARACTERIZE “SMOKE DETECTORS” AS “SMOKE ALARMS” AND TO REQUIRE THAT ALL EXISTING ONE‑FAMILY, TWO‑FAMILY, AND MULTIFAMILY DWELLINGS MUST BE EQUIPPED WITH APPROVED AND PROPERLY FUNCTIONING SMOKE ALARMS; TO AMEND SECTION 5‑25‑1320, RELATING TO BATTERY‑OPERATED DETECTORS, SO AS TO DELETE THE EXISTING LANGUAGE AND REQUIRE AN OWNER OF A RENTAL PROPERTY TO COMPLETE A SMOKE ALARM COMPLIANCE SHEET; TO AMEND SECTION 5‑25‑1330, RELATING TO THE RESPONSIBILITIES OF OWNERS AND TENANTS OF RENTAL DWELLINGS OR HOUSES, SO AS TO DELETE OBSOLETE LANGUAGE AND TO UPDATE OWNERS’ RESPONSIBILITIES; TO AMEND SECTION 5‑25‑1340, RELATING TO PROHIBITIONS ON TRANSFERS OF REAL ESTATE WITHOUT INSTALLED SMOKE DETECTORS, SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTION 5‑25‑1370, RELATING TO PENALTIES FOR VIOLATIONS OF ARTICLE 11, SO AS TO ESTABLISH A FINE AS THE PENALTY FOR A VIOLATION OF ARTICLE 11; AND TO RETITLE ARTICLE 11, CHAPTER 25, OF TITLE 5 AS “SMOKE ALARMS”.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 5‑25‑1310 of the 1976 Code is amended to read:

“Section 5‑25‑1310. ~~(A)~~ ~~One‑family and two‑family dwellings, including manufactured housing, must be equipped with approved and properly functioning smoke detectors installed in accordance with National Fire Protection Association (NFPA) Standard 72E, 1990 Edition, and with NFPA Standard 74, 1989 Edition; provided, however, that the various requirements of this article apply only to dwellings and housing which are rental dwellings and housing.~~

~~(B)~~ ~~A newly constructed dwelling or a dwelling remodeled in excess of fifty percent of its assessed value after December 31, 1994, must be equipped with electrically powered smoke detectors. Electrical power to the smoke detectors must be a dependable, commercial electrical source. Detectors must be installed according to manufacturer’s instructions.~~ Every existing one‑family, two‑family, and multifamily dwelling, including manufactured housing, must be equipped with approved and properly functioning smoke alarms installed in accordance with the currently adopted international fire code.”

SECTION 2. Section 5‑25‑1320 of the 1976 Code is amended to read:

“Section 5‑25‑1320. ~~A battery‑operated detector meeting the requirements of NFPA 74, 1989 Edition, is permitted in an existing dwelling that has not undergone remodeling exceeding fifty percent of its assessed value. Detectors must be installed according to manufacturer’s instructions.~~ The owner shall provide a smoke alarm compliance sheet on each rental dwelling. The smoke alarm compliance sheet shall, at a minimum, provide the date, the address of the rental dwelling, the number of working smoke alarms, and signatures by both the owner, manager, or designee and the tenant. A smoke alarm compliance sheet must be executed on an annual basis. The owner shall retain smoke alarm compliance sheets on each rental dwelling for a minimum of three years.”

SECTION 3. Section 5‑25‑1330 of the 1976 Code is amended to read:

“Section 5‑25‑1330. (A) ~~The owner of a dwelling is responsible for supplying and installing the smoke detectors in rental dwellings and housing and shall provide the tenant at the time the tenant takes possession of the dwelling written or verbal instructions, or both, for testing the detectors and replacing batteries in battery‑powered detectors.~~

~~(B)~~ ~~The tenant of a rental dwelling shall notify the owner in writing of any deficiencies in the performance of the smoke detectors. The owner must be considered notified upon delivery of the written notice at the place of business of the owner through which the rental agreement was made or at any place held out by him as the place of receipt for the payment of rent or other communications.~~

~~(C)~~ ~~Upon written notification by the tenant that a smoke detector is deficient, the owner shall repair or replace the detector within fifteen days. No obligation is created hereby for the owner to replace or repair a detector that he determines upon visual inspection or testing has been deliberately tampered with, damaged, or destroyed by the tenant or any person authorized to reside in the residence by the tenant and notifies the tenant in writing of these findings. The owner may repair or replace a detector that he determines has been deliberately tampered with, damaged, or destroyed by the tenant or any person authorized by the tenant to reside in the residence and may assess against the tenant the actual cost of the repair or replacement of the detector.~~

~~(D)~~ ~~No obligation is created hereby for the owner to provide batteries for battery‑powered detectors allowed under Section 5‑25‑1320.~~ The owner of a dwelling is responsible for supplying, installing, and replacing smoke alarms in rental dwellings and housing.

(B) Upon notification by tenant to owner of any deficiencies in the performance or presence of smoke alarms, the owner must repair or replace said smoke alarms. If the smoke alarms are not repaired or replaced, the tenant may notify the owner in writing of any deficiencies in the performance or presence of the smoke alarms. The written notification or actual documented notification by the State Fire Marshal or local fire official must serve as verification of the owner’s notice of deficiency.”

SECTION 4. Section 5‑25‑1340 of the 1976 Code is amended to read:

“Section 5‑25‑1340. No person may convey a title to real estate which includes a dwelling to which the article applies pursuant to Section 5‑25‑1310~~(A)~~ or transfer possession of a building to which this article applies pursuant to Section 5‑25‑1310~~(A)~~ unless smoke ~~detectors~~ alarms have been installed and are functioning in accordance with this article. The purchaser may inspect the ~~detectors~~ alarms at any reasonable time prior to closing to verify that they have been properly installed and are functioning in accordance with this article. The seller shall provide to the purchaser at closing an affidavit stating that the smoke ~~detectors~~ alarms have been installed and are functioning in accordance with this article. Compliance with this section relieves the seller of any further liability after closing with respect to the performance of the smoke ~~detectors~~ alarms. Violation of the provisions of this section does not affect the validity of the conveyance.”

SECTION 5. Section 5‑25‑1370 of the 1976 Code is amended to read:

“Section 5‑25‑1370. ~~A person who violates this article on first offense has fifteen days to install a smoke detector or to repair or replace the detector. On second offense, a person who violates this article is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than two hundred dollars or imprisoned for not more than thirty days.~~ (A) Upon verification of an owner’s notice of deficiency and the State Fire Marshal or local fire official supplying and installing a smoke alarm, the owner who violates this article must be fined five hundred dollars.

(B) The five hundred dollar fine, exclusive of any court costs and fees, must be returned to the local fire official’s department’s fire prevention fund. In the absence of a local fund, the fine must be returned to the State Fire Marshal.”

SECTION 6. Article 11, Chapter 25, Title 5 is retitled “Smoke Alarms”.

SECTION 7. This act takes effect upon approval by the Governor.

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