**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑1‑385 SO AS TO ENACT THE “SOUTH CAROLINA PUBLIC SCHOOL CARBON MONOXIDE SAFETY ACT”, TO PROVIDE THAT EVERY BUILDING THAT HOUSES A PUBLIC SCHOOL FROM PREKINDERGARTEN THROUGH TWELFTH GRADE MUST BE EQUIPPED WITH A CARBON MONOXIDE DETECTION WARNING SYSTEM BEFORE JULY 1, 2014, TO PROVIDE THE DEPARTMENT OF EDUCATION SHALL DEVELOP A PROGRAM THAT EACH SCHOOL DISTRICT MAY USE TO DEVELOP ITS CARBON MONOXIDE DETECTION AND WARNING SYSTEM, TO PROVIDE THE DEPARTMENT SHALL PROMULGATE CERTAIN REGULATIONS CONCERNING THE PROGRAM, TO PROVIDE A CERTIFICATE OF OCCUPANCY MUST NOT BE ISSUED FOR A SCHOOL BUILDING THAT FAILS TO COMPLY WITH THE PROVISIONS OF THIS ACT AFTER JUNE 30, 2014, AND TO LIMIT LIABILITY FOR FAILING TO DETECT CARBON MONOXIDE IN A SCHOOL BUILDING THAT COMPLIES WITH THE PROVISIONS OF THIS ACT, EXCEPT IN CERTAIN CIRCUMSTANCES.

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

SECTION 1. The act is known and may be cited as the “South Carolina Public School Carbon Monoxide Safety Act”.

SECTION 2. Article 5, Chapter 1, Title 59 of the 1976 Code is amended by adding:

“Section 59‑1‑385. (A) Every building that houses a public school that offers any combination of classes from prekindergarten through twelfth grade in this State must be equipped with a carbon monoxide detection and warning system before July 1, 2014. The Department of Education shall develop a Carbon Monoxide Detection and Warning Program that each school district may use as a basis for developing its carbon monoxide detection and warning system.

(B) The department shall develop regulations concerning the program. These regulations shall:

(1) provide the requirements and specifications for the installation and use of carbon monoxide detection and warning equipment and shall include, but not be limited to, the location, power requirements and standards for equipment, and exemptions for buildings that do not pose a risk of carbon monoxide poisoning due to sole dependence on systems that do not emit carbon monoxide;

(2) provide the requirements for testing and inspecting carbon monoxide detection and warning equipment installed in public school buildings and shall include, but not be limited to, the frequency with which equipment must be tested and inspected;

(3) require that, for a public school building:

(a) any carbon monoxide detection equipment installed in any building meet or exceed Underwriters Laboratories Standard Number 2075; or

(b) any carbon monoxide warning equipment installed in any building meet or exceed Underwriters Laboratories Standard Number 2034;

(4) require the installation and maintenance of detection or warning equipment to comply with the manufacturer’s instructions and with the standards set forth by the National Fire Protection Association; and

(5) prohibit, for public school buildings for which a building permit for new occupancy is issued after June 30, 2014, the installation of any battery‑operated carbon monoxide warning equipment or any plug‑in carbon monoxide warning equipment that has a battery as its back‑up power source.

(C) A certificate of occupancy must not be issued for a public school building for which a building permit for new occupancy is issued on or after July 1, 2014, unless the local fire marshal or building official certifies that the school building is equipped with a carbon monoxide detection and warning equipment complying with the requirements of the associated Carbon Monoxide Detection and Warning Program or is exempt from the provisions of this section.

(D) The Department of Education, a municipality, local or regional board of education, or an agent of them acting without malice, with good faith, and within the scope of his employment or official duties may not be liable for any damage to any person or property resulting from the failure to detect carbon monoxide within a school building, provided carbon monoxide detection equipment is installed and maintained in accordance with the published instructions of the manufacturer and with the regulations established pursuant to this section.”

SECTION 3. This act takes effect upon approval of the Governor.

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