

HOUSE BILL REPORT

E2SSB 5284

As Reported by House Committee On:
Consumer Protection & Business
Appropriations

Title: An act relating to smoke detection devices.

Brief Description: Concerning smoke detection devices.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Liias, Wagoner, Van De Wege and Hasegawa).

Brief History:

Committee Activity:

Consumer Protection & Business: 3/20/19, 3/26/19 [DPA];
Appropriations: 4/6/19, 4/8/19 [DPA(APP w/o CPB)].

**Brief Summary of Engrossed Second Substitute Bill
(As Amended by Committee)**

- Requires property sellers to provide at least one smoke detection device before the buyer occupies the dwelling unit, and imposes a fine if there is a fire and a property seller did not provide a smoke detection device.
- Establishes that insurers consider credits and discounts for fire alarms.
- Requires the Office of the Insurance Commissioner to report on the use of discounts and credits by December 31, 2020.

HOUSE COMMITTEE ON CONSUMER PROTECTION & BUSINESS

Majority Report: Do pass as amended. Signed by 13 members: Representatives Kirby, Chair; Reeves, Vice Chair; Vick, Ranking Minority Member; Hoff, Assistant Ranking Minority Member; Barkis, Blake, Dufault, Ryu, Santos, Stanford, Volz, Walen and Ybarra.

Staff: Robbi Kesler (786-7153).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Landlords must disclose fire safety and protection information to all tenants. This includes written notice that the dwelling unit is equipped with a smoke detection device. Written notice must specify that it is the tenant's responsibility to maintain the smoke detection device, including replacing batteries when necessary. At the time of a vacancy, the owner shall make certain that the smoke detection device is operational before renting to another tenant. If either the tenant or the owner fails to comply, they may be fined up to \$200.

In real estate transactions for the sale of improved residential property and commercial real estate, absent an express waiver or exemption, sellers must provide buyers with a completed seller disclosure statement form. Required disclosures pertain to real property conditions such as title, water, sewer/septic system, structural conditions, systems and fixtures, legal restrictions, and other conditions.

The fire marshal operates within the Washington State Patrol (WSP) and provides firefighter training as well as other services.

The Office of the Insurance Commissioner (OIC) reviews and approves the insurance products carriers and insurers sell, making sure policies conform to state laws and regulations. The OIC reviews rate filings to ensure premiums the insurers charge are appropriate.

Summary of Amended Bill:

Smoke Detection Devices in Dwelling Units.

Following a sale of a dwelling unit the seller must provide at least one smoke detection device before the buyer or any other person occupies the dwelling unit. A property owner shall be fined \$5,000 if they fail to install a smoke detection device and a fire causes property damage, personal injury, or death to a tenant or a member of a tenant's household. This shall be enforced by either the state fire marshal under the WSP, the chief of the city or town fire department, or by the county fire marshal.

For sales entered into on or after January 1, 2020, the seller's disclosure statement must include a statement which requires the seller to disclose whether the dwelling is equipped with a smoke detection device or, if not, that the seller has provided one to the buyer.

Licensed real estate brokers and nonprofits or individuals who have voluntarily assisted in installing a smoke detection device in a unit are not liable for the failure of any seller or other property owner's compliance.

The \$200 fine on tenants and landlords for not maintaining a smoke detection device under current law, and the \$5,000 fine after a fire occurs, shall be deposited into the Smoke Detection Device Awareness Account, under the administration of the state fire marshal. Expenditures from the account must be used to raise public awareness of owners and tenants' duties pertaining to smoke detection devices and of the danger to life and property resulting from a failure to comply.

Insurance Rate Process.

In making the rates for insurance coverage for dwelling units, insurance companies shall consider the benefits of fire alarms and smoke detection devices in their rate making. If an insurer determines a separate fire alarm factor is valid, then an exhibit supporting these changes and any credits or discounts resulting from such changes must be included in the initial filing. An insurer does not need to file any exhibits, or offer any related discounts, if there is no material anticipated change in losses due to the use of fire alarms, if no changes are made to credits or discounts already in effect, or if a discount is not actuarially supported. These discounts for dwelling unit coverage apply to rate filings filed on or after January 1, 2020.

By December 31, 2020, the Office of the Insurance Commissioner must report to the appropriate committees of the Legislature on any credits or discounts provided on insurance premiums for fire alarms installed in dwelling units. The report must include details on the use of discounts by insurance companies prior to enactment of this act, and the type of fire alarm or smoke detection device qualifying for a credit or discount.

This act shall be called the Greg "Gibby" Gibson Home Fire Safety Act.

Amended Bill Compared to Engrossed Second Substitute Bill:

The term "smoke detection device" is added to the section related to rates for dwelling unit insurance. Insurance companies already offering credits or discounts for smoke detection devices and fire alarms are not required to file new exhibits with the Office of Insurance Commissioner.

Appropriation: None.

Fiscal Note: Requested on March 15, 2019.

Effective Date of Amended Bill: This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 1, relating to the requirement that a seller provide at least one smoke detection device, which takes effect July 1, 2019; and section 3, relating to the requirement that a statement regarding smoke detection devices be included in the seller's disclosure statement, which takes effect January 1, 2020.

Staff Summary of Public Testimony:

(In support) This is an important public safety bill that can save lives. Adding information to the seller disclosure form to share with prospective purchasers is an effective way to get more smoke detectors into homes. Enforcement and education provisions will help with compliance and increase public participation.

(Opposed) None.

(Other) The term fire alarm, located in the insurance rate section, may be confusing and it is recommended the term smoke detection device be incorporated for consistency.

Persons Testifying: (In support) Senator Liias, prime sponsor; Robert Bradley, Washington State Association of Fire Marshals; Gerry Gibson and Bonnie Gibson, Gibby Home Fire Prevention; and Bob Mitchell, Washington REALTORS.

(Other) Jean Leonard, WA Insurers, State Farm, and National Association of Mutual Insurance Companies.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Appropriations and without amendment by Committee on Consumer Protection & Business. Signed by 32 members: Representatives Ormsby, Chair; Bergquist, 2nd Vice Chair; Robinson, 1st Vice Chair; Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Cody, Dolan, Dye, Fitzgibbon, Hansen, Hoff, Hudgins, Jinkins, Kraft, Macri, Mosbrucker, Pettigrew, Pollet, Ryu, Schmick, Senn, Springer, Stanford, Steele, Sullivan, Sutherland, Tarleton, Tharinger and Ybarra.

Staff: Meghan Morris (786-7119).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Consumer Protection & Business:

Enforcement of the \$5,000 fine is changed from the Washington State Patrol to local fire authorities. Local fire authorities may use fine revenues to cover administrative costs related to enforcement.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 1, relating to the requirement that a seller provide at least one smoke detection device, which contains an emergency clause and takes effect July 1, 2019, and section 3, relating to the requirement that a statement regarding smoke detection devices be included in the seller's disclosure statement, which takes effect January 1, 2020.

Staff Summary of Public Testimony:

(In support) There is no question that smoke detectors save lives. This bill has been worked on for three or four years. The State Fire Marshal's report for fire deaths and fire loss in 2018 shows 45 fatalities in residential structures and another five in recreational vehicles, which

are often times a primary residence. Smoke alarms save lives only if they are working. There needs to be a line drawn in the sand.

(Opposed) None.

Persons Testifying: Robert Bradley, Washington State Association of Fire Marshals.

Persons Signed In To Testify But Not Testifying: None.