

SENATE BILL REPORT

SB 5284

As of January 26, 2019

Title: An act relating to smoke detection devices.

Brief Description: Concerning smoke detection devices.

Sponsors: Senators Liias, Wagoner, Van De Wege and Hasegawa.

Brief History:

Committee Activity: Financial Institutions, Economic Development & Trade: 1/24/19.

Brief Summary of Bill

- Requires property sellers to install smoke detection devices before the buyer, or any other person, occupies the dwelling unit.

SENATE COMMITTEE ON FINANCIAL INSTITUTIONS, ECONOMIC DEVELOPMENT & TRADE

Staff: Kellee Gunn (786-7429)

Background: 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.

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

Summary of Bill: Following a sale, the property seller must install smoke detection devices 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

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be enforced by either the state fire marshal under WSP, the chief of the city or town fire department, or by the county fire marshal.

Fines 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.

The property seller's notice to the buyer includes a check box, confirming the property is equipped with smoke detection devices.

Insurance companies shall allow a reduction in premium charges to those who certify their insured property contains properly installed and maintained smoke detection devices.

Licensed real estate brokers are not liable for the failure of any seller or other property owner's compliance.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: In January 2016, a person I went to high school with died in a house fire. He was sleeping and there were no smoke detectors. This person's story is more common than we realize. At least one person a month dies in fires like these. A ten-year smoke alarm is inexpensive and easy to put in. This is the third attempt with this legislation. A carbon dioxide bill passed a few years ago and this legislation is modeled after that. This bill encourages the insurance industry to provide a discount, creates a fine, and institutes disclosure when transferring property. We should not lose people in preventable ways.

There is nothing in the bill for local governments to receive notice of a sale. An inspection may be needed, and so the closing agents and the local government should establish a system for notice. This could result in a significant workload increase for county fire marshals. Nothing is mentioned in the bill about inspections. It seems as if an inspection would occur after a fire. There is a concern on how this would be enforced. It is unclear about how the certification for an insurance discount would work. Of the 20 top companies providing home and property insurance, all provide discounts to the property owner for having smoke detectors.

OTHER: There are some questions regarding implementation, when is there a right of access to the property, and when an inspection is required. This could create workload issues on county fire marshals in rural areas. Lenders provide information on smoke detectors, but not everyone gets a loan to buy a property. There are technical concerns regarding with

certification and mandate for an appropriate reduction in insurance. The language regarding self certification by the seller needs to be clarified.

Persons Testifying: PRO: Senator Marko Liias, Prime Sponsor; Paul Jewell, Washington State Association of Counties; Robert Bradley, Washington State Association of Fire Marshals; Lonnie Johns-Brown, Office of the Insurance Commissioner; Gerry Gibson, Gibby Home Fire Prevention; Bonnie Gibson, Gibby Home Fire Prevention.

OTHER: Amy Brackenbury, Washington Association of Building Officials; Bob Mitchell, Washington REALTORS; Jean Leonard, NAMIC; Washington INSURERS; Mel Sorensen, PCI.

Persons Signed In To Testify But Not Testifying: No one.