

FINAL BILL REPORT

E2SSB 5284

C 455 L 19
Synopsis as Enacted

Brief Description: Concerning smoke detection devices.

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

Senate Committee on Financial Institutions, Economic Development & Trade
Senate Committee on Ways & Means
House Committee on Consumer Protection & Business
House Committee on Appropriations

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 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 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 and provides fire fighter training as well as other services.

Summary: Following a sale, the property 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 local fire authorities.

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, except for any costs for administering the fine by local fire authorities, 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 or, if not, that the seller has provided one to the buyer.

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.

In making the rates for insurance coverage for dwelling units, insurance companies shall consider the benefits of smoke detectors and fire alarms in their rate making. If an insurer determines a separate rate 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:

- no changes are made to the discounts or credits already in effect;
- it is determined there is no change in losses due to the use of such equipment; or
- a discount is not actuarially supported.

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.

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.

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

Votes on Final Passage:

Senate	48	0	
House	96	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 28, 2019
July 1, 2019 (Section 1)