

[First Reprint]

ASSEMBLY, No. 4073

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED JANUARY 12, 2015

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SYNOPSIS

Requires installation of carbon monoxide detectors in certain structures; designated as "Korman and Park's Law."

CURRENT VERSION OF TEXT

As amended by the General Assembly on March 9, 2015.

(Sponsorship Updated As Of: 6/30/2015)

1 AN ACT requiring carbon monoxide detectors in certain structures,
2 designated as Korman and Park's Law, ¹**[and]**¹ amending and
3 supplementing P.L.1975, c.217 ¹, and supplementing P.L.1983,
4 c.383 (C.52:27D-192 et seq.)¹.
5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:
8

9 1. (New section) a. An application for a construction permit for
10 any structure other than a structure subject to the provisions of
11 P.L.1999, c.15 (C.52:27D-133.3 et al.) ¹**[and P.L.2003, c.44]**¹ shall
12 not be declared complete without containing provisions for the
13 placement of a carbon monoxide sensor device or devices, unless it
14 is determined that there is no potential carbon monoxide hazard in
15 the structure.

16 b. ¹**[Within 90 days of the adoption of rules and regulations**
17 **pursuant to subsection e. of this section, any structure other than a**
18 **structure subject to the provisions of P.L.1999, c.15 (C.52:27D-**
19 **133.3 et al.) and P.L.2003, c.44 shall be equipped with a carbon**
20 **monoxide sensor device or devices, unless it is determined that**
21 **there is no potential carbon monoxide hazard in the structure.**

22 c.¹ Any determination as to the placement of a carbon
23 monoxide sensor device or devices in a structure and as to whether
24 there is a potential carbon monoxide hazard in a structure shall be
25 made in accordance with the rules and regulations adopted pursuant
26 to subsection ¹**[e.] c.**¹ of this section.

27 ¹**[d. (1) An enforcing agency shall inspect each structure**
28 **subject to the provisions of this section within its jurisdiction for**
29 **compliance with the requirements of this section at the time of any**
30 **inspection conducted pursuant to the "Uniform Fire Safety Act,"**
31 **P.L.1983, c.383 (C.52:27D-192 et seq.).**

32 (2) The local governing body having jurisdiction over the
33 enforcing agency or, if the Department of Community Affairs is the
34 enforcing agency, the Commissioner of Community Affairs, may
35 establish a fee which covers the cost of inspection and of issuance
36 of a certificate evidencing compliance with the requirements of this
37 section; provided, however, that the fee authorized shall not exceed
38 the costs of inspection and issuance of a certificate.

39 (3) An owner of a structure found to be in violation of the
40 requirements of this section shall be liable to a penalty of not more
41 than \$1,000 for a first offense and not more than \$2,500 for each
42 subsequent offense found upon reinspection to be collected in a
43 summary proceeding pursuant to the "Penalty Enforcement Law of
44 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The municipal court

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹**Assembly floor amendments adopted March 9, 2015.**

1 and the Superior Court shall have jurisdiction of proceedings for the
2 enforcement of the penalties provided by this paragraph.

3 e.] c.¹ The Commissioner of Community Affairs shall
4 promulgate rules and regulations pursuant to its rule-making
5 authority under the “Administrative Procedure Act,” P.L.1968,
6 c.410 (C.52:14B-1 et seq.) in order to effectuate the purposes of this
7 section. The rules and regulations shall include, but not be limited
8 to, standards for the placement of a carbon monoxide sensor device
9 or devices in a structure and for the determination as to whether
10 there is a potential carbon monoxide hazard in a structure.

11 ¹[f.] d.¹ For the purposes of this section:

12 “Carbon monoxide sensor device” means a carbon monoxide
13 alarm or detector that bears the label of a nationally recognized
14 testing laboratory, and has been tested and listed as complying with
15 the most recent Underwriters Laboratories standard 2034 or its
16 equivalent.

17 ¹“Enforcing agency” means an enforcing agency as defined in
18 section 5 of the “Uniform Fire Safety Act,” P.L.1983, c.383
19 (C.52:27D-196).]¹

20

21 2. Section 6 of P.L.1975, c.217 (C.52:27D-124) is amended to
22 read as follows:

23 6. The commissioner shall have all the powers necessary or
24 convenient to effectuate the purposes of this act, including, but not
25 limited to, the following powers in addition to all others granted by
26 this act:

27 a. To adopt, amend and repeal, after consultation with the code
28 advisory board, rules: (1) relating to the administration and
29 enforcement of this act and (2) the qualifications or licensing, or
30 both, of all persons employed by enforcing agencies of the State to
31 enforce this act or the code, except that, plumbing inspectors shall
32 be subject to the rules adopted by the commissioner only insofar as
33 such rules are compatible with such rules and regulations, regarding
34 health and plumbing for public and private buildings, as may be
35 promulgated by the Public Health Council in accordance with Title
36 26 of the Revised Statutes.

37 b. To enter into agreements with federal and State of New
38 Jersey agencies, after consultation with the code advisory board, to
39 provide insofar as practicable (1) single-agency review of
40 construction plans and inspection of construction and (2)
41 intergovernmental acceptance of such review and inspection to
42 avoid unnecessary duplication of effort and fees. The commissioner
43 shall have the power to enter into such agreements although the
44 federal standards are not identical with State standards; provided
45 that the same basic objectives are met. The commissioner shall
46 have the power through such agreements to bind the State of New
47 Jersey and all governmental entities deriving authority therefrom.

1 c. To take testimony and hold hearings relating to any aspect of
2 or matter relating to the administration or enforcement of this act,
3 including but not limited to prospective interpretation of the code so
4 as to resolve inconsistent or conflicting code interpretations, and, in
5 connection therewith, issue subpoena to compel the attendance of
6 witnesses and the production of evidence. The commissioner may
7 designate one or more hearing examiners to hold public hearings
8 and report on such hearings to the commissioner.

9 d. To encourage, support or conduct, after consultation with the
10 code advisory board, educational and training programs for
11 employees, agents and inspectors of enforcing agencies, either
12 through the Department of Community Affairs or in cooperation
13 with other departments of State government, enforcing agencies,
14 educational institutions, or associations of code officials.

15 e. To study the effect of this act and the code to ascertain their
16 effect upon the cost of building construction and maintenance, and
17 the effectiveness of their provisions for insuring the health, safety,
18 and welfare of the people of the State of New Jersey.

19 f. To make, establish and amend, after consultation with the
20 code advisory board, such rules as may be necessary, desirable or
21 proper to carry out his powers and duties under this act.

22 g. To adopt, amend, and repeal rules and regulations providing
23 for the charging of and setting the amount of fees for the following
24 code enforcement services, licenses or approvals performed or
25 issued by the department, pursuant to the "State Uniform
26 Construction Code **【Act:"】 Act," P.L.1975, c.217 (C.52:27D-119 et**
27 seq.):

28 (1) Plan review, construction permits, certificates of occupancy,
29 demolition permits, moving of building permits, elevator permits
30 and sign permits; and

31 (2) Review of applications for and the issuance of licenses
32 certifying an individual's qualifications to act as a construction code
33 official, subcode official or assistant under this act.

34 (3) (Deleted by amendment, P.L.1983, c.338).

35 h. To adopt, amend and repeal rules and regulations providing
36 for the charging of and setting the amount of construction permit
37 surcharge fees to be collected by the enforcing agency and remitted
38 to the department to support those activities which may be
39 undertaken with moneys credited to the Uniform Construction Code
40 Revolving Fund.

41 i. To adopt, amend and repeal rules and regulations providing
42 for:

43 (1) Setting the amount of and the charging of fees to be paid to
44 the department by a private agency for the review of applications
45 for and the issuance of approvals authorizing a private agency to act
46 as an on-site inspection and plan review agency or an in-plant
47 inspection agency;

48 (2) (Deleted by amendment, P.L.2005, c.212).

1 (3) (Deleted by amendment, P.L.2005, c.212).

2 j. To enforce and administer the provisions of the "State
3 Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119
4 et seq.) and the code promulgated thereunder, and to prosecute or
5 cause to be prosecuted violators of the provisions of that act or the
6 code promulgated thereunder in administrative hearings and in civil
7 proceedings in State and local courts.

8 k. To monitor the compliance of local enforcing agencies with
9 the provisions of the "State Uniform Construction Code Act,"
10 P.L.1975, c.217 (C.52:27D-119 et seq.), to order corrective action
11 as may be necessary where a local enforcing agency is found to be
12 failing to carry out its responsibilities under that act, to supplant or
13 replace the local enforcing agency for a specific project, and to
14 order it dissolved and replaced by the department where the local
15 enforcing agency repeatedly or habitually fails to enforce the
16 provisions of the "State Uniform Construction Code Act."

17 l. To adopt, amend , and repeal rules and regulations
18 implementing the provisions of P.L.1999, c.15 **【and】** , P.L.2003,
19 c.44 , and section 1 of P.L. , c. (C.) (pending before the
20 Legislature as this bill) concerning the installation and maintenance
21 of carbon monoxide sensors.

22 (cf: P.L.2005, c.212, s.1)

23

24 ^{13.} (New section) a. Within 90 days of the adoption of rules
25 and regulations pursuant to subsection c. of this section, any
26 existing structure other than a structure subject to the provisions of
27 P.L.1999, c.15 (C.52:27D-133.3 et al.) shall be equipped with a
28 carbon monoxide sensor device or devices, unless it is determined
29 that there is no potential carbon monoxide hazard in the structure.

30 b. Any determination as to the placement of a carbon monoxide
31 sensor device or devices in a structure and as to whether there is a
32 potential carbon monoxide hazard in a structure shall be made in
33 accordance with the rules and regulations adopted pursuant to
34 subsection c. of this section.

35 c. The Commissioner of Community Affairs shall promulgate
36 rules and regulations pursuant to its rule-making authority under the
37 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
38 seq.) in order to effectuate the purposes of this section. The rules
39 and regulations shall include, but not be limited to, standards for the
40 placement of a carbon monoxide sensor device or devices in a
41 structure and for the determination as to whether there is a potential
42 carbon monoxide hazard in a structure.

43 d. For the purposes of this section:

44 "Carbon monoxide sensor device" means a carbon monoxide
45 alarm or detector that bears the label of a nationally recognized
46 testing laboratory, and has been tested and listed as complying with
47 the most recent Underwriters Laboratories standard 2034 or its
48 equivalent.¹

- 1 ¹4. (New section) a. An enforcing agency shall inspect each
2 structure subject to the carbon monoxide detector installation
3 requirements of P.L. _____, c. _____ (C. _____) (pending before the
4 Legislature as this bill) within its jurisdiction for compliance with
5 such requirements at the time of any inspection conducted pursuant
6 to the “Uniform Fire Safety Act,” P.L.1983, c.383 (C.52:27D-192 et
7 seq.).
- 8 b. The local governing body having jurisdiction over the
9 enforcing agency or, if the Department of Community Affairs is the
10 enforcing agency, the Commissioner of Community Affairs, may
11 establish a fee which covers the cost of inspection and of issuance
12 of a certificate evidencing compliance with the carbon monoxide
13 detector installation requirements of P.L. _____, c. _____ (C. _____) (pending
14 before the Legislature as this bill); provided, however, that the fee
15 authorized shall not exceed the costs of inspection and issuance of a
16 certificate.
- 17 c. An owner of a structure found to be in violation of the carbon
18 monoxide detector installation requirements of P.L. _____,
19 c. _____ (C. _____) (pending before the Legislature as this bill) shall be
20 liable to a penalty of not more than \$1,000 for a first offense and
21 not more than \$2,500 for each subsequent offense found upon
22 reinspection to be collected in a summary proceeding pursuant to
23 the “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-
24 10 et seq.). The municipal court and the Superior Court shall have
25 jurisdiction of proceedings for the enforcement of the penalties
26 provided by this paragraph.¹
- 27
- 28 ¹**[3.] 5.**¹ This act shall take effect immediately.