

CHAPTER 146
(CORRECTED COPY)

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

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.52:27D-123f Carbon monoxide detectors required in certain structures.

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

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

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

d. For the purposes of this section:

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

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

C.52:27D-124 Powers of the commissioner.

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

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

b. To enter into agreements with federal and State of New Jersey agencies, after consultation with the code advisory board, to provide insofar as practicable (1) single-agency review of construction plans and inspection of construction and (2) intergovernmental acceptance of such review and inspection to avoid unnecessary duplication of effort and fees. The commissioner shall have the power to enter into such agreements although the federal standards are not identical with State standards; provided that the same basic objectives are

met. The commissioner shall have the power through such agreements to bind the State of New Jersey and all governmental entities deriving authority therefrom.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

k. To monitor the compliance of local enforcing agencies with the provisions of the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), to order corrective action as may be necessary where a local enforcing agency is found to be failing to

carry out its responsibilities under that act, to supplant or replace the local enforcing agency for a specific project, and to order it dissolved and replaced by the department where the local enforcing agency repeatedly or habitually fails to enforce the provisions of the "State Uniform Construction Code Act."

1. To adopt, amend, and repeal rules and regulations implementing the provisions of P.L.1999, c.15, P.L.2003, c.44, and section 1 of P.L.2015, c.146 (C.52:27D-123f) concerning the installation and maintenance of carbon monoxide sensors.

C.52:27D-198.18 Certain existing structures required to be equipped with carbon monoxide detectors.

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

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

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

d. For the purposes of this section:

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

C.52:27D-198.19 Inspection, violations, penalties.

4. a. An enforcing agency shall inspect each structure subject to the carbon monoxide detector installation requirements of P.L.2015, c.146 (C.52:27D-123f et al.) within its jurisdiction for compliance with such requirements at the time of any inspection conducted pursuant to the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.).

b. The local governing body having jurisdiction over the enforcing agency or, if the Department of Community Affairs is the enforcing agency, the Commissioner of Community Affairs, may establish a fee which covers the cost of inspection and of issuance of a certificate evidencing compliance with the carbon monoxide detector installation requirements of P.L.2015, c.146 (C.52:27D-123f et al.); provided, however, that the fee authorized shall not exceed the costs of inspection and issuance of a certificate.

c. An owner of a structure found to be in violation of the carbon monoxide detector installation requirements of P.L.2015, c.146 (C.52:27D-123f et al.) shall be liable to a penalty of not more than \$1,000 for a first offense and not more than \$2,500 for each subsequent offense found upon reinspection to be collected in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The municipal court and the Superior Court shall have jurisdiction of proceedings for the enforcement of the penalties provided by this paragraph.

5. This act shall take effect immediately.

Approved November 9, 2015.