

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 1102

Short Title: Fuel Gas Safety Act. (Public)

Sponsors: Representative Reives.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Appropriations, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House

April 30, 2026

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE INSTALLATION AND MAINTENANCE OF FUEL GAS DETECTORS IN ROOMS OR AREAS CONTAINING AN APPLIANCE FUELED BY PROPANE, NATURAL GAS, OR ANY LIQUIFIED PETROLEUM GAS FOR CERTAIN RESIDENTIAL, COMMERCIAL, AND PUBLIC HIGHER EDUCATION BUILDINGS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 42-40 reads as rewritten:

"§ 42-40. Definitions.

For the purpose of this Article, the following definitions shall apply:

- (1) ~~"Action" includes recoupment.~~ Action. – A recoupment, counterclaim, defense, setoff, and any other proceeding including an action for possession.
- (1a) Fuel gas detector. – A device that (i) has an assembly that incorporates a sensor and an alarm that detects elevations in propane, natural gas, or a liquified petroleum gas, (ii) sounds a warning alarm, (iii) is battery-operated, plugged into an electrical outlet, or hardwired, and (iv) is approved by a nationally recognized independent testing laboratory.
- (1b) Landlord. – Any owner and any rental management company, rental agency, or any other person having the actual or apparent authority of an agent to perform the duties imposed by this Article.
- (2) ~~"Premises" means a~~ Premises. – A dwelling unit, including mobile homes or mobile home spaces, and the structure of which it is a part and facilities and appurtenances therein and grounds, areas, and facilities normally held out for the use of residential tenants.
- (3) ~~"Landlord" means any owner and any rental management company, rental agency, or any other person having the actual or apparent authority of an agent to perform the duties imposed by this Article.~~
- (4) ~~"Protected tenant" means a tenant or household member who is a victim of domestic violence under Chapter 50B of the General Statutes or sexual assault or stalking under Chapter 14 of the General Statutes.~~
- (3) Protected tenant. – A tenant or household member who is a victim of domestic violence under Chapter 50B of the General Statutes or sexual assault or stalking under Chapter 14 of the General Statutes."

SECTION 2. G.S. 42-42 reads as rewritten:

"§ 42-42. Landlord to provide fit premises.



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(a) The landlord shall:

...

(7a) Install a minimum of one operable fuel gas detector in every room of the premises containing an appliance fueled by propane, natural gas, or a liquified petroleum gas. The landlord who acquires the premises shall install fuel gas detectors within 30 days of acquisition if compliant fuel gas detectors are not already installed. At the beginning of each tenancy, the landlord shall ensure that each fuel gas detector is in working order and unless the landlord and the tenant have a written agreement to the contrary, the landlord shall place new batteries in a battery-operated fuel gas detector. The landlord shall keep each fuel gas detector within the tenant's unit in working condition by keeping the fuel gas detector connected to the electrical service in the building or keeping charged batteries in a battery-operated fuel gas detector, testing the fuel gas detector periodically, and refraining from disabling the fuel gas detector. The landlord shall immediately replace or repair the fuel gas detector upon receipt of written notice of a deficiency with a fuel gas detector. If the landlord does not have actual knowledge or has not been notified in writing of the need to repair or replace a fuel gas detector, then the landlord's failure to repair or replace the fuel gas detector must not be considered evidence of negligence in a subsequent civil action arising from death, property loss, or personal injury.

(7b) A device that functions as both a carbon monoxide alarm and a fuel gas detector may be used to comply with subdivisions (7) and (7a) of this subsection if the device satisfies the applicable requirements of those subdivisions.

...."

SECTION 3. G.S. 42-43(a) reads as rewritten:

"§ 42-43. Tenant to maintain dwelling unit.

(a) The tenant shall:

...

(4) Not deliberately or negligently destroy, deface, damage, or remove any part of the premises, nor render inoperable the smoke ~~alarm~~ ~~or alarm~~, carbon monoxide ~~alarm~~ ~~alarm~~, or fuel gas detector provided by the landlord, or knowingly permit any person to do so.

...

(7) Notify the landlord, in writing, of the need for replacement of or repairs to a smoke ~~alarm~~ ~~or alarm~~, carbon monoxide ~~alarm~~ ~~alarm~~, or fuel gas detector. The landlord shall ensure that a smoke ~~alarm~~ ~~and alarm~~, carbon monoxide ~~alarm~~ ~~alarm~~, and fuel gas detector are operable and in good repair at the beginning of each tenancy. Unless the landlord and the tenant have a written agreement to the contrary, the landlord shall place new batteries in a battery-operated smoke alarm battery-operated carbon monoxide alarm at the beginning of a tenancy and the tenant shall replace the batteries as needed during the tenancy, except where the smoke alarm is a tamper-resistant, 10-year lithium battery smoke alarm as required by G.S. 42-42(a)(5a). Failure of the tenant to replace the batteries as needed shall not be considered as negligence on the part of the tenant or the landlord."

SECTION 4. G.S. 42-44 is amended by adding a new subsection to read:

"(a3) If the landlord fails to provide, install, replace, or repair a fuel gas detector under the provisions of this Article, the landlord shall be subject to a civil penalty of not more than five hundred dollars (\$500.00) per violation. The State Fire Marshal may (i) assess a civil penalty for each violation under this subsection and (ii) waive a civil penalty against a violator upon

1 satisfactory proof that the violation was corrected within 10 days after the issuance of a complaint
2 of violation. The clear proceeds of a civil penalty under this subsection shall be remitted to the
3 Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

4 **SECTION 5.** G.S. 42-51(a) reads as rewritten:

5 **"§ 42-51. Permitted uses of the deposit.**

6 (a) Security deposits for residential dwelling units shall be permitted only for the
7 following:

8 ...

9 (2) Damage to the premises, including damage to or destruction of smoke ~~alarms~~
10 ~~or alarms~~, carbon monoxide ~~alarms~~, alarms, or fuel gas detectors.

11"

12 **SECTION 6.** G.S. 143-138 is amended by adding a new subsection to read:

13 "(b25) Fuel Gas Detectors. – The Code shall contain provisions requiring a building owner
14 to install and maintain at least one fuel gas detector, in accordance with the manufacturer's
15 instructions and as otherwise required by the Code, in each room or area containing an appliance
16 fuelled by propane, natural gas, or liquified petroleum gas in (i) buildings and structures subject
17 to the North Carolina Residential Code, (ii) multifamily residential occupancies in buildings and
18 structures not subject to the North Carolina Residential Code, (iii) commercial occupancies,
19 including factories, offices, and warehouses, and (iv) public higher education facilities. For
20 commercial occupancies, the Code may also require installation in other areas susceptible to a
21 propane, natural gas, or liquified petroleum gas leak. For purposes of this subsection, a "fuel gas
22 detector" is a device listed by a nationally recognized testing laboratory that incorporates a sensor
23 and an alarm and that detects elevations in propane, natural gas, or liquified petroleum gas and
24 sounds a warning alarm. For purposes of this subsection, "public higher education facility" means
25 a building or structure owned, leased, or operated for use by a constituent institution of The
26 University of North Carolina or an institution of the North Carolina Community College System.
27 Compliance with G.S. 116-11(3d) or G.S. 115D-6.3, as applicable, satisfies the requirements of
28 this subsection for public higher education facilities to the extent the applicable policy requires
29 fuel gas detectors or other technologies that meet or exceed performance requirements for fuel
30 gas detection. Violations of this subsection and rules adopted pursuant to this subsection shall be
31 punishable in accordance with subsection (h) of this section and G.S. 143-139."

32 **SECTION 7.(a)** G.S. 143-139 is amended by adding a new subsection to read:

33 "(b2) Fuel Gas Detector Civil Penalty. – In jurisdictions where a county, city, or other
34 political subdivision provides inspection services under Article 11 of Chapter 160D of the
35 General Statutes and is authorized to enforce the North Carolina State Building Code within its
36 jurisdiction, the local government may enforce G.S. 143-138(b25), inspect buildings and
37 structures subject to G.S. 143-138(b25), and assess a civil penalty of not more than five hundred
38 dollars (\$500.00) per violation of G.S. 143-138(b25), rules adopted pursuant to
39 G.S. 143-138(b25), or, as applicable to public higher education facilities, policies adopted
40 pursuant to G.S. 116-11(3d) or G.S. 115D-6.3. A local government or State official assessing a
41 civil penalty under this subsection may waive the civil penalty upon satisfactory proof that the
42 violation was corrected within 10 days after notice of the violation. If a local government fails to
43 provide inspection services or ceases to exercise jurisdiction, the State Fire Marshal or other State
44 official with responsibility under this section may enforce G.S. 143-138(b25), inspect buildings
45 and structures subject to G.S. 143-138(b25), and assess the same civil penalty. This subsection
46 does not apply where a landlord is subject to a civil penalty under G.S. 42-44(a3) for the same
47 violation. A civil penalty imposed under this subsection may be recovered in a civil action in the
48 nature of debt if the offender does not pay the penalty within a prescribed period after citation or
49 notice of violation. If the State Fire Marshal or other State official institutes an action or
50 proceeding under this subsection, a county, city, or other political subdivision shall not institute
51 a civil action under this subsection based upon the same violation. Notwithstanding the last

1 sentence of subsection (b1) of this section, appeals from the imposition of a civil penalty under
2 this subsection by a county, city, or other political subdivision shall be as provided in
3 G.S. 160D-1127, and appeals from the imposition of a civil penalty under this subsection by the
4 State Fire Marshal or other State official shall be as provided in G.S. 143-140 and G.S. 143-141.
5 The clear proceeds of civil penalties collected under this subsection shall be remitted to the Civil
6 Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

7 **SECTION 7.(b)** G.S. 143-139(e) reads as rewritten:

8 "(e) State Buildings. – With respect to State buildings, the Department of Administration
9 shall have general supervision, through the Office of State Construction, of the administration
10 and enforcement of all sections of the North Carolina State Building Code pertaining to
11 plumbing, electrical systems, general building restrictions and regulations, heating and air
12 conditioning, fire protection, and the construction of buildings generally, except those sections
13 of the Code the enforcement of which is specifically allocated to other agencies by subsections
14 (c) and (d) of this section, and shall also exercise all remedies as provided in ~~subsection (b1)~~
15 subsections (b1) and (b2) of this section. The Department of Administration shall be the only
16 agency with the authority to seek remedies pursuant to this section with respect to State buildings.
17 Except as provided herein, nothing in this subsection shall be construed to abrogate the authority
18 of the State Fire Marshal under G.S. 58-31-41 or any other provision of law. For the purposes of
19 this subsection, "State buildings" does not include buildings, facilities, or projects located on
20 State lands that are (i) privately owned or privately leased and (ii) located within the North
21 Carolina Global TransPark."

22 **SECTION 8.** G.S. 116-11 is amended by adding a new subdivision to read:

23 "(3d) Fuel gas safety policy. – The Board of Governors shall adopt a policy to be
24 applied uniformly throughout The University of North Carolina for buildings
25 and structures owned, leased, or operated by constituent institutions. The
26 policy shall do all of the following:

- 27 a. Address the identification, evaluation, and mitigation of risks
28 associated with fuel gas systems and fuel-gas-burning appliances or
29 equipment.
30 b. Require the installation or retrofitting, where appropriate, of fuel gas
31 detectors in accordance with manufacturer's instructions and
32 applicable nationally recognized standards.
33 c. Provide that installation or retrofitting is not required in a location
34 where centralized monitoring systems, networked detection systems,
35 or other technologies are already in use that meet or exceed
36 performance requirements for fuel gas detection."

37 **SECTION 9.** Article 1 of Chapter 115D of the General Statutes is amended by
38 adding a new section to read:

39 **"§ 115D-6.3. Fuel gas safety policy.**

40 The State Board of Community Colleges shall adopt a policy to be applied uniformly
41 throughout the Community College System for buildings and structures owned, leased, or
42 operated by community colleges. The policy shall do all of the following:

- 43 (1) Address the identification, evaluation, and mitigation of risks associated with
44 fuel gas systems and fuel-gas-burning appliances or equipment.
45 (2) Require the installation or retrofitting, where appropriate, of fuel gas detectors
46 in accordance with manufacturer's instructions and applicable nationally
47 recognized standards.
48 (3) Provide that installation or retrofitting is not required in a location where
49 centralized monitoring systems, networked detection systems, or other
50 technologies are already in use that meet or exceed performance requirements
51 for fuel gas detection."

1 **SECTION 10.(a)** The Board of Governors of The University of North Carolina shall
2 adopt the policy required by G.S. 116-11(3d), as enacted by this act, no later than July 1, 2027.
3 Each constituent institution subject to that policy shall implement the policy no later than July 1,
4 2030.

5 **SECTION 10.(b)** The State Board of Community Colleges shall adopt the policy
6 required by G.S. 115D-6.3, as enacted by this act, no later than July 1, 2027. Each community
7 college subject to that policy shall implement the policy no later than July 1, 2030.

8 **SECTION 10.(c)** Notwithstanding G.S. 143-138(b25), as enacted by Section 6 of
9 this act, a public higher education facility shall not be required to comply with the public higher
10 education provisions of that subsection until the date by which the applicable institution must
11 implement the policy adopted pursuant to G.S. 116-11(3d) or G.S. 115D-6.3. After that date,
12 compliance with the applicable policy shall satisfy G.S. 143-138(b25) to the extent provided in
13 that subsection.

14 **SECTION 11.** There is appropriated from the General Fund to the Office of the State
15 Fire Marshal the sum of three hundred thousand dollars (\$300,000) in nonrecurring funds for the
16 2026-2027 fiscal year to be used to implement the provisions of this act.

17 **SECTION 12.** This act is effective when it becomes law.