

RCW 43.44.110 Smoke detection devices in dwelling units—

Penalties. (1) Smoke detection devices shall be installed inside all dwelling units:

(a) Occupied by persons other than the owner on and after December 31, 1981;

(b) Built or manufactured in this state after December 31, 1980; or

(c) Sold on or after July 1, 2019.

(2) The smoke detection devices shall be designed, manufactured, and installed inside dwelling units in conformance with:

(a) Nationally accepted standards; and

(b) As provided by the administrative procedure act, chapter 34.05 RCW, rules and regulations promulgated by the chief of the Washington state patrol, through the director of fire protection.

(3) Installation of smoke detection devices shall be the responsibility of the owner. Maintenance of smoke detection devices, including the replacement of batteries where required for the proper operation of the smoke detection device, shall be the responsibility of the tenant, who shall maintain the device as specified by the manufacturer. At the time of a vacancy, the owner shall insure that the smoke detection device is operational prior to the reoccupancy of the dwelling unit.

(4) (a) For any dwelling unit sold on or after July 1, 2019, that does not have at least one smoke detection device, the seller shall provide at least one smoke detection device in the dwelling unit before the buyer or any other person occupies the dwelling unit following such sale. A violation of this subsection does not affect the transfer of the title, ownership, or possession of the dwelling unit.

(b) Real estate brokers licensed under chapter 18.85 RCW are not liable in any civil, administrative, or other proceeding for the failure of any seller or other property owner to comply with the requirements of this section.

(c) Any person or entity that assists the buyer of a dwelling [unit] with installing a smoke detection device, whether they are voluntarily doing so or as a nonprofit, is not liable in any civil, administrative, or other proceeding relating to the installation of the smoke detection device.

(d) Interconnection of smoke detection devices is not required where not already present in buildings undergoing repairs undertaken solely as a condition of sale.

(5) (a) Except as provided in (b) of this subsection (5), any owner, seller, or tenant failing to comply with this section shall be punished by a fine of not more than two hundred dollars.

(b) Any owner failing to comply with this section shall be punished by a fine of five thousand dollars if, after such failure, a fire causes property damage, personal injury, or death to a tenant or a member of a tenant's household. All moneys received pursuant to (a) or (b) of this subsection, except for administrative costs for enforcing the fine, shall be deposited into the smoke detection device awareness account created in RCW 43.44.115. Enforcement shall occur after a fire occurs and when it is evident that the dwelling unit sold on or after July 1, 2019, did not have at least one smoke detection device. The following may enforce this subsection:

(i) The chief of the fire department if the dwelling unit is located within a city or town; or

(ii) The county fire marshal or other fire official so designated by the county legislative authority if the dwelling unit is located within unincorporated areas of a county.

(6) For the purposes of this section:

(a) "Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation; and

(b) "Smoke detection device" means an assembly incorporating in one unit a device which detects visible or invisible particles of combustion, the control equipment, and the alarm-sounding device, operated from a power supply either in the unit or obtained at the point of installation. [2019 c 455 s 1; 1995 c 369 s 34; 1991 c 154 s 1; 1986 c 266 s 89; 1980 c 50 s 1. Formerly RCW 48.48.140.]

Effective date—2019 c 455 s 1: "Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2019." [2019 c 455 s 7.]

Short title—2019 c 455: "This act shall be known and cited as the Greg "Gibby" Gibson home fire safety act." [2019 c 455 s 5.]

Effective date—1995 c 369: See note following RCW 43.43.930.

Severability—1986 c 266: See note following RCW 38.52.005.