

# ASSEMBLY, No. 4073

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED JANUARY 12, 2015

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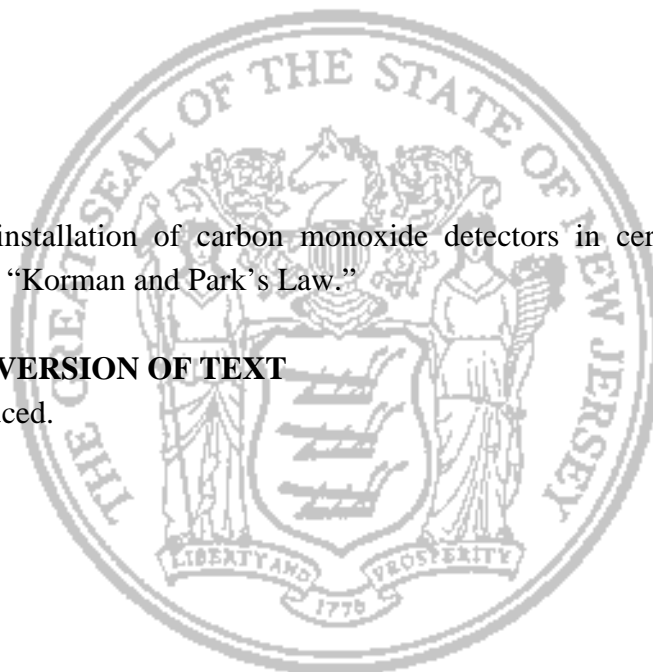
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**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 1/30/2015)

1 AN ACT requiring carbon monoxide detectors in certain structures,  
2 designated as Korman and Park's Law, and amending and  
3 supplementing P.L.1975, c.217.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. (New section) a. An application for a construction permit for  
9 any structure other than a structure subject to the provisions of  
10 P.L.1999, c.15 (C.52:27D-133.3 et al.) and P.L.2003, c.44 shall not  
11 be declared complete without containing provisions for the  
12 placement of a carbon monoxide sensor device or devices, unless it  
13 is determined that there is no potential carbon monoxide hazard in  
14 the structure.

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

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

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

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

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

**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.

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

9 f. For the purposes of this section:  
10 “Carbon monoxide sensor device” means a carbon monoxide  
11 alarm or detector that bears the label of a nationally recognized  
12 testing laboratory, and has been tested and listed as complying with  
13 the most recent Underwriters Laboratories standard 2034 or its  
14 equivalent.

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

18  
19 2. Section 6 of P.L.1975, c.217 (C.52:27D-124) is amended to  
20 read as follows:

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

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

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

46 c. To take testimony and hold hearings relating to any aspect of  
47 or matter relating to the administration or enforcement of this act,  
48 including but not limited to prospective interpretation of the code so

1 as to resolve inconsistent or conflicting code interpretations, and, in  
2 connection therewith, issue subpoena to compel the attendance of  
3 witnesses and the production of evidence. The commissioner may  
4 designate one or more hearing examiners to hold public hearings  
5 and report on such hearings to the commissioner.

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

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

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

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

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

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

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

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

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

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

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

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

47 j. To enforce and administer the provisions of the "State  
48 Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119

1 et seq.) and the code promulgated thereunder, and to prosecute or  
2 cause to be prosecuted violators of the provisions of that act or the  
3 code promulgated thereunder in administrative hearings and in civil  
4 proceedings in State and local courts.

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

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

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

20

21 3. This act shall take effect immediately.

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23

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STATEMENT

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26 This bill, designated as "Korman and Park's Law," would require  
27 the installation of carbon monoxide detection devices in all  
28 structures not currently required to have such devices. Currently,  
29 carbon monoxide detectors are required in hotels, multiple  
30 dwellings, rooming and boarding homes, and in single and two-  
31 family homes upon initial occupancy or change of occupancy. Noel  
32 Korman and Alice Park recently lost their lives, and several others  
33 were sickened and had to be hospitalized, due to carbon monoxide  
34 exposure in a multi-use commercial structure in Passaic. Tragic  
35 incidents such as this could have been avoided with the installation  
36 of relatively inexpensive carbon monoxide detection devices. This  
37 bill would help prevent such an incident from happening again in  
38 New Jersey by requiring the installation of these devices in all  
39 structures not currently required to have them.

40 Current law requires that carbon monoxide detection devices be  
41 installed in certain residential structures and hotels. This bill would  
42 expand this requirement to all other structures. Under the bill, a  
43 construction permit may not be issued for such structures without  
44 provision for the placement of carbon monoxide detection devices.  
45 The bill would also require the installation of these devices in such  
46 structures that already exist within 90 days of the adoption of rules  
47 and regulations by the Commissioner of Community Affairs

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1 concerning the installation and location of, as well as the need for,  
2 carbon monoxide detection devices in such structures.

3 The bill would require that these structures be inspected for  
4 compliance by local fire officials or the Division of Fire Safety in  
5 the Department of Community Affairs, depending upon which  
6 agency has jurisdiction for fire safety inspections in the area, at the  
7 time of any inspection conducted pursuant to the “Uniform Fire  
8 Safety Act,” P.L.1983, c.383 (C.52:27D-192 et seq.). The  
9 enforcing agency would be authorized to impose a fee for the costs  
10 associated with inspections and the issuance of certificates. The bill  
11 also authorizes the imposition of penalties for non-compliance.

12 This bill would not require the installation of carbon monoxide  
13 detection devices if it is determined that there is no potential carbon  
14 monoxide hazard in the structure. Thus, these devices would not be  
15 required in a building which does not have a source of carbon  
16 monoxide fumes.