

ASSEMBLY, No. 3016

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

SYNOPSIS

Requires carbon monoxide detectors in school buildings.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT requiring carbon monoxide detectors in schools,
2 supplementing P.L.1983, c.383 (C.52:27D-192 et seq.), and
3 supplementing and amending 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. A structure used or intended for use
9 wholly or in part for school instructional purposes shall be equipped
10 with a carbon monoxide sensor device or devices, unless it is
11 determined that there is no potential carbon monoxide hazard in the
12 structure. The placement of such device and any determination that
13 such device is not required shall be made in accordance with rules
14 adopted by the Commissioner of Community Affairs.

15 b. The Commissioner of Community Affairs shall promulgate
16 rules and regulations pursuant to its rule-making authority under the
17 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
18 seq.) in order to effectuate subsection a. of this section.

19 c. For the purposes of this section:

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

25 “School” means any public or private school as those terms are
26 defined in N.J.S.18A:1-1.

27
28 2. (New section) The local governing body having jurisdiction
29 over the enforcing agency for the uniform fire safety code adopted
30 pursuant to the “Uniform Fire Safety Act,” P.L.1983, c.383
31 (C.52:27D-192 et seq.) or, if the Department of Community Affairs
32 is the enforcing agency, the Commissioner of Community Affairs
33 may establish a fee which covers the cost of inspection and of
34 issuance of a certificate evidencing compliance with section 1 of
35 P.L. , c. (C.) (pending before the Legislature as this bill);
36 provided, however, the fee authorized shall not exceed the costs of
37 inspection and issuance of a certificate.

38
39 3. (New section) a. An application for a construction permit
40 for a structure intended for use wholly or in part for school
41 instructional purposes shall not be declared complete by the
42 enforcing agency without containing provisions for the placement
43 of a carbon monoxide sensor device or devices, unless it is
44 determined that there is no potential carbon monoxide hazard in the
45 structure. The placement of such device and any determination that

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 such device is not required shall be made in accordance with rules
2 adopted by the Commissioner of Community Affairs.

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4 rules and regulations pursuant to its rule-making authority under the
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6 seq.) in order to effectuate subsection a. of this section.

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12 equivalent.

13 "School" means any public or private school as those terms are
14 defined in N.J.S.18A:1-1.

15

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

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

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

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

43 c. To take testimony and hold hearings relating to any aspect of
44 or matter relating to the administration or enforcement of this act,
45 including but not limited to prospective interpretation of the code so
46 as to resolve inconsistent or conflicting code interpretations, and, in
47 connection therewith, issue **【subpena】** subpoenas to compel the

- 1 attendance of witnesses and the production of evidence. The
2 commissioner may designate one or more hearing examiners to hold
3 public hearings and report on such hearings to the commissioner.
- 4 d. To encourage, support or conduct, after consultation with the
5 code advisory board, educational and training programs for
6 employees, agents and inspectors of enforcing agencies, either
7 through the Department of Community Affairs or in cooperation
8 with other departments of State government, enforcing agencies,
9 educational institutions, or associations of code officials.
- 10 e. To study the effect of this act and the code to ascertain their
11 effect upon the cost of building construction and maintenance, and
12 the effectiveness of their provisions for insuring the health, safety,
13 and welfare of the people of the State of New Jersey.
- 14 f. To make, establish and amend, after consultation with the
15 code advisory board, such rules as may be necessary, desirable or
16 proper to carry out his powers and duties under this act.
- 17 g. To adopt, amend, and repeal rules and regulations providing
18 for the charging of and setting the amount of fees for the following
19 code enforcement services, licenses or approvals performed or
20 issued by the department, pursuant to the "State Uniform
21 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.):
- 22 (1) Plan review, construction permits, certificates of occupancy,
23 demolition permits, moving of building permits, elevator permits
24 and sign permits; and
- 25 (2) Review of applications for and the issuance of licenses
26 certifying an individual's qualifications to act as a construction code
27 official, subcode official or assistant under this act.
- 28 (3) (Deleted by amendment, P.L.1983, c.338).
- 29 h. To adopt, amend and repeal rules and regulations providing
30 for the charging of and setting the amount of construction permit
31 surcharge fees to be collected by the enforcing agency and remitted
32 to the department to support those activities which may be
33 undertaken with moneys credited to the Uniform Construction Code
34 Revolving Fund.
- 35 i. To adopt, amend and repeal rules and regulations providing
36 for:
- 37 (1) Setting the amount of and the charging of fees to be paid to
38 the department by a private agency for the review of applications
39 for and the issuance of approvals authorizing a private agency to act
40 as an on-site inspection and plan review agency or an in-plant
41 inspection agency;
- 42 (2) (Deleted by amendment, P.L.2005, c.212).
- 43 (3) (Deleted by amendment, P.L.2005, c.212).
- 44 j. To enforce and administer the provisions of the "State
45 Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119
46 et seq.) and the code promulgated thereunder, and to prosecute or
47 cause to be prosecuted violators of the provisions of that act or the

1 code promulgated thereunder in administrative hearings and in civil
2 proceedings in State and local courts.

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

12 l. To adopt, amend, and repeal rules and regulations
13 implementing the provisions of P.L.1999, c.15, P.L.2003, c.44,
14 **【and】** section 1 of P.L.2015, c.146 (C.52:27D-123f) , and sections
15 1 through 3 of P.L. , c. (C.) (pending before the Legislature
16 as this bill) concerning the installation and maintenance of carbon
17 monoxide sensors.

18 (cf: P.L.2015, c.146, s.2)

19
20 5. This act shall take effect on the first day of the seventh
21 month next following the date of enactment, but the Commissioner
22 of Community Affairs may take such anticipatory administrative
23 action in advance thereof as shall be necessary for the
24 implementation of this act.

25 26 27 STATEMENT

28
29 This bill would require the installation of carbon monoxide
30 detection devices in schools, including public and private schools.
31 Recently, several children and teachers were sickened and had to be
32 hospitalized due to carbon monoxide exposure in a Georgia school.
33 That incident could have been avoided with the installation of
34 relatively inexpensive carbon monoxide detection devices. This bill
35 would help prevent such an incident from happening in New Jersey
36 and protect the health and safety of school children and employees
37 by requiring the installation of these devices in all schools.

38 This bill would not require the installation of carbon monoxide
39 detection devices if it is determined that there is no potential carbon
40 monoxide hazard in a school. Thus, these devices would not be
41 required in a school which does not have a heat source that could
42 potentially emit carbon monoxide fumes. The Commissioner of
43 Community Affairs would promulgate regulations concerning the
44 installation and standards for carbon monoxide detection devices,
45 which current law requires to be installed in multiple dwellings and
46 certain other residential housing.

47 Inspection for installation of the devices would be done by local
48 fire officials or the Division of Fire Safety in the Department of

A3016 LAMPITT

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- 1 Community Affairs, depending upon which agency has jurisdiction
- 2 for fire safety inspections in the area. The enforcing agency would
- 3 be authorized to impose a fee for the costs associated with
- 4 inspections and the issuance of certificates.