
SUBSTITUTE HOUSE BILL 2595

State of Washington

66th Legislature

2020 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Boehnke, Chapman, Dent, Leavitt, Goehner, Steele, and Eslick)

1 AN ACT Relating to smoke detection devices; and amending RCW
2 43.44.110.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 43.44.110 and 2019 c 455 s 1 are each amended to
5 read as follows:

6 (1) Smoke detection devices shall be installed inside all
7 dwelling units:

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

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

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

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

15 (a) Nationally accepted standards; and

16 (b) As provided by the administrative procedure act, chapter
17 34.05 RCW, rules and regulations promulgated by the chief of the
18 Washington state patrol, through the director of fire protection.

19 (3) Installation of smoke detection devices shall be the
20 responsibility of the owner. Maintenance of smoke detection devices,
21 including the replacement of batteries where required for the proper

1 operation of the smoke detection device, shall be the responsibility
2 of the tenant, who shall maintain the device as specified by the
3 manufacturer. At the time of a vacancy, the owner shall insure that
4 the smoke detection device is operational prior to the reoccupancy of
5 the dwelling unit.

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

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

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

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

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

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

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

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

4 (6) Any person or entity that assists with installing a smoke
5 detection device in a dwelling unit, whether they are voluntarily
6 doing so or as a nonprofit, is not liable in any civil,
7 administrative, or other proceeding relating to the installation of
8 the smoke detection device, provided that the installation did not
9 constitute gross negligence or willful or wanton misconduct. An
10 applicant or licensee subject to chapter 18.235 RCW, who in the
11 installation of the smoke detection device has engaged in
12 unprofessional conduct as defined in RCW 18.235.130, may be subject
13 to disciplinary action under RCW 18.235.110.

14 (7) For the purposes of this section:

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

19 (b) "Smoke detection device" means an assembly incorporating in
20 one unit a device which detects visible or invisible particles of
21 combustion, the control equipment, and the alarm-sounding device,
22 operated from a power supply either in the unit or obtained at the
23 point of installation.

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