

## **Oregon Revised Statutes Excerpt from Chapter 479**

### **SMOKE DETECTION**

**479.250 Definitions for ORS 479.250 to 479.300.** As used in ORS 479.250 to 479.300, unless the context requires otherwise:

(1) “Smoke alarm” means a self-contained single or multiple station detection device for products of combustion other than heat that conforms to the state building code, rules of the State Fire Marshal and that is listed by Underwriters Laboratories or any other nationally recognized testing laboratory. “Smoke alarm” includes but is not limited to devices listed under UL 217 (1998). “Smoke alarm” may include two or more single station units wired to operate in conjunction with each other.

(2) “Smoke detector” means a device that is not self-contained, that detects products of combustion other than heat, that is intended for use in conjunction with a central control panel, that conforms to the state building code and rules of the State Fire Marshal and that is listed by Underwriters Laboratories or any other nationally recognized testing laboratory. “Smoke detector” includes but is not limited to devices listed under UL 268 (1998).

(3) “Door knock alerting device” or “door knock device” means an approved electronic unit that alerts a hearing impaired occupant of a knock on the door of the sleeping room that the hearing impaired person is occupying.

(4) “Dwelling unit” means a structure or part of a structure providing complete, independent living facilities for one or more persons including permanent provisions for sleeping, eating, cooking and sanitation.

(5) “Hotel” means any building containing six or more guest rooms that are rented, hired out or made available on a regular basis for sleeping purposes but are not used as a primary residence.

(6) “Landlord” means the owner, lessor or sublessor of the rental dwelling unit or guest room in the building of which it is a part.

(7) “Lodging house” is any building or portion thereof containing not more than five guest rooms that are made available for sleeping purposes in exchange for compensation paid in money, goods, labor or other tender but are not used as a primary residence.

(8) “Smoke alarm for hearing impaired persons” means an approved smoke alarm that, when activated by smoke or products of combustion, produces an audible and a visual warning. The visual warning shall produce a light signal sufficient to warn a hearing impaired person of the presence of fire or smoke.

(9) “State building code” shall have the meaning for that term provided under ORS 455.010.

(10) “Tenant” means a person entitled to occupy a dwelling unit on a rental or lease basis. [1979 c.642 §1; 1989 c.247 §1; 1999 c.307 §1]

### **479.255 Smoke alarm or smoke detector required in certain structures; hearing impaired persons.**

(1) Every dwelling unit regulated under ORS chapter 90, every lodging house and every hotel guest room shall contain an approved and properly functioning smoke alarm

or smoke detector, installed in accordance with the state building code and rules of the State Fire Marshal.

(2) A hotel shall provide no fewer than one smoke alarm for hearing impaired persons and one door knock device for each 75, or fraction thereof, rooms of the hotel that are regularly used for sleeping.

(3) If a person renting a room in a hotel requests a room with a smoke detector or a smoke alarm for hearing impaired persons and a door knock device, the landlord shall:

(a) Install a portable smoke alarm for hearing impaired persons and a door knock device; or

(b) Provide the person with a room in which a smoke detector or smoke alarm for hearing impaired persons and a door knock device have been permanently installed.

(4) The landlord may require a guest to pay a refundable deposit if the landlord provides the smoke alarm for hearing impaired persons under subsection (3)(a) of this section.

(5) A hotel shall provide a printed notice of the requirements of subsection (3) of this section, posted conspicuously at the place of registration or in each guest room. [1979 c.642 §2; 1989 c.247 §2; 1999 c.307 §2]

**479.257 Design features required for certain smoke alarms; rules.**

(1) Not later than January 1, 2002, every smoke alarm installed in a dwelling unit regulated under ORS chapter 90, a lodging house or a hotel guest room, as required under ORS 479.255, shall contain the features described in ORS 479.297 (1) and (2).

(2) The State Fire Marshal by rule may exempt hotels with sprinkler fire suppression systems from the requirements of this section. [1999 c.307 §2a]

**Note:** 479.257 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 479 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**479.258 Landlord to provide notice of smoke alarm or smoke detector requirements for hearing impaired; rules.**

A landlord shall provide notice of the requirements of ORS 479.250 to 479.258, 479.280 and 479.295 in a form and manner as specified by rule by the State Fire Marshal. [1989 c.247 §4]

**479.260 Transfer of dwelling unit or lodging house without smoke alarm or smoke detector prohibited.**

(1) No person shall convey fee title to any real property that includes a dwelling unit or lodging house, or transfer possession of any dwelling unit or lodging house pursuant to a land sale contract, unless there is installed in the dwelling unit or lodging house a smoke detector or the required number of approved smoke alarms, installed in accordance with the state building code and rules of the State Fire Marshal adopted under ORS 479.295. The smoke alarms required by this subsection shall meet the requirements of ORS 479.297.

(2)(a) No person shall convey title or transfer possession of any manufactured dwelling, as defined in ORS 446.003, unless there is installed in the manufactured

dwelling the required number of approved smoke alarms or smoke detectors, installed in accordance with the state building code or with the federal manufactured dwelling construction and safety standards adopted under ORS 446.155.

(b) A smoke alarm installed in a manufactured dwelling that is resold by a person other than the manufacturer or authorized dealer shall meet the requirements of ORS 479.297. [1979 c.642 §3; 1997 c.647 §5; 1999 c.307 §§3,4]

**Note:** The amendments to 479.260 by section 78, chapter 655, Oregon Laws 2003, become operative May 1, 2005. See section 147, chapter 655, Oregon Laws 2003. The text that is operative on and after May 1, 2005, is set forth for the user's convenience.

#### **479.260.**

(1) A person may not convey fee title to any real property that includes a dwelling unit or lodging house, or transfer possession of any dwelling unit or lodging house pursuant to a land sale contract, unless there is installed in the dwelling unit or lodging house a smoke detector or the required number of approved smoke alarms, installed in accordance with the state building code and rules of the State Fire Marshal adopted under ORS 479.295. The smoke alarms required by this subsection must meet the requirements of ORS 479.297.

(2)(a) A person may not convey ownership or transfer possession of any manufactured dwelling, as defined in ORS 446.003, unless there is installed in the manufactured dwelling the required number of approved smoke alarms or smoke detectors, installed in accordance with the state building code or with the federal manufactured dwelling construction and safety standards adopted under ORS 446.155.

(b) A smoke alarm installed in a manufactured dwelling that is resold by a person other than the manufacturer or authorized dealer must meet the requirements of ORS 479.297.

#### **479.265 Action for unlawful transfer of dwelling unit; damages; attorney fees.**

Any purchaser or transferee of a dwelling unit who is aggrieved by a violation of ORS 479.260 may bring an individual action in an appropriate court to recover actual damages or \$50, whichever is greater. In any action brought by a person under this section, the court may award to the prevailing party, in addition to the relief provided in this section, reasonable attorney fees at trial and on appeal and costs. Actions brought under this section shall be commenced within one year of the date of sale or transfer. Notwithstanding the provisions of this section, violation of ORS 479.260 shall not affect the transfer of the title or possession of the dwelling unit. [1979 c.642 §4; 1981 c.897 §56; 1995 c.618 §77]

**Note:** The amendments to 479.265 by section 79, chapter 655, Oregon Laws 2003, become operative May 1, 2005. See section 147, chapter 655, Oregon Laws 2003. The text that is operative on and after May 1, 2005, is set forth for the user's convenience.

#### **479.265.**

Any purchaser or transferee of a dwelling unit who is aggrieved by a violation of ORS 479.260 may bring an individual action in an appropriate court to recover actual

damages or \$50, whichever is greater. In any action brought by a person under this section, the court may award to the prevailing party, in addition to the relief provided in this section, reasonable attorney fees at trial and on appeal and costs. Actions brought under this section must be commenced within one year of the date of sale or transfer. Notwithstanding the provisions of this section, violation of ORS 479.260 does not affect the transfer of the title, ownership or possession of the dwelling unit.

**479.270 Owner of rental dwelling unit to supply, install and maintain smoke alarm or smoke detector; instructions for testing to be provided.**

(1) The owner of any rental dwelling unit or the owner's authorized agent shall be responsible for supplying, installing and maintaining the required smoke alarms or smoke detectors and shall provide a written notice containing instructions for testing of the devices. The notice shall be given to the tenant at the time the tenant first takes possession of the premises.

(2) The duty of the owner or authorized agent of the owner to maintain the required smoke alarms or smoke detectors, including providing working batteries, arises only:

(a) Prior to the beginning of every new tenancy when the tenant first takes possession of the premises; and

(b) During the tenancy upon written notice from the tenant of any deficiency, not including replacing dead batteries, as provided in ORS 479.275.

(3) Supplying and maintaining a smoke alarm or smoke detector under ORS 479.250 to 479.300 shall be considered a habitable condition under ORS 90.320. [1979 c.642 §5; 1993 c.369 §19; 1999 c.307 §6]

**479.275 Tenant of rental dwelling unit to test smoke alarm or smoke detector and replace dead batteries.**

It shall be the responsibility of the tenant of any rental dwelling unit to perform such tests on the smoke alarms or smoke detectors located in a part of the dwelling unit that the tenant is entitled to occupy to the exclusion of others as are recommended by the manufacturer's instructions and immediately notify, in writing, the owner or authorized agent of any deficiencies. Testing intervals shall not exceed six months. It shall also be the responsibility of the tenant during the tenancy to replace any dead batteries, as needed. [1979 c.642 §6; 1981 c.309 §2; 1993 c.369 §20; 1999 c.307 §7]

**479.280 Lack of properly operating smoke alarm or smoke detector; complaint; investigation; citation.**

(1) If a rental dwelling unit is not equipped with the required smoke alarm or smoke detector, or if the smoke alarm or smoke detector is not operating properly and the owner or the owner's authorized agent has not installed a properly operating smoke alarm or smoke detector within 10 days after receiving written notice from the tenant of the deficiency, the tenant may file a complaint with the State Fire Marshal or the appropriate official charged with the duty of providing fire protection services within the local jurisdiction.

(2) Upon receipt of a complaint filed under subsection (1) of this section, the State Fire Marshal or the appropriate local fire official shall investigate the alleged violation of ORS 479.250 to 479.300. If the State Fire Marshal or appropriate local fire official finds

that the landlord has failed to install a properly operating smoke alarm or smoke detector in the unit under investigation, the State Fire Marshal or local fire official may issue a citation which shall substantially conform to the requirements for a citation under ORS chapter 153.

(3) In the absence of a complaint from the tenant, the State Fire Marshal or an appropriate local fire official may initiate the citation process by presenting the owner with a written notice of the deficiency and specifying a period of not less than 10 days for compliance.

(4) If the State Fire Marshal or appropriate local fire official finds that the landlord of a hotel or lodging house has failed to comply with the requirements of ORS 479.255 (2) or (3), the State Fire Marshal or local fire official may issue a citation which shall substantially conform to the requirements for a citation under ORS chapter 153. [1979 c.642 §7; 1981 c.309 §1; 1989 c.247 §6; 1999 c.307 §8; 1999 c.1051 §135]

#### **479.285 Owner to maintain and test certain smoke alarms and smoke detectors.**

Where the smoke alarm or smoke detector is located in a common area of a lodging house, the owner or the owner's authorized agent shall be responsible for maintenance of the required smoke alarm or smoke detector and for performing such tests as are recommended by the manufacturer and is not required to provide notice of instructions under ORS 479.270. Testing intervals shall not exceed six months. [1979 c.642 §8; 1993 c.369 §21; 1999 c.307 §9]

#### **479.290 Certain persons not liable for damages resulting from mechanical failure of smoke alarm or smoke detector.**

The owner, owner's authorized agent, tenant, contract seller or contract purchaser of a dwelling unit shall not be held liable in any civil action for damages for death or injury to persons or property resulting from the mechanical failure of a smoke alarm or smoke detector required under ORS 479.250 to 479.300. [1979 c.642 §9; 1999 c.307 §10]

#### **479.295 State Fire Marshal to adopt rules setting standards and providing for implementation of certain laws governing smoke alarms and smoke detectors.**

Notwithstanding the provisions of ORS 476.030, the State Fire Marshal shall adopt, by rule:

(1) Standards for the installation and maintenance of smoke alarms and smoke detectors as the State Fire Marshal considers necessary to carry out the purposes of ORS 479.250 to 479.300; and

(2) Standards for the implementation of ORS 479.250 to 479.300 and 479.990 (5). [1979 c.642 §10; 1989 c.247 §5; 1999 c.307 §11; 2001 c.411 §22]

#### **479.297 Smoke alarms; required equipment; exemptions.**

(1) All ionization smoke alarms sold in this state that are solely battery-operated shall be packaged with a 10-year battery.

(2) All ionization smoke alarms sold in this state shall include a "hush" mechanism that allows a person to temporarily disengage the alarm for a period of not more than 15 minutes.

(3) The provisions of this section do not apply to:

- (a) Smoke alarms specifically designed for hearing impaired persons;
- (b) Smoke alarms sold in this state for shipment out of state; or
- (c) Smoke alarms sold for installation in recreational vehicles, commercial vehicles, railroad equipment, aircraft, marine vessels or manufactured dwellings.
- (4) The sale of a recreational vehicle, commercial vehicle, railroad equipment, aircraft, marine vessel or new manufactured dwelling containing a smoke alarm does not constitute sale of a smoke alarm. [1997 c.647 §2,3; 1999 c.307 §12]

**479.300 Removing or tampering with smoke alarm or smoke detector prohibited.**

No person shall remove or tamper with a properly functioning smoke alarm or smoke detector installed in conformance with ORS 479.250 to 479.300. This prohibition includes removal of working batteries. [1979 c.642 §11; 1993 c.369 §22; 1999 c.307 §13]

**479.410** [Repealed by 1959 c.406 §34]

**479.420** [Repealed by 1959 c.406 §34]

**479.430** [Repealed by 1959 c.406 §34]

**479.440** [Amended by 1955 c.689 §1; 1957 c.429 §1; repealed by 1959 c.406 §34]

**479.450** [Repealed by 1959 c.406 §34]