

**HOUSE OF REPRESENTATIVES**

NINETY-THIRD SESSION

**H. F. No. 406**

01/17/2023 Authored by Berg, Reyer, Frazier, Huot, Feist and others  
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy  
03/02/2023 Adoption of Report: Re-referred to the Committee on Labor and Industry Finance and Policy  
03/16/2023 Adoption of Report: Placed on the General Register as Amended  
Read for the Second Time

1.1 A bill for an act  
1.2 relating to building codes; modifying carbon monoxide alarm requirements for  
1.3 hotels and lodging houses; requiring a safety warning for violation; amending  
1.4 Minnesota Statutes 2022, sections 299F.46, subdivision 1; 299F.50, by adding  
1.5 subdivisions; 299F.51, subdivisions 1, 2, 5, by adding a subdivision.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2022, section 299F.46, subdivision 1, is amended to read:

1.8 Subdivision 1. **Hotel inspection.** (a) It shall be the duty of the commissioner of public  
1.9 safety to inspect, or cause to be inspected, at least once every three years, every hotel in  
1.10 this state; and, for that purpose, the commissioner, or the commissioner's deputies or  
1.11 designated alternates or agents, shall have the right to enter or have access thereto at any  
1.12 reasonable hour; and, when, upon such inspection, it shall be found that the hotel so inspected  
1.13 does not conform to or is not being operated in accordance with the provisions of sections  
1.14 157.011 and 157.15 to 157.22, in so far as the same relate to fire prevention or fire protection  
1.15 of hotels, or the rules promulgated thereunder, or is being maintained or operated in such  
1.16 manner as to violate the Minnesota State Fire Code promulgated pursuant to section 326B.02,  
1.17 subdivision 6, 299F.51, or any other law of this state relating to fire prevention and fire  
1.18 protection of hotels, the commissioner and the deputies or designated alternates or agents  
1.19 shall report such a situation to the hotel inspector who shall proceed as provided for in  
1.20 chapter 157.

1.21 (b) The word "hotel", as used in this subdivision, has the meaning given in section  
1.22 299F.391.

2.1 Sec. 2. Minnesota Statutes 2022, section 299F.50, is amended by adding a subdivision to  
2.2 read:

2.3 Subd. 11. **Hotel.** "Hotel" means any building, or portion thereof, containing six or more  
2.4 guest rooms intended or designed to be used, or which are used, rented, or hired out to be  
2.5 occupied, or which are occupied for sleeping purposes by guests.

2.6 Sec. 3. Minnesota Statutes 2022, section 299F.50, is amended by adding a subdivision to  
2.7 read:

2.8 Subd. 12. **Lodging house.** "Lodging house" means any building, or portion thereof,  
2.9 containing not more than five guest rooms which are used or are intended to be used for  
2.10 sleeping purposes by guests and where rent is paid in money, goods, labor, or otherwise.

2.11 Sec. 4. Minnesota Statutes 2022, section 299F.51, subdivision 1, is amended to read:

2.12 Subdivision 1. **Generally.** (a) Every ~~single family~~ single-family dwelling and every  
2.13 dwelling unit in a multifamily dwelling must have an approved and operational carbon  
2.14 monoxide alarm installed within ten feet of each room lawfully used for sleeping purposes.

2.15 (b) Every guest room in a hotel or lodging house must have an approved and operational  
2.16 carbon monoxide alarm installed in each room lawfully used for sleeping purposes.

2.17 Sec. 5. Minnesota Statutes 2022, section 299F.51, subdivision 2, is amended to read:

2.18 Subd. 2. **Owner's duties.** (a) The owner of a multifamily dwelling unit which is required  
2.19 to be equipped with one or more approved carbon monoxide alarms must:

2.20 (1) provide and install one approved and operational carbon monoxide alarm within ten  
2.21 feet of each room lawfully used for sleeping; and

2.22 (2) replace any required carbon monoxide alarm that has been stolen, removed, found  
2.23 missing, or rendered inoperable during a prior occupancy of the dwelling unit and which  
2.24 has not been replaced by the prior occupant prior to the commencement of a new occupancy  
2.25 of a dwelling unit.

2.26 (b) The owner of a hotel or lodging house which is required to be equipped with one or  
2.27 more approved carbon monoxide alarms must:

2.28 (1) provide and install one approved and operational carbon monoxide alarm in each  
2.29 room lawfully used for sleeping; and

3.1 (2) replace any required carbon monoxide alarm that has been stolen, removed, found  
3.2 missing, or rendered inoperable during a prior occupancy and which has not been replaced  
3.3 by the prior occupant prior to the commencement of a new occupancy of a hotel guest room  
3.4 or lodging house.

3.5 Sec. 6. Minnesota Statutes 2022, section 299F.51, subdivision 5, is amended to read:

3.6 **Subd. 5. Exceptions; certain multifamily dwellings and state-operated facilities.** (a)  
3.7 In lieu of requirements of subdivision 1, multifamily dwellings may have approved and  
3.8 operational carbon monoxide ~~alarms~~ detectors installed between 15 and 25 feet of carbon  
3.9 monoxide-producing central fixtures and equipment, provided there is a centralized alarm  
3.10 system or other mechanism for responsible parties to hear the alarm at all times.

3.11 (b) An owner of a multifamily dwelling that contains minimal or no sources of carbon  
3.12 monoxide may be exempted from the requirements of subdivision 1, provided that such  
3.13 owner certifies to the commissioner of public safety that such multifamily dwelling poses  
3.14 no foreseeable carbon monoxide risk to the health and safety of the dwelling units.

3.15 (c) The requirements of this section do not apply to facilities owned or operated by the  
3.16 state of Minnesota.

3.17 Sec. 7. Minnesota Statutes 2022, section 299F.51, is amended by adding a subdivision to  
3.18 read:

3.19 **Subd. 6. Safety warning.** A first violation of this section shall not result in a penalty,  
3.20 but is punishable by a safety warning. A second or subsequent violation is a petty  
3.21 misdemeanor.