# SENATE
## STATE OF MINNESOTA
## NINETY-FIRST SESSION

# S.F. No. 3095

1.1          A bill for an act

1.2          relating to consumer protection; requiring disclosures regarding gas fireplaces;
1.3          proposing coding for new law in Minnesota Statutes, chapter 325F.

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

1.5     Section 1. **LEGISLATIVE INTENT.**

1.6          The purpose of this section is to bring existing gas fireplaces in line with current industry

1.7     safety standards and to raise awareness of an unrecognized danger in many homes for

1.8     children, pets, and older adults.

1.9     Sec. 2. **[325F.241] GAS FIREPLACES; DISCLOSURES.**

1.10          Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms in this

1.11     subdivision have the meanings given them.

1.12          (b) "Buyer" includes a prospective buyer, as defined in section 513.52, subdivision 2,

1.13     and a person that intends to buy commercial real estate.

1.14          (c) "Commissioner" means the commissioner of labor and industry.

1.15          (d) "Contractor" includes a residential building contractor, as defined in section 326B.802,

1.16     subdivision 11, and a person who is in the business of constructing commercial real estate.

1.17          (e) "Gas fireplace" means a vented fireplace that uses natural gas or liquefied petroleum

1.18     gas to operate.

1.19          (f) "Mechanical contractor" has the meaning given in section 326B.802, subdivision 8.

1.20          (g) "Owner" means a person who owns legal or equitable interest in real estate.

2.1      (h) "Real estate" includes residential real estate, as defined in section 326B.802,

2.2      subdivision 13, and commercial real estate.

2.3      (i) "Real estate appraiser" has the meaning given in section 82B.021, subdivision 22.

2.4      (j) "Remodeler" includes a residential remodeler, as defined in section 326B.802,

2.5      subdivision 12, and a commercial real estate remodeler.

2.6      (k) "Seller" means a person who owns legal or equitable title to real estate and intends

2.7      to transfer the legal or equitable title via sale.

2.8      Subd. 2. **Disclosure; penalty.** (a) The commissioner must develop a disclosure that, at

2.9      a minimum, states that (1) gas fireplaces are a hazard to children due to the risk of serious

2.10     burn injuries from contact with the glass; and (2) a gas fireplace user should consider

2.11     implementing appropriate safety precautions, including but not limited to the addition of

2.12     safety screens. The commissioner may add additional information to the disclosure that the

2.13     commissioner deems appropriate.

2.14     (b) The disclosure must be provided by:

2.15     (1) a contractor, remodeler, or mechanical contractor to an owner at least three days

2.16     before a gas fireplace is installed;

2.17     (2) a mechanical contractor prior to repairing or maintaining a gas fireplace;

2.18     (3) a seller to a buyer as part of the seller disclosures under section 513.55, subdivision

2.19     1, when a gas fireplace is part of the residential real estate, or as a separate disclosure when

2.20     the gas fireplace is part of commercial real estate; and

2.21     (4) a real estate appraiser as part of a written appraisal report.

2.22     (c) A contractor, remodeler, mechanical contractor, seller, or real estate appraiser that

2.23     fails to provide the disclosure required under paragraph (b) is subject to a civil penalty up

2.24     to $10,000. A contractor, remodeler, mechanical contractor, seller, or real estate appraiser

2.25     that fails to provide the disclosure required under paragraph (b) on more than one occasion

2.26     is subject to enforcement action by the attorney general under section 8.31.

2.27     **EFFECTIVE DATE.** This section is effective August 1, 2020.