

Duff on Hospitality Law

Carbon Monoxide: Protecting Your Guests and Protecting Yourself

By Greg Duff on 2.10.14 | Posted in Hotels

Today's blog is a litigation update on the devastating North Carolina hotel carbon monoxide leak. Please make sure that your business and hotel guests are protected. - Greg

The [recent deaths](#) of three hotel guests (a husband and wife from Longview, WA, and an eleven year old boy) in North Carolina from lethal doses of carbon monoxide have sparked increased awareness of the risk of this exposure to hotel guests. This incident has also resulted in civil liability exposure, legislation, and even criminal charges. Over the past three years, eight people have died, and over 170 have been made ill from carbon monoxide poisoning hotels in the U.S. In addition, detection of carbon monoxide leaks has resulted in numerous evacuations of hotels, effecting thousands of guests.

Carbon monoxide is a colorless, odorless and tasteless toxic gas emanating from fuel burning devices such as furnaces, boilers, air conditioning units, laundry dryers, and water and swimming pool heaters. Carbon monoxide detectors, which retail for between \$20 and \$30 dollars, can alert hotel guests and operators of the presence of this gas before it reaches dangerous levels. The new [North Carolina statute](#) requires such detectors in facilities that contain equipment that has a danger of carbon monoxide leakage, as well as in hotel rooms which adjoin, or are above or below such facilities. Washington has a similar statute, which, while requiring carbon monoxide detectors in hotel/motel rooms, exempts rooms that do not contain or are not adjacent to units which contain fuel-burning appliances or fireplaces.

The families of the deceased in the North Carolina incidents have instituted litigation against the involved hotel. In addition, the general manager of the hotel has been indicted for three counts of involuntary manslaughter. The basis for the criminal charges is the unlicensed, unpermitted and, therefore uninspected, replacement of the pool heating system with used equipment which it was determined emitted dangerous levels of carbon monoxide. The potential civil liability stems from the same facts, as well as that the first incident resulted in no corrective action which would have prevented the death of the child in the second incident.

The publicity surrounding the North Carolina incident and the ensuing legal steps has heightened the awareness of this risk. Just as many of your guests now arrive with black lights to scan for bed bug infestation, you can expect inquiries as to the presence of carbon monoxide detectors in your accommodations. Even though not yet required in all rooms, in all

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locations, the installation of carbon monoxide detectors is a small price to pay for your and your guests' peace of mind.

Tags: Carbon Monoxide Death, Carbon Monoxide Detectors