

FILED

2001 MAY -1 P 6: 59

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**

*Regular Session, 2001*

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**ENROLLED**

*Revised Committee Substitute for*  
**SENATE BILL NO.** 630

**(By Senator** Snyder **)**

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**PASSED** April 14, 2001

**In Effect** 90 days from **Passage**

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REVISED

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 630**

(Senator Snyder, *original sponsor*)

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[Passed April 14, 2001; in effect ninety days from passage.]

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AN ACT to amend and reenact section five-b, article three, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to state building code; providing that counties and cities the option to apply building code prospectively only; authorizing fire commission to promulgate rules to establish standards and fees; and permitting commissioner to create advisory boards.

*Be it enacted by the Legislature of West Virginia:*

That section five-b, article three, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 3. FIRE PREVENTION AND CONTROL ACT.**

**§29-3-5b. Promulgation of rules and statewide building code.**

1 (a) The state fire commission shall propose rules for  
2 legislative approval in accordance with the provisions of  
3 article three, chapter twenty-nine-a of this code to safe-  
4 guard life and property and to ensure the quality of  
5 construction of all structures erected or renovated  
6 throughout this state through the adoption of a state  
7 building code. The rules shall be in accordance with  
8 standard safe practices so embodied in widely recognized  
9 standards of good practice for building construction and  
10 all aspects related thereto and have force and effect in  
11 those counties and municipalities adopting the state  
12 building code: *Provided*, That each county or municipality  
13 may adopt the code to the extent that it is only prospective  
14 and not retroactive in its application.

15 (b) The state fire commission has authority to propose  
16 rules for legislative approval in accordance with the  
17 provisions of article three, chapter twenty-nine-a of this  
18 code, regarding building construction, renovation and all  
19 other aspects as related to the construction and mechani-  
20 cal operations of a structure. The rules shall be known as  
21 the "State Building Code".

22 (c) The state fire commission has authority to propose  
23 rules for legislative approval, in accordance with the  
24 provisions of article three, chapter twenty-nine-a, estab-  
25 lishing state standards and fee schedules for the licensing,  
26 registration, certification, regulation and continuing  
27 education of persons which will conduct inspections  
28 relating to the state building code, which include but are  
29 not limited to, building code officials, inspectors, plans  
30 examiners and home inspectors.

31 (d) The state fire commission has authority to establish  
32 advisory boards as it deems appropriate to encourage  
33 representative participation in subsequent rulemaking  
34 from groups or individuals with an interest in any aspect

35 of the state building code or related construction or  
36 renovation practices.

37 (e) For the purpose of this section, the term “building  
38 code” is intended to include all aspects of safe building  
39 construction and mechanical operations and all safety  
40 aspects related thereto. Whenever any other state law,  
41 county or municipal ordinance or regulation of any agency  
42 thereof is more stringent or imposes a higher standard  
43 than is required by the state building code, the provisions  
44 of the state law, county or municipal ordinance or regula-  
45 tion of any agency thereof governs if they are not inconsis-  
46 tent with the laws of West Virginia and are not contrary to  
47 recognized standards and good engineering practices. In  
48 any question, the decision of the state fire commission  
49 determines the relative priority of any such state law,  
50 county or municipal ordinance or regulation of any agency  
51 thereof and determines compliance with state building  
52 code by officials of the state, counties, municipalities and  
53 political subdivisions of the state.

54 (f) Enforcement of the provisions of the state building  
55 code is the responsibility of the respective local jurisdic-  
56 tion. Also, any county or municipality may enter into an  
57 agreement with any other county or municipality to  
58 provide inspection and enforcement services: *Provided,*  
59 That any county or municipality may adopt the state  
60 building code with or without adopting the BOCA national  
61 property maintenance code.

62 (g) After the state fire commission has promulgated rules  
63 as provided in this section, each county or municipality  
64 intending to adopt the state building code shall notify the  
65 state fire commission of its intent.

66 (h) The state fire commission may conduct public  
67 meetings in each county or municipality adopting the state  
68 building code to explain the provisions of the rules.

69 (i) The provisions of the state building code relating to  
70 the construction, repair, alteration, restoration and

71 movement of structures are not mandatory for existing  
72 buildings and structures identified and classified by the  
73 state register of historic places under the provisions of  
74 section eight, article one of this chapter or the national  
75 register of historic places, pursuant to Title XVI, section  
76 470a of the United States Code. Prior to renovations  
77 regarding the application of the state building code, in  
78 relation to historical preservation of structures identified  
79 as such, the authority having jurisdiction shall consult  
80 with the division of culture and history, state historic  
81 preservation office. The final decision is vested in the  
82 state fire commission. Additions constructed on a historic  
83 building are not excluded from complying with the state  
84 building code.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*[Signature]*  
.....  
Chairman Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*[Signature]*  
.....  
Clerk of the Senate

*[Signature]*  
.....  
Clerk of the House of Delegates

*[Signature]*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within *is approved* this the *30<sup>th</sup>*  
Day of *April* ....., 2001.  
*[Signature]*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/30/01

Time 3:00 pm