

HB 2976

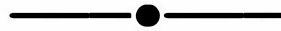
FILED

2009 MAY -7 PM 3: 31

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2009



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 2976

(By Mr. Speaker (Mr. Thompson), and Delegate Armstead)
[By Request of the Executive]



Passed April 11, 2009

In Effect from Passage

E N R O L L E D

FILED

2009 MAY -7 PM 3: 31

COMMITTEE SUBSTITUTE

FOR

**OFFICE WEST VIRGINIA
SECRETARY OF STATE**

H. B. 2976

**(BY MR. SPEAKER (MR. THOMPSON), AND DELEGATE ARMSTEAD)
[BY REQUEST OF THE EXECUTIVE]**

[Passed April 11, 2009; in effect from passage.]

AN ACT to amend and reenact §29-3-5b of the Code of West Virginia, 1931, as amended, relating to the State Building Code; and requiring the State Fire Commission to promulgate rules pertaining to the State Building Code that are in accordance with certain national and international building codes and standards.

Be it enacted by the Legislature of West Virginia:

That §29-3-5b of the Code of West Virginia, 1931, 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.

18:38 19 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 safeguard
4 life and property and to ensure the quality of construction of
5 all structures erected or renovated throughout this state
6 through the adoption of a state building code. The rules shall
7 be in accordance with standard safe practices so embodied in
8 widely recognized standards of good practice for building
9 construction and all aspects related thereto and have force
10 and effect in those counties and municipalities adopting the
11 state building code: *Provided*, That each county or
12 municipality may adopt the code to the extent that it is only
13 prospective and not retroactive in its application.

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

21 (c) The State Fire Commission shall propose a rule for
22 legislative approval in accordance with the provisions of
23 article three, chapter twenty-nine-a of this code to include the
24 following building energy codes in the State Building Code:

25 (1) The 2009 edition of the International Energy
26 Conservation Code for residential buildings or other building
27 energy code or codes for residential buildings that meets or
28 exceeds equivalent energy savings; and

29 (2) The ANSI/ASHRAE/IESNA Standard 90.1-2007
30 building energy code for commercial buildings or other
31 building energy code or codes for commercial buildings that
32 meets or exceeds equivalent energy savings.

33 (d) The State Fire Commission has authority to propose
34 rules for legislative approval, in accordance with the
35 provisions of article three, chapter twenty-nine-a, establishing
36 state standards and fee schedules for the licensing,
37 registration, certification, regulation and continuing
38 education of persons which will conduct inspections relating
39 to the State Building Code, which include, but are not limited
40 to, building code officials, inspectors, plans examiners and
41 home inspectors.

42 (e) The State Fire Commission has authority to establish
43 advisory boards as it deems appropriate to encourage
44 representative participation in subsequent rule-making from
45 groups or individuals with an interest in any aspect of the
46 State Building Code or related construction or renovation
47 practices.

48 (f) For the purpose of this section, the term “building
49 code” is intended to include all aspects of safe building
50 construction and mechanical operations and all safety aspects
51 related thereto. Whenever any other state law, county or
52 municipal ordinance or regulation of any agency thereof is
53 more stringent or imposes a higher standard than is required
54 by the State Building Code, the provisions of the state law,
55 county or municipal ordinance or regulation of any agency
56 thereof governs if they are not inconsistent with the laws of
57 West Virginia and are not contrary to recognized standards
58 and good engineering practices. In any question, the decision
59 of the State Fire Commission determines the relative priority
60 of any such state law, county or municipal ordinance or
61 regulation of any agency thereof and determines compliance
62 with State Building Code by officials of the state, counties,
63 municipalities and political subdivisions of the state.

64 (g) Enforcement of the provisions of the State Building
65 Code is the responsibility of the respective local jurisdiction.


66 Also, any county or municipality may enter into an
67 agreement with any other county or municipality to provide
68 inspection and enforcement services: *Provided*, That any
69 county or municipality may adopt the State Building Code
70 with or without adopting the BOCA National Property
71 Maintenance Code.

72 (h) After the State Fire Commission has promulgated
73 rules as provided in this section, each county or municipality
74 intending to adopt the State Building Code shall notify the
75 State Fire Commission of its intent.

76 (i) The State Fire Commission may conduct public
77 meetings in each county or municipality adopting the State
78 Building Code to explain the provisions of the rules.

79 (j) The provisions of the State Building Code relating to
80 the construction, repair, alteration, restoration and movement
81 of structures are not mandatory for existing buildings and
82 structures identified and classified by the State Register of
83 Historic Places under the provisions of section eight, article
84 one of this chapter or the National Register of Historic
85 Places, pursuant to 16 U.S.C. §470a. Prior to renovations
86 regarding the application of the State Building Code, in
87 relation to historical preservation of structures identified as
88 such, the authority having jurisdiction shall consult with the
89 Division of Culture and History, State Historic Preservation
90 Office. The final decision is vested in the State Fire
91 Commission. Additions constructed on a historic building
92 are not excluded from complying with the State Building
93 Code.

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



Chairman Senate Committee



Chairman House Committee

Originating in the House.

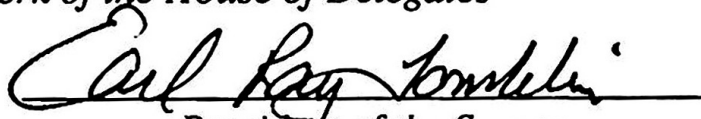
In effect from passage.



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 7th
day of May, 2009.



Governor

PRESENTED TO THE
GOVERNOR

MAY 6 2009

Time 3:45 PM