

1 **H. B. 4494**

2

3 (By Delegates Manypenny, Poore, Williams, Stephens,
4 Staggers and Fleischauer)

5

6

[Introduced February 9, 2012; referred to the

7

Committee on Government Organization then

8

Finance.]

9

10 A BILL to amend and reenact §29-3-5b of the Code of West Virginia,

11 1931, as amended, relating to continuing education requirement

12 of building code inspectors.

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

14 That §29-3-5b of the Code of West Virginia, 1931, as amended,

15 be amended and reenacted to read as follows:

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

17 **§29-3-5b. Promulgation of rules and statewide building code.**

18 (a) The State Fire Commission shall propose rules for

19 legislative approval in accordance with the provisions of article

20 three, chapter twenty-nine-a of this code to safeguard life and

21 property and to ensure the quality of construction of all

22 structures erected or renovated throughout this state through the

23 adoption of a state building code. The rules shall be in

24 accordance with standard safe practices so embodied in widely

25 recognized standards of good practice for building construction and

1 all aspects related thereto and have force and effect in those
2 counties and municipalities adopting the state building code:
3 *Provided*, That each county or municipality may adopt the code to
4 the extent that it is only prospective and not retroactive in its
5 application.

6 (b) The State Fire Commission has authority to propose rules
7 for legislative approval in accordance with the provisions of
8 article three, chapter twenty-nine-a of this code, regarding
9 building construction, renovation and all other aspects as related
10 to the construction and mechanical operations of a structure. The
11 rules shall be known as the "State Building Code."

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

16 (1) The 2009 edition of the International Energy Conservation
17 Code for residential buildings or other building energy code or
18 codes for residential buildings that meets or exceeds equivalent
19 energy savings; and

20 (2) The ANSI/ASHRAE/IESNA Standard 90.1-2007 building energy
21 code for commercial buildings or other building energy code or
22 codes for commercial buildings that meets or exceeds equivalent
23 energy savings.

24 (d) The State Fire Commission has authority to propose rules

1 for legislative approval, in accordance with the provisions of
2 article three, chapter twenty-nine-a, establishing state standards
3 and fee schedules for the licensing, registration, certification,
4 regulation and continuing education of persons which will conduct
5 inspections relating to the State Building Code, which include, but
6 are not limited to, building code officials, inspectors, plans
7 examiners and home inspectors: Provided, That the continuing
8 education requirement for any building code officials, inspectors
9 and examiners shall include not less than four hours of continuing
10 education each year in the area of fair housing to ensure that
11 buildings are consistent with all disability and handicap
12 requirements required by this code, federal law and regulation.

13 (e) The State Fire Commission has authority to establish
14 advisory boards as it deems appropriate to encourage representative
15 participation in subsequent rule-making from groups or individuals
16 with an interest in any aspect of the State Building Code or
17 related construction or renovation practices.

18 (f) For the purpose of this section, the term "building code"
19 is intended to include all aspects of safe building construction
20 and mechanical operations and all safety aspects related thereto.
21 Whenever any other state law, county or municipal ordinance or
22 regulation of any agency thereof is more stringent or imposes a
23 higher standard than is required by the State Building Code, the
24 provisions of the state law, county or municipal ordinance or

1 regulation of any agency thereof governs if they are not
2 inconsistent with the laws of West Virginia and are not contrary to
3 recognized standards and good engineering practices. In any
4 question, the decision of the State Fire Commission determines the
5 relative priority of any such state law, county or municipal
6 ordinance or regulation of any agency thereof and determines
7 compliance with State Building Code by officials of the state,
8 counties, municipalities and political subdivisions of the state.

9 (g) Enforcement of the provisions of the State Building Code
10 is the responsibility of the respective local jurisdiction. Also,
11 any county or municipality may enter into an agreement with any
12 other county or municipality to provide inspection and enforcement
13 services: *Provided*, That any county or municipality may adopt the
14 State Building Code with or without adopting the BOCA National
15 Property Maintenance Code.

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

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

23 (j) The provisions of the State Building Code relating to the
24 construction, repair, alteration, restoration and movement of

1 structures are not mandatory for existing buildings and structures
2 identified and classified by the State Register of Historic Places
3 under the provisions of section eight, article one of this chapter
4 or the National Register of Historic Places, pursuant to 16 U.S.C.
5 §470a. Prior to renovations regarding the application of the State
6 Building Code, in relation to historical preservation of structures
7 identified as such, the authority having jurisdiction shall consult
8 with the Division of Culture and History, State Historic
9 Preservation Office. The final decision is vested in the State
10 Fire Commission. Additions constructed on a historic building are
11 not excluded from complying with the State Building Code.

NOTE: The purpose of this bill is to require building inspectors to receive four hours of continuing education learning in fair housing issues annually.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.