

1 **Senate Bill No. 652**

2 (By Senators Snyder, Jenkins, Boley and Tucker)

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5 [Introduced March 25, 2013; referred to the Committee on
6 Government Organization.]

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10 A BILL to amend and reenact §29-3-5b of the Code of West Virginia,
11 1931, as amended, relating to criminal background checks for
12 applicants for home 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

1 accordance with standard safe practices so embodied in widely
2 recognized standards of good practice for building construction and
3 all aspects related thereto and have force and effect in those
4 counties and municipalities adopting the State Building Code:
5 *Provided*, That each county or municipality may adopt the code to
6 the extent that it is only prospective and not retroactive in its
7 application.

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

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

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

22 (2) The ANSI/ASHRAE/IESNA Standard 90.1-2007 building energy
23 code for commercial buildings or other building energy code or

1 codes for commercial buildings that meets or exceeds equivalent
2 energy savings.

3 (d) (1) The State Fire Commission has authority to propose
4 rules for legislative approval, in accordance with the provisions
5 of article three, chapter twenty-nine-a, establishing state
6 standards and fee schedules for the licensing, registration,
7 certification, regulation and continuing education of persons which
8 will conduct inspections relating to the State Building Code, which
9 include, but are not limited to, building code officials,
10 inspectors, plans examiners and home inspectors.

11 (2) The State Fire Commission may propose rules for
12 legislative approval requiring applicants for home inspector
13 licensing, registration or certification to submit to a state and
14 national criminal history record check as set forth in this
15 section.

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

21 (f) For the purpose of this section, the term "building code"
22 is intended to include all aspects of safe building construction
23 and mechanical operations and all safety aspects related thereto.

1 Whenever any other state law, county or municipal ordinance or
2 regulation of any agency thereof is more stringent or imposes a
3 higher standard than is required by the State Building Code, the
4 provisions of the state law, county or municipal ordinance or
5 regulation of any agency thereof governs if they are not
6 inconsistent with the laws of West Virginia and are not contrary to
7 recognized standards and good engineering practices. In any
8 question, the decision of the State Fire Commission determines the
9 relative priority of any such state law, county or municipal
10 ordinance or regulation of any agency thereof and determines
11 compliance with State Building Code by officials of the state,
12 counties, municipalities and political subdivisions of the state.

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

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

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

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

(NOTE: The purpose of this bill is to provide for criminal background checks for home inspector applicants.

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

be added.)

GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill No. 652--A BILL to amend and reenact §29-3-5b of the Code of West Virginia, 1931, as amended, relating to criminal background checks for home inspector license applicants; and providing rule-making authority to the State Fire Commission to require criminal background checks for home inspector license applicants.