

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 629

By Senators Trump and Hamilton

[Introduced February 5, 2024; referred
to the Committee on Government Organization]

1 A BILL to amend and reenact §15A-11-5 of the Code of West Virginia, 1931, as amended, relating
 2 to rules for statewide building codes promulgated by the State Fire Commission; and
 3 requiring a builder to follow the provisions of the State Building code in the construction or
 4 renovation of a structure if a county or municipality does not provide inspection and
 5 enforcement services.

Be it enacted by the Legislature of West Virginia:

ARTICLE 11. FIRE COMMISSION.

§15A-11-5. Promulgation of rules and statewide building code.

1 (a) The State Fire Commission shall propose rules for legislative approval and shall
 2 promulgate emergency rules in accordance with the provisions of §29A-3-1 *et seq.* of this code to
 3 safeguard life and property and to ensure the quality of construction of all structures erected or
 4 renovated throughout this state through the adoption of a State Building Code. The rule may
 5 include provisions regarding building construction, renovation, and all other aspects as related to
 6 the construction and mechanical operations of a structure. The rule shall include building energy
 7 codes. The rules shall be in accordance with standard safe practices ~~se~~ embodied in widely
 8 recognized standards of good practice for building construction and all aspects related thereto and
 9 have force and effect in ~~those counties and municipalities adopting the State Building Code~~ all 55
 10 counties and each municipality after July 1, 2025: *Provided*, That for each county or municipality
 11 may adopt the code to the extent that did not adopt the code prior to the effective date of this
 12 section it is only prospective and not retroactive in its application; *Provided, however*, That
 13 buildings or structures ~~utilized~~ used primarily for agricultural purposes ~~shall be~~ are exempt from
 14 the provisions of the State Building Code, the State Fire Code, and any county or municipal
 15 building code or ordinance that is or may be adopted, such as the ICC International Property
 16 Maintenance Code.

17 (b) ~~The State Fire Commission may establish advisory boards as it considers appropriate~~
 18 ~~to encourage representative participation in subsequent rulemaking from groups or individuals~~

19 ~~with an interest in any aspect of the State Building Code or related construction or renovation~~
20 ~~practices~~

21 (e) ~~(b)~~ For the purpose of this section, the term "building code" is intended to include all
22 aspects of safe building construction and mechanical operations and all safety aspects related
23 thereto. Whenever any other state law, county, or municipal ordinance, or ~~regulation~~ rule of any
24 agency thereof is more stringent or imposes a higher standard than is required by the State
25 Building Code, the provisions of the state law, county or municipal ordinance, or ~~regulation~~ rule of
26 any agency thereof governs if they are not inconsistent with the laws of West Virginia and are not
27 contrary to recognized standards and good engineering practices. In any question, the decision of
28 the State Fire Commission determines the relative priority of any such state law, county, or
29 municipal ordinance, or ~~regulation~~ rule of any agency thereof, and determines compliance with
30 State Building Code by officials of the state, counties, municipalities, and political subdivisions of
31 the state.

32 (d) ~~(c)~~ Enforcement of the provisions of the State Building Code is the responsibility of the
33 respective local jurisdiction. Also, any county or municipality may enter into an agreement with any
34 other county or municipality to provide inspection and enforcement services: *Provided*, That if a
35 county or municipality does not provide inspection and enforcement services, a builder is still
36 required to follow the provisions of the State Building code in the construction or renovation of a
37 structure: *Provided, however, That any a* county or municipality ~~may adopt the State Building~~
38 ~~Code with or without adopting~~ is not required to adopt the BOCA National Property Maintenance
39 Code. If a county or municipality adopts a property maintenance code or ordinance including, but
40 not limited to, the ICC International Property Maintenance Code, such code or ordinance shall
41 exempt all property used for agricultural purposes or otherwise cause such property to be
42 exempted from any such code or ordinance from enforcement. Any such code that may be or is
43 adopted by any county or municipality shall be and is unenforceable as to agricultural property.

44 (e) ~~After the State Fire Commission has promulgated rules as provided in this section,~~

45 ~~each county or municipality intending to adopt the State Building Code shall notify the State Fire~~
46 ~~Marshal of its adoption~~

47 (f) (d) The State Fire Commission may conduct public meetings in each county or
48 municipality ~~adopting the State Building Code~~ to explain the provisions of the rules.

49 ~~(g)~~ (e) The provisions of the State Building Code relating to the construction, repair,
50 alteration, restoration, and movement of structures are not mandatory for existing buildings and
51 structures identified and classified by the State Register of Historic Places under the provisions of
52 §29-1-8 of this code or the National Register of Historic Places, pursuant to 16 U.S.C. § 470a.
53 Prior to renovations regarding the application of the State Building Code, in relation to historical
54 preservation of structures identified as such, the authority having jurisdiction shall consult with the
55 Division of Culture and History, State Historic Preservation Office. The final decision is vested in
56 the State Fire Marshal. Additions constructed on a historic building are not excluded from
57 complying with the State Building Code.

58 ~~(h)~~ (f) For purposes of this section, the term "agricultural purposes" has the same meaning
59 as is set forth in §15A-11-3 of this code.

NOTE: The purpose of this bill is to require a builder to follow the provisions of the State Building code in the construction or renovation of a structure, even if a county or municipality does not provide inspection and enforcement services.

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