

SECOND REGULAR SESSION

# HOUSE BILL NO. 1523

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES MEADOWS (Sponsor) AND NEWMAN (Co-sponsor).

5445L.01I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 67.280, RSMo, and to enact in lieu thereof one new section relating to technical codes.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 67.280, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 67.280, to read as follows:

67.280. 1. As used in this section, the following terms mean:

(1) **"Agricultural building", any structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock;**

(2) "Code", any published compilation of rules prepared by various technical trade associations, federal agencies, this state or any agency thereof, but shall be limited to: regulations concerning the construction of buildings and continued occupancy thereof; mechanical, plumbing, and electrical construction; and fire prevention;

[(2) "Community", any county, fire protection district or municipality;]

(3) "County", any county in the state;

(4) "Fire protection district", any fire protection district in the state **as defined in chapter 321;**

(5) **"Jurisdiction", and county, fire protection district, or municipality;**

(6) "Municipality", any incorporated city, town or village.

2. **Beginning January 1, 2013, the following codes listed in this subsection shall be deemed the official state codes:**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17           **(1) The 2005 version of the NFPA 70 National Electrical Code as published by the**  
18 **National Fire Protection Association and referenced by the state building code shall be the**  
19 **official Missouri electrical code;**

20           **(2) The following codes as published by the International Code Council and the**  
21 **International Association of Plumbing and Mechanical Officials shall be deemed the**  
22 **official state building, residential, fire, plumbing, mechanical, fuel gas, and property**  
23 **maintenance codes:**

24           **(a) The 2006 version of the International Building Code;**

25           **(b) The 2006 version of the International Residential Code;**

26           **(c) The 2006 version of the International Fire Code;**

27           **(d) The 2006 version of the International Plumbing Code or the 2006 version of the**  
28 **Uniform Plumbing Code;**

29           **(e) The 2006 version of the International Mechanical Code or the 2006 version of**  
30 **the Uniform Mechanical Code;**

31           **(f) The 2006 version of the International Fuel Gas Code;**

32           **(g) The 2006 version of the International Property Maintenance Code;**

33           **(3) Subsequent editions of the codes that are adopted by rule by the state code**  
34 **commission.**

35           **3. Any [community, if the community otherwise has the power under the law to adopt**  
36 **such an ordinance,] jurisdiction may adopt or repeal an ordinance which incorporates by**  
37 **reference the provisions of any code or portions of any code, or any amendment thereof, properly**  
38 **identified as to date and source, without setting forth the provisions of such code in full.**  
39 **Beginning January 1, 2013, all jurisdictions may adopt and enforce the official state codes**  
40 **listed in this section by reference, and each fire protection district that adopts or enforces**  
41 **a technical code or issues construction permits shall adopt by ordinance the Missouri fire**  
42 **code or any version of the International Fire Code that is no more than one version behind**  
43 **the official state codes, and may adopt other Missouri state codes by ordinance. At least**  
44 **one copy of such code, portion or amendment which is incorporated or adopted by reference[,]**  
45 **shall be filed in the office of the clerk of the [community] jurisdiction and there kept available**  
46 **for public use, inspection, and examination. The filing requirements herein prescribed shall not**  
47 **be deemed to be complied with unless the required copies of such codes, portion, or amendment**  
48 **or public record are filed with the clerk of such [community] jurisdiction for a period of ninety**  
49 **days prior to the adoption of the ordinance which incorporates such code, portion, or amendment**  
50 **by reference.**

51           [3.] 4. Any ordinance adopting a code, portion, or amendment by reference shall state  
52 the penalty for violating such code, portion, or amendment, or any provisions thereof separately,  
53 and no part of any such penalty shall be incorporated by reference.

54           **5. Each jurisdiction shall remain no more than one code version behind the official**  
55 **state codes. The provisions of this section or any other section shall not limit the authority**  
56 **of the adopting jurisdiction to adopt a construction code or fire code that is equivalent to**  
57 **or has higher standards than the official state codes or to amend, delete, or make additions**  
58 **to the official state codes in its own jurisdiction.**

59           **6. (1) There is hereby created within the department of public safety the "State**  
60 **Code Commission". The commission shall consist of nine members appointed by the**  
61 **governor with the advice and consent of the senate, and the state code manager and the**  
62 **state fire marshal shall serve as ex-officio members. The nine members appointed by the**  
63 **governor shall be appointed as follows:**

64           **(a) One current building official representing a jurisdiction with more than ten**  
65 **thousand inhabitants who has at least five years of experience in the enforcement of a**  
66 **technical building code;**

67           **(b) One current fire marshal who has at least five years of experience in the**  
68 **enforcement of a technical fire code;**

69           **(c) One current code official representing a jurisdiction with fewer than ten**  
70 **thousand inhabitants who has at least five years of experience in the enforcement of**  
71 **technical codes;**

72           **(d) One person representing home builders;**

73           **(e) One person licensed and practicing in this state as a professional engineer under**  
74 **chapter 327 with at least five years of experience in the engineering profession;**

75           **(f) One person licensed and practicing in this state as an architect under chapter**  
76 **327 with at least five years of experience in the architect profession;**

77           **(g) One person representing private inspectors with at least five years of experience**  
78 **in the private inspector profession;**

79           **(h) One person licensed as and currently active as a journeyman in the person's**  
80 **trade, with at least five years of experience in the trade;**

81           **(i) One person licensed as and currently active as a master in the person's trade,**  
82 **with at least five years of experience in the trade.**

83           **(2) Of the initial members appointed, three shall serve a term of one year, three**  
84 **shall serve a term of two years, two shall serve a term of three years, and one shall serve**  
85 **a term of four years. Members appointed after the expiration of the initial terms shall be**  
86 **appointed to a four-year term. Vacancies shall be filled in the same manner in which the**

87 member vacating the office was originally appointed. Members shall not receive  
88 compensation for their services, but may be reimbursed for their actual and necessary  
89 expenses in an amount equal to the per diem of a member of the general assembly. The  
90 commission shall elect a chair and other officers necessary for its membership at each first  
91 annual meeting, and shall meet at least two times per year within the state.

92 (3) The commission shall have the following powers and duties:

93 (a) To establish minimum requirements for registered inspectors by rule;

94 (b) To maintain records of registered inspectors;

95 (c) To impose fees for the annual registration of inspectors sufficient to cover the  
96 cost of administering this section in an amount set by rule, but not to exceed twenty-five  
97 dollars;

98 (d) To provide inspector training;

99 (e) To appoint a state code manager, who shall be a person licensed and practicing  
100 in this state as an architect or a professional engineer under chapter 327 with at least five  
101 years of experience in the person's trade, or a person certified as a building official or  
102 master code professional and with at least five years of supervisory experience as a  
103 jurisdictional code official;

104 (f) To maintain the official state codes in conjunction with the state fire marshal  
105 and the state code manager.

106 7. There is hereby created in the state treasury the "State Code Fund", which shall  
107 consist of money collected under this section and shall be administered by the state fire  
108 marshal. The state treasurer shall be custodian of the fund. In accordance with sections  
109 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a  
110 dedicated fund and, upon appropriation, money in the fund shall be used solely for the  
111 purposes of this section. Notwithstanding the provisions of section 33.080 to the contrary,  
112 any moneys remaining in the fund at the end of the biennium shall not revert to the credit  
113 of the general revenue fund. The state treasurer shall invest moneys in the fund in the  
114 same manner as other funds are invested. Any interest and moneys earned on such  
115 investments shall be credited to the fund.

116 8. Except for the state fire code, the official state codes shall be administered by the  
117 state code manager. The state code manager shall review, maintain, and in conjunction  
118 with the state code commission, amend the official state codes. The manager shall review  
119 the code no less than every three years and within nine months from the date of publication  
120 of any subsequent edition of the international codes. The official state fire code shall be  
121 reviewed, maintained, and amended by the state fire marshal.

122           **9. The state code manager and state fire marshal shall not be responsible for**  
123 **enforcing the state construction codes in the jurisdictions, but each jurisdiction shall**  
124 **provide enforcement in the manner listed in each code, or may provide enforcement in one**  
125 **of the following methods:**

126           **(1) Inspection services provided by employees of the jurisdiction;**  
127           **(2) Intergovernmental agreements; or**  
128           **(3) Registered third-party inspectors who are approved and registered by the state**  
129 **code commission.**

130           **10. No agricultural building shall be subject to any official state code adopted**  
131 **under this section.**

132           **11. Resolution of any conflict resulting from any enforcement action under this**  
133 **section shall be the responsibility of the jurisdiction adopting the official state code.**

134           **12. Notwithstanding any other provision of law to the contrary, this section shall**  
135 **apply in the case of any conflict between this section and any other provision of state law.**

136           **13. The state code commission, state code manager, and state fire marshal may**  
137 **promulgate rules to implement the provisions of this section. Any rule or portion of a rule,**  
138 **as that term is defined in section 536.010, that is created under the authority delegated in**  
139 **this section shall become effective only if it complies with and is subject to all of the**  
140 **provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536**  
141 **are nonseverable and if any of the powers vested with the general assembly under chapter**  
142 **536 to review, to delay the effective date, or to disapprove and annul a rule are**  
143 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**  
144 **proposed or adopted after August 28, 2012, shall be invalid and void.**

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