

SECOND REGULAR SESSION

# HOUSE BILL NO. 2870

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CASTEEL.

5824H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 67.280, RSMo, and to enact in lieu thereof three new sections relating to the Missouri Building Codes Act.

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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Section A. Section 67.280, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 8.363, 67.280, and 67.283, to read as follows:

**8.363. 1. A new facility constructed for the state of Missouri on or after the effective date of this section shall be constructed in compliance with standards established under the Missouri building codes established in section 67.280.**

**2. A state agency that requires building inspections shall comply with the same standards of inspection as required for construction under section 67.280.**

67.280. 1. **This section, section 67.283, and section 8.363 shall be known and may be cited as the "Missouri Building Codes Act".**

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

(1) **"Agricultural building"**, any structure used solely for agricultural purposes. As used in this subdivision, agricultural purposes are such purposes in which the exclusive use is in connection with the production, harvesting, storage, drying, or raising of agricultural commodities including, but not limited to, the raising of livestock;

(2) **"Authority having jurisdiction"**, any county, fire protection district, municipality, or other entity with the authority and responsibility for developing, implementing, maintaining, and overseeing codes;

(3) **"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:

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.

13 regulations concerning the construction of buildings and continued occupancy thereof;  
14 mechanical, plumbing, and electrical construction; and fire prevention;

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

16 ~~(3)]~~ (4) "County", any county in the state;

17 ~~[(4)]~~ (5) "Fire protection district", any fire protection district in the state, **as defined**  
18 **in chapter 321;**

19 ~~[(5)]~~ (6) "Municipality", any incorporated city, town, or village.

20 ~~[2.]~~ 3. (1) **There is hereby established the "Missouri Building Codes". Such**  
21 **codes shall include, but not be limited to, all codes established by rule or regulation**  
22 **governing the following subjects:**

23 (a) **Building;**

24 (b) **Electrical;**

25 (c) **Energy;**

26 (d) **Fire;**

27 (e) **Mechanical;**

28 (f) **Plumbing;**

29 (g) **Property maintenance; and**

30 (h) **Residential.**

31 (2) **Such codes shall include model codes published by the following entities:**

32 (a) **The International Association of Plumbing and Mechanical Officials**  
33 **(IAPMO);**

34 (b) **The International Code Council (ICC); and**

35 (c) **The National Fire Protection Association (NFPA).**

36 (3) **The Missouri building codes commission shall begin implementation of the**  
37 **codes established under the provisions of this section two years after the effective date of**  
38 **this section.**

39 4. (1) Any ~~[community, if the community otherwise has the power under the law to~~  
40 ~~adopt such an ordinance;]~~ **authority having jurisdiction** may adopt or repeal an ordinance  
41 ~~[which]~~ **that** incorporates by reference the provisions of any code or portions of any code, or  
42 any amendment thereof, properly identified as to date and source, without setting forth the  
43 provisions of such code in full. **Upon adoption of such ordinance, all authorities having**  
44 **jurisdiction may adopt and enforce the Missouri building codes listed in this section by**  
45 **reference. Each fire protection district that issues construction permits and that adopts**  
46 **and enforces the Missouri building codes shall follow applicable fire code requirements**  
47 **established by law.**

48 (2) At least one copy of such code, portion, or amendment ~~[which]~~ **that** is  
49 incorporated or adopted by reference~~]~~ shall be filed in the office of the clerk of the

50 ~~[community]~~ **authority having jurisdiction** and there kept available for public use,  
51 inspection, and examination. The filing requirements herein prescribed shall not be deemed  
52 to be complied with unless the required copies of such codes, portion, or amendment or public  
53 record are filed with the clerk of such ~~[community]~~ **authority having jurisdiction** for a  
54 period of ninety days prior to the adoption of the ordinance ~~[which]~~ **that** incorporates such  
55 code, portion, or amendment by reference.

56 ~~[3-]~~ **5.** Any ordinance adopting a code, portion, or amendment by reference shall state  
57 the penalty for violating such code, portion, or amendment, or any provisions thereof  
58 separately, and no part of any such penalty shall be incorporated by reference.

59 **6. (1) A copy of any code, portion, or amendment adopted under the provisions**  
60 **of subdivision (2) of subsection 3 of this section and subsection 4 of this section that is**  
61 **incorporated by reference shall be provided to the state fire marshal and Missouri**  
62 **building codes commission by the clerk of such authority having jurisdiction.**

63 **(2) Such authority having jurisdiction shall publish such code, portion, or**  
64 **amendment incorporated by reference on the public website of the authority having**  
65 **jurisdiction as required by the Missouri building codes commission.**

66 **7.** Each authority having jurisdiction that has adopted a building code prior to  
67 the effective date of this section shall adopt the Missouri building codes established in  
68 this section. An authority having jurisdiction that has adopted such building code prior  
69 to the effective date of this section shall follow such building code as required by rule  
70 and such authority having jurisdiction may adopt a more stringent code than required  
71 by the Missouri building codes.

72 **8. (1) A local amendment to the Missouri building codes in any authority having**  
73 **jurisdiction that is not a fire protection district shall be approved by a building code**  
74 **committee staffed by a qualified building code official. Such building code committee**  
75 **shall be composed of citizens and experts located in such authority having jurisdiction.**  
76 **Such building code committee shall have the authority to develop any amendment to the**  
77 **code as allowed and, once developed, shall provide such amendment to the governing**  
78 **body of the authority having jurisdiction for approval.**

79 **(2) A proposed amendment to such priorly adopted building code including, but**  
80 **not limited to, other codes not covered by the current Missouri building codes, shall be**  
81 **the same code year as the current Missouri building code and shall be updated as**  
82 **described in this section.**

83 **(3) If the governing body of the authority having jurisdiction approves an**  
84 **amendment, the governing body shall create an appeals process that allows residents,**  
85 **contractors, or associations to file a complaint with the governing body to challenge**  
86 **such modification. Upon receiving notice of such appeal, such governing body shall**

87 review such amendment to ensure such provisions meet the stringency requirement of  
88 subsection 7 of this section and were adopted properly.

89 (4) After the governing body of the authority having jurisdiction completes the  
90 review under subdivision (3) of this subsection, if such governing body determines the  
91 amendment is not enforceable under the Missouri building codes, any person  
92 challenging such determination may then appeal to the state fire marshal for further  
93 review. The state fire marshal shall review such amendment and determine whether  
94 such provisions meet the stringency requirement of subsection 7 of this section and were  
95 adopted properly.

96 9. (1) An authority having jurisdiction that is located within a county of the  
97 third or fourth classification and that has not adopted a building code prior to the  
98 effective date of this section may adopt a building code under this section by order or  
99 ordinance. No such order or ordinance shall become effective unless the governing body  
100 of such authority having jurisdiction submits to the qualified voters of the authority  
101 having jurisdiction affected by such proposed building code on any day available for  
102 elections for the authority having jurisdiction a proposal to authorize such authority  
103 having jurisdiction to adopt a building code under this section.

104 (2) The question submitted shall be in substantially the following form: "Shall \_  
105 \_\_\_\_\_ (insert name of authority having jurisdiction) have the authority to create, adopt,  
106 and impose a building code?"

107 (3) If a majority of the votes cast on the question by the qualified voters voting  
108 thereon are in favor of the question, such order or ordinance adopting a building code  
109 shall become effective on the first day of the second calendar quarter following the  
110 calendar quarter in which the election was held. If a majority of the votes cast on the  
111 question by the qualified voters voting thereon are opposed to the question, such order  
112 or ordinance adopting a building code shall not become effective unless and until the  
113 question is resubmitted to the qualified voters under this subsection and such question is  
114 approved by a majority of the qualified voters voting on the question.

115 10. (1) There is hereby created in the division of fire safety within the Missouri  
116 department of public safety the "Missouri Building Codes Commission". The Missouri  
117 building codes commission shall consist of the state fire marshal, ten members  
118 appointed by the governor with the advice and consent of the senate, and the state codes  
119 manager appointed under this subsection. The ten members appointed by the governor  
120 shall have expertise in the subjects described in subdivision (1) of subsection 3 of this  
121 section.

122 (2) Of the initial members appointed by the governor, three shall serve an initial  
123 term of four years, three shall serve an initial terms of five years, three shall serve an

124 initial term of six years, and one shall serve an initial term of seven years. A member  
125 appointed after the expiration of the initial term shall serve a three-year term. A  
126 vacancy shall be filled in the same manner in which the member vacating the office was  
127 initially appointed. Members shall not receive compensation for services rendered but  
128 may be reimbursed for actual and necessary expenses in an amount equal to the per  
129 diem of a member of the general assembly. The Missouri building codes commission  
130 shall elect a chair and other officers necessary for its membership at each first annual  
131 meeting and shall meet at least two times per year within the state. The staff of the  
132 Missouri state fire marshal shall provide necessary clerical, research, fiscal, and legal  
133 services to the Missouri building codes commission, as the commission may request.

134 (3) The Missouri building codes commission shall have the following powers and  
135 duties:

136 (a) To maintain records of registered inspectors including, but not limited to,  
137 certifications completed;

138 (b) To provide information related to promoting and coordinating inspector  
139 training;

140 (c) To appoint a state codes manager, who shall:

141 a. Serve as an ex officio member of the Missouri building codes commission; and

142 b. Be an individual:

143 (i) Licensed under chapter 327 and practicing in this state as an architect or a  
144 professional engineer with at least five years of experience in the individual's trade; or

145 (ii) Certified as a building official or master code professional with at least five  
146 years of supervisory experience as a jurisdictional code official;

147 (d) To maintain the Missouri building codes in conjunction with the state fire  
148 marshal and the state codes manager;

149 (e) To provide technical assistance to any authority having jurisdiction that has  
150 adopted the Missouri building codes in interpreting the Missouri building codes and  
151 resolving any conflict resulting from any enforcement action under this section; and

152 (f) To establish an inspection permit fee for operation of the Missouri building  
153 codes, with a portion of such fee as established by rules being returned to an authority  
154 having jurisdiction upon the meeting of such obligations required by the authority  
155 having jurisdiction.

156 11. (1) There is hereby created in the state treasury the "Missouri Building  
157 Codes Fund", which shall consist of moneys collected under this section and moneys  
158 received from other sources including, but not limited to, private sources, gifts,  
159 bequests, donations, grants, and other similar sources. The state fire marshal shall  
160 administer the fund. The state treasurer shall be custodian of the fund. In accordance

161 with sections 30.170 and 30.180, the state treasurer may approve disbursements. The  
162 fund shall be a dedicated fund and, upon appropriation, moneys in this fund shall be  
163 used solely as provided in this section.

164 (2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys  
165 remaining in the fund at the end of the biennium shall not revert to the credit of the  
166 general revenue fund.

167 (3) The state treasurer shall invest moneys in the fund in the same manner as  
168 other funds are invested. Any interest and moneys earned on such investments shall be  
169 credited to the fund.

170 12. The Missouri building codes commission is authorized to accept all gifts,  
171 bequests, and donations from any source. The Missouri building codes commission may  
172 apply for and receive grants consistent with the purposes of this section. All such gifts,  
173 bequests, donations, and grants shall be used or expended in accordance with the  
174 provisions of this section and may be used or expended for the preservation,  
175 improvement, and expansion of, and intergovernmental agreements between  
176 jurisdictions related to, improved accessibility to jurisdictions to help fund training  
177 programs for building inspectors through state associations, such as the Missouri  
178 Association of Building Officials and Inspectors, the Fire Marshals Association of  
179 Missouri, and similar organizations.

180 13. Except for the state fire code, the Missouri building codes shall be  
181 administered by the state codes manager with the advice and consent of the state fire  
182 marshal. The state codes manager shall review, maintain, and in conjunction with the  
183 Missouri building codes commission amend the Missouri building codes. The state  
184 codes manager shall review the codes every other three-year cycle but no less than every  
185 six years and within eighteen months from the date of publication of any subsequent  
186 edition of the international codes. The state fire code shall be reviewed, maintained, and  
187 amended by the state fire marshal. Authorities having jurisdiction that have adopted  
188 the Missouri building codes shall have an additional twelve months to adopt any  
189 amendments to the Missouri building codes as provided by the Missouri building codes  
190 commission.

191 14. The state codes manager and state fire marshal shall not be responsible for  
192 enforcing the state construction codes in an authority having jurisdiction. Each  
193 authority having jurisdiction shall provide enforcement in the manner listed in each  
194 building code or may provide enforcement in one of the following methods:

195 (1) Inspection services provided by employees of the authority having  
196 jurisdiction;

197 (2) Intergovernmental agreements between authorities having jurisdiction; or

198           **(3) Registered inspectors who are approved and registered by the Missouri**  
199 **building codes commission.**

200           **15. (1) No agricultural building shall be subject to any Missouri building codes**  
201 **adopted under this section.**

202           **(2) Any person owning, residing and working at, or employed at any agricultural**  
203 **building used solely for agricultural purposes shall be exempt from the provisions**  
204 **adopted under this section as such provisions pertain to any improvements, additions,**  
205 **or alterations of the agricultural building.**

206           **(3) The exemption provided in subdivision (2) of this subsection shall not apply**  
207 **to improvements, additions, or alterations that repurpose the agricultural building for**  
208 **nonagricultural purposes.**

209           **16. Resolution of a conflict resulting from an enforcement action under this**  
210 **section shall be the responsibility of the authority having jurisdiction that adopts the**  
211 **Missouri building codes.**

212           **17. Notwithstanding any other provision of law to the contrary, this section shall**  
213 **apply in the case of a conflict between this section and any other provision of state law.**

214           **18. The Missouri building codes commission, the state codes manager, and the**  
215 **state fire marshal may promulgate all necessary rules and regulations for the**  
216 **administration of this section. Any rule or portion of a rule, as that term is defined**  
217 **in section 536.010, that is created under the authority delegated in this section shall**  
218 **become effective only if it complies with and is subject to all of the provisions of chapter**  
219 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable**  
220 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**  
221 **review, to delay the effective date, or to disapprove and annul a rule are subsequently**  
222 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
223 **adopted after the effective date of this act shall be invalid and void.**

**67.283. 1. A jurisdiction that adopts the Missouri building codes established**  
2 **under section 67.280 that also require residential reoccupancy inspections on a property**  
3 **located within such jurisdiction when there is a change in ownership, tenants, or**  
4 **occupants shall use an appropriate residential reoccupancy inspection checklist**  
5 **established under this section with the guidance of the Missouri building codes**  
6 **commission established in section 67.280.**

7           **2. (1) There is hereby established a "Residential Reoccupancy Inspections**  
8 **Committee" to create standardized residential reoccupancy inspection checklists. The**  
9 **members of such committee shall be residents of Missouri and appointed by the**  
10 **Missouri building codes commission. The committee shall consist of the following**  
11 **members:**

12           **(a) Two real estate licensees with at least five years of experience working with**  
13 **clients to help such clients purchase or sell real property;**

14           **(b) Two building code officials with at least five years of experience as a building**  
15 **code official;**

16           **(c) One property manager with at least five years of experience as a property**  
17 **manager;**

18           **(d) One fire marshal with at least five years of experience as a fire marshal; and**

19           **(e) One local municipal or county elected official with at least five years of**  
20 **experience as an elected official.**

21           **(2) Of the initial members appointed, two shall serve a term of one year, two**  
22 **shall serve a term of two years, two shall serve a term of three years, and one shall serve**  
23 **a term of four years. A member appointed after the expiration of the initial term shall**  
24 **be appointed to a four-year term. A vacancy shall be filled in the same manner in which**  
25 **the member vacating the office was originally appointed. Members shall not receive**  
26 **compensation for services rendered but may be reimbursed for actual and necessary**  
27 **expenses in an amount equal to the per diem of a member of the general assembly. The**  
28 **residential reoccupancy inspection committee shall elect officers necessary for its**  
29 **membership at each first annual meeting and shall meet at least two times per year**  
30 **within the state. The Missouri building codes commission shall provide necessary**  
31 **clerical, research, fiscal, and legal services to the committee, as the committee may**  
32 **request.**

33           **(3) With the advice and consent of the Missouri building codes commission, the**  
34 **residential reoccupancy inspection committee shall create a limited number of**  
35 **residential reoccupancy inspection checklists that include external and internal**  
36 **checklists for single-family and multifamily properties existing in urban, suburban, or**  
37 **rural areas.**

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