

HOUSE BILL NO. 3466

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HRUZA.

7471H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 67.280, RSMo, and to enact in lieu thereof two new sections relating to building codes.

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

Section A. Section 67.280, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 8.363 and 67.280, to read as follows:

8.363. 1. A new facility constructed for the state of Missouri on or after August 28, 2026, 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 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 in which the use is exclusively 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 building 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 state rule or regulation**
 22 **governing the following subjects:**

23 (a) **Building;**

24 (b) **Electrical;**

25 (c) **Fire;**

26 (d) **Mechanical;**

27 (e) **Existing building;**

28 (f) **Fuel and gas;**

29 (g) **Plumbing; 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 by August 28, 2028.**

38 4. (1) Any ~~[community, if the community otherwise has the power under the law to~~
 39 ~~adopt such an ordinance,]~~ **authority having jurisdiction** may adopt or repeal an ordinance
 40 ~~[which]~~ **that** incorporates by reference the provisions of any code or portions of any code, or
 41 any amendment thereof, properly identified as to date and source, without setting forth the
 42 provisions of such code in full. **Upon adoption of such ordinance, all authorities having**
 43 **jurisdiction may adopt and enforce the Missouri building codes listed in this section by**
 44 **reference. Each fire protection district that issues construction permits and that adopts**
 45 **and enforces the Missouri building codes shall follow applicable fire code requirements**
 46 **established by law.**

47 (2) At least one copy of such code, portion, or amendment ~~[which]~~ **that** is
 48 incorporated or adopted by reference~~]~~ shall be filed in the office of the clerk of the
 49 ~~[community]~~ **authority having jurisdiction** and there kept available for public use,

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

55 ~~[3-]~~ **(3)** Any ordinance adopting a code, portion, or amendment by reference shall
56 state the penalty for violating such code, portion, or amendment, or any provisions thereof
57 separately, and no part of any such penalty shall be incorporated by reference.

58 **(4)** A copy of any code, portion, or amendment adopted under the provisions of
59 this subsection that is incorporated by reference shall be provided to the department of
60 commerce and insurance and Missouri building codes commission by the clerk of such
61 authority having jurisdiction.

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

65 **5. (1)** Each authority having jurisdiction that has adopted a building code prior
66 to August 28, 2026, shall adopt the Missouri building codes established in this section.
67 An authority having jurisdiction that has adopted the Missouri building codes prior to
68 August 28, 2026, shall follow the Missouri building codes as required by rule. An
69 authority having jurisdiction may adopt local amendments to the Missouri building
70 codes in accordance with this subsection.

71 **(2)** Each proposed local amendment shall be accompanied by a statement of why
72 the amendment is important to that community.

73 **(3)** No local amendment shall be adopted or enforced until the commission
74 approves the amendment.

75 **(4)** In determining whether to approve or reject a proposed local amendment,
76 the commission shall consider safety, health, local conditions, consistency with the
77 Missouri building codes, and housing affordability.

78 **(5)** A proposed local amendment, including, but not limited to, adoption of other
79 codes not covered by the current Missouri building codes, shall be the same code year as
80 the current Missouri building codes and shall be updated or amended as described in
81 this subsection.

82 **(6)** The commission may take up to sixty days following receipt of a proposed
83 local amendment to determine whether to approve or reject. If a determination has not
84 been made by the commission after sixty days, the amendment shall be considered
85 approved.

86 **(7) An authority having jurisdiction may appeal the rejection of a proposed local**
87 **amendment by submitting a letter of appeal to the commission within thirty days of**
88 **receiving the determination, whereby the committee has sixty days following receipt of**
89 **the appeal to make a final determination of approval or rejection.**

90 **6. An authority having jurisdiction that is located within a county of the third or**
91 **fourth classification and that has not adopted a building code prior to August 28, 2026,**
92 **may adopt a building code under subsection 4 of this section by order or ordinance. No**
93 **such order or ordinance shall become effective unless the governing body of such**
94 **authority having jurisdiction submits to the qualified voters of the authority having**
95 **jurisdiction affected by such proposed building code on any day available for elections**
96 **for the authority having jurisdiction a proposal to authorize such authority having**
97 **jurisdiction to adopt a building code.**

98 **(1) The question submitted shall be in substantially the following form:**

99 **"Shall _____ (insert name of authority having jurisdiction) have the**
100 **authority to create, adopt, and impose a building code?"**

101 **(2) If a majority of the votes cast on the question by the qualified voters voting**
102 **thereon are in favor of the question, such order or ordinance adopting a building code**
103 **shall become effective on the first day of the second calendar quarter following the**
104 **calendar quarter in which the election was held. If a majority of the votes cast on the**
105 **question by the qualified voters voting thereon are opposed to the question, such order**
106 **or ordinance adopting a building code shall not become effective unless and until the**
107 **question is resubmitted to the qualified voters under this subsection and such question is**
108 **approved by a majority of the qualified voters voting on the question.**

109 **7. (1) There is hereby created in the department of commerce and insurance the**
110 **"Missouri Building Codes Commission". Appointments to the commission shall**
111 **represent the geographic diversity of the state. The Missouri building codes commission**
112 **shall consist of the state fire marshal, nine members appointed by the governor with the**
113 **advice and consent of the senate, and the state codes manager appointed under this**
114 **subsection. Members appointed by the governor shall be as follows:**

115 **(a) One Missouri licensed architect appointed from panels nominated by**
116 **associations representing architects;**

117 **(b) One Missouri licensed professional engineer appointed from panels**
118 **nominated by associations representing professional engineers;**

119 **(c) One building official appointed from panels nominated by associations**
120 **representing building officials;**

121 **(d) One fire marshal appointed from panels nominated by associations**
122 **representing fire marshals;**

123 (e) One home builder specializing in residential construction, appointed from
124 panels nominated by associations representing home builders;

125 (f) One general contractor specializing in commercial construction, appointed
126 from panels nominated by associations representing general contractors;

127 (g) One electrical contractor or electrician with ten years of experience in the
128 industry, appointed from panels nominated by associations or unions representing
129 electrical contractors or electricians;

130 (h) One mechanical contractor, pipefitter, or mechanic with ten years of
131 experience in the industry, appointed from panels nominated by associations or unions
132 representing mechanical contractors, pipefitters, or mechanics; and

133 (i) One plumbing contractor or plumber with ten years of experience in the
134 industry, appointed from panels nominated by associations or unions representing
135 plumbing contractors or plumbers.

136 (2) Of the initial members appointed by the governor, five shall serve an initial
137 term of three years and five shall serve an initial term of six years. Members shall have
138 a twelve-year term limit. A member appointed after the expiration of the initial term
139 shall serve a six-year term. A vacancy shall be filled in the same manner in which the
140 member vacating the office was initially appointed. Members shall not receive
141 compensation for services rendered but may be reimbursed for actual and necessary
142 expenses in an amount equal to the per diem of a member of the general assembly. The
143 Missouri building codes commission shall elect a chair and other officers necessary for
144 its membership at each first annual meeting and shall meet at least two times per year
145 within the state. The commission shall make decisions by a two-thirds consensus. The
146 staff of the department of commerce and insurance shall provide necessary clerical,
147 research, fiscal, and legal services to the Missouri building codes commission as the
148 commission may request.

149 (3) The Missouri building codes commission shall have an advisory committee
150 on residential building codes, with responsibility for developing and presenting to the
151 commission a residential building code for the commission's consideration of adoption
152 to the Missouri building codes, with membership serving at the pleasure of the Missouri
153 building codes commission and to be appointed by the Missouri building codes
154 commission as follows:

155 (a) Three members with experience in residential home building, no two of
156 which shall live in the same county;

157 (b) One licensed architect who designs houses;

158 (c) Three building code officials or fire marshals, no two of which shall live in the
159 same county;

160 (d) One person with expertise in energy efficient construction defined as having
161 the home energy rater, home energy professional energy auditor or similar certification,
162 or has ten years of experience working in the building industry consulting on energy
163 efficiency.

164 (4) The Missouri building codes commission shall have an advisory committee
165 on plumbing, mechanical, fuel, and gas codes, with responsibility for drafting or
166 determining plumbing, mechanical, fuel, and gas codes, with membership serving at the
167 pleasure of the Missouri building codes commission and to be appointed by the Missouri
168 building codes commission as follows:

169 (a) One plumber with ten years of experience in the industry;

170 (b) One plumbing contractor;

171 (c) One mechanical tradesman with specialty in pipefitting, sheet metal work, or
172 heating ventilation and cooling with ten years of experience in the industry;

173 (d) One mechanical contractor;

174 (e) One professional engineer specializing in mechanical work;

175 (f) One professional engineer specializing in plumbing, sanitary, or sewer;

176 (g) One licensed architect;

177 (h) Two building code officials;

178 (i) One fire marshal; and

179 (j) One member-at-large representing the owners and users of commercial
180 buildings.

181 (5) The Missouri building codes commission may appoint additional advisory
182 committees as it deems necessary, with membership to serve at the pleasure of the
183 commission.

184 (6) The Missouri building codes commission shall have the following powers and
185 duties:

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

188 (b) To provide information related to promoting and coordinating inspector
189 training;

190 (c) To hire any staff necessary for implementation of this section, including a
191 state codes manager, who shall:

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

193 b. Be an individual:

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

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

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

200 (e) To provide technical assistance to any authority having jurisdiction that has
201 adopted the Missouri building codes in interpreting the Missouri building codes and
202 resolving any conflict resulting from any enforcement action under this section.

203 8. (1) The Missouri building codes commission shall establish fees to be charged
204 for the issuance and renewal of any construction permits, occupancy permits, or
205 reoccupancy permits issued by any agency or political subdivision of this state.

206 (2) In addition to the fees established under subdivision (1) of this subsection, the
207 Missouri building codes commission shall charge fees for issuance and renewal of
208 permits, as described in this subsection, by any agency or political subdivision of the
209 state authorizing work governed by codes within the purview of the commission, not to
210 exceed seven dollars adjusted annually by the commission based on the rate of inflation
211 according to the Consumer Price Index for All Urban Consumers for the United States
212 as reported by the Bureau of Labor Statistics, or its successor index.

213 (3) The fees specified in this subsection shall be collected by the agency or
214 political subdivision issuing the applicable permits, and the fees charged under
215 subdivision (2) of this subsection shall be remitted to the state treasury at least monthly
216 to be deposited in the Missouri building codes fund.

217 (4) Nothing in this section shall prohibit the Missouri building codes commission
218 from offering incentives for prompt payment or remittance of the fees specified in this
219 subsection.

220 9. (1) There is hereby created in the state treasury the "Missouri Building Codes
221 Fund", which shall consist of fees collected under this section, appropriations by the
222 general assembly, and grants. The state fire marshal shall administer the fund. The
223 state treasurer shall be custodian of the fund. In accordance with sections 30.170 and
224 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated
225 fund and, upon appropriation, moneys in this fund shall be used solely as provided in
226 this section.

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

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

233 **10. The Missouri building codes commission may apply for and receive grants**
234 **consistent with the purposes of this section. All such funds and grants shall be used or**
235 **expended in accordance with the provisions of this section and may be used or expended**
236 **for the preservation, improvement, and expansion of, and intergovernmental**
237 **agreements between jurisdictions related to, improved accessibility to jurisdictions to**
238 **help fund training programs for building inspectors through associations that provide**
239 **such training, purchasing code books for political subdivisions, the operation of the**
240 **office of the state code manager within the department of commerce and insurance, and**
241 **operation of the Missouri building codes commission.**

242 **11. Except for the state fire code, the Missouri building codes shall be**
243 **administered by the state codes manager with the advice and consent of the department**
244 **of commerce and insurance. The state codes manager shall review, maintain, and, in**
245 **conjunction with the Missouri building codes commission, amend the Missouri building**
246 **codes. The state codes manager shall review the codes every other three-year cycle but**
247 **no less than every six years and within eighteen months from the date of publication of**
248 **any subsequent edition of the international codes. The state fire code shall be reviewed,**
249 **maintained, and amended by the state fire marshal. The Missouri building codes**
250 **commission shall hold public hearings in accordance with chapter 610 as part of the**
251 **process of adopting or amending codes. Authorities having jurisdiction that have**
252 **adopted the Missouri building codes shall have an additional twelve months to adopt**
253 **any amendments to the Missouri building codes as provided by the Missouri building**
254 **codes commission. If, in the determination of the Missouri building codes commission, a**
255 **technical update is required, the commission may make necessary revisions outside of**
256 **the normal approved cycle.**

257 **12. The state codes manager and state fire marshal shall not be responsible for**
258 **enforcing the state building codes in an authority having jurisdiction. Each authority**
259 **having jurisdiction shall provide enforcement in the manner listed in each building code**
260 **or may provide enforcement in one of the following methods:**

261 **(1) Inspection services provided by employees of the authority having**
262 **jurisdiction;**

263 **(2) Intergovernmental agreements between authorities having jurisdiction; or**

264 **(3) Inspectors who are registered with the Missouri building codes commission.**

265 **13. (1) No agricultural building shall be subject to any Missouri building codes**
266 **adopted under this section.**

267 **(2) Any person owning, residing and working at, or employed at any agricultural**
268 **building used solely for agricultural purposes shall be exempt from the provisions**

269 adopted under this section as such provisions pertain to any improvements, additions,
270 or alterations of the agricultural building.

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

274 14. Resolution of a conflict resulting from an enforcement action under this
275 section shall be the responsibility of the authority having jurisdiction that adopts the
276 Missouri building codes.

277 15. Notwithstanding any other provision of law to the contrary, this section shall
278 apply in the case of a conflict between this section and any other provision of state law.

279 16. The Missouri building codes commission, the state codes manager, and the
280 state fire marshal may promulgate all necessary rules and regulations for the
281 administration of this section. Any rule or portion of a rule, as that term is defined
282 in section 536.010, that is created under the authority delegated in this section shall
283 become effective only if it complies with and is subject to all of the provisions of chapter
284 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable
285 and if any of the powers vested with the general assembly pursuant to chapter 536 to
286 review, to delay the effective date, or to disapprove and annul a rule are subsequently
287 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
288 adopted after the effective date of this act shall be invalid and void.

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