

WEST VIRGINIA LEGISLATURE
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REGULAR SESSION, 2013



ENROLLED

Senate Bill No. 652

(BY SENATORS SNYDER, JENKINS, BOLEY AND TUCKER)

[PASSED APRIL 13, 2013; IN EFFECT FROM PASSAGE.]

E N R O L L E D

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[Passed April 13, 2013; in effect from passage.]

AN ACT 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.

Be it enacted by the Legislature of West Virginia:

That §29-3-5b of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 3. FIRE PREVENTION AND CONTROL ACT.

§29-3-5b. Promulgation of rules and statewide building code.

1 (a) The State Fire Commission shall propose rules for
2 legislative approval in accordance with the provisions of
3 article three, chapter twenty-nine-a of this code to safeguard
4 life and property and to ensure the quality of construction of
5 all structures erected or renovated throughout this state
6 through the adoption of a State Building Code. The rules
7 shall be in accordance with standard safe practices so
8 embodied in widely recognized standards of good practice

9 for building construction and all aspects related thereto and
10 have force and effect in those counties and municipalities
11 adopting the State Building Code: *Provided*, That each
12 county or municipality may adopt the code to the extent that
13 it is only prospective and not retroactive in its application.

14 (b) The State Fire Commission has authority to propose
15 rules for legislative approval in accordance with the
16 provisions of article three, chapter twenty-nine-a of this code,
17 regarding building construction, renovation and all other
18 aspects as related to the construction and mechanical
19 operations of a structure. The rules shall be known as the
20 State Building Code.

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

25 (1) The 2009 edition of the International Energy
26 Conservation Code for residential buildings or other building
27 energy code or codes for residential buildings that meets or
28 exceeds equivalent energy savings; and

29 (2) The ANSI/ASHRAE/IESNA Standard 90.1-2007
30 building energy code for commercial buildings or other
31 building energy code or codes for commercial buildings that
32 meets or exceeds equivalent energy savings.

33 (d) (1) The State Fire Commission has authority to
34 propose rules for legislative approval, in accordance with the
35 provisions of article three, chapter twenty-nine-a,
36 establishing state standards and fee schedules for the
37 licensing, registration, certification, regulation and
38 continuing education of persons which will conduct

39 inspections relating to the State Building Code, which
40 include, but are not limited to, building code officials,
41 inspectors, plans examiners and home inspectors.

42 (2) The State Fire Commission shall propose rules for
43 legislative approval requiring applicants for home inspector
44 licensing, registration or certification to submit to a state and
45 national criminal history record check as set forth in this
46 section and may deny licensing, registration or certification
47 based upon the results of the criminal history record check.

48 (e) The State Fire Commission has authority to establish
49 advisory boards as it deems appropriate to encourage
50 representative participation in subsequent rulemaking from
51 groups or individuals with an interest in any aspect of the
52 State Building Code or related construction or renovation
53 practices.

54 (f) For the purpose of this section, the term “building
55 code” is intended to include all aspects of safe building
56 construction and mechanical operations and all safety aspects
57 related thereto. Whenever any other state law, county or
58 municipal ordinance or regulation of any agency thereof is
59 more stringent or imposes a higher standard than is required
60 by the State Building Code, the provisions of the state law,
61 county or municipal ordinance or regulation of any agency
62 thereof governs if they are not inconsistent with the laws of
63 West Virginia and are not contrary to recognized standards
64 and good engineering practices. In any question, the decision
65 of the State Fire Commission determines the relative priority
66 of any such state law, county or municipal ordinance or
67 regulation of any agency thereof and determines compliance
68 with State Building Code by officials of the state, counties,
69 municipalities and political subdivisions of the state.

70 (g) Enforcement of the provisions of the State Building
71 Code is the responsibility of the respective local jurisdiction.
72 Also, any county or municipality may enter into an
73 agreement with any other county or municipality to provide
74 inspection and enforcement services: *Provided*, That any
75 county or municipality may adopt the State Building Code
76 with or without adopting the BOCA National Property
77 Maintenance Code.

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

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

85 (j) The provisions of the State Building Code relating to
86 the construction, repair, alteration, restoration and movement
87 of structures are not mandatory for existing buildings and
88 structures identified and classified by the State Register of
89 Historic Places under the provisions of section eight, article
90 one of this chapter or the National Register of Historic
91 Places, pursuant to 16 U. S. C. §470a. Prior to renovations
92 regarding the application of the State Building Code, in
93 relation to historical preservation of structures identified as
94 such, the authority having jurisdiction shall consult with the
95 Division of Culture and History, State Historic Preservation
96 Office. The final decision is vested in the State Fire
97 Commission. Additions constructed on a historic building
98 are not excluded from complying with the State Building
99 Code.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this the

Day of, 2013.

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Governor