

# **WEST VIRGINIA LEGISLATURE**

**2020 REGULAR SESSION**

**Introduced**

## **Senate Bill 634**

BY SENATORS PREZIOSO, STOLLINGS, AND ROMANO

[Introduced January 28, 2020; referred  
to the Committee on Government Organization]

1 A BILL to amend and reenact §29-3-5b of the Code of West Virginia, 1931, as amended, relating  
 2 to authorizing a municipality to adopt and enforce the most recent edition of the ICC  
 3 International Property Maintenance Code.

*Be it enacted by the Legislature of West Virginia:*

**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 legislative approval in accordance  
 2 with the provisions of §29A-3-1 *et seq.* of this code to safeguard life and property and to ensure  
 3 the quality of construction of all structures erected or renovated throughout this state through the  
 4 adoption of a State Building Code. The rules shall be in accordance with standard safe practices  
 5 so embodied in widely recognized standards of good practice for building construction and all  
 6 aspects related thereto and have force and effect in those counties and municipalities adopting  
 7 the State Building Code: *Provided*, That each county or municipality may adopt the code to the  
 8 extent that it is only prospective and not retroactive in its application.

9 (b) The State Fire Commission may propose rules for legislative approval in accordance  
 10 with the provisions of §29A-3-1 *et seq.* of this code, regarding building construction, renovation  
 11 and all other aspects as related to the construction and mechanical operations of a structure. The  
 12 rules shall be known as the State Building Code.

13 ~~(c) The State Fire Commission shall propose a rule for legislative approval in accordance~~  
 14 ~~with the provisions of article three, chapter twenty-nine-a of this code to include building energy~~  
 15 ~~codes in the State Building Code~~

16 ~~(d)~~ (c) (1) The State Fire Commission may propose rules for legislative approval, in  
 17 accordance with the provisions of §29A-3-1 *et seq.* of this code, establishing state standards and  
 18 fee schedules for the licensing, registration, certification, regulation and continuing education of  
 19 persons which will conduct inspections relating to the State Building Code, which include, but are  
 20 not limited to, building code officials, inspectors, and plans examiners. ~~and home inspectors~~

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

25 ~~(e)~~ (d) The State Fire Commission may establish advisory boards as it considers  
26 appropriate to encourage representative participation in subsequent rulemaking from groups or  
27 individuals with an interest in any aspect of the State Building Code or related construction or  
28 renovation practices.

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

39 ~~(g)~~ (f) Enforcement of the provisions of the State Building Code is the responsibility of the  
40 respective local jurisdiction. Also, any county or municipality may enter into an agreement with  
41 any other county or municipality to provide inspection and enforcement services: *Provided*, That  
42 any county or municipality may adopt the State Building Code with or without adopting the ~~BOCA~~  
43 ~~National~~ ICC International Property Maintenance Code.

44 (g) Notwithstanding any other provisions of this section to the contrary, a municipality may  
45 adopt and enforce the most recent edition of the ICC International Property Maintenance Code.

46 (h) After the State Fire Commission has promulgated rules as provided in this section,

47 each county or municipality intending to adopt the State Building Code shall notify the State Fire  
48 Commission of its intent.

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

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

NOTE: The purpose of this bill is to authorize municipalities to adopt and enforce the most recent edition of the ICC International Property Maintenance Code.

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