

SECOND REGULAR SESSION

SENATE BILL NO. 1034

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRAY.

Read 1st time March 1, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

5272S.011

AN ACT

To repeal section 67.280, RSMo, and to enact in lieu thereof four new sections relating to state construction codes.

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

Section A. Section 67.280, RSMo, is repealed and four new sections
2 enacted in lieu thereof, to be known as sections 67.276, 67.277, 67.278, and
3 67.280, to read as follows:

67.276. Effective September 1, 2010, the state of Missouri shall
2 **recognize the following codes as the Missouri state construction codes:**

3 **(1) The most recent version of the International Building Code,**
4 **as published by the International Code Council, shall be deemed the**
5 **Missouri building code;**

6 **(2) The most recent version of the International Residential**
7 **Code, as published by the International Code Council, shall be deemed**
8 **the Missouri residential code;**

9 **(3) The most recent version of the International Fire Code, as**
10 **published by the International Code Council, shall be deemed the**
11 **Missouri fire code;**

12 **(4) The most recent version of the International Plumbing Code,**
13 **as published by the International Code Council, shall be deemed the**
14 **Missouri plumbing code;**

15 **(5) The most recent versions of the International Mechanical**
16 **Code and the International Fuel Gas Code, as published by the**
17 **International Code Council, shall be deemed the Missouri mechanical**
18 **code;**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 **(6) The version of NFPA 70 - National Electrical Code referenced**
20 **by the Missouri state building code, as published by the National Fire**
21 **Protection Agency, shall be deemed the Missouri electrical code.**

67.277. Effective July 1, 2011, the governing body of each county
2 **and municipality in this state shall adopt, by ordinance, the Missouri**
3 **state construction codes and each fire protection district shall adopt,**
4 **by ordinance, the Missouri fire code. Each jurisdiction, as defined in**
5 **section 67.280, shall remain within one code cycle of the Missouri state**
6 **construction codes. The provisions of this section or any other section**
7 **shall not limit the authority of the adopting jurisdiction to adopt a**
8 **construction code which is equivalent to or has higher standards than**
9 **the Missouri state construction codes or amend, delete, or make**
10 **additions to the Missouri state construction codes in its own**
11 **jurisdiction.**

67.278. 1. Except for the state fire code, the Missouri state
2 **construction codes shall be administered by the construction code**
3 **manager, a designee appointed by the governor. The construction code**
4 **manager shall review, amend, and maintain the Missouri state**
5 **construction codes. The manager shall review the code no less than**
6 **every three years and within nine months from the date of publication**
7 **of any subsequent edition of the international codes. The Missouri**
8 **state fire code shall be administered by the state fire marshal. The**
9 **construction manager and state fire marshal shall not be responsible**
10 **for enforcing the state construction codes in the jurisdictions.**

2. The construction code manager shall have the authority to
12 **promulgate and maintain the Missouri state construction codes. The**
13 **construction code manager is required to coordinate with the state fire**
14 **marshal to promulgate and maintain the Missouri fire code. Any rule**
15 **or portion of a rule, as that term is defined in section 536.010 that is**
16 **created under the authority delegated in this section shall become**
17 **effective only if it complies with and is subject to all of the provisions**
18 **of chapter 536, and, if applicable, section 536.028. This section and**
19 **chapter 536 are nonseverable and if any of the powers vested with the**
20 **general assembly pursuant to chapter 536, to review, to delay the**
21 **effective date, or to disapprove and annul a rule are subsequently held**
22 **unconstitutional, then the grant of rulemaking authority and any rule**
23 **proposed or adopted after August 28, 2010, shall be invalid and void.**

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

2 (1) "Code", [any published compilation of rules prepared by various
3 technical trade associations, federal agencies, this state or any agency thereof,
4 but shall be limited to: regulations concerning the construction of buildings and
5 continued occupancy thereof; mechanical, plumbing, and electrical construction;
6 and fire prevention] **one or more of the codes referenced in section 67.276;**

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

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

9 (4)] "Fire protection district", any fire protection district in the state;

10 **(3) "Jurisdiction", any county, fire protection district, or**
11 **municipality;**

12 [(5)] **(4) "Municipality", any incorporated city, town or village.**

13 2. [Any community, if the community otherwise has the power under the
14 law to adopt such an ordinance, may adopt or repeal an ordinance which
15 incorporates by reference the provisions of any code or portions of any code, or
16 any amendment thereof, properly identified as to date and source, without setting
17 forth the provisions of such code in full.] **Effective July 1, 2011, all**
18 **jurisdictions have the authority and power to adopt and enforce the**
19 **state construction codes under section 67.277 by reference.** At least one
20 copy of such code, portion or amendment which is incorporated or adopted by
21 reference, shall be filed in the office of the clerk of the community and there kept
22 available for public use, inspection, and examination. The filing requirements
23 herein prescribed shall not be deemed to be complied with unless the required
24 copies of such codes, portion, or amendment or public record are filed with the
25 clerk of such community for a period of ninety days prior to the adoption of the
26 ordinance which incorporates such code, portion, or amendment by reference.

27 3. Any ordinance adopting a code, portion, or amendment by reference
28 shall state the penalty for violating such code, portion, or amendment, or any
29 provisions thereof separately, and no part of any such penalty shall be
30 incorporated by reference.

31 **4. Wherever there is a conflict between sections 67.276 to 67.280**
32 **and any other provision of state statute, the other conflicting provision**
33 **shall be considered repealed and sections 67.276 to 67.280 shall prevail.**

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