

FIRST REGULAR SESSION

SENATE BILL NO. 743

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (16).

2564S.02I

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 67.280, RSMo, and to enact in lieu thereof three 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Section A. Section 67.280, RSMo, is repealed and three
2 new sections enacted in lieu thereof, to be known as sections
3 8.363, 67.280, and 67.283, to read as follows:

8.363. 1. A new facility constructed for the state of
2 Missouri on or after August 28, 2025, shall be constructed
3 in compliance with standards established under the Missouri
4 building codes established in section 67.280.

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

67.280. 1. This section, section 67.283, and section
2 8.363 shall be known and may be cited as the "Missouri
3 Building Codes Act".

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

5 (1) "Agricultural building", any structure used solely
6 for agricultural purposes in which the use is exclusively in
7 connection with the production, harvesting, storage, drying,
8 or raising of agricultural commodities, including, but not
9 limited to, the raising of livestock;

10 (2) "Authority having jurisdiction", any county, fire
11 protection district, municipality, or other entity with the

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

12 **authority and responsibility for developing, implementing,**
13 **maintaining, and overseeing codes;**

14 (3) "Code", any published compilation of rules
15 prepared by various technical trade associations, federal
16 agencies, this state or any agency thereof, but shall be
17 limited to: regulations concerning the construction of
18 buildings and continued occupancy thereof; mechanical,
19 plumbing, and electrical construction; and fire prevention;

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

22 (3)] (4) "County", any county in the state;

23 [(4)] (5) "Fire protection district", any fire
24 protection district in the state, **as defined in chapter 321;**

25 [(5)] (6) "Municipality", any incorporated city, town,
26 or village.

27 [2.] 3. (1) **There is hereby established the "Missouri**
28 **Building Codes". Such codes shall include, but not be**
29 **limited to, all codes established by state rule or**
30 **regulation governing the following subjects:**

31 (a) **Building;**

32 (b) **Electrical;**

33 (c) **Energy;**

34 (d) **Fire;**

35 (e) **Mechanical;**

36 (f) **Plumbing; and**

37 (g) **Residential.**

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

40 (a) **The International Association of Plumbing and**
41 **Mechanical Officials (IAPMO);**

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

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

44 (3) **The Missouri building codes commission shall begin**
45 **implementation of the codes established under the provisions**
46 **of this section by August 28, 2027.**

47 4. (1) Any [community, if the community otherwise has
48 the power under the law to adopt such an ordinance,]
49 **authority having jurisdiction** may adopt or repeal an
50 ordinance [which] **that** incorporates by reference the
51 provisions of any code or portions of any code, or any
52 amendment thereof, properly identified as to date and
53 source, without setting forth the provisions of such code in
54 full. **Upon adoption of such ordinance, all authorities**
55 **having jurisdiction may adopt and enforce the Missouri**
56 **building codes listed in this section by reference. Each**
57 **fire protection district that issues construction permits**
58 **and that adopts and enforces the Missouri building codes**
59 **shall follow applicable fire code requirements established**
60 **by law.**

61 (2) At least one copy of such code, portion, or
62 amendment [which] **that** is incorporated or adopted by
63 reference[,] shall be filed in the office of the clerk of
64 the [community] **authority having jurisdiction** and there kept
65 available for public use, inspection, and examination. The
66 filing requirements herein prescribed shall not be deemed to
67 be complied with unless the required copies of such codes,
68 portion, or amendment or public record are filed with the
69 clerk of such [community] **authority having jurisdiction** for
70 a period of ninety days prior to the adoption of the
71 ordinance [which] **that** incorporates such code, portion, or
72 amendment by reference.

73 [3.] (3) Any ordinance adopting a code, portion, or
74 amendment by reference shall state the penalty for violating
75 such code, portion, or amendment, or any provisions thereof

76 separately, and no part of any such penalty shall be
77 incorporated by reference.

78 (4) A copy of any code, portion, or amendment adopted
79 under the provisions of this subsection that is incorporated
80 by reference shall be provided to the state fire marshal and
81 Missouri building codes commission by the clerk of such
82 authority having jurisdiction.

83 (5) Such authority having jurisdiction shall publish
84 such code, portion, or amendment incorporated by reference
85 on the public website of the authority having jurisdiction
86 as required by the Missouri building codes commission.

87 5. Each authority having jurisdiction that has adopted
88 a building code prior to August 28, 2025, shall adopt the
89 Missouri building codes established in this section. An
90 authority having jurisdiction that has adopted the Missouri
91 building codes prior to August 28, 2025, shall follow the
92 Missouri building codes as required by rule. An authority
93 having jurisdiction may adopt local amendments to the
94 Missouri building codes in accordance with this subsection.

95 (1) Each proposed local amendment shall be accompanied
96 by a statement of why the amendment is important to that
97 community.

98 (2) No local amendment shall be adopted or enforced
99 until the commission approves the amendment.

100 (3) In determining whether to approve or reject a
101 proposed local amendment, the commission shall consider
102 safety, health, local conditions, consistency with the
103 Missouri building codes, housing affordability, and energy
104 efficiency.

105 (4) A proposed local amendment, including, but not
106 limited to, adoption of other codes not covered by the
107 current Missouri building codes, shall be the same code year

as the current Missouri building codes and shall be updated or amended as described in this subsection.

6. An authority having jurisdiction that is located within a county of the third or fourth classification and that has not adopted a building code prior to August 28, 2025, may adopt a building code under subsection 4 of this section by order or ordinance. No such order or ordinance shall become effective unless the governing body of such authority having jurisdiction submits to the qualified voters of the authority having jurisdiction affected by such proposed building code on any day available for elections for the authority having jurisdiction a proposal to authorize such authority having jurisdiction to adopt a building code.

(1) The question submitted shall be in substantially the following form: "Shall _____ (insert name of authority having jurisdiction) have the authority to create, adopt, and impose a building code?".

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

7. (1) There is hereby created in the division of fire safety within the Missouri department of public safety

140 the "Missouri Building Codes Commission". The Missouri
141 building codes commission shall consist of the state fire
142 marshal, nine members appointed by the governor with the
143 advice and consent of the senate, and the state codes
144 manager appointed under this subsection. Members appointed
145 by the governor shall be as follows:

146 (a) One licensed architect appointed from panels
147 nominated by associations representing architects;

148 (b) One engineer appointed from panels nominated by
149 associations representing engineers or engineering
150 contractors;

151 (c) One building official appointed from panels
152 nominated by associations representing building officials;

153 (d) One fire marshal appointed from panels nominated
154 by associations representing fire marshals;

155 (e) One general contractor specializing in residential
156 construction, appointed from panels nominated by
157 associations representing home builders;

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

161 (g) One electrical contractor or master electrician,
162 appointed from panels nominated by associations or unions
163 representing electrical contractors or electricians;

164 (h) One mechanical contractor, master pipefitter, or
165 master mechanic, appointed from panels nominated by
166 associations or unions representing mechanical contractors,
167 pipefitters, or mechanics; and

168 (i) One plumbing contractor or master plumber,
169 appointed from panels nominated by associations or unions
170 representing plumbing contractors or plumbers.

171 (2) Of the initial members appointed by the governor,
172 three shall serve an initial term of four years, three shall
173 serve an initial term of five years, three shall serve an
174 initial term of six years, and one shall serve an initial
175 term of seven years. A member appointed after the
176 expiration of the initial term shall serve a three-year
177 term. A vacancy shall be filled in the same manner in which
178 the member vacating the office was initially appointed.
179 Members shall not receive compensation for services rendered
180 but may be reimbursed for actual and necessary expenses in
181 an amount equal to the per diem of a member of the general
182 assembly. The Missouri building codes commission shall
183 elect a chair and other officers necessary for its
184 membership at each first annual meeting and shall meet at
185 least two times per year within the state. The staff of the
186 Missouri state fire marshal shall provide necessary
187 clerical, research, fiscal, and legal services to the
188 Missouri building codes commission as the commission may
189 request.

190 (3) The Missouri building codes commission shall have
191 an advisory committee on residential building codes, with
192 responsibility for drafting or determining a residential
193 building code for the Missouri building codes, with
194 membership serving at the pleasure of the Missouri building
195 codes commission and to be appointed by the Missouri
196 building codes commission as follows:

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

199 (b) One licensed architect who designs houses;

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

(d) One person with expertise in energy efficient construction.

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

(a) One master plumber;

(b) One plumbing contractor;

(c) One master mechanical tradesman with specialty in pipefitting, sheet metal work, or heating ventilation and cooling;

(d) One mechanical contractor;

(e) One professional engineer specializing in mechanical work;

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

(g) One licensed architect;

(h) Two building code officials;

(i) One fire marshal; and

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

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

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

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

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

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

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

b. Be an individual:

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

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

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

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

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

(2) In addition to the fees established under subdivision (1) of this subsection, the Missouri building codes commission shall charge fees for issuance and renewal of permits, as described in this subsection, by any agency or political subdivision of the state authorizing work governed by codes within the purview of the commission, not to exceed seven dollars adjusted annually by the commission

265 based on the rate of inflation according to the Consumer
266 Price Index for All Urban Consumers for the United States as
267 reported by the Bureau of Labor Statistics, or its successor
268 index.

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

275 (4) Nothing in this section shall prohibit the
276 Missouri building codes commission from offering incentives
277 for prompt payment or remittance of the fees specified in
278 this subsection.

279 9. (1) There is hereby created in the state treasury
280 the "Missouri Building Codes Fund", which shall consist of
281 fees collected under this section, appropriations by the
282 general assembly, and grants. The state fire marshal shall
283 administer the fund. The state treasurer shall be custodian
284 of the fund. In accordance with sections 30.170 and 30.180,
285 the state treasurer may approve disbursements. The fund
286 shall be a dedicated fund and, upon appropriation, moneys in
287 this fund shall be used solely as provided in this section.

288 (2) Notwithstanding the provisions of section 33.080
289 to the contrary, any moneys remaining in the fund at the end
290 of the biennium shall not revert to the credit of the
291 general revenue fund.

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

296 10. The Missouri building codes commission may apply
297 for and receive grants consistent with the purposes of this
298 section. All such funds and grants shall be used or
299 expended in accordance with the provisions of this section
300 and may be used or expended for the preservation,
301 improvement, and expansion of, and intergovernmental
302 agreements between jurisdictions related to, improved
303 accessibility to jurisdictions to help fund training
304 programs for building inspectors through associations, such
305 as the Missouri Association of Building Officials and
306 Inspectors, the Fire Marshals Association of Missouri, and
307 similar organizations, purchasing code books for political
308 subdivisions, the operation of the office of the state code
309 manager within the state fire marshal's office, and
310 operation of the Missouri building codes commission.

311 11. Except for the state fire code, the Missouri
312 building codes shall be administered by the state codes
313 manager with the advice and consent of the state fire
314 marshal. The state codes manager shall review, maintain,
315 and, in conjunction with the Missouri building codes
316 commission, amend the Missouri building codes. The state
317 codes manager shall review the codes every other three-year
318 cycle but no less than every six years and within eighteen
319 months from the date of publication of any subsequent
320 edition of the international codes. The state fire code
321 shall be reviewed, maintained, and amended by the state fire
322 marshal. The Missouri building codes commission shall hold
323 public hearings in accordance with chapter 610 as part of
324 the process of adopting or amending codes. Authorities
325 having jurisdiction that have adopted the Missouri building
326 codes shall have an additional twelve months to adopt any
327 amendments to the Missouri building codes as provided by the

Missouri building codes commission. If, in the determination of the Missouri building codes commission, a defect is found in the codes, the commission may make necessary revisions outside of the normal approved cycle.

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

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

(2) Intergovernmental agreements between authorities having jurisdiction; or

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

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

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

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

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

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

363 16. The Missouri building codes commission, the state
364 codes manager, and the state fire marshal may promulgate all
365 necessary rules and regulations for the administration of
366 this section. Any rule or portion of a rule, as that term
367 is defined in section 536.010, that is created under the
368 authority delegated in this section shall become effective
369 only if it complies with and is subject to all of the
370 provisions of chapter 536 and, if applicable, section
371 536.028. This section and chapter 536 are nonseverable and
372 if any of the powers vested with the general assembly
373 pursuant to chapter 536 to review, to delay the effective
374 date, or to disapprove and annul a rule are subsequently
375 held unconstitutional, then the grant of rulemaking
376 authority and any rule proposed or adopted after the
377 effective date of this act shall be invalid and void.

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

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

the Missouri building codes commission. The committee shall consist of the following members:

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

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

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

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

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

(2) Of the initial members appointed, two shall serve a term of one year, two shall serve a term of two years, two shall serve a term of three years, and one shall serve a term of four years. A member appointed after the expiration of the initial term shall be appointed to a four-year term. A vacancy shall be filled in the same manner in which the member vacating the office was originally appointed.

Members shall not receive compensation for services rendered but may be reimbursed for actual and necessary expenses in an amount equal to the per diem of a member of the general assembly. The residential reoccupancy inspection committee shall elect officers necessary for its membership at each first annual meeting and shall meet at least two times per year within the state. The Missouri building codes commission shall provide necessary clerical, research, fiscal, and legal services to the committee, as the committee may request.

45 (3) With the advice and consent of the Missouri
46 building codes commission, the residential reoccupancy
47 inspection committee shall create a limited number of
48 residential reoccupancy inspection checklists that include
49 external and internal checklists for single-family and
50 multifamily properties existing in urban, suburban, or rural
51 areas.

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