

1 HB392
2 115534-1
3 By Representative Gipson
4 RFD: Commerce
5 First Read: 21-JAN-10

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8 SYNOPSIS: This bill would create the Alabama Building
9 Code Council to be managed by the Alabama
10 Department of Economic and Community Affairs to
11 establish, adopt, amend, and update a statewide
12 minimum building code which would be the minimum
13 standards for the building of residential and
14 commercial structures in the state.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT
19

20 To create a statewide council, the Alabama Building
21 Code Council, to be managed by the Alabama Department of
22 Economic and Community Affairs, to establish, adopt, amend,
23 and update a statewide minimum building code.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. The Alabama Building Code Council (ABCC)
26 is hereby created and shall be managed by the Alabama
27 Department of Economic and Community Affairs (ADECA).

1 Section 2. (a) The council shall consist of the
2 following voting members:

3 (1) One member appointed by the American Council of
4 Engineering Companies of Alabama.

5 (2) One member appointed by the Alabama Council of
6 the American Institute of Architects.

7 (3) One member appointed by the Alabama Association
8 of General Contractors.

9 (4) One member appointed by the Associated Builders
10 and Contractors of Alabama.

11 (5) One member appointed by the Alabama Association
12 of County Commissioners.

13 (6) One member appointed by the Alabama League of
14 Municipalities.

15 (7) One member appointed by the Home Builders
16 Association of Alabama.

17 (8) One member appointed by the Code Officials
18 Association of Alabama.

19 (9) One member appointed by the Alabama State Fire
20 Marshal.

21 (10) One member of the property and casualty
22 insurance industry, possessing knowledge in building codes,
23 appointed by the Governor.

24 (11) One member of the general public appointed by
25 the Governor.

26 (b) Each member of the council shall be a resident
27 of Alabama and be appointed to serve a three-year term and is

1 eligible for reappointment. Members may continue to serve
2 beyond the end of a term of office in a holdover capacity
3 until such time as they are reappointed or their successors
4 are appointed. Holdover service shall not extend a succeeding
5 term of office.

6 (c) The membership of the council and the
7 subcommittees of the council shall be inclusive and shall
8 reflect the racial, gender, geographic, urban and rural, and
9 economic diversity of the state.

10 Section 3. (a) Except as exempted in this section,
11 the Alabama Building Code Council shall establish, adopt,
12 amend, and update the statewide minimum building code. The
13 code shall be the minimum standard to which all residential
14 and commercial structures in the State of Alabama are built
15 and shall be known as the Alabama Building Code (ABC).

16 (b) (1) The initial code adopted by the ABCC shall be
17 based on the following:

- 18 a. 2006 International Building Code.
- 19 b. 2006 International Residential Code.
- 20 c. 2005 National Electric Code.
- 21 d. 2006 International Plumbing Code (IPC).
- 22 e. 2006 International Mechanical Code (IMC).
- 23 f. 2006 International Fire Code (IFC).
- 24 g. 2006 International Fuel Gas Code (IFGC) and/or
25 the National Fuel Gas Code (NFGC).
- 26 h. 2006 International Code Council Performance Code
27 (ICCPC).

1 i. 2006 International Existing Buildings Code
2 (IEBC).

3 (2) Future adoptions by the ABCC shall be based on
4 subsequent editions of the aforementioned codes or codes and
5 standards of the National Fire Protection Association.

6 (c) The ABCC may adopt, amend, or update the
7 statewide minimum building code at its discretion. ABCC's
8 powers and duties pursuant to this act shall not be dependent
9 upon or tied in any way to the ICC code development cycle.

10 (d) Actions of the ABCC shall comply with the
11 Alabama Administrative Procedure Act.

12 (e) Any structure covered by the provisions of this
13 act shall be completed according to the code requirements in
14 effect at the time the building permit is issued. This
15 includes structures under construction prior to the time of
16 passage of this act.

17 (f) This act shall not apply to the erection or
18 construction of a farm structure.

19 The term farm structure, for the purposes of this
20 act, means a structure that is constructed on a farm, other
21 than a residence or a structure attached to it, for use on the
22 farm including, but not limited to, barns, sheds, and poultry
23 houses. A farm structure does not include a structure
24 originally qualifying as a farm structure but later converted
25 to another use.

1 (g) This act shall not apply to the Alabama Building
2 Commission, its employees, and any structures built pursuant
3 to Sections 41-9-140 through 41-9-174, Code of Alabama 1975.

4 (h) This act shall not apply to the Alabama
5 Department of Labor, its employees, and any mandates regulated
6 in Sections 25-12-1 through 25-12-22, and Sections 25-13-1
7 through 25-13-25, Code of Alabama 1975.

8 (i) This act shall not apply to the State Board of
9 Health, its employees, and any structures built pursuant to
10 the authority of Sections 22-21-20 through 22-21-46, Code of
11 Alabama 1975.

12 (j) This act shall not apply to the Alabama
13 Manufactured Housing Commission, its employees, and any
14 structures built pursuant to Sections 24-6-1 through 24-6-4,
15 Code of Alabama 1975.

16 (k) This act shall not apply to the liquefied
17 petroleum gas industry which is regulated by Sections 9-17-100
18 through 9-17-125, Code of Alabama 1975.

19 (l) A municipality can adopt a code that is more
20 restrictive than the statewide minimum building code. The
21 municipality must provide enforcement for the more restrictive
22 code.

23 Section 4. (a) The ABCC shall have two standing
24 subcommittees as follows:

25 (1) The Residential Code Subcommittee which shall
26 have jurisdiction of minimum building codes affecting all one-

1 and two-family residences and townhouses as defined in the
2 International Residential Code.

3 (2) The Commercial Code Subcommittee which shall
4 have sole jurisdiction of building codes affecting all
5 commercial structures, as well as multifamily residences
6 greater than three stories in height, or less if not
7 conventionally framed.

8 (b) The ABCC shall approve the recommendations for
9 proposed building code standards as provided by each
10 subcommittee upon a majority vote of the ABCC members. If
11 rejected, the recommendations may be returned to the
12 subcommittee of jurisdiction for reconsideration.

13 (c) In a situation in which a code affects both
14 residential and commercial construction, both subcommittees
15 shall convene in joint session in order to discuss and forward
16 recommendations.

17 (d) The Residential Code Subcommittee shall be
18 composed as follows:

19 (1) A residential home builders, licensed by the
20 Home Builders Licensure Board and appointed by the Home
21 Builders Association of Alabama.

22 (2) A code officials, employed by a county or city
23 building code inspection department and appointed by the Code
24 Officials Association of Alabama.

25 (3) One member of the ABCC, knowledgeable in
26 residential construction, not representing either of the two
27 groups mentioned above.

1 (4) One fire official, certified by the Alabama Fire
2 College as a Fire Inspector II and appointed jointly by the
3 Alabama Fire College and the Personnel Standards Commission.

4 (5) A home inspector, licensed by the Alabama
5 Building Commission and appointed by the Executive Director of
6 the Alabama Building Commission.

7 (e) The Commercial Code Subcommittee shall be
8 composed as follows:

9 (1) A commercial contractors, licensed by the
10 Alabama Licensing Board for General Contractors and appointed
11 by the Alabama Association of General Contractors.

12 (2) A commercial contractor, licensed by the Alabama
13 Licensing Board for General Contractors and appointed by the
14 Associated Builders and Contractors of Alabama.

15 (3) A code officials, employed by a county or city
16 building code inspection department and appointed by the Code
17 Officials Association of Alabama.

18 (4) One member of the ABCC, knowledgeable in
19 commercial construction, not representing any of the three
20 groups mentioned above.

21 (5) One fire official, certified by the Alabama Fire
22 College as a Fire Inspector II and appointed jointly by the
23 Alabama Fire College and the Personnel Standards Commission.

24 (f) Any ABCC member representing any of the
25 appointing entities listed in this section, if appointed,
26 shall be permitted to serve on a subcommittee in addition to
27 his or her service on the ABCC.

1 (g) Each member of the ABCC or a duly appointed
2 designee of the group he or she represents, as determined by
3 the appointing entities listed in Section 2(a), shall be
4 permitted to serve in an ex officio, nonvoting capacity on the
5 subcommittees established in this section.

6 Section 5. (a) All state and local building code
7 officials shall be certified by the International Code Council
8 and shall fulfill the continuing education requirements for
9 maintaining such certification.

10 (b) Persons conducting inspections on behalf of a
11 local municipality, a county, or the state at the time of
12 passage of this act are exempt from the certification
13 requirement. Such persons, however, are required to meet the
14 same continuing education requirements as certified officials
15 pursuant to subsection (a).

16 (c) Architects and engineers licensed by the State
17 of Alabama are exempt from the provisions of this act.

18 Section 6. The regulation, inspection, or
19 enforcement, or any combination thereof, of the statewide
20 building code by any governmental entity, or any agent or
21 employee of a governmental entity, shall not constitute a
22 warranty of any construction of a building or structure nor of
23 any work performed or materials utilized in the construction
24 of any building or structure subject to regulation under this
25 act.

1 Section 7. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.