

LEGISLATIVE UPDATE
2006 Code

The State Fire Commission, meeting in Jackson's Mill, Friday April 18, unanimously approved the following resolution:

***BE IT RESOLVED BY THE WEST VIRGINIA STATE FIRE COMMISSION,
MEETING IN REGULAR SESSION, FRIDAY, APRIL 18, 2008***

That all municipalities and counties adopting and enforcing the West Virginia State Building Code are hereby encouraged to use the 2006 editions of the International Code Council (ICC) codes and standards, as the standard for construction and renovation:

**International Building Code
International Residential Code
International Existing Building Code**

**International Plumbing Code
International Mechanical Code
International Fuel Gas Code
International Energy Conservation Code
International Property Maintenance Code, this code may be rejected at the option of the local jurisdiction; or, may be adopted by the local jurisdiction without requiring adoption of the other national codes;**

the 2003 edition of ICC/ANSI A117.1 - Accessible and Usable Facilities remains in effect

Should it be determined there is a conflict between any provision of the 2003 and 2006 editions of any of the ICC Codes, the 2003 edition shall prevail.

It gives municipalities and counties adopting the State Building Code authority to use the current editions until the 2009 editions are adopted.

Certification Rules

The Commission also approved unanimously authorizing the Fire Marshal to file the corrections to the legislative rules governing our certification and continuing education requirements, correcting the building code rule on the appeals board, etc. This means the changes we requested are approved and will be sent to the Legislative Rule Making Committee for action in January. Until then the Fire Marshal will use the approved corrections when interpreting our certification rules or applications.

2009 Code Editions

The Fire Commission also voted unanimously to begin the process of adopting the 2009 ICC Codes and the 2009 NFPA Fire Codes as soon as possible. The Legislative Rule process requires submission of the proposed rule change (updating the editions with any amendments) by July. Since the 2009 editions won't get final approval until the September Annual ICC Conference, Fire Commission approval, public hearing, etc, can't happen until the 2009 editions are published. That means submission to the Legislative Rule Making Committee by July of 2009, legislative adoption in the 2010 legislative session.

However, filing an emergency rule is possible. The Fire Marshal has been advised that the Secretary of State does not favor emergency rules and has not approved any recently. Mrs. Betty Ireland is not running for re-election. The new Secretary of State may be more receptive to our reasons for an emergency rule. If so, that means both the Building and Fire Codes could be adopted in the spring of 2009, by an emergency rule. We won't know until after the November election results are in.

2008 NFPA 70/NEC

The Homebuilders Association of West Virginia filed objections to adoption of the 2008 NEC, seeking to amend some of the changes in requirements for arc fault protection. This will delay adoption or recognition of the 2008 NEC as part of the State Fire and Building Codes until the objections can be resolved. The issue appears to be cost. The Homebuilders numbers differ from others including some from IAEL.

More details on all these items at the June 12, 2008 WVCOA meeting at Days Hotel, Sutton.