

1 HB526  
2 90534-3  
3 By Representatives Hill, Black, Spicer, Ball, Guin, Morrow,  
4 Gaston, Newton (D), Boothe, Baker (L), Johnson, Clouse, Mask,  
5 Faust, Bridges, Beck, Ison and Gipson  
6 RFD: Commerce  
7 First Read: 29-MAR-07



1 (5) One member appointed by the Alabama Association  
2 of County Commissioners.

3 (6) One member appointed by the Alabama League of  
4 Municipalities.

5 (7) One member appointed by the Home Builders  
6 Association of Alabama.

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

9 (9) One member of the Property and Casualty  
10 Insurance Industry, possessing knowledge in building codes,  
11 appointed by the Governor.

12 (10) One member of the general public appointed by  
13 the Governor.

14 ~~(11) One member appointed by the Independent~~  
15 ~~Insurance Agents and Brokers Association of Alabama.~~

16 (b) Each member shall be a resident of Alabama and  
17 be appointed to serve a ~~six-year~~ three-year term and is  
18 eligible for reappointment. Members may continue to serve  
19 beyond the end of a term of office in a holdover capacity  
20 until such time as they are reappointed or their successors  
21 are appointed. Holdover service shall not extend a succeeding  
22 term of office.

23 (c) The membership of the council and the  
24 subcommittees of the council shall be inclusive and shall  
25 reflect the racial, gender, geographic, urban and rural, and  
26 economic diversity of the state.

1                   Section 3. (a) Except as provided in ~~subsection (d)~~  
2                   subsections (d), (e) and (f), the Alabama Building Code  
3                   Council shall establish, adopt, amend, and update the  
4                   statewide building code. The code shall be the standard to  
5                   which all residential and commercial structures in the State  
6                   of Alabama are built and shall be known as the Alabama  
7                   Building Code (ABC).

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

- 10                   a. 2006 International Building Code.
- 11                   b. 2006 International Residential Code.
- 12                   c. 2005 National Electric Code.
- 13                   d. 2006 International Plumbing Code (IPC).
- 14                   e. 2006 International Mechanical Code (IMC).
- 15                   f. 2006 International Fire Code (IFC).
- 16                   g. 2006 International Fuel Gas Code (IFGC).
- 17                   h. 2006 International Code Council Performance Code  
18                   (ICCPC).
- 19                   i. 2006 International Existing Buildings Code  
20                   (IEBC).

21                   (2) Future adoptions by the ABCC shall be based on  
22                   subsequent editions of the aforementioned codes.

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

1           (d) Actions of the ABCC shall comply with the notice  
2 provisions of the Alabama Administrative Procedure Act.

3           ~~(d)~~ (e) This act shall not apply to the erection or  
4 construction of a farm structure.

5           ~~The term "farm structure" for purposes of this act~~  
6 ~~means a structure that is constructed on a farm for use on the~~  
7 ~~farm, including, but not limited to, a barn, shed, or poultry~~  
8 ~~house.~~

9           ~~The term "farm structure" does not include a~~  
10 ~~residential house or a structure attached to a residential~~  
11 ~~house or to a structure originally qualifying as a farm~~  
12 ~~structure but subsequently converted to another use, or to a~~  
13 ~~public livestock area.~~

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

21           (f) This act shall not apply to the Alabama Building  
22 Commission, its employees and any structures built pursuant to  
23 Sections 41-9-140 thru 41-9-174, Code of Alabama 1975.

24           (g) This act shall not apply to the State Board of  
25 Health, its employees, and any structures built pursuant to  
26 the authority of Sections 22-21-20 thru 22-21-46, Code of  
27 Alabama 1975.

1           (h) Any structure covered by the provisions of this  
2 act shall be completed according to the code requirements in  
3 effect at the time the building permit is issued. This  
4 includes structures under construction prior to the time of  
5 passage of this act.

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

8           (1) The Residential Code Subcommittee which shall  
9 have sole jurisdiction of building codes affecting all one-  
10 and two-family residences and townhouses as well as  
11 conventionally framed multifamily buildings of four stories or  
12 less in height.

13           (2) The Commercial Code Subcommittee shall have sole  
14 jurisdiction of building codes affecting all commercial  
15 structures, as well as multifamily residences greater than  
16 four stories in height, or less if not conventionally framed.

17           (b) The ABCC shall approve ~~or reject~~ the  
18 recommendations for proposed building code standards as  
19 provided by each subcommittee upon a majority vote of the ABCC  
20 members. If rejected, the recommendations ~~shall~~ may be  
21 returned to the subcommittee of jurisdiction for  
22 reconsideration.

23           (c) In a situation in which a code affects both  
24 residential and commercial construction, both subcommittees  
25 shall convene in joint session in order to discuss and forward  
26 recommendations.

1 (d) The Standing Residential Code Subcommittee shall  
2 be composed as follows:

3 (1) Three residential home builders, licensed by the  
4 Home Builders Licensure Board, and appointed by the Home  
5 Builders Association of Alabama.

6 (2) Three code officials, employed by a county or  
7 city building code inspection department and appointed by the  
8 Code Officials Association of Alabama.

9 (3) One member of the ABCC, knowledgeable in  
10 residential construction, not representing either of the two  
11 groups mentioned above.

12 (e) The Commercial Code Subcommittee shall be  
13 composed as follows:

14 (1) Two commercial contractors, licensed by the  
15 Alabama Licensing Board for General Contractors, and appointed  
16 by the Alabama Association of General Contractors.

17 (2) One commercial contractor, licensed by the  
18 Alabama Licensing Board for General Contractors, and appointed  
19 by the Associated Builders and Contractors of Alabama.

20 (3) Three code officials, employed by a county or  
21 city building code inspection department and appointed by the  
22 Code Officials Association of Alabama.

23 (4) One member of the ABCC, knowledgeable in  
24 commercial construction, not representing either of the two  
25 groups mentioned above.

26 (f) Any ABCC member representing any of the  
27 appointing entities listed in Section 4 of this act, if

1 appointed, shall be permitted to serve on a subcommittee in  
2 addition to his or her service on the ABCC.

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

8 Section 5. (a) The ABCC may amend the Alabama  
9 Building Code as it deems appropriate. Local amendments or  
10 variances must be submitted for approval by the ABCC. The  
11 appropriate subcommittee shall review proposed amendments or  
12 variances and present its recommendations to the ABCC. All  
13 recommendations of a subcommittee shall require five  
14 affirmative votes in order to be approved by the subcommittee.  
15 Recommendations by joint sessions of the subcommittees shall  
16 require 10 affirmative votes in order to be approved. Once  
17 approved, recommendations shall be forwarded to the ABCC for  
18 consideration.

19 (b) The ABCC shall approve or reject the  
20 recommendations of each subcommittee by a majority vote of the  
21 ABCC members. If rejected, the recommendations shall be  
22 returned to the subcommittee of jurisdiction for  
23 reconsideration. If approved, any local governing authority  
24 may thereafter utilize an amendment or variance without having  
25 to seek separate approval from the ABCC. The ABCC shall  
26 maintain a list of all currently approved local amendments and

1 variances. Local amendments that have not been approved by the  
2 ABCC are void.

3 (c) The ABCC may choose to amend the codes  
4 recommended by either subcommittee. Any amendment not  
5 recommended by either subcommittee shall require a four-fifths  
6 vote of the ABCC for approval.

7 Section 6. Excluding local governmental entities  
8 exempted by Section 7, any governmental entity, whether state  
9 or local, which is charged with or elects to enforce building  
10 codes in Alabama shall comply with and enforce the Alabama  
11 Building Code as adopted by the ABCC. Any building code or  
12 standard adopted by any governmental entity, whether state or  
13 local, which is in conflict with the code adopted by the ABCC  
14 is void.

15 Notwithstanding any other provisions of this bill,  
16 if a local governmental entity has a stricter building code  
17 adopted, then the local governmental entity's code shall not  
18 be voided or changed by any provision of this bill.

19 ~~Section 7. Local governmental entities that, at the~~  
20 ~~time of passage of this law, have adopted and are currently~~  
21 ~~enforcing the 2003 or 2006 versions of the ICC codes are~~ Local  
22 governmental entities that have adopted and are enforcing the  
23 2003 or 2006 versions of the ICC codes on or before April 15,  
24 2007, are exempt from the requirements of this act until such  
25 time as they choose to adopt, amend, or update their local  
26 building codes.

27 Section 8. Certification of Building Code Officials:

1 (a) All state and local building code officials  
2 shall be certified by the International Code Council and shall  
3 fulfill the continuing education requirements for maintaining  
4 such certification.

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

11 (c) Architects and engineers, licensed by the State  
12 of Alabama, are exempt from the provisions of this act.

13 Section 9. The regulation, inspection, and/or  
14 enforcement of the statewide building code by any governmental  
15 entity, or any agent or employee of a governmental entity,  
16 shall not constitute a warranty of any construction of a  
17 building or structure nor of any work performed or materials  
18 utilized in the construction of any building or structure  
19 subject to regulation under this act.

20 Section 10. No cause of action shall be brought  
21 against the state, a county, or a municipality, or any agents  
22 or employees of the state, a county, or a municipality, as a  
23 result of any action or inaction taken by the governmental  
24 entity or its agents or employees pursuant to the provisions  
25 of this act.

1                   Section 11. 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.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Commerce ..... 29-MAR-07

Read for the second time and placed  
on the calendar with 1 substitute  
and ..... 05-APR-07

Read for the third time and passed  
as amended ..... 24-MAY-07

Yeas 80, Nays 10, Abstains 1

Greg Pappas  
Clerk