

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #7

Do Not Mark In This Box
Filing Date

FILED

2002 JAN 30 A 9:31

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Effective Date

NOTICE OF AN EMERGENCY RULE

AGENCY: STATE FIRE COMMISSION TITLE NUMBER: 87

CITE AUTHORITY: 29-3-5b

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 6

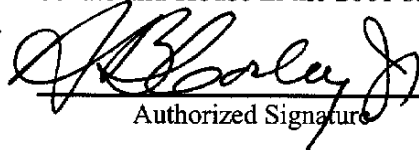
TITLE OF RULE BEING PROPOSED: Licensing, Registration, Certification Standards-Building Code
Officials, Building Inspectors, Plans Examiners

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

The passage of SB 630 (2001) authorized the State Fire Commission to promulgate rules and regulations setting standards for licensure, registration, certification, continuing education and training of municipal, county or other public sector building code officials building code inspectors, and building code plans examiners. Consumer protection, municipal and/or county liability, in building code enforcement and use of contract inspectors requires, the quickest possible rule adoption. The adoption of standards for electrical inspectors, approved unanimously by both the Senate and House in the 2001 session, is part of this emergency rule and deemed a legislative priority.

Use additional sheets if necessary


Authorized Signature

\$4.80



EMERGENCY RULE QUESTIONNAIRE

DATE: 29 Jan 2002

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) STATE FIRE COMMISSION
1207 Quarrier Street, Suite 202, Charleston, WV 25301

Questions should be directed to State Fire Commissioner Francis Guffey, 165 Lake Shore Drive, Cross Lanes, WV 25313, (304) 776-4915

EMERGENCY RULE TITLE: Licensing, Registration, Certification Standards - Buidlings Code

1. Date of filing 30 Jan 2002

2. Statutory authority for promulgating emergency rule:
29-3-5b

3. Date of filing of proposed legislative rule: _____

4. Does the emergency rule adopt new language or does it amend or appeal a current legislative rule? _____

5. Has the same or similar emergency rule previously been filed and expired?
NO

6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the **immediate** preservation of public peace, health, safety or welfare.
Any delay in implementing standards for building code inspectors (including electrical inspectors), plans examiners and code officials will create additional hardship on municipalities, counties in hiring qualified personnel for building code enforcement, contractors and consumers by limiting or reducing the number and quality of inspections, plans examination services.

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

No time limit by code or federal mandate

8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

The lack of standards for building code enforcement licensing, registration, certification, continuing education and training standards for code officials; building, residential, electrical, plumbing, mechanical, energy conservation property maintenance & housing, handicapped accessibility and fuel gas inspectors creates substantial harm to the public interest by increasing the likelihood of substandard inspections, plans review and subsequent substandard construction or renovation an potentially dangerous health or safety conditions on both private and public projects.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Licensing, Registration, Certification Standards - Building Code Officials, Building

Type of Rule: XXXX Legislative _____ Interpretive _____ Procedural

Agency: STATE FIRE COMMISSION

Address: 1207 Quarrier Street, Suite 202, Charleston, West Virginia 25301

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	10,000	-0-	10,000	10,000	10,000
PERSONAL SERVICES	5,000	-0-	5,000	5,000	5,000
CURRENT EXPENSE	5,000	-0-	5,000	5,000	5,000
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of Above Estimates:
Personnel time and benefits for response to matters pertaining to the respective rules and providing the office supplies, forms, licensing documents, etc.

3. Objectives of These Rules:
to provide a certification, registration, and licensing mechanism for those involved with enforcement of the state building code.

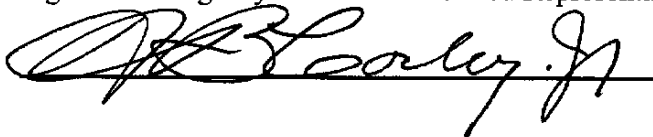
Rule Title: Licensing, Registration, Certification Standards - Building Code Officials, Buildi

4. Explanation of Overall Economic Impact of Proposed Rule:

- A. Economic Impact on State Government:
Since this is a new rule there will be some cost to state government. Start up costs will come out of existing appropriations. There is a fee involved and this will offset part of the cost of the program. At this time we have no estimates as to how many individuals or license will be issued.
- B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens: this is a new licensing requirement and is therefore an additional cost to those individuals who will be required to obtain the respective license.
- C. Economic Impact on Citizens/Public at Large.
Since this appears to be directed to those inspectors employed by local jurisdictions, it would be expected that the local jurisdictions will inpose certain fees through the state building code for the respective required inspections..

Date: 29 Jan 2002

Signature of Agency Head or Authorized Representative:



WV Secretary of State
Administrative Law Division.

NOTICE OF EMERGENCY RULE

Agency: **State Fire Commission**

Title # : **87**

Authority : **29-3-5b**

Emergency Amendment To An Existing Rule: **No**

Series # of Emergency Rule: **5**

Facts & Circumstances: The passage of Senate Bill #630 authorized the State Fire Commission to promulgate rules and regulations setting standards for licensure, registration, certification, continuing education and training of municipal, county or other public sector building code officials, building code inspectors, and building code plans examiners. Consumer protection, municipal and/or county liability, in building code enforcement and use of contract inspectors requires, the quickest possible rule adoption. The adoption of standards for electrical inspectors, approved unanimously by both the Senate and the House this session, is part of this emergency rule and deemed as a legislative priority.

No time limit, by Code or federal mandate

The lack of standards for building code enforcement licensing, registration, certification, continuing education and training standards for code officials; building, residential, electrical, plumbing, mechanical, energy conservation, property maintenance & housing, handicapped accessibility and fuel gas inspectors creates substantial harm to the public interest by **increasing the likelihood of substandard inspections, plan review and subsequent substandard construction or renovation an potentially dangerous health or safety conditions on both private and public projects.**

Date :

To : LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Fr : WV State Fire Commission

EMERGENCY RULE TITLE : **Licensing, Registration, Certification Standards -
Building Code Officials, Building Inspectors, Plans
Examiners**

Date of Filing :

Statutory Authority : **29-3-5b**

Date of filing proposed legislative rule:

New language, amend or appeal : **New rule**

Facts and circumstances for immediate preservation of public peace, etc: **Any delay in implementing standards for building code inspectors (including electrical inspectors), plans examiners and code officials will create additional hardship on municipalities, counties in hiring qualified personnel for building code enforcement, contractors and consumers by limiting or reducing the number and quality of inspection, plans examination services.**

**EMERGENCY
WEST VIRGINIA LEGISLATIVE RULE
STATE FIRE COMMISSION
TITLE 87
SERIES 5
LICENSING, REGISTRATION, CERTIFICATION STANDARDS -
BUILDING CODE OFFICIALS, BUILDING INSPECTORS, PLANS EXAMINERS**

87-5-1. General.

1.1 Scope. - This emergency legislative rule explains and clarifies Senate Bill #630 which authorizes the State Fire Commission to adopt rules and regulations for: the licensing and registration of municipal and county building code officials, building inspectors and building code plans examiners; establishing certification standards; and, continuing education and training requirements.

1.2. Authority. **29-3-5B**

1.3. Filing Date

1.4. Effective Date.

87-5-2. Definitions.

2.1. "Building Code" means the State Building Code as identified and adopted by the State Fire Commission.

2.2. "Building Code Official" means the municipal or county or other public sector officer in charge of a building department.

2.3. "Building Code Plans Examiner" means a municipal or county officer designated to review building construction plans for compliance with the state building code and applicable or related municipal or county codes or ordinances.

2.4. "Building Inspector" means a municipal or county officer who inspects building construction, renovation, remodeling or repair projects for compliance with the provisions of the state building code and applicable or related municipal or county codes or ordinances. Building inspector designations include, but are not limited to: building inspector; one & two family building (residential) inspector; electrical inspector, one & two family (residential) electrical inspector; plumbing inspector; one & two family (residential) plumbing inspector; mechanical inspector; one & two family (residential) mechanical inspector; property maintenance & housing inspector, elevator inspector and reinforced concrete inspector, or such inspector as may be designated by the state fire commission.

2.5. "Certification" means recognition of achievement of a specific level of professional competence in the building code an/or related filed or fields, as determined by testing programs provided and administered by the ICC (International Code Council).

EMERGENCY
WEST VIRGINIA LEGISLATIVE RULE
STATE FIRE COMMISSION

FILED

TITLE 87

2002 JAN 30 A 9:31

SERIES 5

LICENSING, REGISTRATION, CERTIFICATION STANDARDS, BUILDING CODE OFFICIALS, BUILDING INSPECTORS, PLANS EXAMINERS

87-5-1. General.

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2.5. "Certification" means recognition of achievement of a specific level of professional competence in the building code an/or related filed or fields, as determined by testing programs provided and administered by the ICC (International Code Council).

2.6. "Continuing Education" means the required hours of certification maintenance or professional training mandated annually by the state fire commission for all building code officials, building inspectors, and building code plans examiners.

87-5-3. Initial License-Registration.

3.1. Ninety (90) days after the effective date of this emergency rule, all municipal, county, or other public sector, building code officials, building code inspectors and building code plans examiners shall be licensed and registered as such by the state fire commission on forms proscribed by the commission. The registration form shall include a notarized affidavit signed by the applicant, his supervisor and the mayor, city manager, county commission president, or public sector agency head, attesting to the duties and responsibilities of the applicant, as related to the state building code and its enforcement. The state fire commission shall register and initially license each applicant, upon submission of the complete application and notarized affidavit, and payment of the license and registration fee, as a currently employed municipal, county or other public sector:

Building Code Official

Residential (One & Two Family) Building Inspector
Residential (One & Two Family) Electrical Inspector
Residential (One & Two Family) Mechanical Inspector
Residential (One & Two Family) Plumbing Inspector
Residential (One & Two Family) Energy Inspector
General (Commercial) Building Inspector
General (Commercial) Electrical Inspector
General (Commercial Mechanical Inspector
General (Commercial Plumbing Inspector
General (Commercial) Energy Inspector
Building Code Accessibility Specialist
Property Maintenance & Housing Inspector
Elevator Inspector
Reinforced Concrete Special Inspector
Prestressed Concrete Special Inspector

Building Plans Examiner
Electrical Plans Examiner
Mechanical Plans Examiner
Plumbing Plans Examiner

Licensing and registration shall be for one year and renewable annually thereafter under such renewal requirements and the fire commission shall make and shall be valid statewide in any political subdivision of the state.

3.2. All West Virginia Registered Professional Engineers and/or West Virginia Registered Professional Architects shall be qualified by current valid registration for licensure and registration as a building code official, building code inspector and/or building code plans examine, upon submission of an application and notarized affidavit. Registered engineers and/or architects shall not be required to include the notarized signature of the mayor, city manager or county commission president, but shall be required to include with their application a copy of their current professional registration.

3.3. Any CBO (Certified Building Official) or MCO (Master Code Official) as recognized by BOCA (Building Officials & Code Administrators), ICBO (International Council of Building Officials), SBCCI (Southern Building Code Congress International) and/or ICC (International Code Council) or any successor model building code organization, shall qualify for initial licensing and registration, without the affidavit signed by a mayor, city manager, county commission president or state agency head, upon application and a valid copy of CBO or MCO certification

3.4. Any building code official, building inspector or building plans examiner, not employed by a municipality, county or other West Virginia public sector agency, may qualify for initial registration by submission or a completed application, with affidavit signed by a mayor, city manager, county commission president or agency head, provided the application includes a copy of current certification by examination as offered jointly or individually by BOCA, ICBO, SBCCI, and/or ICC Certification Program(s), in the category or discipline the applicant files for licensure and registration.

3.5. Any West Virginia licensed electrician, journeyman or master, not employed by a municipality, county or other West Virginia public sector agency, may qualify for initial licensing and registration, by submitting a completed application, without the affidavit by a mayor, county commission president or state agency head, including a copy of a valid WV Electrician License, Journeyman or Master. The fire commission may recognize a valid electrician license, equal or comparable to the WV Journeyman or Master, from any other state or country.

3.6 The initial registration and licensing fee, payable to the state fire commission shall be \$100.00 per applicant. The license shall include all categories an application contains.

3.7. Any municipality, county or other public sector agency that adopts the state building code, in accordance with state fire commission provisions, within six months or the effective date of this rule, shall have 90 days from the date of the building code adoption to license and register, its building code official, building code inspectors and building code plans examiners as provided for in section 3.1.

87-5-4. Continuing Education.

4.1. Each individual building code official, building code inspector and/or building code plans examiner shall be required to satisfactorily complete not less than 15 contact hours of continuing education training annually to maintain a license and qualify for license renewal. The continuing education shall be in building code or related matters, subject to approval by the state fire commission.

4.2. The state fire commission may establish building code training provider standards, registration process and/or an annual registration fee, and standards for subject and trainer qualifications.

4.3. The continuing education requirement shall commence with the date of issuance of the initial license and continue every year thereafter to qualify a licensee for annual renewal.

87-5-5. License - Registration Renewal

5.1. Each licensee shall renew his license annually, to maintain qualification as a municipal, county or other public sector building code official, building code inspector or building code plans examiner

5.2. The state fire commission, not less than 30 days prior to license expiration shall forward renewal applications. The completed renewal application, documentation of continuing education compliance and payment of the renewal fee shall be the only requirements for license renewal, except certified building code officials, inspectors and/or plans examiners shall furnish documents of valid certification maintenance as a state license renewal requirement, in addition to the annual 15 hours of continuing education.

5.3. The renewal fee shall be \$100.00 annually.

87-5-6. Procedures After Initial License-Registration Period.

6.1 . Any municipal, county or other public sector building code official, building code inspector or building code plans examiner, employed after the effective date, shall register and apply for a license from the state fire commission within 30 days of such employment. He shall document minimum competency in the four building code discipline areas; building, electrical, mechanical and plumbing, of the ICC Certification Program, or any successor, or the below listed alternative:

(A) Building - successful completion of a building category examination; 1A, 1B or 1C and;

(B) Electrical - successful completion of an electrical category examination; 2A, 2B or 2C; or, document a valid WV Journeyman or Master Electrician License; or, document a valid

Journeyman or Master Electrician License from a state or country recognized as equal or comparable to WV electrician license requirements by the state fire commission, and:

(C) Mechanical - successful completion of a mechanical category examination; 4A, 4B or 4C and:

(D) Plumbing - successful completion of a plumbing category examination; 5A, 5B or 5C or;

(E) Present documentation of : valid registration as a WV Professional Engineer, or Professional Architect; certification as a Certified Building Official (CBO) or Master Code Official (MCO); certification equal to or comparable to WV standards from another municipality, county, state or country recognized by the state fire commission.

6.2. Any speciality or restricted inspector or plans examiner, limited to duties in a specific category or discipline, shall apply for registration and license within 30 days of employment, by a municipality, county or other public sector agency. The applicant shall document competency by successful completion of the ICC (or comparable) Certification Program Examination in the category or discipline his duties are restricted to; or, document a license or registration in the category or discipline, from a city, county, state or other public sector agency deemed equal to or comparable to WV standards, by the state fire commission. He shall be restricted to inspection or plans examination duties only the category licensed.

6.3. Any person hired, after the effective date, as a municipal, county or other public sector building code official, supervising a building department and the activities of its inspectors and plans examiners, shall meet the minimum requirements stated in section 6.1; or, document certification as a Certified Building Official (CBO); or, document valid current registration as a WV Professional Engineer or Architect; or, document registration or licensure as a building code official in an out-of-state public sector jurisdiction with equal or comparable standards, as recognized by the state fire commission.

87-5-7. Probationary License.

7.1. Any municipal, county or other public sector building code official, building code inspector, or building code plans examiner who does not immediately qualify for licensure and registration under section 6.1, may be granted a probationary license for not a period not to exceed two (2) years from date of employment. No probationary license holder shall be required to take more than two (2) certification examinations in any 12 month period. The state fire commission may grant an appeal from a municipality, county or other public sector agency for one (1) extension, not to exceed one (1) year for an individual probationary license, when unique or unusual circumstances of hardship are demonstrated that preclude completion of license requirements with the probationary period, provided the original probationary period has not expired.

87-5-8. Forms, Records, Fees.

8.1. The State Fire Commission shall provide all initial and renewal application forms. Initial forms shall be sent to all potential applicants within 90 days of the effective date. Completed initial applications shall be returned to the state fire commission within 30 days of receipt. Annual renewal applications shall be mailed by the commission not less than 60 days from license expiration date. Completed renewal applications, with continuing education and/or certification maintenance documentation, shall be returned to the commission not less than 30 days prior to the license expiration date.

8.2 The State Fire Commission shall be the repository of all building code official, inspector and plans examiner registration, license, renewal and continuing education records, and may make such administrative rules as it deems appropriate for such record maintenance.

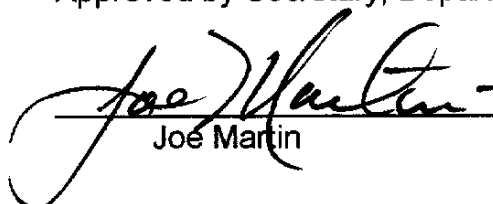
8.3. All building code official, inspector and plans examiner, license, registration and renewal fees shall be maintained in a special account and disbursed for related normal and customary administrative expenses pertinent to such registration, licensure, renewal, continuing education and training. The State Fire Commission may from time to time establish or revise by rule appropriate fee schedules for these or any additional building code related services it may be required to provide.

WEST VIRGINIA

LICENSING, REGISTRATION, CERTIFICATION STANDARDS-
BUILDING CODE OFFICIALS, BUILDING INSPECTORS, PLANS
EXAMINERS

Rules
Of the West Virginia
State Fire Commission

Approved by Secretary, Department of Military Affairs and Public Safety

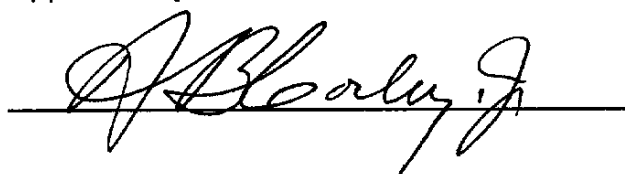


Joe Martin



Date

Approved by State Fire Commission



J. Borley



Date

STATE FIRE COMMISSION
1207 Quarrier Street, 2nd Floor
Charleston, WV 25301