

**WEST VIRGINIA
SECRETARY OF STATE
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ADMINISTRATIVE LAW DIVISION**

Form #4

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: West Virginia State Fire Commission TITLE NUMBER: 87

CITE AUTHORITY: W. Va. Code §29-3-5b(c)

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: 7

TITLE OF RULE BEING PROPOSED: STDS. FOR THE CERTIFICATION & CONT. EDUC.
OF MUNICIPAL, COUNTY, & OTHER PUBLIC
SECTOR BUILDING CODE OFFICIALS etc.

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


Authorized Signature

#3.00

TITLE 87
LEGISLATIVE RULES
STATE FIRE COMMISSION

FILED

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SERIES 7
STANDARDS FOR THE CERTIFICATION
AND CONTINUING EDUCATION OF MUNICIPAL,
COUNTY, AND OTHER PUBLIC SECTOR BUILDING CODE
OFFICIALS, BUILDING CODE INSPECTORS AND PLANS EXAMINERS

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§87-6-1 General

1.1 Scope: This rule establishes the requirements for the certification, continuing education and training of municipal, county and other public sector building code officials, building code inspectors and building code plans examiners to ensure compliance with the State Building Code.

1.2 Authority: West Virginia Code §29-3-5b(c).

1.3 Filing Date:

1.4 Effective Date:

§87-7-2 Definitions

2.1 "Building code inspector" is a person who conducts inspections and examinations of buildings in the process of construction or renovation to ascertain the level of compliance with the state building code.

2.2 "Building code official" is a person who oversees and administers the building code department in a city, county or other local government entity that has lawfully adopted the state building code. In this role, the person supervises building code inspectors, plans examiners, and other administrative and technical staff for the department.

2.3 "Building code plans examiner" is a person who examines and reviews construction or renovation plans and drawings for compliance with the requirements of the state building code.

2.4 "Continuing education" means additional training and education that is attained or pursued subsequent to initial certification by the State Fire Commission.

2.5 "Fire Commission" means the thirteen (13) appointed members of the West Virginia State Fire Commission.

2.6 "Fire Marshal" refers to the West Virginia State Fire Marshal and his or her designated representatives.

2.7 "ICC" refers to the International Code Council, currently headquartered in Falls Church, VA.

2.8 "State building code" refers to the code adopted by the West Virginia State Fire Commission in the Commission's rule, State Building Code, 87 CSR 4, including all provisions and all codes and standards incorporated by reference in the rule.

§87-7-3 Certification of Building Code Officials, Plans Examiners and Inspectors

3.1 A person may not be employed or serve as a public building code official, building code plans examiner or building code inspector unless that person is certified in his or her respective category by the State Fire Commission.

3.2 Categories and Qualification for Certification - The State Fire Commission may certify an individual with the following classification or category upon a sufficient showing that the person possesses these designated qualifications:

a. Building Code Official - successful completion of the training and examination necessary to be certified as a "Code Official" by the International Code Council, or an equivalent certification by an examination authority accepted by the State Fire Commission, or licensed to practice in this state as a Professional Engineer or Professional Architect;

b. Building Code Plans Examiner - successful completion of the training and examination necessary to be certified as a "Plans Examiner" by the International Code Council, or an equivalent certification by an examination authority accepted by the State Fire Commission, or licensed to practice in this state as a Professional Engineer or Professional Architect; and

c. Building Code Inspector - successful completion of the training and examination necessary to be certified as a "Inspector" by the International Code Council, or an equivalent certification by an examination authority accepted by the State Fire Commission, or licensed to practice in this state as a Professional Engineer or Professional Architect.

3.3 Any person employed as a building code official, building code inspector and building code plans examiner, no less than ninety days before the effective date of this rule, by a local government entity that has lawfully adopted the state building code, is considered qualified for his

or her respective position for purposes of initial certification. To become certified under this provision, a qualified person must file a registration with the Commission within 120 days of the effective date of this rule, using forms to be provided to be provided by the State Fire Marshal.

3.4 Any municipality, county, or other local government entity with the authority to adopt and enforce the state building code, that adopts the state building code within six months of the effective date of this rule may have its building code official, plans examiners and building code inspectors qualified for certification in the same manner and through the same registration process as provided in subsection 3.3 of this section.

3.5 Any person not qualified for certification under the provisions of subsections 3.3 and 3.4, shall apply for certification by demonstration of the qualifications established in subsection 3.2 of this section. Application for certification shall be made in writing to the State Fire Commission upon forms designated or prescribed by the State Fire Marshal.

3.6 The fee for certification is \$50.00.

§87-7-4 Continuing Education Requirement

4.1 In order to maintain a certification and qualify for the renewal of the certification, each building code official, building code plans examiner and building code inspector shall complete a minimum of 1.5 continuing education units annually in courses approved by the State Fire Commission. A continuing education unit is equivalent to 50 minutes of instruction.

4.2 The State Fire Commission may establish building code training provider standards, curriculum or subject matter standards, trainer qualifications and reporting requirements for continuing education programs.

§87-7-5 Renewal of Certification

5.1 Every building code official, building code plans examiner, and building code inspector shall renew his or her certification every three years. A certification is not valid for a period greater than three years.

5.2 The State Fire Marshal may designate the forms to be used for application for renewal of certification and shall make them available to all persons certified under this rule. Not less than 60 days prior to the expiration of a certification, the State Fire Marshal shall notify the person by mail of the pending expiration and provide that person with copies of the forms required to apply for renewal of the certification.

5.3 The fee for renewal of the certification is \$50.00.

§ 87-7-6 Alternative for Probationary Employment of Uncertified Officials

6.1 Upon a showing that there is a lack of certified persons available to serve a municipality, county or other local government entity as a building code official, building plans examiner or building code inspector, that government body may request that the State Fire Commission grant the entity provisional status for up to three years, during which the local government entity may employ up to two uncertified persons to serve in those positions. At or before the expiration of the provisional status, those persons shall obtain the necessary qualifications for certification or the local government entity shall hire certified individuals for the building code positions.

§87-7-7 Denial, suspension or revocation of certification; other fees

7.1 The State Fire Commission may deny, suspend or revoke any certification or application for certification for any of the following grounds:

- a. failure to provide sufficient or complete documentation;
- b. providing false documentation;
- c. making any misrepresentation in the process of application for certification or renewal of certification;
- d. failure to comply with the continuing education requirements;
- e. failure to submit full payment of certification fees; or
- f. failure to submit an application within the time periods provided by this rule.

7.2 The State Fire Commission may assess a late payment fee for any application submitted after the filing deadline according to the following schedule: \$50 for an application submitted less than fifteen days after the deadline, \$100 for an application submitted fifteen to thirty days after the deadline and \$200 for an application submitted more than thirty days after the filing deadline.

7.3 If any person fails to renew his or her certification within sixty days of the date of expiration of his or her certification, that person is not entitled to a renewal and shall reapply as a new applicant for certification.