

2024 -- H 7983

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY  
JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO HEALTH AND SAFETY -- STATE BUILDING CODE

Introduced By: Representatives Cruz, Potter, Diaz, Kislak, Kazarian, Giraldo, and Slater

Date Introduced: March 05, 2024

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-27.3-107.0, 23-27.3-107.4 and 23-27.3-108.2 of the General  
2 Laws in Chapter 23-27.3 entitled "State Building Code" are hereby amended to read as follows:

3 ~~23-27.3-107.0. Department of building inspection. State building code office.~~

4 There is hereby established within the department of business regulation a state building  
5 code office. The office is comprised of the state building code commissioner and the  
6 commissioner's staff, the contractors' registration and licensing board, the building code  
7 commission, the design professionals unit, and the building code standards committee and all other  
8 applicable subcommittees.

9 ~~23-27.3-107.4. Qualifications and duties of the state building commissioner.~~  
10 Qualifications of the state building commissioner.

11 ~~(a) The state building commissioner shall serve as the executive secretary to the state~~  
12 ~~building code standards committee. In addition to the state building commissioner's other duties as~~  
13 ~~set forth in this chapter, the state building commissioner shall assume the authority for the purpose~~  
14 ~~of enforcing the provisions of the state building code in a municipality where there is no local~~  
15 ~~building official.~~

16 ~~(b)~~ The state building commissioner shall be a member of the classified service, and for  
17 administrative purposes shall be assigned a position in the department of business regulation.  
18 Qualifications for the position of the state building commissioner shall be established in accordance  
19 with provisions of the classified service of the state, and shall include the provision that the

1 qualifications include at least ten (10) years' experience in building or building regulations  
2 generally, and that the commissioner be an architect or professional engineer licensed in the state  
3 or a certified building official presently or previously employed by a municipality and having at  
4 least ten (10) years' experience in the building construction or inspection field.

5 **23-27.3-108.2. State building commissioner's duties. Duties of the state building code**  
6 **commissioner.**

7 (a) ~~This code shall be enforced by the state building commissioner as to any structures or~~  
8 ~~buildings or parts thereof that are owned or are temporarily or permanently under the jurisdiction~~  
9 ~~of the state or any of its departments, commissions, agencies, or authorities established by an act~~  
10 ~~of the general assembly, and as to any structures or buildings or parts thereof that are built upon~~  
11 ~~any land owned by or under the jurisdiction of the state.~~ The state building code commissioner shall  
12 have the authority to enforce and perform the duties required by the state building code, chapter 27  
13 of this title, and all codes referenced therein and adopted thereunder, and all other provisions of the  
14 general laws and public laws insofar as such powers and duties relate to building codes and building  
15 inspection.

16 (b) The state building code commissioner shall work to standardize building code  
17 interpretations across the state and ensure consistent enforcement of the code throughout the state.

18 (c) The state building code commissioner shall be responsible for the statewide certification  
19 of all building officials and inspectors. No individual shall serve as a building official, or inspector  
20 without first satisfying minimum qualifications set forth in § 23-27.3-107.1.1 as determined  
21 through regulations promulgated by the department of business regulation and building code office.

22 ~~(b)~~(d) Permit fees for the projects shall be established by the committee. The fees shall be  
23 deposited as general revenues.

24 ~~(e)~~(e)(1) The local cities and towns shall charge each permit applicant an additional .1  
25 (.001) percent levy of the total construction cost for each permit issued. The levy shall be limited  
26 to a maximum of fifty dollars (\$50.00) for each of the permits issued for one- and two-family (2)  
27 dwellings. This additional levy shall be transmitted monthly to the state building office at the  
28 department of business regulation, and shall be used to staff and support the purchase or lease and  
29 operation of a web-accessible service and/or system to be utilized by the state and municipalities  
30 for uniform, statewide electronic plan review, permit management, and inspection system and other  
31 programs described in this chapter. The fee levy shall be deposited as general revenues.

32 (2) On or before July 1, 2013, the building commissioner shall develop a standard statewide  
33 process for electronic plan review, permit management, and inspection. The process shall include,  
34 but not be limited to: applications; submission of building plans and plans for developments and

1 plots; plan review; permitting; inspections; inspection scheduling; project tracking; fee calculation  
2 and collections; and workflow and report management.

3 (3) On or before December 1, 2013, the building commissioner, with the assistance of the  
4 office of regulatory reform, shall implement the standard statewide process for electronic plan  
5 review, permit management, and inspection. In addition, the building commissioner shall develop  
6 a technology and implementation plan for a standard web-accessible service or system to be utilized  
7 by the state and municipalities for uniform, statewide electronic plan review, permit management,  
8 and inspection. The plan shall include, but not be limited to: applications; submission of building  
9 plans and plans for developments and plots; plan review; permitting; inspections; inspection  
10 scheduling; project tracking; fee calculation and collections; and workflow and report management.

11 ~~(f)~~(f) The building commissioner shall, upon request by any state contractor described in  
12 § 37-2-38.1, review, and when all conditions for certification have been met, certify to the state  
13 controller that the payment conditions contained in § 37-2-38.1 have been met.

14 ~~(g)~~(g) The building commissioner shall coordinate the development and implementation of  
15 this section with the state fire marshal to assist with the implementation of § 23-28.2-6. On or before  
16 January 1, 2022, the building commissioner shall promulgate rules and regulations to implement  
17 the provisions of this section and § 23-27.3-115.6.

18 ~~(h)~~(h) The building commissioner shall submit, in coordination with the state fire marshal,  
19 a report to the governor and general assembly on or before April 1, 2013, and each April 1  
20 thereafter, providing the status of the web-accessible service and/or system implementation and  
21 any recommendations for process or system improvement. In every report submitted on or after  
22 April, 2024, the building commissioner shall provide the following information:

23 (1) The identity of every municipality in full compliance with the provisions § 23-27.3-  
24 115.6 and the rules and regulations promulgated pursuant to the provisions of this section;

25 (2) The identity of every municipality failing to fully implement and comply with the  
26 provisions of § 23-27.3-115.6 and/or the rules and regulations promulgated pursuant to the  
27 provisions of this section, and the nature, extent, and basis or reason for the failure or  
28 noncompliance; and

29 (3) Recommendations to achieve compliance by all municipalities with the provisions of §  
30 23-27.3-115.6 and the rules and regulations promulgated pursuant to this section.

31 ~~(i)~~(i) The building commissioner shall assist with facilitating the goals and objectives set  
32 forth in § 28-42-84(a)(9).

33 (j) The state building code commissioner shall serve as the executive secretary to the state  
34 building code standards committee.

1           (k) In addition to the state building code commissioner's other duties as set forth in this  
2 chapter, and notwithstanding the same, the state building code commissioner and the  
3 commissioner's staff shall assume the authority for the purposes of enforcing the provisions of the  
4 state building code in a municipality where there is no local building official or alternate as detailed  
5 in § 23-27.3-107.2, or where there are no local building inspectors.

6           SECTION 2. Chapter 23-27.3 of the General Laws entitled "State Building Code" is hereby  
7 amended by adding thereto the following section:

8           **23-27.3-108.3. State building code education and training academy.**

9           (a) There shall be a building code education and training unit within the state building code  
10 office, which shall be overseen by the state building code commissioner or the commissioner's  
11 designee. This unit shall be headed by a staff member designated by the commissioner responsible  
12 for operational development and oversight of the training unit.

13           (b) Other staff and resources, such as part-time instructors, shall be requested consistent  
14 with the state budget process.

15           (c) The training unit shall be responsible for implementing uniform building code  
16 education and training programs for all building officials and inspectors statewide.

17           SECTION 3. This act shall take effect on January 1, 2025.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO HEALTH AND SAFETY -- STATE BUILDING CODE

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1           This act would amend various provisions relative to the duties of the state building  
2 commissioner and would establish a building code education and training unit to educate building  
3 officials and inspectors statewide.

4           This act would take effect on January 1, 2025.

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