

2022 -- S 2856

LC005314

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO HEALTH AND SAFETY -- STATE BUILDING CODE

Introduced By: Senators Ciccone, F Lombardi, and McCaffrey

Date Introduced: April 05, 2022

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-27.3-107.1.1, 23-27.3-107.3, 23-27.3-107.5, 23-27.3-107.7 and  
2 23-27.3-109.1.3.2 of the General Laws in Chapter 23-27.3 entitled "State Building Code" are  
3 hereby amended to read as follows:

4 **23-27.3-107.1.1. ~~Local inspector~~ State and local inspector -- Qualifications -- Powers**  
5 **and duties.**

6 (a) The appropriate state or local authority may appoint one or more ~~local~~ full-time or part-  
7 time inspectors to assist the building official in the performance of his or her duties and in the  
8 enforcement of this code.

9 (b)(1) Building Inspectors-1 shall have a minimum of three (3) years' experience in ~~general~~  
10 ~~building residential~~ construction ~~and except for the length of experience required shall possess~~  
11 ~~similar qualifications of a local building official as required by § 23-27.3-107.5~~, and shall possess  
12 an International Code Council (ICC) certification as a Residential Building Inspector. ~~However,~~  
13 ~~ICC certification as a Residential Building Inspector shall not be required in the case of a building~~  
14 ~~inspector holding a current state certification prior to July 1, 2010.~~ or any combination of education  
15 and experience that the building code standards committee deems to be substantially equivalent.  
16 The Building Inspector-1 shall complete the state certification program within one year of  
17 employment and shall. ~~A Building Inspector-1 is responsible to~~ enforce the provisions of the state  
18 residential code SBC-2.

19 Building Inspectors-2 shall have a minimum of three (3) years' experience in ~~general~~

1 ~~building~~ both residential and commercial construction; shall possess ICC certifications as a  
2 Residential Building Inspector and Commercial Building Inspector; ~~and shall possess similar~~  
3 ~~qualifications of a local building official, as required by § 23-27.3-107.5. However, ICC~~  
4 ~~certification as a Residential Building Inspector and a Commercial Building Inspector shall not be~~  
5 ~~required in the case of a building inspector holding a current state certification prior to July 1, 2010.~~  
6 ~~A Building Inspector 2 is authorized to~~ or any combination of education and experience that the  
7 building code standards committee deems to be substantially equivalent. The Building Inspector-2  
8 shall complete the state certification program within one year of employment and shall enforce the  
9 provisions of both the state building code SBC-1 and the state residential code SBC-2.

10 (2) Electrical inspectors shall have a minimum of five (5) years' experience and a Rhode  
11 Island Class A or Class B electrician's license.

12 (3) Mechanical inspectors shall have a minimum of five (5) years' experience and a valid  
13 Rhode Island master pipe fitters I or journeyman contractor's license.

14 (4) Plumbing inspectors shall have a minimum of five (5) years' experience and a Rhode  
15 Island master or journeyman plumber's license.

16 (5) Mechanical and plumbing inspectors who have been enforcing either code prior to  
17 January 1, 1986, may continue to do so.

18 (c) Inspectors listed in this section shall have the authority to affix their signature to permits  
19 that pertain to the work they inspect.

20 **23-27.3-107.3. Appointment of personnel by state building commissioner.**

21 (a) The state building commissioner may appoint such other personnel as shall be necessary  
22 for the administration of the code. In the absence of a local building official or an alternate, as  
23 detailed in § 23-27.3-107.2, the commissioner shall assume the responsibility of the local building  
24 official ~~and inspectors as required by § 23-27.3-107.4~~ and shall designate one of the following  
25 agents to enforce the code:

26 (1) A member of the commissioner's staff who meets the qualifications of § 23-27.3-107.5  
27 and is certified in accordance with § 23-27.3-107.6.

28 (2) An architect or engineer contracted by the commissioner through the department of  
29 business regulation.

30 (3) A building official who is selected from a list of previously certified officials or  
31 inspectors.

32 (b) The salary and operating expenses for services provided in accordance with subsection  
33 (a)(1), (2), or (3) shall be reimbursed to the state by the city or town receiving the services and shall  
34 be deposited as general revenues. The attorney general shall be informed of any failure of the

1 appropriate local authority to appoint a local building official to enforce the code in accordance  
2 with §§ 23-27.3-107.1 or 23-27.3-107.2.

3 **23-27.3-107.5. Local building official -- Qualifications -- Powers and duties.**

4 The building official, to be eligible for appointment, shall have ~~had~~ at least five (5) years  
5 experience in ~~construction, design, or supervision~~ both residential and commercial construction,  
6 shall have been employed as a Building Inspector-2 for a minimum of one year, and shall possess  
7 an international code council (ICC) certification as a certified building official (CBO) or any  
8 combination of education and experience that the building code standards committee deems to be  
9 substantially equivalent. The building official shall ~~be generally informed on the quality and~~  
10 ~~strength of building materials, on the accepted requirements of building construction, on good~~  
11 ~~practice in fire prevention, on the accepted requirements regarding light and ventilation, on the~~  
12 ~~accepted requirements for safe exit facilities, and on other items of equipment essential for the~~  
13 ~~safety, comfort, and convenience of occupants, and shall be certified under the provisions of § 23-~~  
14 ~~27.3-107.6, and shall possess an international code council (ICC) certification as a certified~~  
15 ~~building official (CBO), except that~~ possess a thorough knowledge of the principles and practices  
16 of residential and commercial building construction and the ability to review plans and supervise  
17 staff in the enforcement of the state building code. However, the qualifications outlined in this  
18 section shall not be required in the case of a building official holding a current state certification  
19 prior to July 1, 2010. The building official shall pass upon any question relative to the mode, manner  
20 of construction, or materials to be used in the erection or alteration of buildings or structures. The  
21 building official shall require compliance with the provisions of the state building code of all rules  
22 lawfully adopted and promulgated thereunder, and of laws relating to construction, alteration,  
23 repair, removal, demolition, and integral equipment, and location, use, occupancy, and maintenance  
24 of buildings and structures, except as may be otherwise provided for. The building official or his  
25 or her assistant shall have the right of entry to buildings or structures, for the proper performance  
26 of his or her duties during normal business hours, except that in the case of an emergency the  
27 building official shall have the right of entry at any time, if the entry is necessary in the interest of  
28 public safety.

29 **23-27.3-107.7. Recertification and continuing education.**

30 (a) The committee shall offer a continuing educational program designed to assist all state  
31 and local building officials and inspectors in executing their responsibilities as defined in this  
32 chapter. Regular attendance at these programs shall be required to all building officials and  
33 inspectors, and no building official or inspector who attends a course of instruction shall lose any  
34 rights relative to compensation or vacation time.

1 (b) In order to provide for professional administration of the code and maintain the official's  
2 and inspector's level of competency, the committee shall develop regulations which will require the  
3 officials and inspectors to attend approved continuing education courses to retain their [state](#)  
4 certification. The committee shall develop the program within one year of July 3, 1989. The  
5 committee may make use of model code, regional or national education programs as a basis of the  
6 acceptable courses for credit in this program.

7 ~~(c) The financing for this continuing education program will be provided through the~~  
8 ~~registration fee for buildings required by chapter 64 of title 5.~~

9 **23-27.3-109.1.3.2. Penalties for violation as to manufactured homes.**

10 Whoever violates any provision of the federal act, including § 610 (42 U.S.C. § 5409), §§  
11 23-27.3-109.1.3 -- 23-27.3-109.3.4, or any federal or state regulation or final order issued  
12 thereunder shall be liable for a civil penalty ~~not to exceed a thousand dollars (\$1,000)~~ [in an amount](#)  
13 [set forth in the federal act](#), for each violation. Each violation of a provision of §§ 23-27.3-109.1.3  
14 -- 23-27.3-109.3.4, the federal act or any regulation or order issued thereunder shall constitute a  
15 separate violation with respect to each manufactured home or with respect to each failure or refusal  
16 to allow or perform an act required thereby, except that the maximum civil penalty may not exceed  
17 one million dollars (\$1,000,000) for any related series of violations, occurring within one year from  
18 the date of the first violation. Any individual, or a director, officer, or agent of a corporation who  
19 knowingly and willfully violates §§ 23-27.3-109.1.3 -- 23-27.3-109.3.4 or any section of the federal  
20 act in a manner which threatens the health or safety of any purchaser shall be fined not more than  
21 one thousand dollars (\$1,000) or imprisoned not more than one year, or both.

22 SECTION 2. This act shall take effect upon passage.

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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 and update the qualifications for state and local building inspectors  
2 and officials aligning state law with federal law and would also make several technical corrections.  
3           This act would take effect upon passage.

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