

**HB198 ENROLLED**



1 HB198  
2 TMLF199-2  
3 By Representative Brown  
4 RFD: County and Municipal Government  
5 First Read: 20-Feb-24



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1 Enrolled, An Act,

2

3 Relating to building codes; to designate Sections  
4 34-14A-1 through 34-14A-20 as Article 1 of Chapter 14A of  
5 Title 34, Code of Alabama 1975; to amend Sections 34-14A-1,  
6 34-14A-2, 34-14A-7, 34-14A-12, and 34-14A-20, Code of Alabama  
7 1975, to provide for the establishment of the Alabama  
8 Residential Building Code and its authority; to further  
9 provide for the practice of residential home building; to  
10 further provide for the duties of the Home Builders Licensure  
11 Board; to add Sections 34-14A-12.1 and 34-14A-12.2 to the Code  
12 of Alabama 1975, to add Article 2, commencing with Section  
13 34-14A-41, to Chapter 14A of Title 34, Code of Alabama 1975,  
14 to establish the Alabama Residential Building Code Division  
15 within the Home Builders Licensure Board and provide for its  
16 duties; to establish the Alabama Residential Building Code  
17 Fund in the State Treasury and provide for its administration;  
18 to add Article 3, commencing with Section 34-14A-80, to  
19 Chapter 14A of Title 34, Code of Alabama 1975, to establish  
20 the Alabama Residential Building Code Advisory Council and  
21 provide for its membership and duties; to add Article 3,  
22 commencing with Section 34-8-80, to Chapter 8 of Title 34,  
23 Code of Alabama 1975, to establish the Alabama Commercial  
24 Energy Code Advisory Committee within the State Licensing  
25 Board for General Contractors and provide for its membership  
26 and duties; to repeal Article 5, commencing with Section  
27 41-23-80, of Chapter 23, Title 41, Code of Alabama 1975,  
28 relating to the Alabama Energy and Residential Codes Board



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29 within the Alabama Department of Economic and Community  
30 Affairs; and to provide requirements for certain local  
31 building codes adopted or amended after a date certain.

32 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

33 Section 1. Sections 34-14A-1 through 34-14A-20 are  
34 designated as Article 1 of Chapter 14A, Title 34, Code of  
35 Alabama 1975.

36 Section 2. Sections 34-14A-1, 34-14A-2, 34-14A-7,  
37 34-14A-12, and 34-14A-20, Code of Alabama 1975, are amended to  
38 read as follows:

39 "§34-14A-1

40 (a) In the interest of the public health, safety,  
41 welfare, and consumer protection, and to regulate the home  
42 building and private residence construction industry, the  
43 purpose of this chapter, and the intent of the Legislature in  
44 passing it, is to:

45 (1) To provide for the licensure of ~~these~~ persons who  
46 engage in home building, private residence construction, and  
47 home improvement industries, including remodeling, ~~and to~~.  
48 ~~provide home building standards~~

49 (2) To establish an Alabama Residential Building Code.

50 (3) To provide guidance, assistance, promotion, and  
51 support for code inspections of residential construction. ~~and~~  
52 ~~to~~

53 (4) To support education within the construction trades  
54 and construction inspections in the State of Alabama.

55 (b) The Legislature recognizes that the home building  
56 and home improvement construction industries are significant



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57 ~~industries. Home builders may pose significant~~ and that  
58 significant harm to the public may result from the provision  
59 of ~~when unqualified, incompetent, or dishonest home builders~~  
60 ~~and remodelers provide inadequate, unsafe, or inferior~~  
61 building services by unqualified, incompetent, or dishonest  
62 home builders and remodelers. The Legislature finds it  
63 necessary to regulate the residential home building and home  
64 improvement industries."

65 "§34-14A-2

66 As used in this chapter, the following terms ~~shall~~ have  
67 the following meanings, respectively, unless the context  
68 clearly indicates otherwise:

69 (1) ADVERTISING. Engaging or offering to engage in any  
70 acts or services as a residential home builder by the act or  
71 practice of offering for sale professional services by  
72 promoting those services through print, radio or television  
73 media, on billboards, through social media, through  
74 promotional sponsorships, on vehicles, by the placement of  
75 signs in front of ongoing or completed worksites, or by  
76 displaying credentials, including licensure, to perform  
77 residential home building.

78 (2) ALABAMA RESIDENTIAL BUILDING CODE. The code adopted  
79 by the board, as amended by the board, and based on a  
80 published edition of the International Residential Code, and  
81 the residential chapters of a published edition of the  
82 International Energy Conservation Code.

83 (3) APPLICABLE RESIDENTIAL BUILDING CODE. The Alabama  
84 Residential Building Code or a local residential building code



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85 adopted by a county or municipality, pursuant to this chapter,  
86 where the construction, renovation, or repairs will take  
87 place.

88 ~~(1) ADVISORY COUNCIL. The Alabama Construction Trade~~  
89 ~~Advisory Council.~~

90 ~~(2)~~ (4) BOARD. The Home Builders Licensure Board.

91 ~~(3)~~ (5) COST OF THE UNDERTAKING. The total cost of the  
92 materials, labor, supervision, overhead, and profit.

93 (6) COUNCIL. The Alabama Residential Building Code  
94 Advisory Council.

95 (7) DIVISION. The Alabama Residential Building Code  
96 Division.

97 ~~(4)~~ (8) HOMEOWNER. A person who owns and resides in or  
98 intends to reside in a structure constructed or remodeled by a  
99 licensee of the board, or who contracts with a licensee for  
100 the purchase, construction, repair, improvement, or  
101 reimprovement of a structure to be used as a residence.

102 ~~(5)~~ (9) IMPROVEMENT. Any site-built addition or  
103 enhancement attached to or detached from a residence or  
104 structure for use and enjoyment by the homeowner.

105 ~~(6)~~ (10) INACTIVE LICENSE. A license issued at the  
106 request of a licensee, or a building official or a building  
107 inspector, that is renewable, but that is not currently valid.

108 ~~(7)~~ (11) LICENSE. Any license issued by the board  
109 pursuant to this chapter.

110 ~~(8)~~ (12) LICENSEE. A holder of any license issued  
111 pursuant to this chapter.

112 ~~(9)~~ (13) PERSON. Any ~~natural person~~ individual, limited



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113 or general partnership, corporation, association, limited  
114 liability company, or other legal entity, or any combination  
115 thereof.

116 ~~(10)~~(14) QUALIFYING REPRESENTATIVE. The individual  
117 designated by a general partnership, limited partnership,  
118 corporation, limited liability company, or not-for-profit  
119 organization applying for a license who either holds a license  
120 individually or meets the experience and ability requirements  
121 for licensure, and who is one of the following:

122 a. A general partner in the case of any partnership.

123 b. An officer in the case of a corporation.

124 c. A member in the case of a member-managed limited  
125 liability company.

126 d. A manager in the case of a manager-managed limited  
127 liability company.

128 e. An individual who is affiliated with one of the  
129 member entities of a limited liability company and who has  
130 been identified and authorized through the operating agreement  
131 to manage day-to-day operations as it relates to operations of  
132 the limited liability company for purposes of licensure.

133 ~~(11)~~(15) RESIDENCE. A single unit providing complete  
134 independent residential living facilities for one or more  
135 persons, including permanent provisions for living, sleeping,  
136 eating, cooking, and sanitation.

137 ~~(12)~~(16) RESIDENTIAL HOME BUILDER. A person who  
138 constructs a residence or structure for sale or who, for a  
139 fixed price, commission, fee, or wage, undertakes or offers to  
140 undertake the construction or superintending of the



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141 construction, or who manages, supervises, assists, or provides  
142 consultation to a homeowner regarding the construction or  
143 superintending of the construction, of any residence or  
144 structure that is not over three floors in height and that  
145 does not have more than four residential units, or the repair,  
146 improvement, or reimprovement thereof, to be used by another  
147 as a residence when the cost of the undertaking exceeds ten  
148 thousand dollars (\$10,000). Notwithstanding the foregoing, the  
149 term includes a residential roofer when the cost of the  
150 undertaking exceeds two thousand five hundred dollars  
151 (\$2,500). Nothing herein shall prevent any person from  
152 performing these acts on his or her own residence or on his or  
153 her other real estate holdings. Anyone who engages or offers  
154 to engage in any acts described in this subdivision, through  
155 advertising or otherwise, shall be deemed to have engaged in  
156 the business of residential home building.

157 ~~(13)~~(17) RESIDENTIAL ROOFER. A person who installs  
158 products or repairs surfaces on the external upper covering of  
159 a residence or structure that seals, waterproofs, or  
160 weatherproofs the residence or structure.

161 ~~(14)~~(18) STRUCTURE. A residence on a single lot,  
162 including a site-built home, a condominium, a duplex or  
163 multi-unit residential building consisting of not more than  
164 four residential units, or any improvement thereto.

165 ~~(15)~~(19) TRANSACTION. The act of entering into a  
166 contract with a licensee to engage in the business of  
167 residential home building."

168 "§34-14A-7



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169 (a) Any residential home builder who desires to receive  
170 a new or renewal license under this chapter shall make and  
171 file with the board 30 days prior to the next meeting of the  
172 board a written application on a form prescribed by the board.  
173 Each applicant shall be a citizen of the United States or, if  
174 not a citizen of the United States, a person who is legally  
175 present in the United States with appropriate documentation  
176 from the federal government. ~~Such~~The application shall be  
177 accompanied by the payment of the annual license fee required  
178 by the board. After the board accepts the application, the  
179 applicant may be examined by the board at its next meeting.  
180 The board, in examining the applicant, shall consider the  
181 following qualifications of the applicant:

182 (1) Experience.

183 (2) Ability.

184 (3) Character.

185 (4) Business-related financial condition.

186 a. The board may require a financial statement on a  
187 form prescribed by the board and a public records search  
188 directly from a credit reporting agency.

189 b. The board may require a positive net worth or other  
190 evidence of business-related financial condition sufficient to  
191 reasonably satisfy the board of the applicant's financial  
192 responsibility.

193 c. The board may require that business-related  
194 judgments, judgment liens, and other perfected liens must be  
195 satisfied and released.

196 d. Any information obtained by the board pursuant to





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197 this subsection relating to the financial condition of an  
198 applicant shall not be public information.

199 (5) Ability and willingness to serve the public and  
200 conserve the public health and safety.

201 (6) Any other pertinent information the board may  
202 require.

203 (b) (1) If the board finds the applicant qualified to  
204 engage in residential home building in Alabama, the applicant  
205 shall be issued a license. An applicant rejected by the board  
206 shall be given an opportunity to be reexamined after a new  
207 application has been filed and an additional application fee  
208 paid.

209 (2) A record shall be made and preserved by the board  
210 of each examination and the findings of the board pertaining  
211 to the examination. A copy of the record shall be made  
212 available to any applicant requesting it upon the payment of a  
213 reasonable fee to the board.

214 (c) The board, by rule, may require proof of and  
215 maintenance of insurance as a qualification for licensure.

216 (d) The board, by rule, may establish or adopt, or  
217 both, education requirements and may approve, administer, or  
218 financially support the program or programs providing  
219 residential construction education.

220 (e) (1) Each licensee shall notify the board within 10  
221 days after notice of the institution of any criminal  
222 prosecution against him or her. The notification shall be in  
223 writing, by certified mail, and shall include a copy of the  
224 specific charge made together with a copy of the indictment,



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225 information, or complaint, affidavit, and warrant making the  
226 charges.

227 (2) Each licensee shall notify the board in writing by  
228 certified mail within 10 days after he or she receives ~~the~~  
229 notice that any criminal verdict has been rendered against him  
230 or her, or that a criminal action pending against him or her  
231 has been dismissed.

232 (f) Each licensee shall ~~utilize~~use a valid written  
233 contract when engaging in the business of residential home  
234 building. In addition to any other requirements provided by  
235 law, the contract shall contain the licensee's license number  
236 issued by the board.

237 (g) Whenever a licensee engages in advertising, the  
238 licensee shall ensure that the licensee's valid license number  
239 issued by the board is displayed.

240 ~~(g)~~ (h) When any residential home building to be  
241 performed will comply with a program designed to enhance the  
242 resiliency of the structure beyond the requirements of the  
243 applicable building codes, the licensee shall disclose this  
244 compliance to the homeowner in writing prior to the  
245 commencement of the residential home building.

246 ~~(h)~~ ~~(1)~~ (i) (1) Any licensee who desires to receive an  
247 inactive license shall make and file with the board a written  
248 application for an inactive license on a form prescribed by  
249 the board prior to the expiration of his or her current  
250 license. The application shall be accompanied by the payment  
251 of the annual inactive license fee required by the board. No  
252 act for which a license is required may be performed under an



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253 inactive license. In the event a person holding a current  
254 inactive license applies for a license, he or she may rely  
255 upon his or her inactive license as evidence of the experience  
256 and ability requirements for licensure under subdivisions (1)  
257 and (2) of subsection (a).

258 (2) A person holding an expired license who seeks to  
259 reactivate his or her license within three years of the date  
260 of expiration shall be deemed to have satisfied the experience  
261 and ability requirements for licensure if application is made  
262 within the three-year time period and all other licensing  
263 requirements pursuant to subsection (a) have been met.

264 (3) Any building official or building inspector who  
265 desires to receive an inactive license shall make and file  
266 with the board 30 days prior to the next meeting of the board  
267 a written application for an inactive license on a form  
268 prescribed by the board. After the board accepts the  
269 application, the applicant may be examined by the board at its  
270 next board meeting. The board, in examining the applicant,  
271 shall consider the following qualifications of the applicant  
272 as satisfying the experience and ability requirements for  
273 licensure:

274 a. That the building inspector is an employee of the  
275 United States, the State of Alabama, or any municipality,  
276 county, or other political subdivision and, by virtue of that  
277 employment, is exempted or prohibited by law from holding a  
278 license; and

279 b. That the building inspector does any of the  
280 following:



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281 1. Maintains current certification from the Southern  
282 Building Code Congress International as one of the following:

283 (i) Chief building official.

284 (ii) Deputy building official.

285 (iii) Building inspector.

286 (iv) Housing inspector.

287 (v) Design professional.

288 (vi) Plan reviewer.

289 2. Maintains current certification from the  
290 International Code Council as one of the following:

291 (i) Certified building official.

292 (ii) Building inspector.

293 (iii) Residential building inspector.

294 (iv) Property maintenance and housing inspector.

295 (v) Building plans examiner.

296 (vi) Design professional.

297 3. Possesses sufficient building qualifications and  
298 experience to receive a license, as demonstrated by  
299 satisfactory evidence presented to the board.

300 (4) In the event a building official or building  
301 inspector holding a current inactive license applies for a  
302 license, he or she may rely upon his or her inactive license  
303 as evidence of the experience and ability requirements for  
304 licensure under subdivisions (1) and (2) of subsection (a)."

305 "§34-14A-12

306 ~~(a) The board may establish or adopt residential~~  
307 ~~building codes and standards of practice for residential home~~  
308 ~~builders within the state. A residential building code or~~



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309 ~~standard of practice adopted or established by the board does~~  
310 ~~not supersede or otherwise exempt residential home builders~~  
311 ~~from a local building law or code adopted by the governing~~  
312 ~~body of a county or municipality or from a local or general~~  
313 ~~law.~~

314 (a) The board shall have the sole authority to adopt  
315 the following codes:

316 (1) The Alabama Residential Building Code, which shall  
317 apply to all construction and improvements governed by this  
318 chapter.

319 (2) The Alabama Residential Energy Code, which shall  
320 apply to all residential construction and improvements.

321 (b) (1) The Alabama Residential Building Code shall be  
322 enforced by local jurisdictions that have permitting and  
323 inspection programs for residential construction and  
324 improvements that are adhered to by residential home builders.  
325 The Alabama Residential Building Code shall not supersede any  
326 local residential building code adopted by any county or  
327 municipality in effect on January 1, 2027.

328 (2) The Alabama Residential Energy Code shall be  
329 enforced by local jurisdictions that have adopted energy code  
330 provisions for residential and commercial construction and  
331 improvements. Provided however, provisions adopted by local  
332 jurisdictions may not exceed those contained within the  
333 Alabama Residential Energy Code.

334 (3) A local building code adopted by any county or  
335 municipality after January 1, 2027, shall meet the minimum  
336 standards of the Alabama Residential Building Code and the



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337 Alabama Residential Energy Code in effect at the time of the  
338 local building code adoption. The local building code may  
339 amend the standards as local conditions require, but no such  
340 adoption or amendment shall exceed the provisions of the  
341 Alabama Residential Energy Code unless local conditions or  
342 compliance with any federal mandate requires such adoption.

343 (4) Notwithstanding any other provision of law to the  
344 contrary, the Alabama Residential Building Code does not apply  
345 to any agricultural building except for any residence  
346 contained therein.

347 ~~(b) (c) (1) The county commissions of the several~~  
348 ~~counties~~ A county commission, by resolution, may adopt  
349 building laws and codes by ordinance which that shall apply in  
350 the unincorporated areas of the county. The county commission  
351 shall provide a copy of any resolution adopted pursuant to  
352 this subsection to the board within 10 business days of  
353 adopting the resolution.

354 (2) A local building law or code adopted pursuant to  
355 this subsection may not take effect until 120 days after the  
356 resolution was adopted; provided, in the case of an insurance  
357 claim requiring work and activities for which a license is  
358 required by this chapter, the effective date for the building  
359 law or code shall be the date of adoption by the local  
360 jurisdiction.

361 ~~(3) The building laws and codes of the county~~  
362 ~~commission shall not apply within any municipal police~~  
363 ~~jurisdiction, in which that municipality is exercising its~~  
364 ~~building laws or codes, without the express consent of the~~



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365 ~~governing body of that municipality.~~The building laws and  
366 codes of the county commission may be enforced within a  
367 municipality's police jurisdiction outside of the  
368 municipality's corporate limits as provided in Section  
369 11-40-10(b)(2). The building laws and codes of the county  
370 commission may apply within the corporate limits of any  
371 municipality only with the express consent of the governing  
372 body of the municipality.

373 (4) The county commission may employ building  
374 inspectors to see that its laws or codes are not violated and  
375 that the plans and specifications for buildings are not in  
376 conflict with the ~~ordinances~~laws and codes of the county and  
377 may exact fees to be paid by the owners of the property  
378 inspected.

379 (5) The county commission, by resolution, may  
380 discontinue its administration and enforcement of the building  
381 laws and codes. However, the discontinuation shall not take  
382 effect until 120 days after the resolution was adopted. The  
383 county commission shall provide a copy of the resolution to  
384 the board within 10 business days of adopting the resolution.

385 ~~(e)~~(d) Utilizing the same authority and procedures as  
386 municipalities pursuant to Sections 11-53A-20 to 11-53A-26,  
387 inclusive, the county commission may condemn buildings, parts  
388 of buildings, or structures dangerous to the public and  
389 prohibit the use thereof and abate the same as a nuisance.

390 ~~(d)~~(e) The county commissions, municipalities, and  
391 other public entities may enter into mutual agreements,  
392 compacts, and contracts for the administration and enforcement



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393 of their respective building laws and codes. A county  
394 commission or municipality shall provide a copy of the mutual  
395 agreement, compact, or contract to the board within 10  
396 business days of its execution.

397 (f) A county commission or municipality shall provide  
398 to the board a copy of any resolution, ordinance, or agreement  
399 adopted pursuant to Section 11-40-10(b)(2) within 10 business  
400 days of its adoption.

401 (g) Nothing in this section shall be construed to  
402 restrict the power of any county or municipality to adopt and  
403 enforce local building laws or codes that either comply with  
404 or exceed the minimum standards of the Alabama Residential  
405 Building Code; provided the local laws or codes are adopted or  
406 amended in accordance with this chapter."

407 "§34-14A-20

408 (a) The Alabama Construction Trade Academy Fund is  
409 established in the State Treasury. The fund shall be comprised  
410 of federal, state, and private funding through direct  
411 budgetary funding and grants for the expansion of construction  
412 trade education. To the extent practicable, monies in the fund  
413 shall be used to leverage other forms of funding from private  
414 sources. A percentage of matching funds, as established by the  
415 advisory council, must come from private, non-governmental  
416 sources. The board may not use more than 15 percent of the  
417 monies in the fund for administrative and operational costs  
418 incurred in the implementation and administration of this  
419 section. The board's statutory obligations pursuant to this  
420 chapter shall be contingent upon the appropriation of funding.





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421 (b) The board, in cooperation with public and private  
422 sector partners, shall establish a program to provide funding  
423 mechanisms for tool grants, program incentives, supplies,  
424 mobile facilities, and other programs to support the  
425 development and continuation of construction trade education  
426 programs in the state.

427 (c) The board shall administer the program and ~~shall~~may  
428 apply for funds from federal grant programs and other  
429 applicable funding sources authorized by law.

430 (d) (1) The Alabama Construction Trade Advisory Council  
431 is established. The advisory council shall consist of the  
432 following members:

433 a. One member appointed by and currently serving on the  
434 Home Builders Licensure Board.

435 b. One member appointed by and currently serving on the  
436 State of Alabama Plumbers and Gas Fitters Examining Board.

437 c. One member appointed by and currently serving on the  
438 State Licensing Board for General Contractors.

439 d. One member appointed by and currently serving on the  
440 State Board of Heating, Air Conditioning, and Refrigeration  
441 Contractors.

442 e. One member appointed by and currently serving on the  
443 Alabama Board of Electrical Contractors.

444 f. One appointee of the State Department of Education  
445 who specializes in technical trade education.

446 g. One appointee of the Alabama Community College  
447 System who specializes in technical trade education.

448 (2) Members of the advisory council shall be appointed



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449 for a period of one year. Membership on the advisory council  
450 shall be without compensation, except for reimbursement of  
451 necessary travel expenses as is paid to state employees for  
452 attending meetings and other necessary events of the advisory  
453 council. Any expenses paid to a member of the advisory council  
454 shall be paid by the member's appointing authority.

455 (e) The advisory council shall make recommendations to  
456 the board, and the board shall establish program guidelines,  
457 promote the program statewide, evaluate applications for  
458 funds, distribute funds, and monitor and report the effect of  
459 the funding on the availability of construction trade  
460 education. The board may adopt rules to implement and  
461 administer this section.

462 (f) The advisory council shall recommend and the board  
463 shall establish monitoring and accountability mechanisms for  
464 projects receiving funding. Not later than the fifth  
465 legislative day of each regular legislative session, the board  
466 shall file a report to the Legislature on the projects funded,  
467 the geographic distribution of projects funded, the private  
468 sector participation rates in funded projects, the  
469 administrative costs of the program, and the outcomes of the  
470 program, including the number of students and adult learners  
471 trained by each project funded through the program.

472 (g) The advisory council shall recommend and the board  
473 shall create eligibility guidelines and provide project  
474 funding through an application process. Projects eligible for  
475 funding include the following:

476 (1) Mobile demonstration units that show the various



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477 systems of a structure and how they interconnect.

478 (2) Tool and supply grants for public and private  
479 educational providers that provide construction trade  
480 education.

481 (3) Incentives for newly established construction trade  
482 education courses, with priority given to carpentry courses.

483 (4) Adult education initiatives that provide continued  
484 learning opportunities through mobile training facilities or  
485 distance learning opportunities with priority focus on those  
486 serving underserved areas and widely offered trainings.

487 (5) Any other proposal that in the opinion of the board  
488 would address the need for construction trade education in the  
489 state.

490 (h) An applicant may be a nonprofit organization,  
491 not-for-profit entity, public school system, two-year college,  
492 university, or other governmental entity. An applicant for  
493 funding shall do all of the following:

494 (1) Demonstrate its capacity to successfully implement  
495 the proposal.

496 (2) Demonstrate how the proposal shall positively  
497 impact construction trade education in the state.

498 (3) Demonstrate private sector support through matching  
499 funding.

500 (4) Establish an advisory council consisting of at  
501 least three active trade representatives from the construction  
502 trade being funded.

503 (5) For a period of not less than five years, agree to  
504 comply with the following conditions:



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505           a. Offer the courses funded through this section for a  
506 period of not less than five years.

507           b. Comply with all data collection and reporting  
508 requirements established by the board.

509           (i) In determining which qualified projects to fund,  
510 the board shall consider all of the following factors:

511           (1) The level of private sector support for the  
512 project.

513           (2) The level of need in the area in which the funding  
514 is directed.

515           (3) The projected number of students that will be  
516 served.

517           (4) The degree to which the project will have a  
518 positive impact on the availability of construction trade  
519 education in the area to be served.

520           (5) The degree to which the project will leverage  
521 public and private sector funds.

522           (j) The board shall establish program guidelines that  
523 require matching funds on all funded projects. A minimum of 10  
524 percent of matching funds shall be provided by private,  
525 non-governmental sources. Total matching funds required may  
526 not be required to exceed 25 percent of awarded state funds,  
527 although additional consideration may be provided to projects  
528 that exceed this amount.

529           (k) In the event that a recipient of funding provided  
530 by this section fails to provide the proposed project in  
531 accordance with the guidelines set forth by the board, any  
532 equipment, supplies, or materials acquired with the funding



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533 shall be transferred to the Alabama Home Builders Foundation  
534 for redistribution to public or private programs that provide  
535 construction trade education to high school, postsecondary, or  
536 adult learners supported by this section.

537 (1) Any and all proceeds from the sale of equipment,  
538 supplies, or materials acquired through academy funding shall  
539 go into the fund."

540 Section 3. Sections 34-14A-12.1 and 34-14A-12.2 are  
541 added to the Code of Alabama 1975, to read as follows:

542 §34-14A-12.1

543 Beginning January 1, 2027, a residential home builder  
544 within this state who constructs, renovates, or repairs a  
545 residence or structure shall do so in accordance with the  
546 applicable residential building code adopted pursuant to  
547 Section 34-14A-12 or, if applicable, the local jurisdiction's  
548 residential building code.

549 §34-14A-12.2

550 (a) Beginning on October 1, 2024, the Home Builders  
551 Licensure Board and any other state, municipal, or county  
552 governing body may not adopt or amend a building code,  
553 ordinance, resolution, or rule that would restrict a  
554 consumer's ability to elect to install, by the consumer's  
555 choice and for a fee, or require the installation of, a  
556 residential fire sprinkler system in any residence or  
557 structure as defined by this chapter.

558 (b) Notwithstanding subsection (a), a county commission  
559 or municipal governing body that adopted any ordinance,  
560 resolution, or other building code on or before March 9, 2010,



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561 relating to the installation of a residential fire sprinkler  
562 system, may continue to enforce or amend the ordinance,  
563 resolution, or building code.

564 Section 4. Article 2, commencing with Section  
565 34-14A-41, is added to Chapter 14A of Title 34, Code of  
566 Alabama 1975, to read as follows:

567 Article 2.

568 §34-14A-41

569 (a) (1) The Alabama Residential Building Code Division  
570 is established within the Home Builders Licensure Board. The  
571 executive director of the board may employ staff as necessary  
572 to carry out the duties of the division.

573 (2) The board may coordinate with the state energy  
574 office to identify and apply for funds from federal grant  
575 programs and other applicable funding sources authorized by  
576 law.

577 (b) The division shall be responsible for taking action  
578 upon any and all recommendations made by the Alabama  
579 Residential Building Code Advisory Council and ratified by the  
580 board for the furtherance of its statutory purpose.

581 §34-14A-42

582 The executive director of the board may employ staff  
583 necessary to carry out the duties of the division, including a  
584 division administrator, programs support personnel,  
585 administrative support personnel, and any other personnel  
586 necessary to carry out the statutory purpose of the division  
587 for the administration and implementation of the Alabama  
588 Residential Building Code.



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589 §34-14A-43

590 (a) The division shall use funds distributed to the  
591 Alabama Residential Building Code Fund for the purpose of  
592 administering the Alabama Residential Building Code.

593 (b) Subject to availability of funds and upon request  
594 from a local jurisdiction, the division shall provide matching  
595 funds to local jurisdictions that have also applied for funds  
596 from federal grant programs and other applicable funding  
597 sources authorized by law to support local adoption and  
598 implementation of the Alabama Residential Building Code.

599 (c) The division shall work with the State Energy  
600 Office to ensure that all applicable federal regulations  
601 regarding the residential energy code are met.

602 §34-14A-44

603 (a) The Alabama Residential Building Code Fund is  
604 established within the State Treasury. The fund shall be  
605 administered by the board for the administration and operation  
606 of the division.

607 (b) Receipts deposited into the fund shall be disbursed  
608 only by warrants of the state Comptroller drawn upon the State  
609 Treasury on itemized vouchers approved by the executive  
610 director of the board.

611 (c) No funds shall be withdrawn or expended except as  
612 budgeted and allotted according to Sections 41-4-80 to  
613 41-4-96, inclusive, and 41-19-1 to 41-19-12, inclusive, and  
614 only in amounts as stipulated in the general appropriations  
615 act, other appropriation acts, or this section.

616 (d) At the end of each fiscal year, any unencumbered



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617 balance of up to 25 percent of the amount appropriated for  
618 that fiscal year shall not revert to the State General Fund  
619 under Section 41-4-93, but shall carry over to the next fiscal  
620 year within the Alabama Residential Building Code Fund, and  
621 any unencumbered balance over 25 percent of the amount  
622 appropriated for that fiscal year shall revert to the State  
623 General Fund.

624 Section 5. Article 3, commencing with Section  
625 34-14A-80, is added to Chapter 14A of Title 34, Code of  
626 Alabama 1975, to read as follows:

627 Article 3.

628 §34-14A-80

629 (a) The Alabama Residential Building Code Advisory  
630 Council is established.

631 (b) The council shall consist of the following members:

632 (1) The State Fire Marshal, or his or her designee.

633 (2) The Director of the Emergency Management Agency, or  
634 his or her designee.

635 (3) The Executive Director of the Home Builders  
636 Licensure Board, or his or her designee.

637 (4) One member appointed by the Home Builders Licensure  
638 Board.

639 (5) One member appointed by the State Board of Heating,  
640 Air Conditioning, and Refrigeration Contractors.

641 (6) One member appointed by the State of Alabama  
642 Plumbers and Gas Fitters Examining Board.

643 (7) One member appointed by the Governor to represent  
644 the private, investor-owned, electric utility industry.





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645 (8) One member appointed by the Governor to represent  
646 the natural gas industry.

647 (9) One member appointed by the Governor to represent  
648 the property and casualty insurance industry.

649 (10) One member appointed by the Governor to represent  
650 the consumers of the state.

651 (11) One member appointed by the American Council of  
652 Engineering Companies of Alabama.

653 (12) One member appointed by the Alabama League of  
654 Municipalities.

655 (13) One member appointed by the Association of County  
656 Commissions of Alabama.

657 (14) One member appointed by the Alabama Council of the  
658 American Institute of Architects.

659 (15) One member appointed by the Home Builders  
660 Association of Alabama.

661 (16) One member appointed by the Code Officials  
662 Association of Alabama.

663 (17) One member appointed by the Alabama Rural Electric  
664 Association of Cooperatives.

665 (c) Membership of the council shall be inclusive and  
666 reflect the racial, gender, geographic, urban, rural, and  
667 economic diversity of the state.

668 (d) The initial appointments shall begin January 1,  
669 2025. Appointments shall be for a term of six years. Each  
670 appointee may be reappointed for one second six-year term.  
671 Each of the appointed members of the council shall be  
672 appointed for a six-year term and may be reappointed for a



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673 second six-year term.

674 §34-14A-81

675 (a) The first meeting of the council shall be called by  
676 the executive director of the Home Builders Licensure Board no  
677 later than March 1, 2025. The executive director shall preside  
678 until a chair and a vice chair are selected by the council.  
679 The council shall elect from its own members a chair, a vice  
680 chair, and other officers as it may deem desirable.

681 (b) The council shall hold meetings at the call of the  
682 chair of the council to propose a recommended Alabama  
683 Residential Building Code to the Home Builders Licensure  
684 Board. Thereafter, the council shall meet from time to time,  
685 at the call of the chair of the council or at the request of  
686 the executive director of the board, to consider updates and  
687 amendments to the code. Meetings shall be held at a time and  
688 place as designated or specified in its rules.

689 (c) A majority of the members of the council shall  
690 constitute a quorum at all of its meetings, and adoption or  
691 resolution of any business shall require the concurrence of a  
692 majority of all members of the council. An agenda for the  
693 meetings in sufficient detail to indicate the terms on which  
694 final action is contemplated shall be submitted by the  
695 administrator to the chair, vice chair, and council members  
696 prior to the meeting.

697 (d) All meetings of the council shall be held in  
698 accordance with the Alabama Open Meetings Act, Chapter 25A of  
699 Title 36.

700 (e) The administrator of the Alabama Residential



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701 Building Code Division shall serve as ex officio secretary of  
702 the council, keep a record of the proceedings of all council  
703 meetings, and perform other duties as may be directed by the  
704 council.

705 (f) The council may establish committees among its  
706 membership, as it deems necessary, to assist in the conduct of  
707 its business.

708 §34-14A-82

709 (a) By October 1, 2025, the council shall submit to the  
710 Home Builders Licensure Board for adoption the proposed  
711 Alabama Residential Building Code. The board may adopt or  
712 reject the code as proposed by the council.

713 (b) The proposed Alabama Residential Building Code, and  
714 any subsequent amendment to the code, shall be based upon a  
715 published edition of the Alabama Energy and Residential Code  
716 as adopted and amended from the International Residential Code  
717 (IRC) and the International Energy Conservation Code (IECC).  
718 Subsequent recommendations for adoptions or amendments to the  
719 Alabama Residential Building Code shall be based upon  
720 published editions of the IRC and IECC. In addition, the  
721 council shall take into consideration provisions for sealed  
722 roof decks and related roof construction standards contained  
723 in either the Coastal Construction Code Supplement or the  
724 Inland Construction Code Supplement as well as standards  
725 related to energy efficiency pertaining to residential  
726 construction.

727 (c) The council shall make recommendations with respect  
728 to all matters pertaining to the implementation of the Alabama



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729 Residential Building Code.

730 (d) When adopted by the board, recommendations of the  
731 council shall be administered by the division.

732 §34-14A-83

733 At the direction of the board, the council may perform  
734 any of the following:

735 (1) Propose to the board for consideration of adoption  
736 of an Alabama Residential Building Code and Alabama  
737 Residential Energy Code or amendments to the codes.

738 (2) Evaluate, assess, advise, and counsel the division  
739 on the Alabama Residential Building Code and Alabama  
740 Residential Energy Code and the impact of the codes upon the  
741 economy and the environment.

742 (3) Solicit and enlist the cooperation of all  
743 appropriate private-sector and community-based organizations  
744 to implement this article.

745 (4) Make continuing studies, evaluations, and surveys,  
746 upon the request of the board, of the needs and impacts of the  
747 Alabama Residential Building Code and Alabama Residential  
748 Energy Code.

749 (5) Adopt rules for the conduct of the council  
750 meetings, procedures, and execution of the purpose, functions,  
751 powers, and duties delegated to it by this section.

752 (6) Conduct a program of public information in order to  
753 inform the units of local government, residential home  
754 builders, and the residents of the state on the importance of  
755 the residential building and energy codes.

756 (7) The council shall work with the state energy office



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757 to review applicable federal regulations regarding the  
758 residential energy codes and any amendments thereto, and upon  
759 notification of any applicable federal regulation or law,  
760 consider and review the most recent published version of the  
761 Alabama Residential Building Code and Alabama Residential  
762 Energy Code.

763 Section 6. Article 3, commencing with Section 34-8-50,  
764 is added to Chapter 8 of Title 34, Code of Alabama 1975, to  
765 read as follows:

766 Article 3.

767 §34-8-50

768 As used in this article, the following terms shall have  
769 the following meanings:

770 (1) ALABAMA COMMERCIAL ENERGY CODE. The commercial  
771 energy code adopted by the board, and any subsequent  
772 amendments, editions, changes, or recompilations thereof.

773 (2) BOARD. The State Licensing Board for General  
774 Contractors.

775 (3) COMMITTEE. The Alabama Commercial Energy Code  
776 Advisory Committee.

777 (4) DIVISION. The Alabama Commercial Energy Code  
778 Division established within the State Licensing Board for  
779 General Contractors.

780 §34-8-51

781 (a) The Alabama Commercial Energy Code Division is  
782 established within the State Licensing Board for General  
783 Contractors.

784 (b) The division shall be responsible for administering



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785 meetings of the Alabama Commercial Energy Code Advisory  
786 Committee and advising the board on recommendations made by  
787 the committee for adoption of the Alabama Commercial Energy  
788 Code.

789 (c) The executive director of the board may employ  
790 staff as necessary to carry out the duties of the division.

791 (d) The board may apply for funds from federal grant  
792 programs and other applicable funding sources authorized by  
793 law.

794 (e) The division and its duties shall expire upon  
795 sunset of the board unless expressly reauthorized by the  
796 Legislature.

797 §34-8-52

798 (a) The Alabama Commercial Energy Code Advisory  
799 Committee is established within the Alabama Commercial Energy  
800 Code Division of the State Licensing Board for General  
801 Contractors.

802 (b) The committee shall consist of the following  
803 members:

804 (1) The Commissioner of Insurance, or his or her  
805 designee.

806 (2) The Director of the Division of Construction  
807 Management within the Department of Finance, or his or her  
808 designee.

809 (3) The State Fire Marshal, or his or her designee.

810 (4) One member appointed by the State Licensing Board  
811 for General Contractors.

812 (5) One member appointed by the Alabama Board for



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813 Registration of Architects.

814 (6) One member appointed by the Alabama Board of  
815 Licensure for Professional Engineers and Professional Land  
816 Surveyors.

817 (7) One member appointed by the Alabama Electrical  
818 Contractors Board.

819 (8) One member appointed by the Alabama Board of  
820 Heating, Air Conditioning, and Refrigeration Contractors.

821 (9) One member appointed by the Governor to represent  
822 the private, investor-owned, electric utility industry.

823 (10) One member appointed by the Alabama Rural Electric  
824 Association of Cooperatives.

825 (11) One member appointed by the Code Officials  
826 Association of Alabama.

827 (12) One member appointed by the Alabama League of  
828 Municipalities.

829 (13) One member appointed by the Association of County  
830 Commissions of Alabama.

831 (c) The members appointed to the committee shall be  
832 legal residents of the state and the appointing authorities  
833 shall coordinate appointments to reflect the racial, gender,  
834 geographic, urban, rural, and economic diversity of the state.

835 (d) Each member of the committee shall be appointed for  
836 a five-year term, with initial terms to begin on January 1,  
837 2025, and may be reappointed for a second five-year term.

838 §34-8-53

839 (a) The first meeting of the committee shall be called  
840 by the executive director of the board as soon as practicable



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841 after January 1, 2025. The executive director of the board, or  
842 his or her designee, shall preside until a chair and a vice  
843 chair are selected by the committee. The committee shall elect  
844 annually from its own members a chair, a vice chair, and other  
845 officers as it may deem desirable.

846 (b) The committee shall hold a regular meeting at least  
847 once during each calendar year at a time and place designated  
848 by the board or specified by the committee. Special or  
849 additional meetings may be held upon the call of the chair, a  
850 call signed by at least seven members, or the call of the  
851 executive director of the board. All meetings of the committee  
852 shall be held in accordance with the Alabama Open Meetings  
853 Act, Chapter 25A of Title 36.

854 (c) A majority of the members of the committee shall  
855 constitute a quorum at all meetings, and adoption or  
856 resolution of any business shall require the concurrence of a  
857 majority of all members of the committee.

858 (d) The committee may establish subcommittees among its  
859 membership, as it deems necessary, to assist in the conduct of  
860 its business.

861 (e) The committee may adopt bylaws for the conduct of  
862 the meetings, procedures, and execution of the purpose,  
863 functions, powers, and duties delegated to it by the board.

864 §34-8-54

865 The committee shall make recommendations to the board  
866 with respect to the acceptance, adoption, and implementation  
867 of the Alabama Commercial Energy Code. In so doing, the  
868 committee may perform any of the following functions:





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869 (1) Propose to the board for consideration of adoption  
870 of an Alabama Commercial Energy Code or amendments to the code  
871 no less than two years after the date of publication of the  
872 most recent version of the code.

873 (2) Evaluate, assess, advise, and counsel the board or  
874 division on the Alabama Commercial Energy Code and the impact  
875 of the code upon the economy and the environment.

876 (3) Solicit and enlist the cooperation of all  
877 appropriate private-sector and community-based organizations  
878 for input and information to carry out its duties and  
879 implement this article.

880 (4) Make continuing studies, evaluations, and surveys,  
881 on its own initiative or upon the request of the board, of the  
882 needs and impacts of the Alabama Commercial Energy Code.

883 (5) Make recommendations to the division for the  
884 enactment of additional legislation or rules as it deems  
885 necessary.

886 (6) Work with the State Energy Office to review  
887 applicable federal regulations regarding the commercial energy  
888 code.

889 §34-8-55

890 (a) By December 31, 2025, the committee shall submit to  
891 the board for adoption the proposed Alabama Commercial Energy  
892 Code. Thereafter, the committee shall review and propose  
893 adoption of the code or amendments to the code no less than  
894 two years after the date of publication of the most recent  
895 version of the code.

896 (b) The proposed Alabama Commercial Energy Code, and



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897 any amendments, changes, editions, or recom compilations thereof,  
898 shall be based upon the most recent versions of the  
899 International Energy Conservation Code (IECC) or the  
900 ANSI/ASHRAE/IES Standard 90.1.

901 (c) The board shall review the proposed Alabama  
902 Commercial Energy Code from the committee and publish the  
903 final version of the Alabama Commercial Energy Code.

904 Section 7. Article 5, comprised of Sections 41-23-80  
905 through 41-23-85, Code of Alabama 1975, relating to the  
906 Alabama Energy and Residential Codes Board within the Alabama  
907 Department of Economic and Community Affairs, is repealed.

908 Section 8. (a) A local building code adopted or amended  
909 by any county or municipality after January 1, 2027, shall  
910 meet the minimum standards of the Alabama Residential Building  
911 Code in effect at the time of the local building code adoption  
912 or amendment and shall not exceed the energy provisions of the  
913 Alabama Residential Building Code, unless compliance with any  
914 federal mandate requires such adoption or amendment.

915 (b) A county commission or municipality shall provide  
916 to the board a copy of any resolution, ordinance, or agreement  
917 adopted pursuant to Section 11-40-10(b)(2), Code of Alabama  
918 1975, within 10 business days of its adoption.

919 Section 9. This act shall become effective on October  
920 1, 2024.



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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 02-Apr-24, as amended.

John Treadwell  
Clerk

Senate

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**08-May-24**

Amended and Passed

House

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**09-May-24**

Concurred in Senate  
Amendment