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4 SYNOPSIS:

5           Under existing law, the Division of Construction  
6 Management within the Department of Finance, is  
7 required to adopt state building codes and state energy  
8 conservation codes. The codes apply only to state  
9 public buildings, public schools, hotels, and movie  
10 theatres. The codes do not apply to private residential  
11 or nonresidential buildings and structures.

12           Also under existing law, each county commission  
13 and municipality may adopt local building codes for its  
14 jurisdiction. The codes are enforced at the local  
15 level.

16           This bill would require the Division of  
17 Construction Management to periodically update the  
18 state building code in accordance with the most recent  
19 model building code published.

20           The state building code would be expanded to  
21 include all nonresidential buildings, but the expanded  
22 applicability of the building code to such  
23 nonresidential buildings would not supersede any rules,  
24 regulations, or building codes of a Class 1, Class 2,  
25 or Class 3 municipality unless the municipality gave  
26 its consent.

27           This bill would allow the governing body of a  
28 county or municipality to adopt a local amendment or



29 modification to the state building code to authorize  
30 increased protections within the applicable county or  
31 municipality.

32 This bill would allow a local governing body to  
33 request the Division of Construction Management to  
34 amend or modify the state building code to be less  
35 stringent and would authorize the amendment, if  
36 adopted, to be applied statewide or only locally.

37 This bill would also provide that the Division  
38 of Construction Management is the primary authority to  
39 enforce the state building code with respect to certain  
40 types of buildings, and that local governing bodies may  
41 enforce the building code with respect to other  
42 nonresidential buildings.

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45 A BILL  
46 TO BE ENTITLED  
47 AN ACT  
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49 Relating to building codes; to amend Sections 41-9-160,  
50 41-9-161, 41-9-162, 41-9-163, 41-9-164, 41-9-165, 41-9-166,  
51 and 41-9-167, Code of Alabama 1975, to further provide for the  
52 requirement of the Division of Construction Management within  
53 the Department of Finance to adopt certain building codes; to  
54 further provide for the applicability of the building code to  
55 include additional nonresidential buildings; to provide  
56 exceptions to portions of the building code for certain



classifications of municipalities; to require and provide for the periodic update of the building code; to further provide for the applicability and enforcement of the building codes; to allow a local variance to the building code under certain conditions; to repeal Division 3 of Article 6 of Chapter 9 of Title 41, comprised of Sections 41-9-170 through 41-9-174, Code of Alabama 1975, relating to the Energy Conservation Building Code; and to repeal Article 3 of Chapter 8 of Title 34, Code of Alabama 1975, relating to the Alabama Commercial Energy Code Division within the State Licensing Board for General Contractors.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 41-9-160, 41-9-161, 41-9-162, 41-9-163, 41-9-164, 41-9-165, 41-9-166, and 41-9-167, Code of Alabama 1975, are amended to read as follows:

"§41-9-160

When used in this division, the following words and phrases ~~shall~~ have the following meanings, respectively, unless the context clearly indicates otherwise:

(1) BUILDING CODE OFFICIAL. The individual appointed by the Division of Construction Management or the county, municipality, or other political subdivision of this state having responsibility for the issuance of building permits and the administration of the state building code, or a fire marshal where there is no such official.

(2) DIVISION OF CONSTRUCTION MANAGEMENT. The Division of Construction Management within the Department of Finance.

~~(1)~~ (8) STATE BUILDING AND CONSTRUCTION. All buildings



and other structures erected or acquired by or in behalf of the State of Alabama or any of its agencies or instrumentalities.

(9) STATE BUILDING CODE. The code of minimum building standards adopted by the Division of Construction Management. The term includes, but is not limited to, those items listed in Section 41-9-166.

~~(2)~~ (7) SCHOOLHOUSE. Any building or other structure erected or acquired by the public schools of Alabama and also shall mean any private building in which 25 or more ~~persons~~ individuals are congregated regularly for the purpose of instruction in any branch of knowledge.

(3) HOTEL. Any public inn or lodging house of 15 or more bedrooms, in which transient guests are lodged for pay.

(4) ~~MOVING~~ MOTION PICTURE THEATRE. Any building in which ~~moving~~motion pictures are featured regularly for charge of admission.

(5) NONRESIDENTIAL BUILDING. A building that is not a residence.

(6) RESIDENCE. A single unit providing complete independent residential living facilities for one or more individuals, including permanent provisions for living, sleeping, eating, cooking, and sanitation."

"§41-9-161

For the further protection of the people of Alabama, the ~~Construction Management Division of the Department of Finance is authorized and directed hereby to promulgate and to enforce~~ Division of Construction Management shall adopt a



state building code ~~of minimum building standards~~pursuant to  
the Alabama Administrative Procedure Act. ~~The code adopted by~~  
~~the Construction Management Division of the Department of~~  
~~Finance under the provisions of this section, after having~~  
~~been recorded in the office of Secretary of State for 60 days,~~  
~~shall become effective.~~

~~The Construction Management Division of the Department~~  
~~of Finance shall have the code printed suitably immediately~~  
~~subsequent to its filing and shall distribute promptly the~~  
~~printed copies thereof in the same manner as acts of the~~  
~~Legislature are distributed; provided, however, that no charge~~  
~~may be collected by the Construction Management Division of~~  
~~the Department of Finance for copies of the code and that any~~  
~~person shall be furnished a copy upon request."~~

"§41-9-162

(a) The state building code ~~of minimum building~~  
~~standards promulgated and enforced~~adopted by the ~~Construction~~  
~~Management Division of the Department of Finance~~ Division of  
Construction Management shall be applicable ~~only~~ to all state  
buildings and construction, schoolhouses, hotels, and  
moving motion picture theatres, and all other nonresidential  
buildings in ~~Alabama~~this state.

~~(b) The effect of the building code shall be limited,~~  
~~in the cases of state building and construction and public~~  
~~schoolhouses, to buildings and structures erected or acquired~~  
~~after the operative date thereof. As to private schoolhouses,~~  
~~hotels and moving picture theatres, the code shall apply to~~  
~~the place of conduct of each such business activity not~~



~~employed or in the process of erection for that purpose prior to the effective date thereof.~~

(b) The state building code adopted by the Division of Construction Management shall not supersede any rules, regulations, or building codes adopted by a Class 1, Class 2, or Class 3 municipality, except those relating to state buildings and construction, schoolhouses, hotels, and motion picture theatres, unless the governing body of such municipality elects to be subject to this chapter.

(c) County and municipal governing bodies may formally adopt an amendment or modification to the state building code to provide increased protections as local conditions, events, or circumstances require. The amendments or modifications adopted shall only apply to that local jurisdiction. The county or municipal government shall provide a copy of the proposed amendment or modification to the Division of Construction Management no later than 30 days prior to the amendment or modification being considered by the body and, if adopted, shall provide a copy of the ratified amendment or modification to the division within 10 business days of its adoption.

(d) County and municipal governing bodies may petition the Division of Construction Management to amend or modify the state building code to be less stringent than the currently adopted state building code. The division shall issue a response to the governing body no later than 45 days of receiving the request. The request shall be granted unless the Division of Construction Management can reasonably articulate



legitimate grounds for denying the petition. If the request is approved, the division may choose to adopt the amendment or modification statewide or limit it to that specific jurisdiction.

(e) The state building code shall be enforced as follows:

(1) The Division of Construction Management shall have the primary authority to enforce the state building code with respect to state buildings and construction, schoolhouses, hotels, and motion picture theatres.

(2) County and municipal governing bodies may adopt and implement a permitting and inspection program to enforce the state building code with respect to all other non residential buildings.

(3) County and municipal governing bodies may request the Division of Construction Management to provide guidance, assistance, and support for compliance and inspection services of the state building code.

(4) The Division of Construction Management may request a state agency, board, or commission to provide guidance, assistance, and support to enforce the state building code.

(5) The Division of Construction Management shall adopt rules establishing procedures for individuals to protest the interpretation or enforcement of the state building code.

(f) No building code official may impose additional or more stringent code requirements unless they have been formally adopted."

"§41-9-163



~~(a) The requirements of the building code shall be such that the safety, health, general welfare and morals of the people of Alabama thereby will be protected.~~

~~(b)~~ (a) It shall be unlawful for any ~~state~~ building or structure subject to this article ~~construction or any public schoolhouse which does not conform to~~ not meet the requirements of the state building code ~~to be erected or acquired.~~

~~(c)~~ (b) It shall be unlawful for any person to operate a private school, hotel, or ~~moving motion~~ picture theatre, or other nonresidential building that ~~which~~ does not meet ~~fully~~ the requirements of the state building code unless ~~such the~~ building was used for that purpose prior to the effective date of the state building code.

(c) The most recent state building code adopted by the Division of Construction Management shall only apply to buildings or structures that are constructed, renovated, repaired, or altered after the effective date of that state building code."

"§41-9-164

(a) By January 1, 2027, the Division of Construction Management shall begin the formal rulemaking process to adopt the state building code based on the model building codes described in Section 41-9-166.

~~The Construction Management Division of the Department of Finance is authorized and directed to make such changes in the code from time to time as seem advisable in the best interest of the people of Alabama. Changes in the code shall~~





~~take effect and shall be printed and distributed in the same manner as the original code was made effective, printed and distributed~~

(b) Beginning January 1, 2030, and no more than every six years thereafter, the Division of Construction Management shall review all existing codes and determine whether the codes should be continued without change or should be amended or rescinded to conform to model building codes and, if necessary, shall adopt a revised rule that the Division of Construction Management determines is best applicable for the state building code.

(c) The Division of Construction Management may adopt rules to change the state building code as the division deems necessary to comply with a change in federal or state law or to be in the best interest of the people in this state.

"§41-9-165

(a) The Division of Construction Management of the Department of Finance may establish advisory committees and solicit input from relevant agencies, governing bodies, associations, businesses, and other individuals to evaluate, assess, and advise the division in carrying out this article.

(b) The Division of Construction Management may apply for funds from federal grant programs and other applicable funding sources authorized by law. The Division of Construction Management may provide adequate inspection service to ensure compliance with the state building code. Other agencies and instrumentalities of the state government shall cooperate, as requested by the commission, in the



enforcement of the state building code.

~~The Construction Management Division of the Department of Finance is empowered to provide adequate inspection service to insure compliance with the building code. Other agencies and instrumentalities of the state government are directed hereby to cooperate, as requested by the commission, in the enforcement of the building code.~~

(c) The ~~commission~~ Division of Construction Management may appoint, subject to the Merit System, ~~such an adequate~~ number of persons, including architectural and technical employees, as ~~are necessary for the duties hereby imposed to~~ perform the duties required by this article and as otherwise required by law.

"§41-9-166

(a) The Division of Construction Management, by rule, shall adopt the state building code based on the following model building codes:

(1) International Building Code.

(2) International Existing Building Code.

(3) International Plumbing Code.

(4) International Fuel Gas Code.

(5) International Mechanical Code.

(6) National Electric Code.

(7) ANSI/ASHRAE/IES Standard 90.1 or the International Conservation Energy Code (IEEC).

(b) To assure uniform application of the model building codes, the Division of Construction Management shall offer and provide guidance to any county or municipality within the



281 state.

282 ~~Any municipality in the State of Alabama may adopt any~~  
283 ~~model building code published by the Southern Building Code~~  
284 ~~Congress International and the National Electrical Code~~  
285 ~~published by the National Fire Protection Association as a~~  
286 ~~municipal ordinance, enlarging the applicability thereof to~~  
287 ~~include private buildings and structures other than private~~  
288 ~~schoolhouses, hotels, public and private hospitals, and moving~~  
289 ~~picture houses as it deems necessary and to prescribe~~  
290 ~~penalties for violations thereof in the same manner in which~~  
291 ~~other ordinances and related penalty provisions are adopted~~  
292 ~~and prescribed.~~

293 ~~Any county commission similarly may adopt and enlarge~~  
294 ~~the applicability of any model building code published by the~~  
295 ~~Southern Building Code Congress International and the National~~  
296 ~~Electrical Code published by the National Fire Protection~~  
297 ~~Association for the county, prescribing penalties for~~  
298 ~~violations thereof, by resolution duly recorded in its minutes~~  
299 ~~and, after notice of four weeks, by publication once weekly in~~  
300 ~~some county newspaper, if there is one published in the~~  
301 ~~county, and by posted notices at the door of each courthouse~~  
302 ~~in the county.~~

303 ~~Changes in the provisions of the building code effected~~  
304 ~~by the Construction Management Division of the Department of~~  
305 ~~Finance may be adopted similarly by counties and~~  
306 ~~municipalities.~~

307 ~~No county or municipality shall apply the building code~~  
308 ~~to state buildings and construction of public schoolhouses.~~



~~Model building codes adopted by a county or municipality pursuant to this section shall only apply to structures and facilities on the customer's side of the electric meter and shall not apply to any electric power generation, transmission, or distribution facilities on the electric service provider's side of the electric meter.~~

~~Nothing contained in this section shall be construed as requiring the advertising or posting of the code itself. The provisions of this section shall be satisfied by giving of notice that it is proposed to adopt a code."~~

"§41-9-167

(a) No provision of the state building code, ~~or any municipal or county building code,~~ or any other law or rule, may prohibit or otherwise limit the use of a substitute refrigerant or substitute refrigerant-equipped product that complies with the National Clean Air Act pursuant to 42 U.S.C. § 7671k and regulations adopted thereunder.

(b) Any heating, ventilation, air conditioning, or refrigeration equipment containing a refrigerant described in subsection (a) shall be listed and installed in accordance with all applicable safety standards and use conditions imposed pursuant to the designation.

Section 2. (a) Division 3 of Article 6 of Chapter 9 of Title 41, comprised of Sections 41-9-170 through 41-9-174, Code of Alabama 1975, relating to the Energy Conservation Building Code, is repealed.

(b) Article 3 of Chapter 8 of Title 34, comprised of Sections 34-8-50 through 34-8-55, Code of Alabama 1975,



relating to the Alabama Commercial Energy Code Division within the State Licensing Board for General Contractors, is repealed.

Section 3. With the exception of public property, as that term is defined in Section 39-2-1, Code of Alabama 1975, nothing in the state building code shall apply to any building whose primary purpose is to support and facilitate raising, harvesting, and selling crops for the feeding, breeding, management, raising, sale, or production of livestock, or for the growing and sale of timber and forest products or for any other agricultural or horticultural use or animal husbandry or combination thereof; provided, the building is not used as an assembly occupancy of people as defined by the International Building Code.

Section 4. A licensed health care facility may continue to adhere to all rules and regulations adopted by their governing state and federal authorities concerning building codes, notwithstanding any provision of the state building code to the contrary.

Section 5. The state building code shall not apply to any residence or structure, or improvement thereto, that is regulated by the Home Builders Licensure Board pursuant to Chapter 14A of Title 34, Code of Alabama 1975.

Section 6. The adoption of the state building code or any amendment thereto shall not repeal, modify, amend, change, or limit the powers, authority, or jurisdiction granted to the governing board of educational institutions pursuant to Section 41-4-353 or Section 41-4-400, Code of Alabama 1975.



365                   Section 7. This act shall become effective on October  
366    1, 2025.