

HB161 ENGROSSED



1 HB161
2 DLDANHT-2
3 By Representative Lipscomb
4 RFD: State Government
5 First Read: 04-Feb-25



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A BILL
TO BE ENTITLED
AN ACT

Relating to building codes; to amend Sections 41-9-160, 41-9-161, 41-9-162, 41-9-163, 41-9-164, 41-9-165, 41-9-166, 41-9-167, 41-9-170, 41-9-171, 41-9-172, 41-9-173, and 41-9-174, Code of Alabama 1975, to provide for the standardization of certain building codes in the state; to require the Division of Construction Management within the Department of Finance to adopt certain building codes; to further provide for the applicability and enforcement of the codes; to add Section 41-9-166.1 to the Code of Alabama 1975, to authorize certain coastal counties and municipalities to adopt supplemental coastal building codes; and to amend Sections 34-2-30 and 34-2-32, Code of Alabama 1975, to further provide for the practice of architecture and duties of local code officials; and to provide a criminal penalty for a violation.

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, 41-9-167, 41-9-170, 41-9-171, 41-9-172, 41-9-173, and 41-9-174, Code of Alabama 1975, are amended to read as follows:



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29 "§41-9-160

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

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

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

41 (5) NON-RESIDENTIAL BUILDING. A building that is not a
42 residence.

43 (6) RESIDENCE. A single unit providing complete
44 independent residential living facilities for one or more
45 persons, including permanent provisions for living, sleeping,
46 eating, cooking, and sanitation.

47 ~~(1)~~(8) STATE BUILDING AND CONSTRUCTION. All buildings
48 and other structures erected or acquired by or in behalf of
49 the State of Alabama or any of its agencies or
50 instrumentalities.

51 ~~(2)~~(7) SCHOOLHOUSE. Any building or other structure
52 erected or acquired by the public schools of Alabama and also
53 shall mean any private building in which 25 or more persons
54 are congregated regularly for the purpose of instruction in
55 any branch of knowledge.

56 (3) HOTEL. Any public inn or lodging house of 15 or



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57 more bedrooms, in which transient guests are lodged for pay.

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

61 "§41-9-161

62 For the further protection of the people of Alabama,
63 ~~the Construction Management Division of the Department of~~
64 ~~Finance is authorized and directed hereby to promulgate and to~~
65 ~~enforce~~Division of Construction Management shall adopt a code
66 of minimum building standards pursuant to the Alabama
67 Administrative Procedure Act. ~~The code adopted by the~~
68 ~~Construction Management Division of the Department of Finance~~
69 ~~under the provisions of this section, after having been~~
70 ~~recorded in the office of Secretary of State for 60 days,~~
71 ~~shall become effective.~~

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

80 "§41-9-162

81 (a) The code of minimum building standards ~~promulgated~~
82 ~~and enforced~~adopted by the ~~Construction Management Division of~~
83 ~~the Department of Finance~~Division of Construction Management
84 shall be applicable ~~only~~ to all state buildings and



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85 construction, schoolhouses, hotels, ~~and moving picture~~
86 theatres, and all other non-residential buildings in
87 ~~Alabama~~ this state. The code of minimum building standards
88 shall not apply to any residence or structure, or improvement
89 thereto, that is regulated by the Home Builders Licensure
90 Board pursuant to Chapter 14A of Title 34.

91 ~~(b) The effect of the building code shall be limited,~~
92 ~~in the cases of state building and construction and public~~
93 ~~schoolhouses, to buildings and structures erected or acquired~~
94 ~~after the operative date thereof. As to private schoolhouses,~~
95 ~~hotels and moving picture theatres, the code shall apply to~~
96 ~~the place of conduct of each such business activity not~~
97 ~~employed or in the process of erection for that purpose prior~~
98 ~~to the effective date thereof.~~

99 (b) The building code shall be enforced as follows:

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

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

108 (c) No building code official may impose additional or
109 more stringent code requirements than what is specified in the
110 building code."

111 "§41-9-163

112 ~~(a) The requirements of the building code shall be such~~



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113 ~~that the safety, health, general welfare and morals of the~~
114 ~~people of Alabama thereby will be protected.~~

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

119 ~~(e)~~ (b) It shall be unlawful for any person to operate a
120 private school, hotel, or moving picture theatre, or other
121 non-residential building that ~~which~~ does not meet ~~fully~~ the
122 requirements of the building code unless ~~such~~ the building was
123 used for that purpose prior to the effective date of the
124 building code."

125 "§41-9-164

126 (a) By July 1, 2025, the Division of Construction
127 Management shall submit a proposed rule pursuant to the
128 Alabama Administrative Procedure Act to begin the formal
129 rulemaking process to adopt the 2021 version of the model
130 building codes described in Section 41-9-166.

131 ~~The Construction Management Division of the Department~~
132 ~~of Finance is authorized and directed to make such changes in~~
133 ~~the code from time to time as seem advisable in the best~~
134 ~~interest of the people of Alabama. Changes in the code shall~~
135 ~~take effect and shall be printed and distributed in the same~~
136 ~~manner as the original code was made effective, printed and~~
137 ~~distributed.~~

138 (b) Beginning January 1, 2027, and no more than every
139 six years thereafter, the Division of Construction Management
140 shall review all existing codes and determine whether the



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141 codes should be continued without change or should be amended
142 or rescinded to conform to the International Code Council's
143 model building codes, and if necessary, shall adopt a revised
144 rule that the Division of Construction Management determines
145 is best applicable for the state's building code.

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

151 "§41-9-165

152 (a) The Division of Construction Management
153 ~~Construction Management Division of the Department of Finance~~
154 ~~is empowered to~~ may provide adequate inspection service to
155 ~~insure~~ ensure compliance with the building code.

156 (b) On request of the Division of Construction
157 Management, Other agencies and instrumentalities of the state
158 ~~government are directed hereby to cooperate, as requested by~~
159 ~~the commission,~~ a state agency shall assist in the enforcement
160 of the building code.

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

167 "§41-9-166

168 (a) The Division of Construction Management, by rule,



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169 shall adopt the following model building codes published by
170 the International Code Council, which shall apply to every
171 non-residential building in the state:

172 (1) International Building Code.

173 (2) International Existing Building Code.

174 (3) International Plumbing Code.

175 (4) International Fuel Gas Code.

176 (5) International Mechanical Code.

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

181 ~~Any municipality in the State of Alabama may adopt any~~
182 ~~model building code published by the Southern Building Code~~
183 ~~Congress International and the National Electrical Code~~
184 ~~published by the National Fire Protection Association as a~~
185 ~~municipal ordinance, enlarging the applicability thereof to~~
186 ~~include private buildings and structures other than private~~
187 ~~schoolhouses, hotels, public and private hospitals, and moving~~
188 ~~picture houses as it deems necessary and to prescribe~~
189 ~~penalties for violations thereof in the same manner in which~~
190 ~~other ordinances and related penalty provisions are adopted~~
191 ~~and prescribed.~~

192 ~~Any county commission similarly may adopt and enlarge~~
193 ~~the applicability of any model building code published by the~~
194 ~~Southern Building Code Congress International and the National~~
195 ~~Electrical Code published by the National Fire Protection~~
196 ~~Association for the county, prescribing penalties for~~



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197 ~~violations thereof, by resolution duly recorded in its minutes~~
198 ~~and, after notice of four weeks, by publication once weekly in~~
199 ~~some county newspaper, if there is one published in the~~
200 ~~county, and by posted notices at the door of each courthouse~~
201 ~~in the county.~~

202 ~~Changes in the provisions of the building code effected~~
203 ~~by the Construction Management Division of the Department of~~
204 ~~Finance may be adopted similarly by counties and~~
205 ~~municipalities.~~

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

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

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

218 "§41-9-167

219 (a) No provision of the state building code, ~~or any~~
220 ~~municipal or county building code,~~ or any other law or rule,
221 may prohibit or otherwise limit the use of a substitute
222 refrigerant or substitute refrigerant-equipped product that
223 complies with the National Clean Air Act pursuant to 42 U.S.C.
224 § 7671k and regulations adopted thereunder.



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

230 "§41-9-170

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

234 ~~(1) Commission~~ (3) DIVISION OF CONSTRUCTION MANGEMENT.

235 ~~The Construction Management Division of~~ Division of
236 Construction Management within the Department of Finance.

237 (2) ~~DIRECTOR~~ Director. The Director of the Technical
238 Staff of the ~~Construction Management Division~~ Division of
239 Construction Management of the Department of Finance.

240 ~~(3) Code~~ (1) CODE. The state energy conservation
241 building code ~~to be adopted by the Construction Management~~
242 ~~Division of the Department of Finance~~ Division of Construction
243 Management."

244 "§41-9-171

245 For the health and welfare of the people of Alabama,
246 ~~the Construction Management Division of the Department of~~
247 ~~Finance of the State of Alabama, which was created in 1945 by~~
248 ~~the Legislature, is authorized and hereby directed to adopt,~~
249 ~~promulgate~~ Division of Construction Management shall adopt and
250 enforce a state energy conservation building code pursuant to
251 the Alabama Administrative Procedure Act. ~~The code adopted by~~
252 ~~the commission under the provisions of this division, after~~



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253 ~~having been recorded in the office of Secretary of State for~~
254 ~~60 days, shall become effective.~~ The code shall be applicable
255 to all buildings constructed or remodeled after May 2, 1978,
256 with state appropriated funds or funds from any other
257 instrumentality of the state. ~~It~~The code shall include a
258 minimal energy conservation section which controls those items
259 affecting heat loss in the exterior envelopment of buildings
260 and affecting climatic control and illumination of buildings."

261 "§41-9-172

262 (a) ~~The director of the technical staff of the~~
263 ~~commission shall adopt the code as required by law and have the~~
264 ~~responsibility for developing said code and presenting it to~~
265 ~~the commission for adoption and, in fulfillment of such~~
266 ~~responsibility, may, as it becomes necessary, may~~ contract for
267 the consultant services of architects, engineers, and other
268 technicians with a portion of the funds provided. ~~It shall be~~
269 ~~the further responsibility of the director to~~

270 (b) The director shall keep the code updated and
271 consistent with acceptable engineering and architectural
272 practices. ~~by from time to time presenting the commission with~~
273 ~~recommended changes and modifications for adoption. The~~
274 ~~director shall, at the earliest possible date after the~~
275 ~~passage of this division, submit a state building code for any~~
276 ~~building or construction utilizing state funds to the~~
277 ~~commission for adoption. Said~~

278 (c) The code shall contain provisions for an energy
279 ~~conservation code which regulates~~regulate the thermal
280 efficiency of the exterior of buildings and the efficiency of



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281 lighting design and climatic control in buildings.

282 (d) ~~The director~~code shall include ~~in the said code~~
283 thermal and lighting efficiency standards ~~which will~~that meet
284 both of the following criteria:

285 (1) Be applicable to all new and renovated buildings~~,~~
286 and.

287 (2) Be no less stringent than ~~the Appendix J of the~~
288 ~~standard building code~~ANSI/ASHRAE/IES Standard 90.1-2013,
289 Energy Standards for Buildings Except Low-Rise Residential
290 Buildings, or the current approved energy code."

291 "§41-9-173

292 The director shall prepare and offer ~~such~~any training
293 and assistance as the ~~Construction Management Division of the~~
294 ~~Department of Finance~~Division of Construction Management deems
295 necessary in implementing ~~the provisions of this division and~~
296 ~~the standards herein established~~state energy conservation
297 building code."

298 "§41-9-174

299 The ~~commission also shall cause the director to~~
300 ~~formulate~~state energy conservation building code shall include
301 guidelines for thermal and lighting efficiency applicable to
302 all new and renovated buildings, whether ~~such~~the buildings
303 are state funded or not, and guidelines for ~~the~~ manner of
304 implementation ~~therefor~~of the code."

305 Section 2. Section 41-9-166.1 is added to the Code of
306 Alabama 1975, to read as follows:

307 §41-9-166.1

308 (a) As used in this section, the following terms have



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309 the following meanings:

310 (1) COASTAL COUNTY. A county whose borders include or
311 abut the waters of the Gulf of Mexico.

312 (2) COASTAL MUNICIPALITY. A municipal corporation whose
313 corporate limits, or a portion thereof, are within a coastal
314 county or are otherwise within 25 miles of the waters of the
315 Gulf of Mexico.

316 (b) Notwithstanding any provision of this division to
317 the contrary, the governing body of a coastal county or
318 coastal municipality may adopt supplemental coastal building
319 code requirements to provide increased protections against
320 hurricanes, high winds, wind-driven rain, flooding, erosion,
321 and other hazards and circumstances, the likelihood of which
322 is substantially increased due to the entity's proximity to
323 the coast.

324 Section 3. Sections 34-2-30 and 34-2-32, Code of
325 Alabama 1975, are amended to read as follows:

326 "§34-2-30

327 For the purposes of this chapter, the following words
328 and phrases ~~shall~~ have the meanings respectively ascribed by
329 this section:

330 (1) ARCHITECT. An individual ~~who is~~ technically and
331 legally qualified to engage in the practice of architecture
332 who is registered as an architect in the State of Alabama with
333 the State Board for Registration of Architects.

334 (2) ARCHITECTURAL SERVICES. The creation of drawings
335 and specifications and other technical documentation for
336 submission to the building code official for final approval



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337 and the administration of construction for the purpose of
338 determining compliance with the drawings and specifications.
339 These drawings generally consist of, but are not limited to,
340 plans, elevations, sections, and details of the related
341 construction as well as code analysis.

342 (3) BOARD. The State Board for Registration of
343 Architects.

344 ~~(2)~~ (4) BUILDING. A structure consisting of foundation,
345 walls, or supports and roof, with or without related
346 components, systems, or other parts comprising a completed
347 building ready for occupancy.

348 (5) BUILDING CODE OFFICIAL. The individual appointed by
349 the county, municipality, or other political subdivision of
350 this state having responsibility for the issuance of building
351 permits and the administration of the state building code, or
352 a fire marshal where there is no such local official.

353 ~~(3)~~ (6) PRACTICE ARCHITECTURE or PRACTICING
354 ARCHITECTURE. Performing or doing, or offering or attempting
355 to do or perform any service, work, act, or thing within the
356 scope of the practice of architecture. An individual shall be
357 construed to hold himself or herself out as practicing
358 architecture when, by verbal claim, sign, advertisement,
359 letterhead, card, or any other way, the individual represents
360 himself or herself to be an architect with or without
361 qualifying adjective, or when he or she implies that he or she
362 is an architect through the use of some other title.

363 ~~(4)~~ (7) PRACTICE OF ARCHITECTURE. When an individual
364 holds himself or herself out as able to render or when the



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365 person does render any service by consultations,
366 investigations, evaluations, preliminary studies, plans,
367 specifications, contract documents, and a coordination of all
368 factors concerning the design and observation of construction
369 of buildings or any other service in connection with the
370 design, observation, or construction of buildings located
371 within the boundaries of the state, regardless of whether such
372 services are performed in connection with one or all of these
373 duties, or whether they are performed in person or as the
374 directing head of an office or organization performing them.

375 (8) REGISTRATION. The certificate of registration
376 issued by the State Board for Registration of Architects.

377 ~~(5)~~ (9) RESPONSIBLE CONTROL. Control over all phases of
378 the practice of architecture, including, but not limited to,
379 control over and detailed knowledge of the content of
380 technical submissions during their preparation as is
381 ordinarily exercised by registered architects applying the
382 required professional standard of care."

383 "§34-2-32

384 (a) Nothing contained in this chapter shall prevent:

385 (1) Employees of registered architects from acting
386 under the instructions or responsible control of their
387 employers; or,

388 (2) The employment of on-site observers of the
389 construction or alteration of buildings.

390 (b) No person shall be required to register as an
391 architect in order to make plans and specifications for or
392 administer the ~~erection~~ construction, enlargement, or



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393 alteration of any of the following:

394 (1) Any building upon any farm for the use of any
395 farmer, irrespective of the cost of ~~such the building, or any.~~

396 (2) Any single family residence building ~~or any.~~

397 (3) Any utility works, structures, or building,
398 provided that the person performing ~~such the~~ architectural
399 works is employed by an electric, gas, or telephone public
400 utility regulated pursuant to the laws of Alabama or by a
401 corporation affiliated with such utility, ~~or of any.~~

402 (4) Any other type building which has a total area of
403 less than 2,500 square feet, provided it is not intended for
404 ~~use as a school, church, auditorium, or other building~~
405 ~~intended for~~ the assembly occupancy of people, as defined by
406 the International Building Code and which includes, but is not
407 limited to, any building used for gatherings of people for
408 purposes such as civic, social, or religious functions,
409 recreation, food or drink consumption, or awaiting
410 transportation.

411 (c) The services of a registered architect shall be
412 required on all commercial construction projects, including
413 new construction and renovations and alterations, which are
414 not buildings except those hereinabove exempted pursuant to
415 subsection (b) and are general maintenance or cosmetic
416 interior finish upgrades and which are larger than 2,500 total
417 square feet and no.

418 (d) No building code official of this state or of any
419 city, town, or county herein charged with the enforcement of
420 laws, ordinances, or ~~regulations~~ rules relating to the



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421 construction or alteration of buildings, shall accept or
422 approve any plans or specifications that are not ~~so~~ prepared
423 by a registered architect and stamped with the architect's
424 seal. A violation of this subsection is a Class C misdemeanor.

425 ~~(d)~~ (e) (1) Nothing in this chapter shall prevent
426 registered professional engineers or their employees or
427 subordinates under their responsible control from performing
428 architectural services incidental to their engineering
429 practice.

430 (2) Nothing in this chapter shall prevent registered
431 architects or their employees or subordinates under their
432 responsible control from performing engineering services
433 incidental to their architectural practice.

434 (f) (1) No professional engineer shall practice
435 architecture or use the designation "architect" or any terms
436 derived therefrom unless that individual is registered
437 pursuant to this chapter.

438 (2) No architect shall practice professional
439 engineering or use the term "engineer" or any term derived
440 therefrom unless that individual is also qualified and
441 registered as an engineer."

442 Section 4. The Division of Construction Management
443 within the Department of Finance shall post the following
444 public notice on a website maintained by the division:

445 "All commercial construction projects (both new
446 construction and renovations), not excluded by Alabama law,
447 which are larger than 2,500 total square feet are required by
448 law to be designed by a registered architect in the State of



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449 Alabama.

450 Construction documents required include all plans,
451 elevations, sections, and details related to the construction
452 project as well as code analysis. All documents shall be
453 stamped with the professional's seal."

454 Section 5. Each building code official, as defined by
455 Section 34-2-30, Code of Alabama 1975, shall post the
456 following public notice in a conspicuous manner at the permit
457 office and, if applicable, on the website of the building code
458 official:

459 "All commercial construction projects (both new
460 construction and renovations), not excluded by Alabama law,
461 which are larger than 2,500 total square feet are required by
462 law to be designed by a registered architect in the State of
463 Alabama.

464 Construction documents required include all plans,
465 elevations, sections, and details related to the construction
466 project as well as code analysis. All documents shall be
467 stamped with the professional's seal."

468 Section 6. With the exception of public property, as
469 that term is defined in Section 39-2-1, Code of Alabama 1975,
470 nothing in the minimum building standards code or the energy
471 conservation building code adopted pursuant to Divisions 2 or
472 3 of Article 6 of Chapter 9, Title 41, Code of Alabama 1975,
473 shall apply to any building whose primary purpose is to
474 support and facilitate raising, harvesting, and selling crops
475 for the feeding, breeding, management, raising, sale, or
476 production of livestock, or for the growing and sale of timber



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477 and forest products or for any other agricultural or
478 horticultural use or animal husbandry or combination thereof;
479 provided, the building is not used as an assembly occupancy of
480 people as defined by the International Building Code.

481 Section 7. A licensed health care facility may continue
482 to adhere to all rules and regulations adopted by their
483 governing state and federal authorities concerning building
484 codes, notwithstanding any provision of the minimum building
485 standards code or the energy conservation building code
486 adopted pursuant to Divisions 2 and 3 of Article 6 of Chapter
487 9, Title 41, Code of Alabama 1975, to the contrary.

488 Section 8. This act shall become effective on July 1,
489 2025.



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House of Representatives

Read for the first time and referred04-Feb-25
to the House of Representatives
committee on State Government

Read for the second time and placed12-Feb-25
on the calendar:
1 amendment

Read for the third time and passed13-Feb-25
as amended
Yeas 97
Nays 2
Abstains 1

John Treadwell
Clerk