

# SENATE BILL REPORT

## SB 5587

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As of February 12, 2019

**Title:** An act relating to authorizing product certification agencies to certify building products and methods of construction, design, and systems as an alternate code compliance for modern technical methods, devices, and improvements.

**Brief Description:** Authorizing product certification agencies to certify building products and methods of construction, design, and systems as an alternate code compliance for modern technical methods, devices, and improvements.

**Sponsors:** Senators Salomon, Takko, Short, Brown, Honeyford and Van De Wege.

**Brief History:**

**Committee Activity:** Local Government: 2/12/19.

**Brief Summary of Bill**

- Defines "code official" as the authority charged with administering the building and electrical codes.
- Requires code officials to cite to law, code, or standard after issuing a noncompliance order at the request of a building permit applicant or agent.
- Allows code officials to approve any building material or method under certain circumstances.

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### SENATE COMMITTEE ON LOCAL GOVERNMENT

**Staff:** Bonnie Kim (786-7316)

**Background:** State Building Code. The State Building Code (Code) establishes minimum performance standards and requirements for construction and construction materials in the state, consistent with accepted standards of engineering, fire, and life safety. The Code comprises a number of model codes and standards, developed and published by international and national organizations, which are adopted by reference in the State Building Code Act (Act). Model codes and standards adopted in the Act include the International Building Code, the International Residential Code, and the Uniform Plumbing Code Standards.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The State Building Code Council (Council) is responsible for adopting, amending, and maintaining the model codes and standards adopted by reference in the Act. Amendments to the model codes and standards adopted by the Council are codified in the Washington Administrative Code. The Council reviews updated editions of each model code and standard every three years.

**Summary of Bill:** The bill as referred to committee not considered.

**Summary of Bill (Proposed Substitute):** "Code official" is defined as the officer or other authority charged with administering the building and electrical codes. Upon the request of a building permit applicant or agent, a code official must cite to the section of law, code, or standard that resulted in the issuance of an inspection correction order of noncompliance or other similar order.

Code officials may approve any material, product, method of construction, design, or system if the code official finds:

- the proposed design is "satisfactory and complies with the intent" of the building code; and
- the proposed material and method, or both, is, "for the purpose intended, not less than the equivalent" prescribed in the building code.

Final approval or rejection decisions must be made within the timelines prescribed for project permit applications. If a new material, product, method of construction, design, or system is rejected, the code official must provide an objective explanation of why the data submitted to validate and substantiate compliance was insufficient for approval. Code officials may approve a material, product, method of construction, design, or system for an individual permitted project or for use on future or subsequent projects.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Proposed Substitute:** PRO: This proposed substitute does not contain certain provisions referencing product certification bodies that were in the original bill. This bill is trying to remove inconsistencies that exist between the eleven different codes. There should be uniform local level consistency to approve or deny. The codes by nature are slow to adopt new products, technologies, and methods. This bill would allow innovative methods to be used before they are expressly allowed in the codes.

CON: The building code council was established in the 1970s because industry came to the Legislature to establish uniform code standards across the state. Approval of a new method or product would effectively change the code for that local jurisdiction. The individuals reviewing these projects may not have the training or expertise to ensure the products or

methods are equivalent to the code. There may also be timeliness issues so that these decisions are not rushed.

**Persons Testifying:** PRO: Kraig Stevenson, International Code Council; Jan Himebaugh, Building Industry Association of Washington.

CON: Tim Herbert, Washington Pipe Trades; Gordon Baxter, Washington State Association Of Plumbers and Pipefitters.

**Persons Signed In To Testify But Not Testifying:** No one.