

FIRST REGULAR SESSION

# HOUSE BILL NO. 938

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES MEADOWS (Sponsor) AND NEWMAN (Co-sponsors).

2026L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 67.280, RSMo, and to enact in lieu thereof one new section relating to technical codes.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 67.280, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 67.280, to read as follows:

67.280. 1. As used in this section, the following terms mean:

(1) **"Agricultural building", any structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock;**

(2) "Code", any published compilation of rules prepared by various technical trade associations, federal agencies, this state or any agency thereof, but shall be limited to: regulations concerning the construction of buildings and continued occupancy thereof; mechanical, plumbing, and electrical construction; and fire prevention;

[(2) "Community", any county, fire protection district or municipality;]

(3) "County", any county in the state;

(4) "Fire protection district", any fire protection district in the state **as defined in chapter 321;**

(5) **"Jurisdiction", and county, fire protection district, or municipality;**

(6) "Municipality", any incorporated city, town or village.

2. **Beginning July 1, 2012, the following codes listed in this subsection shall be deemed the official state codes:**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17           (1) **The 2005 version of the NFPA 70 National Electrical Code as published by the**  
18 **National Fire Protection Association and referenced by the state building code shall be the**  
19 **official Missouri electrical code;**

20           (2) **The following codes as published by the International Code Council shall be**  
21 **deemed the official state building, residential, fire, plumbing, mechanical, fuel gas, and**  
22 **property maintenance codes:**

23           (a) **The 2006 version of the International Building Code;**

24           (b) **The 2006 version of the International Residential Code;**

25           (c) **The 2006 version of the International Fire Code;**

26           (d) **The 2006 version of the International Plumbing Code;**

27           (e) **The 2006 version of the International Mechanical Code;**

28           (f) **The 2006 version of the International Fuel Gas Code;**

29           (g) **The 2006 version of the International Property Maintenance Code.**

30           3. Any [community, if the community otherwise has the power under the law to adopt  
31 such an ordinance,] **jurisdiction** may adopt or repeal an ordinance which incorporates by  
32 reference the provisions of any code or portions of any code, or any amendment thereof, properly  
33 identified as to date and source, without setting forth the provisions of such code in full.  
34 **Beginning July 1, 2012, all jurisdictions may adopt and enforce the official state codes**  
35 **listed in this section by reference, and all fire protection districts shall adopt the Missouri**  
36 **fire code.** At least one copy of such code, portion or amendment which is incorporated or  
37 adopted by reference[,] shall be filed in the office of the clerk of the [community] **jurisdiction**  
38 and there kept available for public use, inspection, and examination. The filing requirements  
39 herein prescribed shall not be deemed to be complied with unless the required copies of such  
40 codes, portion, or amendment or public record are filed with the clerk of such [community]  
41 **jurisdiction** for a period of ninety days prior to the adoption of the ordinance which incorporates  
42 such code, portion, or amendment by reference.

43           [3. Any ordinance adopting a code, portion, or amendment by reference shall state the  
44 penalty for violating such code, portion, or amendment, or any provisions thereof separately, and  
45 no part of any such penalty shall be incorporated by reference.] **4. Each jurisdiction shall**  
46 **remain within one code version of the official state codes. The provisions of this section or**  
47 **any other section shall not limit the authority of the adopting jurisdiction to adopt a**  
48 **construction code that is equivalent to or has higher standards than the official state codes**  
49 **or to amend, delete, or make additions to the official state codes in its own jurisdiction.**

50           5. (1) **There is hereby created within the department of public safety the "State**  
51 **Code Commission". The commission shall consist of seven members appointed by the**  
52 **governor with the advice and consent of the senate, and the state code manager and the**

53 state fire marshal shall serve as ex-officio members. The seven members appointed by the  
54 governor shall be appointed as follows:

55 (a) One current building official representing a jurisdiction with more than ten  
56 thousand inhabitants who has at least five years of experience in the enforcement of a  
57 technical building code;

58 (b) One current fire marshal who has at least five years of experience in the  
59 enforcement of a technical fire code;

60 (c) One current code official representing a jurisdiction with fewer than ten  
61 thousand inhabitants who has at least five years of experience in the enforcement of  
62 technical codes;

63 (d) One person representing home builders;

64 (e) One person licensed and practicing in this state as a professional engineer under  
65 chapter 327;

66 (f) One person licensed and practicing in this state as an architect under chapter  
67 327;

68 (g) One person representing private inspectors.

69 (2) Of the initial members appointed, two shall serve a term of one year, two shall  
70 serve a term of two years, two shall serve a term of three years, and one shall serve a term  
71 of four years. Members appointed after the expiration of the initial terms shall be  
72 appointed to a four-year term. Vacancies shall be filled in the same manner in which the  
73 member vacating the office was originally appointed. Members shall not receive  
74 compensation for their services, but may be reimbursed for their actual and necessary  
75 expenses in an amount equal to the per diem of a member of the general assembly. The  
76 commission shall elect a chair and other officers necessary for its membership at each first  
77 annual meeting, and shall meet at least two times per year within the state.

78 (3) The commission shall have the following powers and duties:

79 (a) To establish minimum requirements for registered inspectors by rule;

80 (b) To maintain records of registered inspectors;

81 (c) To impose fees for the annual registration of inspectors sufficient to cover the  
82 cost of administering this section in an amount set by rule, but not to exceed twenty-five  
83 dollars;

84 (d) To provide inspector training;

85 (e) To appoint a state code manager, who shall be a person licensed and practicing  
86 in this state as an architect or a professional engineer under chapter 327, or a person  
87 certified as a building official or master code professional and with at least five years of  
88 supervisory experience as a jurisdictional code official;

89 (f) To maintain the official state codes in conjunction with the state fire marshal  
90 and the state code manager.

91 6. There is hereby created in the state treasury the "State Code Fund", which shall  
92 consist of money collected under this section. The state treasurer shall be custodian of the  
93 fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve  
94 disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the  
95 fund shall be used solely for the purposes of this section. Notwithstanding the provisions  
96 of section 33.080 to the contrary, any moneys remaining in the fund at the end of the  
97 biennium shall not revert to the credit of the general revenue fund. The state treasurer  
98 shall invest moneys in the fund in the same manner as other funds are invested. Any  
99 interest and moneys earned on such investments shall be credited to the fund.

100 7. Except for the state fire code, the official state codes shall be administered by the  
101 state code manager. The state code manager shall review, maintain, and in conjunction  
102 with the state code commission, amend the official state codes. The manager shall review  
103 the code no less than every three years and within nine months from the date of publication  
104 of any subsequent edition of the international codes. The official state fire code shall be  
105 reviewed, maintained, and amended by the state fire marshal.

106 8. The state code manager and state fire marshal shall not be responsible for  
107 enforcing the state construction codes in the jurisdictions, but each jurisdiction shall  
108 provide enforcement in the manner listed in each code, or may provide enforcement in one  
109 of the following methods:

110 (1) Inspection services provided by employees of the jurisdiction;

111 (2) Intergovernmental agreements; or

112 (3) Registered third-party inspectors who are approved and registered by the state  
113 code commission.

114 9. No agricultural building shall be subject to any official state code adopted under  
115 this section.

116 10. Resolution of any conflict resulting from any enforcement action under this  
117 section shall be the responsibility of the jurisdiction adopting the official state code.

118 11. Notwithstanding any other provision of law to the contrary, this section shall  
119 apply in the case of any conflict between this section and any other provision of state law.

120 12. The state code commission, state code manager, and state fire marshal may  
121 promulgate rules to implement the provisions of this section. Any rule or portion of a rule,  
122 as that term is defined in section 536.010, that is created under the authority delegated in  
123 this section shall become effective only if it complies with and is subject to all of the  
124 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536

125 are nonseverable and if any of the powers vested with the general assembly under chapter  
126 536 to review, to delay the effective date, or to disapprove and annul a rule are  
127 subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
128 proposed or adopted after August 28, 2011, shall be invalid and void.

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